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The progress of the Assembly's monitoring procedure (September 2015-December 2016) and the periodic review of the honouring of obligations by Austria, the Czech Republic, Denmark, Finland, France and Germany

Periodic review: Finland

Report[1]
Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)
Rapporteur: Mr Cezar Florin PREDA, Romania, Group of the European People's Party

Summary

All member States of the Council of Europe that are not under a monitoring procedure *sensu stricto*, or engaged in a post-monitoring dialogue, are the subject of a regular periodic review by the Monitoring Committee of the honouring of their membership obligations to the Council of Europe. In this report, the committee presents the periodic review on Finland. The committee concluded that Finland is globally fulfilling its membership obligations to the Council of Europe and, overall, its democratic institutions function in line with the standards of the Council of Europe. However, a number of concerns were raised, and recommendations made in that respect, that deserve the prompt attention of the authorities.

1. See also Doc. 14213 Part 1, Part 2, Part 3, Part 4, Part 6 and Part 7.

Contents **Page**

Explanatory memorandum by Mr Cezar Florin Preda, rapporteur 3
1. Introduction 3
2. Background 4
3. Democracy 5
3.1. Electoral process 5
3.2. Media freedom 6
3.3. Local democracy 7
4. Rule of law 7
4.1. Justice system 7
4.2. Fight against corruption and money laundering 9
4.3. Fight against trafficking in human beings 10
4.4. Other issues pertaining to the rule of law 11
5. Human rights 11
5.1. Rights of persons deprived of their liberty 11
5.2. Fighting discrimination, racism and xenophobia 13
5.3. Hate speech and political discourse 15
5.4. Protection of minorities 16
5.5. Migrants, refugees and asylum seekers 18
5.6. Violence against women 20
6. Conclusions and recommendations 22
Appendix 24

Explanatory memorandum by Mr Cezar Florin Preda, rapporteur

1. Introduction

1. Finland has a population of approximately 5.5 million and is the most sparsely populated country in the European Union. Over 1.4 million people live in the Greater Helsinki metropolitan area, which produces a third of the country's gross domestic product (GDP).

2. Finland was part of the Russian Empire from 1809. The outcome of the Russian revolution and the First World War strengthened the independence movement in Finland. This cumulated with the declaration of independence by the Finnish Parliament on 6 December 1917, establishing Finland as an independent State. Finland fought two wars, the so-called Winter War and the Continuation War, with the Soviet Union between 1939 and 1944. Since then, Finland has maintained a policy of strict official neutrality, which could explain its late entry into the Council of Europe in 1989.

3. Finland is a parliamentary republic. At the beginning of 2016, there were a total of 297 municipalities in continental Finland and 16 in the Province of Åland. Municipal elections are held every fourth year to elect the councillors of the municipalities. The next local elections will be held on 9 April 2017.

4. The national languages of Finland are Finnish and Swedish. The Sámi, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own languages and culture.

5. The Åland Islands are unique as an autonomous, demilitarised and monolingual Swedish-speaking region of Finland having their own parliament, the *Lagting*. In Åland, municipal elections are also held every fourth year, but not at the same time as in the rest of Finland; the next elections will be in 2019.

6. The Sámi people are the only officially recognised indigenous people in the European Union. Estimated to be around 75 000 in number, there are around 9 000 Sámis in Finland, over 40 000 in Norway, between 15 000 and 20 000 in Sweden and 2 000 in Russia. Although the Sámi people live on either side of country borders, they consider themselves as belonging to one land known as Sápmi or Sámiland. Since 1973, the Sámi in Finland have had their own parliament (*Saamelaiskäräjät*), which is responsible for linguistic and cultural self-government.

7. Finland became the 23rd member State of the Council of Europe on 5 May 1989. It is a member of the European Union, and its currency is the euro. The country is not a member of the North Atlantic Treaty Organization (NATO). After decades of neutrality towards NATO, the government seems to be keeping the door open for possible accession to NATO. President Sauli Niinistö has stated that a decision on whether or not to join NATO would require a referendum in Finland.[2] A government-commissioned, independent assessment of the effects of Finland's possible NATO membership issued in April 2016 shows that membership would probably lead to a serious crisis with Russia.[3] A recent poll by the public broadcaster YLE show that only 22% of Finns support joining NATO, while 55% are opposed.

8. Finland has enjoyed strong economic progress over the past decades, which is reflected in high living standards and improved well-being. According to the overview of the Economic Survey on Finland of January 2016 by the Organisation for Economic Co-operation and Development (OECD),[4] education performance remains excellent in Finland, but has weakened over recent years mainly due to budget cuts. Housing conditions are better than the OECD average. Health conditions are similar to the OECD average. Inequality in Finland, as measured by the Gini coefficient of disposable income,[5] is among the lowest in the OECD, and absolute poverty, measured as material and housing deprivation, is among the lowest in the European Union.

9. Nevertheless, Finland has suffered from the global recession and its economic growth potential was affected by several other elements, including the decline of the electronics and paper industries and the deterioration of economic conditions in Russia, as well as the political tensions between Russia and the European Union, which led to a decline in its exports to Russia. The Finnish economic and social model has been challenged, notably by tougher international competition and population ageing. Unemployment rose between 2008 and 2015 and long-term unemployment is still rising. The main policy challenge in Finland

2. http://yle.fi/uutiset/president_niinisto_possible_nato_membership_not_a_joint_finnish-swedish_decision/8850984.
3. http://yle.fi/uutiset/mixed_reactions_to_nato_assessment/8850005.
4. https://www.oecd.org/eco/surveys/Overview-OECD-Finland-2016.pdf.
5. The Gini coefficient (also known as the Gini index or Gini ratio) is a measure of statistical dispersion intended to represent the income distribution of a nation's residents, and is the most commonly used measure of inequality.

today is to maintain the high level of well-being, which could be eroded by continuing economic weakness. The government has engaged in a programme to restore competitiveness and fiscal sustainability through budgetary measures and structural reforms.

10. Upon its accession to the Council of Europe, Finland committed itself to respecting the obligations incumbent upon every member State under Article 3 of the Statute of the Council of Europe (ETS No. 1) with regard to pluralist democracy, the rule of law and human rights. By May 2016, Finland had ratified 115 Council of Europe treaties and signed 12 additional treaties without ratification. On 18 May 2016, Finland signed the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217). It ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") on 17 April 2015, the Council of Europe Convention on Access to Official Documents (CETS No. 205) on 5 February 2015, the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS No. 182) on 16 April 2014, and Protocols No. 15 and 16 amending the European Convention on Human Rights (CETS Nos. 213 and 214) respectively in April and December 2015.

11. This periodic report was drafted in line with Resolution 2018 (2014) and the explanatory memorandum was approved by the committee on 17 March 2015. This report is based on, *inter alia*, the most recent findings of the Council of Europe monitoring mechanisms, the reports of the Parliamentary Assembly and the Council of Europe Commissioner for Human Rights, as well as, when relevant, reports prepared by other international organisations and civil society.

12. I should like to thank the Finnish delegation to Parliamentary Assembly and the authorities for their active and constructive co-operation, and express my appreciation for the thorough comments provided by a number of institutions in Finland. I was particularly impressed by the transparency of processes in Finland. I especially appreciated the fact that the preliminary periodic review report was discussed in parliament and reviewed by ministries.[6] While the preliminary report already acknowledged the positive trends in the country regarding the implementation of Council of Europe standards, many further positive developments have taken place and much progress has been made since the preliminary review was discussed in the Monitoring Committee in April 2016. These developments have been reflected in this report.

2. Background

13. Finland is a parliamentary republic. The new unified Constitution that entered into force in 2000 was further adjusted in 2012. These constitutional changes modified the Finnish political system by strengthening the powers and competences of the parliament, the Prime Minister and the government, to the detriment of the President of the Republic. The role of the President in the formation of the government is now limited to formally appointing the Prime Minister and the cabinet chosen by the parliament. The President cannot force the government to resign. Consequently, governments are accountable to the parliament and no longer to the President of the Republic.

14. The unicameral parliament (*Eduskunta*) exercises supreme legislative power. It consists of 200 representatives, who are elected for a four-year term under a regional proportional representation system with no legal threshold. The last general election was held in 2015. The *Eduskunta* elects the Prime Minister (who is appointed to office by the President) and supervises the activities of the government. The parliament passes legislation, decides on the State budget, approves international treaties and supervises the activities of the Council of State (government). It may alter the Constitution, bring about the resignation of the Council of State, and override presidential vetoes. The parliament has an independent right to submit legislative proposals, but in practice most decisions taken in parliament are based on government proposals. Since 2012, legislation may be initiated by citizens' initiative.

15. The President of the Republic is the Head of State and is elected for a period of six years. Sauli Niinistö was elected President of the Republic of Finland on 1 March 2012. The President conducts Finland's foreign policy together with the government. He is in charge of relations with other States and participates in international organisations and negotiations. The President is also the Commander-in-Chief of the defence forces.

6. On 21 September 2016, the Monitoring Committee accepted to declassify the preliminary draft periodic review report on Finland to Members of the Parliament of Finland for the purpose of the debate in the Finish Parliament on the preliminary draft report.

16. The government is, on the one hand, the body which convenes for the general governing of the country and, on the other, the decision-making body for governmental and administrative matters. The government consists of the Prime Minister and twelve ministries. After parliamentary elections, based on the election results, parties engage in negotiations for the formation of a government. Since 1972, all cabinets have been formed as coalitions of multiple parties that together constitute a parliamentary majority. Following President Urho Kekkonen's excessive direction over the government formation process, the 2000 Constitution limited the President's power in the formation of the government and, since then, the President only formally appoints the government, but cannot select or remove individual members.

17. The Prime Minister is elected by the parliament. The Prime Minister directs the activities of the government and oversees the preparation and consideration of matters that come within the mandate of the government. The Prime Minister chairs the plenary sessions of the government. The government must enjoy the confidence of parliament.

18. The parliamentary elections that took place on 17 April 2011 resulted in a six-party coalition government comprising the moderate conservative National Coalition Party (KOK), Social Democratic Party (SDP), Green Party, Swedish People's Party, Left Alliance and Christian Democrats, holding 124 seats in the parliament. The 2011 elections represented a shift in Finnish politics, with the KOK and SDP taking 44 seats and 42 seats respectively while the previously ruling Center Party gained only 36 seats and was ousted from power. The Finns Party, previously known as the True Finns, gained an unprecedented 19% of the vote, becoming the third largest party in the legislature and the largest opposition party, with 37 seats. In March 2014, the Left Alliance announced that it was leaving the cabinet over austerity measures. In September 2014, the Green League left the coalition government over a disagreement on nuclear power policy and a controversial nuclear plant supply contract signed with a Russian company. The governing coalition at the end of 2014 comprised the KOK, the SDP, the Swedish People's Party and the Christian Democrats, holding an absolute majority in parliament.

19. The last Finnish parliamentary elections were held on 19 April 2015. Juha Sipilä's cabinet is the 74th Government of Finland. It was formally appointed by President Sauli Niinistö on 29 May 2015. The cabinet is a centre-right coalition government consisting of three parties and holding 124 seats out of 200 in parliament. The coalition includes the Centre Party (KESK), an agrarian party traditionally representing rural interests and dominating rural municipalities and which was the largest party in the 2015 elections; the Finns Party, which is a nationalist euroskeptic party,[7] became the second biggest; and the National Coalition Party, a liberal conservative party, was the most popular party in the 2011 elections, but finished third in terms of seats gained. The Centre Party returned to lead the government after four years in opposition. This is the first time that the Finns Party has participated in a government and the first time since 1979 that the Swedish People's Party (that is the Swedish-speaking minority and centre-right liberal party) has not. The Social Democratic Party (SDP) came fourth, the worst electoral result in the party's history, and ended in the opposition together with the Green League, the Left Alliance, the Swedish People's Party and the Christian Democrats.

3. Democracy

3.1. Electoral process

20. In its Needs Assessment Mission report issued in February 2015 ahead of the April 2015 parliamentary elections,[8] the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) welcomed the amendments to the electoral legal framework in line with its previous recommendations, in particular concerning access to the entire electoral process for observers and election observation, the revision of the number of electoral districts, provisions on restricting access to certain personal data in voter registers for reasons of data protection, and adjusted deadlines for advance voting, as well as for the tabulation and recount processes.

21. The report noted that some prior OSCE/ODIHR recommendations remained to be addressed. In particular the restrictions on the right to stand for election for individuals holding military office remained in place, as well as the restrictions on the right to appeal before Election Day on cases related to voting rights. At the time of the report, consultations were underway in the parliament aimed at addressing the remaining OSCE/ODIHR recommendations.

7. https://www.perussuomalaiset.fi/kielisivu/in-english/.
8. www.osce.org/odihr/143121?download=true.

22. The OSCE/ODIHR Needs Assessment Mission noted the high level of confidence in all aspects of the electoral process. The authorities had given careful consideration to and followed up on findings of previous OSCE/ODIHR reports. Some measures aimed at addressing earlier recommendations had been introduced, while others were pending consideration and adoption. No new issues pertaining to the conduct of elections that would have benefited from review by the OSCE/ODIHR were identified. Based on this, the OSCE/ODIHR Needs Assessment Mission did not recommend deploying an election-related activity for the 19 April 2015 parliamentary elections.

3.2. Media freedom

23. Finland continued to rank among the freest media environments in the world in 2015 according to the 2016 Freedom of the Press report.[9] Finland has also ranked first in the World Press Freedom Index[10] for the past five years. In the context of elections, the above-mentioned 2015 OSCE/ODIHR Needs Assessment Mission report confirms that the media environment offers a pluralistic and diverse range of views.

24. Despite a recent drop in the circulation of print media, Finland maintains high newspaper readership.[11] Finland has 200 newspapers, including 31 dailies. Media ownership is highly concentrated, with Sanoma and Alma Media controlling the majority of newspaper distribution.[12] The television landscape includes four public channels operated by the Yleisradio Oy (YLE) the public service broadcaster, and more than 50 commercial channels. There is a high level of diversity in the content produced by both public and private television outlets. YLE operates six radio channels with a national reach and 28 regional stations, and there are dozens of commercial stations with national, regional or local reach.

25. Most programming in all media is in Finnish, but there are also broadcasts in Swedish and in Sámi. There is a lack of Romani language television broadcasting.[13] In its Resolution CM/ResCMN(2012)3 on the implementation of the Framework Convention for the Protection of National Minorities (ETS No. 157, "Framework Convention") by Finland, of February 2012, the Committee of Ministers acknowledged some progress, but noted that the availability of the minority language media was still insufficient, particularly as regards the Sámi, Russian and Romani language print media. The "selective press subsidies" system[14] was commendable but insufficient as it covered only weekly publications and presupposed the substantial investment of 40% of self-owned capital, which is particularly difficult for the numerically smaller minorities. Since my preliminary report was drafted, the fourth opinion of Advisory Committee on the Framework Convention for the Protection of National Minorities[15] has been published. The Advisory Committee encouraged the authorities to enhance their support for both traditional and online print and broadcast media by Roma and in the Romani language and to continue to ensure that quality programmes in all minority languages are effectively available in public service broadcasting at central and regional level.

26. The 2013 report of the European Commission against Racism and Intolerance (ECRI) noted that some media in Finland did not have much respect for minorities in general, and that racism, anti-Semitism and xenophobia were expressed openly by them. ECRI recommended that the Finnish authorities encourage the media, by whatever means are practically available and without encroaching on their editorial independence, to ensure that the information and programmes they broadcast do not contribute to breeding a climate of hostility towards vulnerable groups. It also recommended that the authorities support any initiatives taken by the media in this field and allocate to them the necessary resources to provide initial and in-service training in human rights in general and racism issues in particular.

27. Concerning libel, the Finnish courts have traditionally treated cases as a dispute between the journalists and the subject of the libel, without taking into consideration the public's right to receive information on matters of public importance, which has been repeatedly condemned by the European Court of Human Rights ("the Court"). In a series of judgments[16] (that are still pending execution before the Committee of Ministers), the Court found violations of the applicants' right to freedom of expression due to criminal or civil convictions

9. https://freedomhouse.org/report/freedom-press/2016/finland.
10. https://rsf.org/en/finland.
11. https://freedomhouse.org/report/freedom-press/2016/finland.
12. https://rsf.org/en/finland.
13. Based on the comments submitted by the Ministry of Social Affairs and Health.
14. In order to promote the freedom of expression and versatility and diversity in communication, the government decided on the allocation of so-called selective press subsidies in order to support newspapers published in minority languages and corresponding electronic publications, as well as news reporting services in Swedish. Selective press subsidies could be applied for newspapers and Internet publications published in the Swedish, Sámi, Roma and sign languages as well as by Swedish language news reporting services.
15. https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae11a.

between 2000 and 2011 for invading the privacy of others or for defamation. The Court found that the convictions lacked sufficient grounds to justify "a pressing social need" and/or that the consequences for the applicants (criminal sanctions and payment of damages) were too severe (violations of Article 10 of the European Convention on Human Rights (ETS No. 5, "the Convention")).

28. In their Updated Action Report of March 2016,[17] the authorities informed the Committee of Ministers of the measures taken with regard to the relevant domestic legislation and practice so as to comply with the jurisprudence of the Court with regard to Article 10 of the Convention. In particular, amendments to the penal provisions on dissemination of information violating personal privacy and defamation were adopted in October 2013 (that entered into force on 1 January 2014). Regular and aggravated offences were divided, and the punishment foreseen for the regular dissemination of defamation or information violating personal privacy and defamation are fines, while the sanction for the aggravated offence are either fines or imprisonment for a maximum of two years. A new clause limiting the liability to punishment was added to both provisions, according to which a statement made in order to deal with a matter of public interest would not be considered an offence if the making of the statement, taking into account its content and form, the rights of the others and other circumstances, did not clearly exceed what can be acceptable. The authorities have requested that the case be closed by the Committee of Ministers.[18]

29. The rapporteur notes that defamation has not been decriminalised in Finland and that journalists found guilty of defamation could still face imprisonment, which could still have a chilling effect on journalists and be an incentive for self-censorship. According to the authorities,[19] the criminal provisions mentioned above provide protection against verbal attacks against minority groups (see section 5.3 below). Although the authorities consider that the risk of a journalist facing imprisonment is rather theoretical, the rapporteur would recommend full decriminalisation of defamation.

3.3. Local democracy

30. In a report adopted at its 21st plenary session in October 2011, the Congress of Local and Regional Authorities of the Council of Europe noted with satisfaction that local democracy is a cornerstone of democratic life in Finland, with the legitimacy of the exercise of power firmly rooted in the principles of subsidiarity and local democracy. The European Charter of Local Self-Government (ETS No. 122), ratified by the country in 1991, is applied to the letter and Finland has an exemplary culture of consultation and involvement of local authorities by central government. In its Recommendation 311 (2011),[20] the Congress made a series of recommendations, calling *inter alia* on the Finnish authorities to continue to take steps to limit local government deficits so as to avoid excessive debts of certain municipalities and to ensure an equal standard of basic services throughout the country.

31. Since then, a delegation from the Congress carried out a monitoring visit to Finland from 17 to 19 May 2016, focusing on the latest developments in the field of local and regional democracy that had occurred since the last Congress monitoring visit in 2011.The findings of the Congress' follow-up assessment on the situation of local democracy in Finland have not yet been made public.

4. Rule of law

4.1. Justice system

32. The independence of the judiciary is constitutionally guaranteed. The provisions of the Constitution and other acts of parliament determine that judges shall act independently in deciding each individual case. Neither the executive branch nor any other authority can instruct the courts as to how they should decide specific cases, and the decisions of the Supreme Court and Supreme Administrative Court cannot be reviewed by any other authority. Moreover, the Constitution sets limits on what the legislative or executive powers can decide.[21]

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16. See in particular the leading case *Eerikäinen and Others v. Finland*, Application No. 3514/02, judgment of 10 February 2009.
17. https://rm.coe.int/CoERMPublicCommonSearchServices/sso/SSODisplayDCTMContent?documentId=090000168063fccb&ticket=ST-265716-XeTvFuaIxMcHN1mZ0TVS-cas.
18. The cases were still open before the Committee of Ministers at the time of the adoption of the present report.
19. Comments provided by the Ministry of Justice of Finland.
20. https://wcd.coe.int/ViewDoc.jsp?p=&id=1856707&Site=COE&direct=true.
21. www.coe.int/T/dghl/cooperation/cepej/profiles/Finnish_Judicial_System_en.asp.

33. The Parliamentary Ombudsman and the Chancellor of Justice are tasked with supervising the actions of public officials including judges. Judges are usually appointed by the President of the Republic on the recommendation of the government, as advised by a Judicial Appointments Board (see below). Article 103 of the Constitution only allows judges to be transferred with their consent unless the reason is the reorganisation of the judiciary. Based on the same provision, judges enjoy constitutional protection and can, in principle, not be removed. A judge can be dismissed by court order if s/he is found guilty of abuse of official authority or other serious offences of office or if s/he is sentenced to jail. The central administration of the courts rests with the Ministry of Justice. There is no council for the judiciary or equivalent body. A judicial administration reform programme has been developed, foreseeing major changes and reforms for 2013-2025. Criticism has been levelled on certain occasions against the new courts' management system in which the prominent role of the Ministry of Justice may cause conflict with respect to the independence and autonomy of the judicial system. The supreme overseer of legality in Finland, the Chancellor of Justice,[22]in his response to such criticism, stated the following: "The judiciary through its management by results system may not interfere with the objective and subjective independence of the courts in their decision-making and other application of the law, which is the real essence of the independent judicial power safeguarded in the Constitution. The fact that general information about handling times, the number of cases to be resolved or similar data is written in the documents of individual courts dealing with management by results does not in itself lessen or endanger the independence of the court in reaching a decision in individual court cases. Even at the level of individual courts it is after all a question of documents expressing targets and measures to be undertaken at a still rather general level."[23]

34. In its 2013 fourth evaluation round report on corruption prevention in respect of members of parliament, judges and prosecutors in Finland,[24] the Group of States against Corruption (GRECO) noted that some of their interlocutors had opined that the administration of the judiciary should be separated from the Ministry of Justice in order to better ensure the independence and efficiency of the judiciary. GRECO referred to international standards calling for the establishment of a council for the judiciary or an equivalent independent authority, entrusted with broad competences for questions concerning the statute of judges as well as the organisation and the functioning of judicial institutions. The rapporteur was informed by the authorities[25] that the Ministry of Justice had set up a committee in May 2016 to give its proposals on the establishment of an Independent Council for the Judiciary. It is expected to give its proposals by the end of February 2017, based on which the government intends to send its proposal to the parliament at the end of 2017.

35. In its report, GRECO acknowledged the 2000 reform of the judicial appointment process which was aimed at strengthening the independence of the judiciary through the adoption of the Act on Judicial Appointments and the establishment of the Judicial Appointments Board (see above) – a body which is composed mainly of members of the judiciary. It would appear that the Judicial Appointments Board has played a significant role in increasing the transparency of the appointment of judges and in clarifying and unifying the appointment criteria. GRECO took note of several particularities of the system which may warrant further reflection and possibly reform, in particular with regard to the appointment procedure in respect of lay judges, experts members of courts and *referendars*, as well as disciplinary liability of judges and prosecutors. The issue of secondary occupation and extra-judicial activities will be considered in section 4.2 below.

36. Finnish citizens are generally satisfied with their public services, particularly with the judiciary. Citizen satisfaction with the justice system is well above the OECD average.[26] Based on the 2015 EU Justice Scoreboard,[27] Finnish citizens report high trust in the justice system. Finland is one of the three countries of the European Union with the most faith in their own courts, together with Denmark and Ireland. Companies perceive the Finnish judiciary as highly independent.

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22. The Chancellor of Justice of the government, appointed by the President of the Republic, works in connection with the government, and supervises the lawfulness of the official acts of the government, the ministries and the President of the Republic. The Chancellor of Justice also endeavours to ensure that the courts of law, other authorities and civil servants, and other persons or bodies assigned to perform public tasks, comply with the law and fulfil their assigned obligations. The Chancellor of Justice is also charged with tasks concerning the supervision of advocates and public legal aid attorneys (www.oikeuskansleri.fi/en/)
23. www.coe.int/T/dghl/cooperation/cepej/profiles/Finnish_Judicial_System_en.asp.
24. www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4(2012)6_Finland_EN.pdf.
25. Comments provided by the Ministry of Justice of Finland; http://oikeusministerio.fi/fi/index/valmisteilla/kehittamishankkeita/tuomioistuinvirastonperustamisenvalmistelu.html.
26. https://www.oecd.org/gov/Finland.pdf see "Citizens 'confidence with the judicial system (2007-& 2014)".
27. http://ec.europa.eu/justice/effective-justice/files/justice_scoreboard_2015_en.pdf.

4.2. Fight against corruption and money laundering

37. Finland scored 90 points out of 100 on the 2015 Corruption Perceptions Index[28] reported by Transparency International. Finland ranks second after Denmark with the lowest perceptions index.

38. According to the authorities,[29] research into corruption-prone areas and sectors, however, shows that corrupt activities do occur in Finland and that the risk of corruption is particularly high in public procurement, construction, community planning and political activities. The national cross administrational anti-corruption co-operation network has formulated a draft anti-corruption strategy and action plan to render anti-corruption work more effective and focused. The draft is currently being circulated for comments and it will be finalised during the autumn and winter of 2016/17.

39. In its above-mentioned 2013 fourth evaluation round report on Finland, GRECO reiterated its previous stand that "Finland is one of the members of GRECO least affected by corruption. The transparency and openness of the Finnish society, the control exercised by citizens and the media over the management of public affairs constitutes a powerful deterrent to corruption. High public ethics and an adequate system of internal and external controls also explain the very low-level of corruption cases found in Finland".

40. In its three preceding evaluation rounds, GRECO had addressed a total of 29 recommendations to Finland in order to further improve its capacity to fight corruption, and Finland had fully implemented practically all of them. Notably, Finland put in place a new legal framework aimed at providing transparency of political financing. GRECO qualified those achievements as impressive, considering that Finland had had a long tradition of only limited regulation in this area.

41. In its fourth evaluation round report on corruption prevention in respect of members of parliament, judges and prosecutors, GRECO made eight recommendations. The 2015 compliance report[30] concluded that Finland had implemented in a satisfactory manner four of the eight recommendations, the remaining ones having been partially implemented. GRECO acknowledged that substantial reforms were underway but considered that further progress was still necessary (see below).

42. Concerning members of parliament, GRECO commended the Finnish authorities on their achievements. A parliamentary working group was established following the evaluation report in order to consider the concerns raised by GRECO, and commendable changes in the rules of procedure of parliament were made, considerably enhancing the transparency of possible conflicts of interest in respect of members of parliament. The reporting of outside ties was made mandatory and subject to public scrutiny, the Parliamentary Office was made responsible for supervision of the reporting mechanism. Moreover, the Council of the Speaker of Parliament adopted a code of ethics for MPs providing further guidance, in particular on reporting obligations.

43. In respect of judges, GRECO was pleased that draft legislation aimed at enhancing transparency and regulating the accessory activities of judges had been drawn up by the government. It noted that the draft legislation was pending before parliament and urged the authorities to pursue this matter. GRECO considered that further measures were required in order to regulate accessory activities of judges and complement the "Ethical Principles for Judges", which were considered too general in nature and taking insufficient account of corruption risks. The rapporteur was informed[31] that since then, the amendments to the State Civil Servants Act entered into force in October 2015 regarding secondary occupation and extrajudicial activities. The Act on the Register of Private Interests and Extrajudicial Activities of Judges (565/2015) is intended to enter into force on 1 January 2017 once the register, which is under construction, is technically ready. During the autumn of 2016, the courts will be provided with training in using the system. The authorities have provided extensive information[32] on the training programme on ethics put in place by the training unit of the Ministry of Justice in such a way that all new judges are trained on this topic. Approximately 40 new chairpersons from district courts and courts of appeal participate in the training programme each year. In addition, a training programme for trainee district judges was put in place in 2015, including a part on ethics. In addition, training on issues related to corruption will target as of 2017 the police, prosecutors, judges and enforcement officials.

44. GRECO noted that the prosecution service was in the process of developing ethical principles in respect of prosecutors, following an inclusive procedure in which prosecutors from all over Finland participate as well as other stakeholders. This important endeavour was still to be completed with the formal adoption of

28. www.transparency.org/cpi2015#results-table.
29. Comments provided by the Ministry of Justice
30. www.coe.int/t/dghl/monitoring/greco/evaluations/round4/RC4/GrecoRC4(2015)4_Finland_EN.pdf.
31. Comments provided by the Ministry of Justice of Finland.
32. Ibid.

a code of ethics and development of guidelines, training and awareness activities. According to the authorities, while the current induction programme for new prosecutors includes a section on ethics, the forthcoming reform of the training programme for prosecutors will further develop training in this respect. A manual "Ethics and good practice in the prosecution service" has been prepared, based on a survey carried out amongst the prosecution service. The manual has served as a basis for the restructuring of the prosecution service. It provides, *inter alia*, guidelines on independence, impartiality, transparency and the prevention of conflicts of interest.

45. The rapporteur wishes to commend the authorities for these achievements and encourage them to pursue their efforts for the implementation of the GRECO recommendations. The implementation of the outstanding recommendations will be assessed by GRECO in the first half of 2017.

46. Concerning the fight against money laundering, Finland has been a member of the Financial Action Task Force (FATF) since 1991. Its 9th follow-up report,[33] in the framework of the mutual evaluation of Finland of 25 June 2013, provides an overview of the main changes made to the system of anti-money laundering and combating the financing of terrorism and proliferation (AML/CFT) since the adoption of its mutual evaluation report in October 2007. The FATF recognised that Finland had made significant progress in addressing the deficiencies identified in its mutual evaluation report and decided that the country should be removed from the regular follow-up process.

4.3. Fight against trafficking in human beings

47. A report[34] published by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) in June 2015 stated that the Finnish authorities had taken important steps to prevent and combat trafficking in human beings, but that a number of challenges remained. GRETA welcomed, *inter alia,* the development of the legal framework for combating trafficking in human beings in Finland and the setting up of the national assistance system for victims of trafficking. However, GRETA stressed the need to adopt a new or updated national action plan against human trafficking. Additional prevention and protection measures should be taken in order to address the particular vulnerability of children to trafficking. Furthermore, GRETA urged the Finnish authorities to improve the identification of victims of trafficking by introducing a national identification and referral mechanism and increasing efforts to proactively identify victims of trafficking, in particular as regards sexual exploitation and new forms of trafficking, such as forced begging. GRETA also asked the Finnish authorities to ensure that the assistance provided to victims be adapted to their specific needs and that minimum standards be guaranteed across the country. GRETA also called on the Finnish authorities to adopt additional measures to facilitate and guarantee access to compensation to victims of trafficking. The number of convictions for human trafficking in Finland was low in relation to the number of identified victims and GRETA urged the Finnish authorities to ensure that human trafficking offences for all types of exploitation be proactively investigated and prosecuted promptly, leading to proportionate and dissuasive sanctions.

48. In Recommendation CP(2015)1[35] on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland, the Committee of the Parties to the Convention made a number of recommendations based on GRETA's report, in particular:

– adopting a new or updated national action plan and/or a strategy against human trafficking and a mechanism for monitoring its implementation;

– further improving the identification of victims of trafficking, in particular by introducing a clear national identification and referral mechanism and promoting multi-agency involvement in identification;

– ensuring that the assistance provided to victims of trafficking is adapted to their specific needs and paying particular attention to child victims of trafficking, including unaccompanied minors;

– making sure that all possible victims of trafficking are offered a reflection and recovery period with access to the protection and assistances measures foreseen by the Convention;

– adopting additional measures to facilitate and guarantee access to compensation for victims of trafficking;

33. www.fatf-gafi.org/media/fatf/documents/reports/mer/Finland_FUR_2013.pdf.
34. https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631bee.
35. https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631beb.

– strengthening the effectiveness of investigations and prosecutions of human trafficking offences for all forms of exploitation with a view to securing proportionate and dissuasive sanctions, by increasing the capacity and specialisation of police officers, prosecutors and judges.

49. The rapporteur was informed[36] about the measures taken by the authorities for the implementation of the recommendations. A new Anti-trafficking Action Plan has been prepared which includes special measures for the protection of children. A seminar for the representatives of the Governmental Anti-trafficking Network will be organised concerning the upcoming publication of the Action Plan. The Action Plan foresees the introduction and development of a national identification and referral mechanism. The Ministry of the Interior has targeted significant new funding (approximately €170 000) for development projects that will develop outreach work, identification of victims, and assistance and referral.[37] The Migration Department of the Ministry of the Interior has started a public hearing process in order to evaluate the functionality of the specific legislation on the assistance for the victims of trafficking in human beings. The rapporteur welcomes the important measures taken by the authorities to comply with the recommendation; the authorities are expected to report to the Committee of the Parties by 15 June 2017.

4.4. Other issues pertaining to the rule of law

50. The group of cases *Nykänen v. Finland* (Application No. 11828/11) pending before the Committee of Ministers in the framework of the execution of judgments of the European Court of Human Rights[38] concerns double jeopardies (*ne bis in idem*) involving taxation proceedings, in which tax surcharges had been imposed, and criminal proceedings brought for, i.e., tax fraud or aggravated tax fraud. The Court concluded that there had been a violation of Article 4 of Protocol No. 7 to the European Convention on Human Rights (ETS No. 117) as the *ne bis in idem* principle had been violated since the applicants were convicted twice for the same matter in two separate sets of proceedings.

51. In its submission of November 2015 to the Committee of Ministers on the state of execution of the cases,[39] the Finnish authorities reported on legal reforms. An Act on Tax Surcharges and Customs Duty Surcharges Imposed by a Separate Decision and for certain related Acts was adopted (it entered into force on 1 December 2013) that ensures that a tax or a customs duty matter is processed and possibly punished in only one set of proceedings. The authorities also refer to the related recent jurisprudence of domestic jurisdictions that has developed in the meantime. Courts have adjusted their earlier line of interpretation by concluding that the *ne bis in idem* prohibition also applied to parallel proceedings and have thus applied the *ne bis in idem* effect more strictly than suggested by the wording of Article 4 of Protocol No. 7.

5. Human rights

5.1. Rights of persons deprived of their liberty

52. In August 2015, the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report[40] on its fifth visit to Finland, carried out from 22 September to 2 October 2014. Despite ongoing efforts in a number of areas, the CPT was concerned about the lack of sufficient progress in the implementation of many of its long-standing recommendations, for example those regarding the practice of holding remand prisoners in police establishments and the practice of "slopping out"[41] in prisons, for prisoners segregated in high-security and closed units, and on the legal safeguards in the context of involuntary psychiatric hospitalisation.

53. The report mentioned some issues relating to police establishments, especially as regards material conditions, and the CPT underlined that none of the police establishments visited offered conditions suitable for holding persons in excess of the police custody period (96 hours). In particular there was insufficient access to natural light in cells, no possibility for proper daily outdoor exercise, no activities and no proper health-care coverage.

36. Comments provided by the Ministry of the Interior of Finland.
37. One of these projects has already started, and is organised by the NGO "PRO-tukipiste ry".
38. www.coe.int/en/web/execution/submissions-finland.
39. https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016804aa189.
40. www.cpt.coe.int/documents/fin/2015-25-inf-eng.pdf.
41. A situation where inmates are obliged to use buckets placed in their cells as toilets.

54. The CPT reiterated its long-standing recommendation regarding the elimination of the practice of holding remand prisoners in police cells. Further, it underlined that delays in notification of custody remained widespread, especially for apprehended foreign nationals not resident in Finland. The report outlined in detail various issues related to prisons, in particular the phenomenon of inter-prisoner violence and intimidation, as well as the situation of prisoners held in high security and closed units. The CPT recommended that a suitable programme of purposeful activities be provided to prisoners held in conditions of high security or segregated by court order.

55. Overall, the CPT noted that material conditions for the mainstream prison population were good in the prisons visited. That said, the CPT observed that there were still many cells without a toilet in some prisons, and it called on the Finnish authorities to completely eliminate the "slopping out" practice in prisons. Regarding health-care services in prisons, the CPT reiterated that there was insufficient presence of doctors in the prisons visited and recommended that this be increased.

56. In June 2016, high-level talks were held between representatives of the CPT and the Finnish authorities on the implementation of the CPT's long-standing recommendations aimed at stopping the practice of holding remand prisoners in police establishments ("police prisons") and equipping all prison cells with toilets. The talks were also an opportunity to learn about other developments since the CPT's last visit to Finland, including the recent transfer of the responsibility for the prison health-care service from the Ministry of Justice to the Ministry of Social Affairs and Health. The supervisory powers of the National Supervisory Authority for Welfare and Health and regional State administrative agencies have been expanded to cover health care service provision in prisons.

57. According to the authorities,[42] prison health services are organised in a similar fashion to services in civilian health care, notably concerning the high responsibility of nurses, who have a very high level of education in Finland. In most cases, the patient follows the treatment under the supervision of a nurse, who also follows progress. Patients in prison health care get an appointment with a doctor considerably faster and more often than in civilian health care. First aid is provided by trained members of staff, including the use of the automated defibrillator. It is further supported by local emergency services.

58. The authorities also provided information[43] on the ongoing reform of detention on remand. A working group has been set up to look into different alternatives to remand and envisage the possibilities of enhancing the supervision of a travel ban by introducing an electronically monitored travel ban. It also looked into the possibilities of handing over the responsibility for the detention of remand prisoners from the police to the administrative branch of the Ministry of Justice. On this basis, a governmental proposal has been prepared which is expected to be sent to parliament in autumn 2016 and to enter into force in January 2019.

59. Based on the information provided by the authorities,[44] there are a total of 118 cells without a toilet in Helsinki and Hämeenlinna prisons, both of which are being renovated. Prisoners placed in cells with no toilet have access to sanitary facilities on request.

60. Further, the CPT report examined certain issues regarding places of detention of foreign nationals (see section 5.5 below). The CPT noted that treatment, living conditions and activities were generally adequate. The CPT noted that the environment remained carceral and very limited space was foreseen for communal areas[45] and recommended that changes be made in this regard. Moreover, the CPT stressed that once the new facility opened, the practice of holding persons detained under the Aliens Act in police establishments should be finally stopped.

61. Concerning the psychiatric establishment, the CPT found the living conditions, treatment, activities and staffing to be generally good. As regards safeguards, the CPT remained concerned about the very limited progress in addressing its long-standing recommendations aimed at improving the legislative framework, and for amendments to be made to provide for an obligatory independent expert psychiatric opinion in the context of involuntary hospitalisation and the review of such a measure. The CPT was also concerned about the inefficiency of judicial reviews of involuntary hospitalisation measures. It again called on the Finnish authorities to ensure that there was a meaningful and expedient court review of the measure of involuntary hospitalisation and to ensure that psychiatric patients have an effective right to be heard in person by the judge during the involuntary hospitalisation procedure.

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42. Comments provided by the Ministry of Social Affairs and Health of Finland.
43. Comments provided by the Ministry of Justice of Finland.
44. Ibid.
45. Konnunsuo detention facility.

62. The Finnish authorities[46] informed the rapporteur of the legislative developments in this regard, and notably the February 2016 amendments to the Mental Act regarding forensic psychiatry patients. They also referred to plans to introduce further amendments to the provisions of the Mental Health Act that relate to involuntary treatment and restrictive measures. They provided extensive information about the possibilities to appeal a decision ordering a person to undergo treatment or to continue treatment against the patient's will before the administrative courts, as well as the procedures and processing of the cases.

63. The rapporteur welcomes the constructive high-level dialogue between the CPT and the authorities and notes with interest the recent developments. Impressive action has already been taken by the authorities and the rapporteur encourages them to pursue their efforts to fully implement the CPT's recommendations.

5.2. Fighting discrimination, racism and xenophobia

64. In July 2013, ECRI published its fourth report on Finland,[47] welcoming positive developments and highlighting a number of outstanding concerns. The criminal law punishing offences motivated by "race", colour, ethnic or national origin, religion and beliefs had been improved; a Discrimination Monitoring Group had been established to gather information on efforts to combat discrimination; the national policy on Roma had been published (implementation period 2009-2017); and the residence period for acquiring citizenship had been reduced. However, the risk of racial profiling of visible minorities by the police remained; the National Discrimination Tribunal could not award compensation to victims of discrimination nor deal with cases of discrimination in employment or immigration matters; a shortage of human and financial resources affected the efficiency of the Ombudsman of Minorities and the Advisory Board for Ethnic Relations. ECRI also considered that there was a need for better monitoring of racist acts, including of the manner in which they are handled by the police, the prosecution service and the courts.

65. According to the 2015 US Department of State Country Report on Human Rights Practices for Finland,[48] 2015 was marked by some societal tension between ethnic Finns and minority groups, and there were reports of racist or xenophobic incidents (see also section 5.3). Referring to the 2013 data, it noted that the police filed 833 reports of suspected hate crimes, a 14% decrease on the previous year, and prosecuted 63. The majority of the cases (85.2%) involved racist incidents; the victim's religious background motivated 8.8% of the remaining cases, sexual orientation 0.7% and disability 1.3%. Among foreign citizens resident in the country, Somalis experienced the highest frequency of racially motivated crimes.

66. In its 2013 report, ECRI made a number of recommendations to the authorities, among which the following three specific recommendations were followed up by ECRI in 2016:[49]

– to expand the Ombudsman for Minorities' field of activity and resources to combat discrimination on grounds of colour, language, religion or "race";

– to extend the scope of the National Discrimination Tribunal's mandate on immigration matters and multiple discrimination;

– to improve monitoring of racist acts, in particular concerning the follow-up given to them by the judiciary and the police.

67. Since then, the new Non-Discrimination Act (1325/2014) entered into force on 1 January 2015. Its purpose is to promote equality, prevent discrimination and enhance the protection provided by law to those who have been discriminated against.[50] The new Act expands the scope of protection against discrimination. The Ombudsman for Minorities was replaced by a Non-Discrimination Ombudsman, who is empowered to consider a broader range of discrimination issues.[51]

68. In its conclusions on the implementation of the recommendations in respect of Finland, subject to interim follow-up, published on 7 June 2016,[52] ECRI acknowledges this legislative change and notes that while the former Ombudsman only dealt with cases of discrimination on the basis of ethnic origin, the new

46. Comments from the Ministry of Social Affairs and Health.
47. https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Finland/FIN-CbC-IV-2013-019-ENG.pdf.
48. www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper.
49. ECRI conclusions on the implementation of these three recommendations were adopted on 17 March 2016 and published on 7 June 2016.
50. http://yhdenvertaisuus-fi-bin.directo.fi/@Bin/1ea96a314c46b5d83ad293c3aece7c07/1463047658/application/pdf/431799/YV_EN.pdf.
51. As a result of the reform, the Ombudsman for Equality, the Ombudsman for Children and the Non-Discrimination Ombudsman, as well as their offices, have been brought under the administrative branch of the Ministry of Justice.
52. www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Finland/FIN-IFU-IV-2016-022-ENG.pdf.

Ombudsman's mandate covers a wider range of prohibited grounds of discrimination, *inter alia* ethnic or national origin, nationality, language, religion, belief, sexual orientation or other personal characteristics. ECRI notes that according to the authorities although skin colour is not explicitly listed as an enumerated ground, it is covered by the term "other personal characteristics". The new non-discrimination Ombudsman can receive and process complaints related to discrimination on the grounds enumerated in the new non-discrimination Act, but cannot bring cases before the courts *propio motu*. The financial and human resources of the new Ombudsman have been increased, compared to the Ombudsman for Minorities, but it remains to be seen whether they are sufficient, given the broader mandate of the new institution. The new Ombudsman does not, for the time being, have any local or regional offices. ECRI thus considers that this first specific recommendation has been only partially implemented.

69. Responsibility for developing anti-discrimination policies and legislation, as well as the Advisory Board for Ethnic Relations, were transferred from the Ministry of the Interior to the Unit for Democracy, Language Affairs and Fundamental Rights of the Ministry of Justice.[53] The new Act merged the National Discrimination Tribunal and the Equality Board to create a new tribunal whose mandate covers all bases of discrimination. The Ombudsmen and the new Tribunal are independent and impartial bodies.[54] ECRI notes in its 2016 conclusions that the new National Non-Discrimination and Equality Tribunal can look into immigration issues, from a non-discrimination angle and can also address cases of multiple discrimination. However, it cannot award compensation to victims, as was recommended by ECRI. ECRI considers, therefore, that this second specific recommendation has been only partially implemented.

70. Concerning the third specific recommendation, ECRI notes that several steps have been taken since its 2013 report and that this recommendation has been implemented. The police have been given instructions on the classification of hate crime incidents in order to improve the relevant statistics, and police officers have participated in training events on monitoring hate crime. The rapporteur was informed[55] that the Finnish police has in the meantime entered into an agreement with the OSCE on national implementation of the OSCE-developed TAHCLE training for law enforcement on identifying and investigating hate crime. The training regime is to be implemented starting in 2017. The Office of the Prosecutor General organises training for prosecutors on racist criminal offences and has also set up a working group on this topic.

71. The rapporteur was informed by the authorities[56] that while the Finnish Police University College publishes an annual research report on hate crime, a national monitoring tool in the form of a comprehensive and continuous victim survey is still lacking. Consequently, it is at this stage not possible to know whether the sharp rise of cases as indicated in the preliminary results of the 2015 Hate Crime Report reveals a rise in the number of hate crimes or in the propensity to report incidents, or both. There are currently plans to make a follow-up study on how prosecutors and courts deal with hate-motivated crime based on the 2016 annual research report.

72. It should be noted that Finnish law does not have a specific category for "race-related crimes" or "hate crimes", but the presence of racism as a motive or partial motive for any other criminal act is a cause for aggravation of the sentence. According to the Finnish Ministry of Justice,[57] certain offences may be "race-related" or hate crimes by nature, *inter alia* ethnic agitation and aggravated ethnic agitation (Criminal Code Chapter 11, Sections 10 and 10*a*). In other offences, racist motives are taken into account in sentencing as an aggravating factor. On 26 September 2016, the Finnish Government adopted measures to tackle extremist and racist groups. The measures include, *inter alia*, establishing racist motives more explicitly in pre-trial investigations in order to increase the number of cases in which the prosecutors present racism as an aggravating circumstance.

73. According to the 2013 ECRI report, vulnerable groups are subjected to discrimination. The majority population's knowledge about the Sámi remains inadequate, as does the education dispensed to Finnish pupils concerning this people. Roma continue to experience discrimination and racism in the fields of employment and housing, but in the field of education there has been a remarkable improvement.[58] Somalis

53. The new Non-Discrimination Tribunal also operates under the administrative branch of the Ministry of Justice.
54. www.oikeusministerio.fi/en/index/currentissues/tiedotteet/2014/12/uusiyhdenvertaisuuslakivoimaanensivuodenalusta.html.
55. Comments provided by the Ministry of the Interior of Finland.
56. Ibid.
57. Comments provided by the Ministry of Justice of Finland.
58. See comments provided by the Ministry of Social Affairs and Health of Finland; see also Fourth Opinion on Finland of the Advisory Committee on the Framework Convention for the Protection of National Minorities adopted on 24 February 2016 and published on 6 October 2016.

are the least well-integrated group in the country and are victims of racism, including racist violence, and of discrimination, *inter alia* in employment. Russian speakers are also victims of discrimination in the field of employment (see sections 5.4 and 5.5 below).

74. ECRI also noted in its 2013 report that the situation of the Tatars, a Muslim minority of Turkish origin comprising some 800 individuals in Finland, was deemed generally satisfactory by its representatives. On the other hand, representatives of the Muslim immigrant community (mostly from Arab countries, Somalia or the Balkans) indicated an increase in Islamophobia in the country, especially in recent years, with Somalis being particularly affected, in particular by racist violence.

75. Over the last year, Finland has seen an unprecedented influx of migrants which has led to increased xenophobia and racism against migrants. There were a number of xenophobic incidents in several cities during the second half of 2015. During summer 2015, members of the Finnish Resistance Movement (SVL)[59] organised a demonstration in Jyvaskyla which turned violent, resulting in 32 arrests for rioting and assault. The Finnish Resistance Movement also attacked a bookstore and claimed responsibility for banners with anti-immigrant and anti-Muslim slogans on a highway in the Tampere region and beside a major road in the western part of the country.[60] An anti-migrant demonstration also took place in September 2015 in the southern city of Lahti during which demonstrators attacked a bus transporting asylum seekers and threw stones at Red Cross volunteers. Finland's government condemned the racist protests and the related violence.

76. While welcoming the progress achieved to promote tolerance, prevent discrimination and enhance the protection of those who have been discriminated against, the rapporteur encourages the authorities to take further action to combat all manifestations of racism and xenophobia with a view to the full implementation of the outstanding recommendations of ECRI.

5.3. Hate speech and political discourse

77. In its 2013 report,[61] ECRI noted that there had been a change in political discourse following the 2011 parliamentary elections when the True Finns Party gained greater support and became one of the four large parties. Following the 2011 elections there was an increase in everyday racism, including in the streets and shops, proving that this kind of political discourse had had a direct impact on the lives of the groups concerned. ECRI noted that there had then been a return to more moderate political discourse during and since the presidential election in March 2012. ECRI called for a degree of vigilance and the need to remind political leaders that they should avoid using racist and/or xenophobic discourse for electoral purposes.

78. In the OSCE/ODIHR Needs Assessment Mission report[62] issued ahead of the 2015 elections reference is made to the use of inflammatory language during the campaign, mostly targeting various minorities and immigrant communities, especially in the social media.

79. According to the authorities,[63] the government is committed to zero tolerance for racist and other hate speech.[64] For the municipal elections of 2017, all major parties – except the True Finns Party – required their candidates to sign a written statement against racism.[65]

80. With the increase in migration flows over the last year, hate speech against migrants and Muslims has increased. Islamophobia has risen in public discourse, including media, politics and especially in social media.[66] On 25 July 2015, the Member of Parliament Olli Immonen from the Finns Party posted a message on Facebook calling for a fight against the “nightmare of multiculturalism”. Prime Minister Juha Sipilä reacted against this post which he called totally unacceptable. Following a strong public reaction, Olli Immonen resigned from the Finns Party parliamentary group. The reaction against the MP’s remarks led to tens of thousands of people in the capital and other towns taking to the streets in support of diversity in Finland.

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59. The Finnish branch of the Nordic Resistance Movement, a Nordic National Socialist organisation.
60. www.state.gov/documents/organization/253057.pdf.
61. Op. cit.
62. www.osce.org/odihr/143121?download=true.
63. Comments provided by the Ministry of Justice of Finland.
64. Government of Finland Human Rights Report 2014, policy guideline 20.
65. Comments provided by the Ministry of the Interior of Finland; http://kuntalehti.fi/kuntauutiset/sivistys/yksi-puolue-edellyta-rasismin-vastaisuutta-kuntavaaliehdokkailtaan.
66. www.islamophobiaeurope.com/reports/2015/en/EIR_2015_FINLAND.pdf.

81. A survey commissioned by the Finnish Broadcasting Company Yle on so-called "Nimby-ism" – which stands for "Not In My Back Yard" – was published in August 2015. The survey asked 1 000 respondents which services they would be happy to see established in their neighbourhood: 43% said they would have no objection to a rehab facility for alcoholics being established close to where they live – compared to just 34% who said they would be happy living close to a mosque or Muslim prayer room.[67] The findings come in the context of a heated debate in Finland over the country's acceptance of other faiths. In its 2013 report, ECRI recommended that the Finnish authorities take measures to combat any manifestations of Islamophobia, including by politicians, by ensuring that the relevant legislation is enforced.

82. In its opinion of February 2016, published in October 2016, the Advisory Committee on the Framework Convention[68] recommended, *inter alia,* stepping up efforts to combat all forms of intolerance, racism, xenophobia and hate speech, in particular in social media, and promptly condemning all instances of racism and ethnic hostility in public discourse.

83. In 2016, several members of the True Finns party were under investigation for crimes such as incitement to hatred, including one MP. The Helsinki police opened an investigation into actions by a person considered to be the most prominent in spreading organised hate content online, through alternative media such as MV-lehti and Uber-uutiset. The police unsuccessfully sought a court ban on the online publications, and have since, in co-operation with the prosecutors, filed for the arrest and imprisonment of the suspect who is thought to be residing in Spain.[69]

84. A survey on "experiencing hate speech and its influence on the feeling of safety by members of different minorities"[70] was published by the Ministry of Justice in March 2016.[71] It highlighted that the most common forms of discriminatory abuse experienced by minority groups in Finland are verbal insults, name-calling and humiliation. The findings are based on open-ended interviews with 1 475 respondents from minority groups, as well as experts. Some 59% of the respondents were women. The results showed that 61% of the respondents said that hate speech and harassment had eroded their general sense of security during the preceding 12 months. The report suggests that these verbal attacks most often took place on the streets, in car parks and other public places. Victims were also likely to experience abuse online in public discussion forums and especially on Facebook. The third most common places for such outbursts were found to be cafés, restaurants and bars, as well as on public transport. Many immigrants cited instances in which they were insulted or verbally abused in public because of their foreign language or appearance. Sexual and gender minorities also faced verbal abuse at the hands of strangers. Roma were subjected to hate speech or harassment in service situations in particular. For their part, disabled respondents also said they experienced discrimination from service personnel. Only a small proportion of the respondents who said they had been victims of harassment or hate speech had reported the incidents. The findings are supported by the annual report on Suspected Hate Crime Reported to the Police. The report for 2015, to be published soon, is expected to show a significant increase in reported hate crime.[72]

85. In its 2013 report, ECRI noted with concern that racism on the internet remained a problem in Finland, including on discussion forums, blogs and social networks, and it recommended that the Finnish authorities take all necessary measures to combat racism on the Internet.

86. As of September 2016, the Minister of the Interior, Paula Risikko, has tasked the police with making the fight against online hate speech and hate crime a priority. Measures have been taken to strengthen the Finnish Virtual Community Police model for prevention and investigation of online hate speech.[73]

5.4. Protection of minorities

87. The last resolution (CM/ResCMN(2012)3) on the implementation of the Framework Convention for the Protection of National Minorities by Finland was adopted by the Committee of Ministers on 1 February 2012.[74] More recently, in February 2016, the Advisory Committee on the Framework Convention adopted an opinion on Finland which was published in October 2016.[75]

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67. http://yle.fi/uutiset/finns_would_rather_live_near_a_rehab_centre_than_a_mosque_poll_claims/8200594.
68. https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae11a.
69. Based on the comments provided by the Ministry of the Interior.
70. http://yle.fi/uutiset/report_hate_speech_most_common_form_of_discrimination_in_finland/8717430.
71. www.oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1456826655763/Files/OMSO_7_2016_VIPU-raportti_158_s.pdf.
72. Based on the comments provided by the Ministry of the Interior. Report available online at www.polamk.fi.
73. Based on the comments provided by the Ministry of the Interior of Finland.
74. https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cb2c0.

88. Finland is a bilingual country as it has two official languages, Finnish and Swedish. According to official statistics,[76] in 2014, the number of people speaking Swedish as their native language was 290 760 out of 5.5 million inhabitants. In its last resolution of February 2012 on the situation of national minorities in Finland, the Committee of Ministers made a recommendation concerning Finland's second official language, urging the authorities to ensure the availability of public services in their own language to Swedish speakers, as prescribed by law. All stages of administrative reform should take account of linguistic rights and should ensure that the Finnish education system offers ample opportunities for learning Swedish, in order to increase the number of Swedish-speaking officials. In its 2016 opinion, the Advisory Committee on the Framework Convention recommended intensifying efforts to adopt and implement the Action Plan related to the 2012 Strategy for the National Languages of Finland in order to guarantee that the knowledge, visibility and presence of the Swedish language is maintained in education, in the administration, in the labour force and among the public at large.

89. The US Department of State Country Report for 2015 mentions that the Romani minority was the most frequent target of racially motivated discrimination, followed by Russian-speakers, Somalis and Sámi.

90. According to official estimates, the Finnish Roma population (called *Kaale*) is about 10 000 people, i.e. about 0.20% of the total population.[77] In recent years, an increasing number of Roma have arrived in Finland, particularly from Bulgaria, Romania and the Slovak Republic. The number of Roma migrants is unknown. The Finnish Roma have constitutional rights to pursue their language and culture. They are represented in the National Advisory Board on Romani Affairs and four Regional Advisory Boards on Romani Affairs (cross-sectorial bodies for the Roma population and the authorities).[78] The ECRI report of 2013 refers to prejudice against Roma and to negative attitudes among the majority population towards them. The US Department of State Country Report on Human Rights Practices for 2015 states that discrimination against the country's Roma extends to all areas of life, mainly but not limited to housing, employment, and access to private services. In its 2013 report, ECRI recommended that the Finnish authorities implement the national policy on Roma without delay and allocate the necessary human and financial resources to it. It also recommended that they combat the prejudice against Roma, including by conducting awareness-raising campaigns concerning the contribution by this minority to Finnish society.

91. According to the 2013 ECRI report, the Russian-speaking community numbers 51 683 and was the third largest linguistic group in the country after Finnish and Swedish speakers. Russian speakers suffered discrimination, including in the employment sector. ECRI recommended that the Finnish authorities take measures to combat the discrimination and prejudice suffered by Russian speakers, in particular in the area of employment. To this end, it recommended that they inform members of this community of the measures available to them for asserting their rights and offer them assistance in this respect. ECRI also recommended that the Finnish authorities raise employers' awareness of legislation on racial discrimination and ensure that it is enforced as necessary.

92. According the ECRI 2013 report, there were approximately 14 000 Somalis living in Finland, of whom almost 4 500 had Finnish nationality and around 450 were asylum seekers. Most members of this community were under 35. According to the report, Somalis were the least well-integrated group in the country and were the victims of racism, including racist violence, and of discrimination in the areas of education, employment, housing and negative public discourse concerning them. ECRI took note of the appointment of the Group of Experts on Somali Issues tasked to promote the integration of the Somali community, and recommended that the authorities ensure that the group continues its work and that it makes some progress

93. The Sámi[79] have, as an indigenous people, the right to maintain and develop their own language, culture and traditional livelihoods. Since 1996, the Sámi have had constitutional self-government in the Sámi Homeland in the spheres of language and culture, which is managed by the Sámi Parliament, elected by the Sámi. There are about 9 000 Sámi in Finland. More than 60% of them now live outside the Sámi Homeland, which brings new challenges for the provision of education, services and communications in the Sámi language. In its successive cycles of monitoring, the Advisory Committee on the Framework Convention stressed the central relevance of land rights in the Sámi Homeland to the protection of Sámi culture and identity as an indigenous people. The Advisory Committee repeatedly urged the authorities to address the prevailing legal uncertainty over land rights in the Sámi Homeland as a matter of high priority. In its above-

75. Fourth Opinion on Finland – adopted on 24 February 2016 and published on 6 October 2016.
76. www.stat.fi/til/vamuu/2014/03/vamuu_2014_03_2014-04-24_tie_001_en.html.
77. See Thematic report on school attendance for Roma children, in particular Roma girls (Finland, Latvia, Norway, Sweden), ad hoc committee of experts on Roma issues (CAHROM), 22 April 2013.
78. Comments provided by the Ministry of Social Affairs and Health.
79. www.samediggi.fi/index.php?option=com_content&task=blogcategory&id=105&Itemid=104.

mentioned resolution of February 2012 on the situation of national minorities in Finland, the Committee of Ministers referred to the government's objective of ratifying the International Labour Organization's (ILO) Convention 169 on the rights of indigenous and tribal peoples, and urged the immediate initiation of constructive dialogue with the Sámi Parliament of Finland in order to seek a solution to the land rights issue. It also recommended that the disappearance of Sámi languages spoken in Finland should be prevented. In its 2013 report, ECRI recommended that the Finnish authorities take measures to teach the Sámi culture and this minority's contribution to the country in schools and to increase awareness of the Sámi people among the majority population. In its above-mentioned 2016 opinion, the Advisory Committee on the Framework Convention noted that progress had been accomplished with respect to cultural autonomy and revival of the Sámi languages in education, culture and the media. It recommended nevertheless engaging in a constructive and high-level dialogue with the Sámi people and strengthening the knowledge of the Sámi languages, maintaining and developing the cultural identities of the Sámi in the Homeland while targeting also Sámi living outside the Homeland.

5.5. Migrants, refugees and asylum seekers

94. Like other European Union countries, Finland faced a massive influx of refugees and migrants in 2015. Finland is not used to mass immigration. In the years 2014-2015, Finland increased the number of refugees it accommodated as part of the quota system of the Office of the United Nations High Commissioner for Refugees (UNHCR) from 750 to 1 050 people annually. However, it was unprepared for the unprecedented increase in the number of asylum seekers in 2015. Compared with the previous year, the number of first-time asylum applicants in 2015 increased the most in Finland (+822%) in comparison to other European countries.[80] According to the Finnish Immigration Service, there were 32 476 asylum seekers in Finland in 2015, nine times more than in 2014 (3 186).[81] In 2015, 63% came from Iraq, 16% from Afghanistan, 6% from Somalia, 3% from Syria and a few from Albania.

95. On the Finnish–Russian border in the Lapland region (the Salla/Raja-Jooseppi crossing point), 700 asylum applications were lodged in 2015, and a further 1 000 in January-February 2016 (mostly from citizens from Afghanistan, India, Syria and Bangladesh).

96. In view of this large increase of asylum requests, Finland has taken several measures to tighten asylum policies. Finland announced a reduction in cash and social integration benefits to limit the number of people seeking asylum. It also intensified its efforts to return migrants from Iraq, Somalia and Afghanistan to their countries of origin under bilateral agreements. At the same time, Finland pledged to accept 3 200 refugees from Greece and Italy and 600 from Turkey, in accordance with the European Commission's proposals.

97. The rapid and unusual increase in the number of migrants and refugees has led to an increase in xenophobic feelings in the country which have been cultivated by populist rhetoric conveying prejudices. Reports of increased terrorist threats and the reported influence of Islamic fundamentalists in Finland have also contributed to boosting this anti-immigrant sentiment. Violent extreme-right groups (such as the so-called "Soldiers of Odin") have benefited from this climate of fear.[82]

98. While the flow of migrants across the border with Sweden was seen in Finland as part of a pan-European problem requiring a solution at European Union level, migration across the border with Russia led to bilateral negotiations between Finland and Russia, leading to an agreement in March 2016 imposing temporary restrictions at two Arctic border crossing points and the signature of a memorandum of understanding to increase the sharing of information on immigration.

99. In its above-mentioned report published in July 2013, ECRI stated that migrants still suffered discrimination in various fields, including employment, and that the Aliens Act contained discriminatory provisions. ECRI reiterated to the authorities its recommendation that they ensure that no asylum seeker whose application has been rejected and is awaiting a court ruling is deported before the proceedings are completed. It also recommended that the Finnish authorities take measures to shorten the processing of asylum applications under the normal procedure. The Finnish authorities should take measures to ensure that asylum seekers are not held in places of deprivation of liberty but in appropriate facilities. The Finnish authorities should also take measures to give asylum seekers better access to the labour market, among others by granting them access to free language courses.

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80. http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/.
81. www.migri.fi/download/65019_Tilastograafit_2015_EN_final.pdf?975642bede6cd388.
82. www.reuters.com/article/us-europe-migrants-finland-idUSKCN0UR20G20160113.

100. In the already mentioned CPT report on Finland of 2015, several improvements to the legislation on detention and conditions of detention were recommended. Under the Aliens Act, the deprivation of liberty of foreign nationals in police and border guard establishments should be an exception used only when the detention unit for aliens is temporarily full or if the person is apprehended far away from the detention unit; in such a case, detention in a police establishment may not last more than four days and the person concerned must be brought before a judge within 24 hours of apprehension. As for border guard establishments, the detention of persons pursuant to the Aliens Act is possible for a maximum of 48 hours. Consequently, whenever it is deemed necessary to deprive a foreign national of his/her liberty pursuant to the Aliens Act, he/she should be placed in a detention unit as soon as possible. The CPT expressed the hope that the opening of a new facility – located in Konnunsuo near Joutseno (South Karelia) – would help to finally eradicate the practice of accommodating foreign nationals (pursuant to the Aliens Act) in police establishments, which had already been criticised by the CPT several times in the past.

101. Concerning unaccompanied minors, the CPT stated that detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof. Given their particular vulnerability, the CPT recommended that the necessary measures be taken to ensure that unaccompanied/separated minors are always provided with special care and accommodated in an open (or semi-open) establishment specialising in juveniles (e.g. a social welfare/educational institution for juveniles); the Aliens Act should be amended accordingly. In its report, ECRI urged the Finnish authorities to put an end to the detention of unaccompanied minors as soon as possible.

102. Since then, in July 2015, amendments to the Aliens Act on detention of asylum seekers and migrants came into force, according to which unaccompanied children under the age of 15 can no longer be detained under any circumstances.[83] However, unaccompanied children aged between 15 and 17 may be detained for up to 72 hours once there is an enforceable decision on their removal from Finland; the period of detention can be extended by 72 hours for extraordinary reasons. Families with children may be detained where no sufficient alternatives exist, and where the child and a social welfare representative's views have been heard. The legislative amendments included restrictions on visits and broader authorisation for trained staff to use force in detention centres.

103. The rapporteur was informed by the authorities[84] that the government has recently proposed to add new provisions on residence requirements and children's residence requirements to the Aliens Act. The aim is to expand the range of interim measures applicable to asylum seekers, to reduce the use of detention on the one hand and to promote the smooth running of the asylum procedure, and ensure the removal of unsuccessful applicants from the country on the other. Asylum seekers could be ordered to reside in a specific reception centre and to report there between one and four times a day if this were deemed necessary for investigating their right to enter or reside in Finland or for ensuring their removal from the country. Asylum seekers subject to residence requirements could be exempted, for compelling personal reasons, from these requirements on a temporary basis. According to the authorities, the imposition of residence requirements would make asylum seekers easier to locate when processing their application and especially for the purpose of inviting them to an asylum interview. The removal of unsuccessful applicants from the country would also become easier. A child could be ordered to reside in a specific children's reception centre, to remain within its vicinity, and to report there between one and four times a day. Residence requirements could be imposed for a period of no more than two weeks, although an extension of a further two weeks would be possible. Children could be exempted, for compelling personal reasons, from their residence requirements on a temporary basis. Residence requirements could only be imposed on children if the conditions for placing the child in question in detention were satisfied. A further condition would be that the child in question is unaccompanied by a guardian and is at least 15 years old, and that their asylum application has been unsuccessful and the child has been ordered to be removed from the country. According to the authorities, imposing residence requirements on children would be an alternative to placing them in detention and it would improve the status of children and promote the interests of children.

104. The rapporteur takes note of the legislative developments currently underway and welcomes the aim to reduce the use of detention, in particular concerning minors. The measures adopted will be assessed by the CPT and ECRI in their next evaluations.

83. https://www.amnesty.org/en/countries/europe-and-central-asia/finland/report-finland/.
84. Comments provided by the Ministry of the Interior of Finland.

5.6. Violence against women

105. According to an EU-wide survey on violence against women, published by the European Union Fundamental Rights Agency (FRA)[85] in 2014, 47% of Finnish women over 15 have experienced physical or sexual violence in their close relationships.[86] The likelihood of becoming a victim of domestic violence in Finland is more than double compared to the EU average and Finland has been criticised by the Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW), especially for the lack of shelters and for the lack of co-ordination between and within the authorities.[87] Several Finnish legal experts have pointed out that violence against women is the most serious human rights violation in Finland.[88] Awareness of human rights and women's rights is high in Finland and incidents of sexual harassment and violence are more easily reported. According to the FRA survey, women's experience of physical and sexual violence since the age of 15 were highest in countries like Denmark, Sweden, Finland and the Netherlands. Awareness of women's rights may contribute to the high numbers of reported incidents of sexual harassment and violence. In 2013, 14 women died victims of domestic violence. In 2014, the number of victims was 15. The provisional number for 2015 is eight victims.[89]

106. Finland ratified the Istanbul Convention on 17 April 2015 and it entered into force in Finland on 1 August 2015. During a fact-finding visit to Finland on 4 and 5 November 2015,[90] Assembly rapporteur Ms Maria Edera Spadoni was informed by the Finnish authorities of the latest developments in tackling violence against women in Finland.[91] One of the most pressing problems is the insufficient number of shelters for victims of domestic violence. The new Act on Reimbursement out of State Funds for Providers of Shelters for Victims of Domestic Violence entered into force on 1 January 2015. The Act transferred the responsibility for financing the services provided in the shelters to the State. The funding is €11.3 million for 2016. It will be raised annually by €2 million in 2017-2019 to increase the number of shelters.[92] Finland also still lacks a 24/7 free helpline for victims as well as a national co-ordinating body, as stipulated by the Istanbul Convention. The National Institute for Health and Welfare is responsible for organising a 24/7 free helpline for the victims of violence against women and domestic violence. The institute is currently in the process of choosing service providers for the helpline which will start operating in late 2016 or early 2017.[93]

107. The Amnesty International Finnish Section has called for an urgent increase in crisis centres for victims of sexual abuse and rape.[94] The National Institute for Health and Welfare has launched a pilot project for such centres. The aim is for the first crisis centre to start operating in the summer of 2017.[95]

108. The rapporteur was informed by the Finnish Parliamentary Assembly delegation that it had actively urged the Finnish authorities to take all necessary measures to resolve the remaining legislative issues related to the implementation of the Istanbul Convention, in particular the criminalisation of forced marriages and female genital mutilation.[96] The Ministry of Justice[97] considers that there are no remaining legislative issues related to the Istanbul Convention. The convention has been implemented though government bill H E 155/2014 vp, by which the territorial scope of Finnish criminal law was expanded with regard to forced marriage and female genital mutilation. The changes in legislation came into force in August 2015. However, forced marriages and female genital mutilation were criminalised even before the accession to the convention as trafficking in human beings (Criminal Code, Chapter 25, Section 3), aggravated trafficking in human beings (Section 3*a*) or coercion (Section 8) depending on the circumstances of the offence.

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85. http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report.
86. http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf.
87. http://formin.finland.fi/public/download.aspx?ID=127460&GUID=%7B50D3AE8D-B478-40D7-8B71-6EE474410022%7D; https://wcd.coe.int/ViewDoc.jsp?p=&id=1977837&direct=true.
88. Based on the comments provided by the Finish national delegation to the Parliamentary Assembly.
89. Comments provided by the Ministry of Social Affairs and Health.
90. For the preparation of the report on the "Systematic collection of data on violence against women", Doc. 13988.
91. Based on the comments provided by the Finish national delegation to the Parliamentary Assembly.
92. Based on the comments provided by the Ministry of Social Affairs and Health.
93. Ibid.
94. Amnesty International Finnish Section shadow action plan to tackle violence against women in Finland (Finnish only): https://frantic.s3.amazonaws.com/amnesty-fi/2016/04/Istanbulin-varjotoimintaohjelma-AMNESTY.pdf.
95. Based on the comments provided by the Ministry of Social Affairs and Health.
96. On 16 June 2016, the Finnish delegation submitted a written question (Chairperson Maria Guzenina was the first signatory) to the Minister in charge of issues related to domestic violence in Finland. The Minister has 21 days following reception of the question by the Prime Minister's Office to reply.
97. Comments provided by the Ministry of Justice of Finland.

109. The rapporteur was informed[98] that a draft decree for a new, permanent co-ordinating body as stipulated in the convention has been sent to different stakeholders for their comments, and that the new national co-ordinating body will start its work at the beginning of 2017.

110. In 2010, Finland launched an action plan to reduce violence against women for the period 2010-2015.[99] The aim of the action plan was to take a preventive and multi-disciplinary approach to influence attitudes, improve victim support, develop methods for identification and intervention, prosecute perpetrators and improve the knowledge of the different authorities dealing with the issue. The action plan identified 66 necessary measures to be taken in this context. The results of the action plan were evaluated in a separate report prepared under the auspices of the Ministry for Social Affairs and Health and launched on 26 May 2016.[100] The main findings of the report were that the action plan had helped to introduce a wide range of measures to reduce violence in Finland. The main success was the co-ordination between different actors in tackling the problem and changes in practice in health care and social services, such as the introduction of a model for risk assessment.[101] However, lack of resources resulted in the non-implementation of a number of the 66 measures identified.[102] The action plan did lay the groundwork for the implementation process of several concrete measures needed to reduce violence against women, but much more needs to be done to ensure full implementation of the Istanbul Convention in Finland.

111. The evaluation report underlines the importance of increasing measures aimed at preventing and tackling violence. The implementation of the obligations under the Istanbul Convention requires multidisciplinary co-operation between and within the authorities, including at the municipal and local level. Such measures should be at the core of the government's current reform of social and health care services. Co-operation with NGOs is also imperative and sufficient resources must be allocated to this work. In order to fully implement the Istanbul Convention, Finland must improve its violence prevention policies as well as support services for victims, and ensure the prosecution and rehabilitation of perpetrators. It is equally important that the Finnish authorities understand violence against women to be a human rights issue and the responsibility of the State to respect its obligations under the Istanbul Convention. According to some analysts,[103] the Criminal Code should be revised to reflect this. The Ministry of Justice[104] considers that there is no need to revise the Criminal Code to include provisions on these issues, as the obligation to prosecute is already legislated in the Criminal Code and other relevant acts on prosecution. Violence prevention policies, victim support services and rehabilitation are covered by their respective legislation. The implementation of the Istanbul Convention by Finland will be evaluated in the future by the monitoring mechanism of the Istanbul Convention (Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)), based on its agreed timetable.

112. In addition to the above-mentioned issue, in his 2012 report,[105] the Council of Europe Commissioner for Human Rights, Nils Muižnieks, asked Finland to address problems related to the rights of the disabled and the elderly. The rapporteur received extensive comments from the Ministry of Social Affairs and Health regarding developments since 2012 in these areas. He was notably informed that in the framework of the housing programme for persons with intellectual disabilities 2010-2015, houses had been built for about 3 400 persons with intellectual disabilities. The objective of the programme is for no persons with intellectual disabilities to be living in institutions by 2020. There are approximately 40 000 people with intellectual disabilities in Finland. At the end of 2014, about 1 120 people with intellectual disabilities lived in institutions for people with intellectual disabilities. Parliament approved on 3 March 2015 the United Nations Convention on the Rights of Persons with Disabilities and the accompanying Optional Protocol with the requirement that, before the final ratification of the Convention, it first be confirmed that national legislation meets the conditions for the ratification of Article 14 of the Convention. The related changes to the Act on Special Care for People with Intellectual Disabilities came into force on 10 June 2016 at the same time as the Convention on the

98. Comments provided by the Ministry of Social Affairs and Health.
99. Action plan to reduce violence against women (English summary), publication 2010:5, https://www.julkari.fi/bitstream/handle/10024/112013/URN%3aNBN%3afi-fe201504223100.pdf?sequence=1.
100. Available only in Finnish: https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75030/Rap_ja_muist_2016_15_1.pdf?sequence=1.
101. MARAK-brochure: www.thl.fi/attachments/kasvunkumppanit/MARAK/THL_MARAK_haitariesite_ENG.pdf.
102. Based on the comments provided by the Finish national delegation to the Parliamentary Assembly.
103. Human rights expert, Ms Merja Pentikäinen. In Finnish only: http://opiniojuris.fi/2016/01/31/suomen-vakavin-ihmisoikeusongelma-naisiin-kohdistuva-vakivalta/.
104. Comments provided by the Ministry of Justice of Finland.
105. https://wcd.coe.int/ViewDoc.jsp?p=&id=1977837&direct=true.

Rights of Persons with Disabilities. The rapporteur was informed that the reform of disability legislation is ongoing and will, *inter alia,* imply combining the current Disability Services Act and the Act on Special Care for People with Intellectual Disabilities into a single act.

113. The rapporteur welcomes the impressive measures taken concerning the rights of persons with disabilities, notably in the framework of the housing programme for persons with intellectual disabilities. The ratification of the Convention on the Rights of Persons with Disabilities is to be commended as well as the reform of the disability legislation.

114. According to the authorities, the Act on Care Services for Elderly Persons entered into force in July 2013, with the aim of ensuring that elderly people obtain quality social and health care. The Act was further amended in 2015, placing greater emphasis on the primacy of care at home. Additional amendments increasing support for informal caregivers and family caregivers came into force in July 2016. A national development programme for informal care is ongoing and 26 key projects focus on developing home care and family care for elderly people.[106] The rapporteur welcomes the measures taken to ensure that elderly people obtain quality social and health care.

6. Conclusions and recommendations

115. Overall, the functioning of democratic institutions in Finland complies with Council of Europe standards. Finland globally honours its membership obligations to the Council of Europe.

116. The country has taken very seriously the recommendations of the Council of Europe monitoring bodies over recent years and carried out a number of important reforms, demonstrating its clear willingness to use the monitoring bodies' recommendations as leverage for even further progress in the fields of human rights, the rule of law and democracy. The rapporteur welcomes the country's constructive approach and considers it a laudable example of good practices that should inspire other Council of Europe member States.

117. Finland is characterised by its strong democratic culture. Electoral processes enjoy a high level of public confidence and are professionally organised. Local democracy is a cornerstone of democratic life in the country, with the legitimacy of the exercise of power based on the principles of subsidiarity and local democracy. The media environment in Finland is among the freest in the world.

118. Finnish citizens report high trust in the justice system. A judicial reform is underway and the rapporteur welcomes the work undertaken towards the possible establishment of an independent council for the judiciary.

119. Finland is widely regarded as being one of the least corrupt countries in Europe. And yet, the authorities have continued their proactive work to address risks and vulnerabilities in existing corruption-prone areas and sectors. The country has a good record of implementing anti-corruption measures suggested by GRECO itself. The rapporteur wishes to commend the authorities for their achievements and encourage them to pursue their efforts for the implementation of GRECO recommendations.

120. Concerning the protection of human rights, the rapporteur refers to the findings of the CPT regarding the inadequate medical services in detention centres; poor sanitation in some prison cells; excessive delays in moving detainees from police holding cells to remand prisons as well as deprivation of liberty of foreign nationals and in particular minors. He notes with interest the measures taken by the authorities since the last CPT report and encourages them to pursue their efforts.

121. The rapporteur welcomes the ratification by Finland in April 2015 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and encourages the authorities to continue to take action to further progress in this area.

122. The rapporteur welcomes the new anti-discrimination legal framework promoting equality, preventing discrimination and enhancing the protection provided by law to those who have been discriminated against. However, some vulnerable groups remain subjected to discrimination. Despite remarkable improvements in the field of education, Roma continue to experience discrimination and racism, as well as Somalis and Russian speakers. With the increase in migration flows over the last year throughout Europe, Finland was not spared by the increase of hate speech against migrants and Muslims. While still a relatively marginal problem, Islamophobia has risen in public discourse, including in the media, in politics and especially in social media.

106. Comments provided by the Ministry of Social Affairs and Health.

The rapporteur welcomes the efforts already carried out by the authorities to promote tolerance and combat all manifestations of racism, xenophobia and hate speech and encourages the authorities to take further action towards the implementation of the outstanding recommendations of ECRI and the Advisory Committee.

123. The rapporteur reiterates the Council of Europe's long-standing recommendation to ratify ILO Convention 169 on the rights of indigenous and tribal peoples, and to immediately initiate a constructive dialogue with the Sámi Parliament of Finland in order to seek a solution to the land rights issue.

124. The Monitoring Committee will evaluate the implementation of these recommendations on the occasion of its next periodic evaluation cycle of member States that are not under a monitoring procedure *sensu stricto* or engaged in a post-monitoring dialogue.

Appendix

Council of Europe conventions signed and/or ratified by Finland between 1 October 2013 and 13 October 2016

No.	Title		
028	Third Protocol to the General Agreement on Privileges and Immunities of the Council of Europe		
		Ratification: 04/08/2016	Entry into force: 04/08/2016
178	European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access		
	Signature: 30/05/2013	Ratification: 30/05/2013	Entry into force: 01/09/2013
		Denunciation: 03/11/2015	
182	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters		
	Signature: 09/10/2003	Ratification: 16/04/2014	Entry into force: 01/08/2014
205	Council of Europe Convention on Access to Official Documents		
	Signature: 18/06/2009	Ratification: 05/02/2015	
210	Council of Europe Convention on preventing and combating violence against women and domestic violence		
	Signature: 11/05/2011	Ratification: 17/04/2015	Entry into force: 01/08/2015
213	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms		
	Signature: 24/06/2013	Ratification: 17/04/2015	
214	Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms		
	Signature: 02/10/2013	Ratification: 07/12/2015	
215	Council of Europe Convention on the Manipulation of Sports Competitions		
	Signature: 18/09/2014		
217	Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism		
	Signature: 18/05/2016		

Recent findings of Council of Europe monitoring mechanisms and other bodies as at 13 October 2016

European Court of Human Rights	European Convention on Human Rights (ETS No. 5) ratified in 1990 Protocol No. 1 (ETS No. 009) ratified in 1990 Protocol No. 2 (ETS No. 044) ratified in 1990 Protocol No. 6 (ETS No. 114) ratified in 1990 Protocol No. 12 (ETS No. 177) ratified in 2004 Protocol No. 13 (ETS No. 187) ratified in 2004 Protocol No. 14 (CETS No. 194) ratified in 2006 Out of a total of 64,850 applications pending before a judicial formation on 31 December 2015, 14 concerned Finland. Resolutions adopted by the Committee of Ministers: 3 in 2013, 2 in 2014, 2 in 2015 and 0 in 2016. See Press country profile Finland
Congress of Local and Regional Authorities	European Charter on Local Self-Government (ETS No. 122) ratified in 1991 Last report and Recommendation on local and regional democracy in Finland adopted in October 2011: CG(21)13rev and Recommendation 311 (2011) Monitoring visit in May 2016

Group of States against Corruption (GRECO)	Civil Law Convention on Corruption (ETS No. 174) ratified in 2001 Criminal Law Convention on Corruption (ETS No. 173) ratified in 2002, Additional Protocol (ETS No. 191) ratified in 2011 *Fourth evaluation round: corruption prevention in respect of members of parliament, judges and prosecutors: evaluation report: Finland*, adopted by GRECO at its 59th plenary meeting, Strasbourg, 18-22 March 2013, published in March 2013, Greco Eval IV Rep(2012)6E *Fourth evaluation round: corruption prevention in respect of members of parliament, judges and prosecutors: compliance report: Finland*, adopted by GRECO at its 67th plenary meeting, Strasbourg, 23-27 March 2015, published in April 2015, Greco RC- IV(2015)4E
Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 1990 (ETS No. 141) ratified in 1994 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (revised) (CETS No. 198) signed in 2005 but **not ratified** Finland is not a member of MONEYVAL.
Commissioner for Human Rights	*Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Finland (11-13 June 2012)*, CommDH(2012)27 / 25 September 2012
European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	Convention (ETS No. 126) ratified in 1990, Protocols No. 1 (ETS No. 151) and No. 2 (ETS No. 152) ratified in 1993 Last country visit: September-October 2014 Publication of the last report: August 2015, CPT/Inf(2015)25 High-level talks in June 2016
Group of Experts on Action against Trafficking in Human Beings (GRETA) and Committee of the Parties	Convention (CETS No. 197) ratified in 2012 1st Evaluation Round: · GRETA's Report and Government's Comments published in June 2015, GRETA(2015)9 . Recommendation CP(2015)1 of the Committee of the Parties adopted in June 2015
Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and Committee of the Parties	Convention on preventing and combating violence against women and domestic violence (CETS No. 210) ratified in 2015
European Commission against Racism and Intolerance (ECRI)	The 4th report on Finland was adopted in March 2013 and made public in July 2013, CRI(2013)19 Conclusions adopted in March 2016 and published in June 2016, CRI(2016)22
Venice Commission	1 adopted opinion: *Opinion on the Constitution of Finland*, adopted by the Venice Commission at its 74th plenary session (Venice, 14-15 March 2008), CDL-AD(2008)010

Other Treaties:

Framework Convention for the Protection of National Minorities	Convention (ETS No. 157) ratified in 1997 . Last CM Resolution (3rd cycle) on the implementation of the Framework Convention adopted in February 2012, CM/ResCMN(2012)3 . Last State Report (4th cycle) received in January 2015, ACFC/SR/IV(2015)001 . Last Advisory Committee Opinion (4th cycle) adopted in February 2016, ACFC/OP/IV(2016)002

European Charter for Regional or Minority Languages	Convention (ETS No. 148) ratified in 1994 . Last State Periodical Report and appendixes (4th cycle) submitted in September 2010 . Last Committee of Experts' evaluation report (4th cycle) adopted in September 2011, ECRML(2012)1 . Last Committee of Ministers' Recommendation (4th cycle) adopted in March 2012, RecChL(2012)2
European Social Charter	European Social Charter of 1961 (ETS No. 35) ratified in 1991 European Social Charter (revised) (ETS No. 163) ratified in 2002 Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (ETS No. 158) ratified in 1998 See Country factsheet Finland