

# Franel National contribution to the Fundamental Rights Report 2022

**FINLAND**

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## Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	<b>Ombudsperson on older people's rights and National rapporteur on violence against women established:</b> The <a href="#">Act establishing the ombudsperson on older people's rights</a> came into effect on 19 August 2021. As of 1 January 2022, the Non-Discrimination Ombudsperson will function as the <a href="#">National Rapporteur on Violence against Women</a> .
EU Charter of Fundamental Rights	<b>The right to an effective remedy in an asylum case:</b> On 8 January 2021, the Supreme Administrative Court issued a <a href="#">precedent decision</a> in a case where an asylum applicant had disappeared from the authorities while his appeal against a negative asylum decision was still pending. The appeal had lapsed and there was no court decision on the merits. The high court ruled that by submitting an appeal to the administrative court the applicant had been able to enforce his rights effectively, as required in Article 47 of the EU Charter of Fundamental Rights.
Equality and non-discrimination	<b>New act on parenthood under preparation:</b> Once adopted, the <a href="#">draft Act on Parenthood</a> will replace the Act on Motherhood and the Act on Fatherhood. The Act is foreseen to enter into force on 1 January 2023. It stipulates that a child can have a maximum of two juridical parents, but they can be two mothers or two fathers.
Racism, xenophobia & Roma integration	<b>Government Action Plan for Combating Racism:</b> On 28 October 2021, the Ministry of Justice published the <a href="#">Government Action Plan for Combating Racism and Promoting Good Relations between Population Groups</a> . Carried out in 2021–2023, the action plan aims to dismantle structural inequalities in society, promote non-discrimination in working life, strengthen the authorities' equality competence, raise awareness of various forms of racism, and develop research and data collection related to racism.
Asylum & migration	<b>Reform of the Aliens Act launched:</b> The Ministry of the Interior is setting up a <a href="#">preliminary study concerning the needs for amendments in the Aliens Act</a> and how the reform should be implemented.
Data protection and digital society	<b>Legislative initiative for automated decision-making within public administration:</b> In 2021, the Ministry of Justice issued a request for comments concerning certain sections of the <a href="#">draft bill for an act on automated decision-making within public administration</a> . The act aims to ensure rule of law and good administration, legal certainty, openness, and liability of civil servants in automatic decision-making.
Rights of the child	<b>New National Child Strategy and implementation plan launched:</b> On 23 February 2021, the government launched the first <a href="#">National Child Strategy</a> in Finland. It was supplemented with an <a href="#">implementation plan</a> on 7 October 2021. The plan comprises 30 actions to be implemented during the present government's term of office.
Access to justice, including	<b>Action Plan against Trafficking in Human Beings:</b> On 15 July 2021, the Ministry of Justice published the <a href="#">Action Plan against Trafficking in Human Beings</a> . It seeks to promote the detection of human trafficking

victims of crime	and the establishment of criminal liability in human trafficking offences, improve the standing of victims, combat human trafficking on a wide front and utilise assessment and research activities in developing anti-trafficking actions.
Convention on the Rights of Persons with Disability	<b>Second national action plan on CRPD adopted:</b> The <a href="#">new action plan</a> , published on 11 February 2021, emphasises the importance of social inclusion of persons with disabilities and of accessibility as a precondition for implementing the other Convention rights. Safety of disabled persons in emergency conditions, such as the on-going pandemic, receives particular attention.

# Chapter 1. Equality and non-discrimination

## 1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

### EU citizens

To qualify for an infectious disease allowance, a person must be covered by the Finnish National Health Insurance scheme. However, in March 2021, the Social Insurance Institution of Finland informed that workers who are EU/EEA citizens may receive an infectious disease allowance to compensate for loss of income even if they are not covered by the Finnish health insurance system. The infectious disease allowance is available for persons who are ordered by the physician responsible for infectious disease control in the municipality or hospital district to stay in official quarantine or isolation and therefore cannot work.<sup>1</sup>

### LGBTI people

The problems in accessing mental health services in a timely manner have been widely discussed in Finland. Civil society has pointed out that non-Finnish-speaking LGBTI people face particular challenges in accessing mental health services. Furthermore, migrated trans persons need to start their gender transition therapy from the beginning in Finland. Considering that the waiting time to the trans polyclinic in Finland is long, they have to wait for more than a year to access therapy.<sup>2</sup> This includes EU citizens. The Finnish National Mental Health Strategy and Programme for Suicide Prevention 2020–2030 states that “specific attention is given to minorities including different language and cultural groups”. It also underlines the development of “culturally sensitive suicide prevention programmes and emergency support which take into account different cultural and language groups, including indigenous people, LGBT and other minority groups, victims of violence and others in critical situations”.<sup>3</sup> A joint statement by civil society and other actors finds that this intersectional approach is yet to be transferred from policy papers into concrete measures with sufficient funding, and

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<sup>1</sup> Finland, Social Insurance Institution of Finland (*kansaneläkelaitos/folkpensionsanstalten*), [Sickness allowance on account of an infectious disease](#), website; Finland, [Communicable Diseases Act \(\*tartuntatautilaki/lag om smittsamma sjukdomar\*\)](#), Act No. 1227/2016, section 82.

<sup>2</sup> Finland, Joint statement of civil society and other actors, [Discrimination-free and inclusive psychotherapy has to be guaranteed for non-Finnish-speaking LGBTQIA+ persons in Finland](#), 13 August 2021.

<sup>3</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2020), [National Mental Health Strategy and Programme for Suicide Prevention 2020–2030](#), Publications of the Ministry of Social Affairs and Health 2020:15, Helsinki, pp. 18;54.

that the ongoing COVID-19 pandemic further exacerbates mental health problems of LGBTI people.<sup>4</sup>

On 23 February 2021, the government launched Finland's first National Child Strategy and in October, a separate implementation plan was published, which includes development of training materials on diversity in sexual orientation and gender for professionals working with children and youth. The aim is that this will contribute to reducing discrimination against minors who belong to sexual or gender minorities.<sup>5</sup>

The Deputy Parliamentary Ombudsman (*apulaisoikeusasiamies/biträdande justitieombudsman*) has similarly found that the resources of the Helsinki University Hospital Gender Identity Clinic remain insufficient, as a consequence of which it is unable to provide services within the timelimits set by the Health Care Act and indeed exceeds them considerably.<sup>6</sup> This is not in conformity with section 19(3) of the Constitution, which guarantees a right to adequate medical and health services.<sup>7</sup>

The Blood Service Act (197/2005), which governs the donation and testing of human blood and its components used for therapeutic purposes, as well as processing, storage and distribution of blood products used in blood transfusions, has been complemented by an administrative regulation issued by the Finnish Medicines Agency, which directs and supervises blood services in Finland.<sup>8</sup> The administrative regulation introduces a change regarding the donation of blood by men having engaged in sexual relations with other men. Earlier, a man who had had sex with another man could not donate blood for 12 months, but this time period has now been shortened to four months. The requirement of four months of celibacy also applies to men who are in a stable homosexual relationship. There is no corresponding requirement for persons living in a stable heterosexual relationship. The Non-Discrimination Ombudsman has held that the celibacy

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<sup>4</sup> Finland, Joint statement of civil society and other actors, [Discrimination-free and inclusive psychotherapy has to be guaranteed for non-Finnish-speaking LGBTQIA+ persons in Finland](#), 13 August 2021.

<sup>5</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Kansallinen lapsistrategia. Komiteamietintö](#), Publications of the Finnish Government 2021:8, Helsinki. (In English the [Finnish National Child strategy](#)), and [Kansallisen lapsistrategian toimeenpanosuunnitelma. Valtioneuvoston periaatepäätös](#), Publications of the Finnish Government 2021:81, Helsinki. (In English the [Implementation Plan for the National Child Strategy](#)).

<sup>6</sup> Finland, [Health Care Act \(terveydenhuoltolaki/hälsö- och sjukvårdslag\)](#), Act No. 1326/2010, sections 52–54.

<sup>7</sup> Finland, Deputy Parliamentary Ombudsman (*apulaisoikeusasiamies/biträdande justitieombudsman*), [decision EOAK/2119/2020](#), 3 May 2021.

<sup>8</sup> Finland, Finnish Medicines Agency (*lääkealan turvallisuus- ja kehittämiskeskus Fimea/säkerhets- och utvecklingscentret för läkemedelsområdet*), [Lääkealan turvallisuus- ja kehittämiskeskuksen määräys, veripalvelutoiminta](#), määräys 1/2021, Dnro FIMEA/2019/000264, administrative regulation, 4 February 2021.

requirement should be abolished also for stable homosexual relationships in order not to treat persons in stable relationships differently based on sexual orientation.<sup>9</sup>

The reform of the Trans Act, which would ensure the right to self-determination in terms of assignment of legal gender, has been delayed and will be dealt with in Parliament's spring session 2022.<sup>10</sup> A citizens' initiative aiming to enable minors over 15 years of age to change their legal gender independently and younger minors to do so with the consent of their guardians gathered the sufficient number of signatures to be dealt with by Parliament.<sup>11</sup> Meanwhile, a new working group with wide representation from civil society has been set up by the Ministry of Social Affairs and Health to prepare the reform. The reform would also address cosmetic, non-medical genital surgery of small children.<sup>12</sup>

The UN Human Rights Committee has expressed its concern that in Finland, "irreversible and invasive medical interventions continue to be performed on intersex children before children are of an age to allow them to give their full, free and informed consent". Measures to discontinue cosmetic and medically non-essential genital surgical procedures on small children are foreseen in the Government Action Plan for Gender Equality.<sup>13</sup> The Human Rights Committee also expressed its concern that consenting transgender children may be unable to access the procedure for legal gender recognition and about the lengthy procedure for legal gender recognition.<sup>14</sup>

The draft Act on Parenthood will replace the Act on Motherhood and the Act on Fatherhood. The Act is foreseen to enter into force on 1 January 2023. It stipulates that a child also in the future can have a maximum of two juridical parents, but they can be two mothers or two fathers. Forming part of the same legislative proposal, the draft Act on Assisted Fertility Treatment foresees that a lesbian couple undertaking assisted fertility treatment can opt to make the consenting sperm donor the juridical father rather than registering the partner who does not

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<sup>9</sup> Finland, Non-Discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*), [Yhdenvertaisuusvaltuutetun lausunto Fimealle miesten väliseen seksiin liittyvään verenluovutuskieltoon](#), statement, 1 December 2020; Non-Discrimination Ombudsman, [Yhdenvertaisuusvaltuutetun vuosikertomus 2020](#), annual report, 2021, p. 50.

<sup>10</sup> Finland, [Ministry of Social Affairs and Health \(sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet\)](#) website.

<sup>11</sup> Finland, [Oikeus olla - kansalaisaloite oikeudenmukaisemman translain puolesta](#), citizens' initiative.

<sup>12</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*), [Translainsäädännön uudistamisen työryhmä, asettamispäätös](#), appointment decision, STM021:00/2021, 27 May 2021.

<sup>13</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*), [Making Finland a global leader in gender equality: Government action plan for gender equality 2020–2023](#), 2019, Helsinki, p. 46.

<sup>14</sup> United Nations, Human Rights Committee, [Concluding observations on the seventh periodic report of Finland](#), UN Doc. CCPR/C/FIN/CO/7, 1 April 2021, para. 20.

give birth to the child as a juridical mother.<sup>15</sup> The regulation of the parenthood of trans partners forms part of the Trans Act reform.

The CRC Committee has found Finland in violation of the CRC for deporting a same-sex couple and their child to a country where the child risked discrimination and violence due to the parents' sexual orientation.<sup>16</sup>

## **1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people**

### EU citizens

The Impact of the Coronavirus on the Wellbeing of the Foreign Born Population Survey (MigCOVID) was conducted by the Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*) between October 2020 and February 2021 and coincided with the second wave of the COVID-19 epidemic in Finland. Altogether 3,668 persons aged 20–66 years participated in the survey. A sample of 3,490 persons representing the general Finnish population and belonging to the corresponding age group was the reference group. The survey did not focus specifically on EU citizens and no direct conclusions can be made specifically concerning EU citizens, but it may provide some indications. A total of 715 persons (18.8 %) of the participants were from Europe (excl. Russia and Estonia), North America and Oceania, but these participants are lumped together in the survey. Statistically significant differences compared with persons in the general population were observed, with a significantly higher proportion of persons who have migrated to Finland reporting concerns related to COVID-19. Concerns included being discriminated or avoided because of having COVID-19 (7 % vs. 16 %) and continuation of employment (8 % vs. 30 %). Altogether 15 % of the persons who have migrated to Finland reported they have been treated with less respect, verbally insulted, threatened or harassed during the COVID-19 epidemic. The corresponding figure for persons originating from Europe (excl. Russia and Estonia, North America and Oceania)

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<sup>15</sup> Finland, Government bill HE 132/2021 ([hallituksen esitys eduskunnalle vanhemmuuslaiksi ja siihen liittyviksi laeiksi/regeringens proposition till riksdagen med förslag till föräldraskapslag och till lagar som har samband med den](#)).

<sup>16</sup> United Nations, Committee on the Rights of the Child, [Views adopted by the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in respect of communication No. 51/2018](#), UN Doc. CRC/C/86/D/51/2018, 5 February 2021.



was around 10 %. For 50 % of those experiencing threats and harassment, these experiences increased during the COVID-19 epidemic.<sup>17</sup>

## LGBTI people

A publication by the Ministry of Justice finds that the attitudes towards sexual and gender minorities in Finland have developed in a positive direction, as earlier legal reforms have had a positive impact on attitudes. Nonetheless, the increasing public discussion of the rights of sexual and gender minorities has simultaneously resulted in polarisation and increased harassment and discrimination of these groups. There is increasingly vocal public opposition to the promotion of the rights of children and parents belonging to sexual and gender minorities, with trans persons and sexual and gender minorities within religious communities being particularly affected. In particular, activists on trans rights have been targeted with the purpose of silencing them.<sup>18</sup>

A summary of research findings on the situation of sexual and gender minorities in Finland by the Ministry of Justice concludes that while a number of surveys inquire into the situation of LGBTI persons, more information is still needed from different spheres of life and on intersectional discrimination.<sup>19</sup>

According to the Fundamental Rights Barometer, 11 % of the population in Finland would be uncomfortable with a neighbour who is homosexual, lesbian or bisexual, 26 % would find it uncomfortable if a family member had a homosexual, lesbian or bisexual spouse and 39 % would be uncomfortable with a family member marrying a trans person or a transgender person.<sup>20</sup>

The Non-Discrimination Ombudsman report for the year 2020 notes that out of a total of 1,103 cases, 20 complaints concerned discrimination based on sexual orientation.<sup>21</sup>

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<sup>17</sup> Skogberg, N., Koponen, P., Lilja, E., Austero, S., Prinkey, T., Castaneda, A. E., (2021), [Impact of Covid-19 on the health and wellbeing of persons who migrated to Finland, The MigCOVID survey 2020–2021](#), Finnish Institute for Health and Welfare, Helsinki, pp. 4; 5; 81; 83.

<sup>18</sup> Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2021), [Kohti sateenkaariystävällisempää Suomea: Tilannearvio seksuaali- ja sukupuolivähemmistöjen perus- ja ihmisoikeuksien toteutumisesta Suomessa 2021](#), (Towards a more inclusive Finland for LGBTIQ people: Situational assessment of the fundamental and human rights of sexual and gender minorities in Finland 2021), Publications of the Ministry of Justice, Reports and guidelines 2021:26, Helsinki, pp. 43; 48; 49; 52.

<sup>19</sup> Finland, Ministry of Justice (2021), [Tutkimustietoa seksuaali- ja sukupuolivähemmistöjen tilanteesta Suomessa](#), Policy Brief 5.

<sup>20</sup> Finland, Ministry of Justice (2021), [Perusoikeusbarometri](#) (Fundamental Rights Barometer), p. 36; 40.

<sup>21</sup> Finland, Non-Discrimination Ombudsman (2021), [Yhdenvertaisuusvaltuutetun vuosikertomus 2020](#), annual report 2020, p. 44.

## Chapter 2. Racism, xenophobia and related intolerance

### 2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

Published on 22 April 2021, the report titled "Utilisation of artificial intelligence in monitoring hate speech" (*Tekoälyn hyödyntäminen vihapuheen seurannassa*) explores the channels in which hate speech occurs and the differences in hate speech on the different platforms. The dataset for the report consisted of around 12 million comments and online posts from September–October 2020. The artificial intelligence (AI) tool used in the project was based on statistical modelling. The AI was trained to identify whether or not a comment contains hate speech in general, and to recognise different categories of hate speech. In addition, the researchers manually carried out a more detailed analysis and classification into subcategories. According to the findings, hate speech was detected in around 150,000 messages a month (1.8 % of messages) on public Finnish-language online platforms. Of the hate speech messages, 97 % were detected in various discussion forums. The next most common platform for hate speech messages was Twitter (2.5 %). The dataset does not include closed groups and private accounts on Facebook. In the social media data set containing messages, mostly in Finnish, from various online platforms (n=11,975,002), in 65 % of the messages, hate speech was motivated by ethnic background: in other words, skin colour, origin or language. In the rest of the messages, hate speech was motivated by sexual orientation (27 %) and gender, gender identity or gender expression (20 %). The report was part of the project titled "Facts Against Hate" (*Tiedolla vihaa vastaan/Fakta mot hat*) coordinated by Finland's Ministry of Justice (*oikeusministeriö/justitieministeriet*). The project's aim is to develop hate speech monitoring by piloting tools that specifically monitor online hate speech.<sup>22</sup>

Published on 31 August 2021, the report titled "Hate crimes and their handling in the criminal process" (*Viharikokset ja niiden käsittely rikosprosessissa/Hatbrott och hur de behandlas inom straffprocessen*) examines 1) how hate crimes are identified at the different stages of the criminal procedure, 2) how the suspicion of a possible hate motive is relayed from the police to the prosecutor, and 3) how it affects the severity of the sentence. The focus of the study was suspected hate crimes in 2017, which were followed until March 2021. The data consists of three parts: 1) hate offences recorded by the police in Finland in 2017 (n=1,160), 2) prosecutors' decisions on suspected hate crimes that have been forwarded for prosecution (n=543), and 3) court rulings on charges brought at a district court

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<sup>22</sup> Kettunen, L. and Paukkeri M. (2021), [Utilisation of artificial intelligence in monitoring hate speech](#), Publications of the Ministry of Justice, Reports and guidelines 2021:19, Helsinki.

(n=231; 18 cases were still pending in March 2021). According to the findings, district courts had issued final judgments for 92 hate crimes. In 12 cases, district courts had increased the severity of the punishment because of a hate motive. A hate motive was part of the essential elements of the offence in 80 cases with a final ruling. The study found shortcomings in the identification and processing of hate motives in the criminal procedure. The report proposes that it should be compulsory to code certain reported offences as hate crimes, that collaboration between the criminal investigation authority and the prosecutor should be intensified, and that the instructions on police interrogation should be updated. The report was part of the project "Facts Against Hate".<sup>23</sup>

Published on 7 September 2021, the report issued by the Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*) explores the impact of COVID-19 pandemic on the health and wellbeing of persons who have migrated to Finland. The sample for the survey study was drawn from the Finnish Population Register maintained by the Digital and Population Data Services Agency (*Digi- ja väestötietovirasto/Myndigheten för digitalisering och befolkningsdata*). The participants were aged 18–64, country of birth was other than Finland for the participants themselves and also for their parents (or the parents' country of birth was unknown), the participants were not adopted to Finland, the participants' length of residence in Finland was at least one year and they were currently living in Finland. The survey sample constituted of 12,877 persons. Out of this sample, 53 % (n=6,836) took part in the survey. The researchers performed statistical analyses on the survey data. Among other things, the report addresses the discrimination experiences of persons who have migrated to Finland. According to the report, 15 % of the participants reported at least some type of the following experiences of discrimination during the COVID-19 pandemic: being treated less respectfully than others, called names or otherwise verbally insulted, threatened or harassed. These experiences were most frequent among persons who have migrated from East Asia (37 %), Southeast Asia (23 %), the Middle East and North Africa (23 %), and the rest of Africa (22 %). The report finds that experiences of discrimination did not vary significantly by sex.<sup>24</sup>

On 11 November 2021, the Police University College (*Poliisiammattikorkeakoulu/Polisyrrkeshögskolan*) published a report on suspected hate crimes reported to the police in Finland in 2020. The statistics are based on crime reports retrieved from the National Police Information System. According to the report, 852 reports of offences on suspected hate crime were filed in 2020. These represent a 5 %

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<sup>23</sup> Juutinen, M. (2021), [Hate crimes and their handling in the criminal process](#), Publications of the Ministry of Justice, Reports and guidelines 2021:20, Helsinki.

<sup>24</sup> Skogberg, N., Koponen, P., Lilja, E., Austero, S., Prinkey, T. and Castaneda A. E. (2021), [Impact of Covid-19 on the health and wellbeing of persons who migrated to Finland: The MigCOVID survey 2020–2021](#), Finnish Institute for Health and Welfare 8/2021, Helsinki.

decrease in comparison with 2019. The majority, 75.8 % (n=646), of the cases were incidents based on ethnic or national origin. In the majority of the cases, a member of the majority population expressed prejudice or hostility towards a member of an ethnic or national minority. The most common suspected crimes were assaults. The most common scenes of the suspected crimes based on ethnic or national origin were public outdoor locations such as streets or city market squares. In 64 % of the cases, the victims of the crimes based on ethnic or national origin were males. The rest were females. Most common crimes against the males were assaults whereas majority of the crimes against females were defamations. Less than a fifth (17 %) of the suspected hate crimes were classified as hate crimes by the police. In 2020, the police used the hate crime classification less than in previous years.<sup>25</sup>

## **2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive**

On 18 February 2021, the European Commission initiated infringement procedures against Finland for incorrect transposition of the Framework Decision on Racism and Xenophobia.<sup>26</sup> According to the European Commission, the Finnish legislation incorrectly transposes hate speech inciting to violence and fails to criminalise hate speech when addressed to individual members of a group defined by reference to race, colour, religion, descent or national or ethnic origin. In addition, the European Commission finds that Finland fails to criminalise the specific forms of hate speech, namely the public condoning, denial or gross trivialisation of international crimes and the Holocaust. According to the European Commission, Finland has also failed to ensure that the criminal offences concerning racism and xenophobia can be investigated and prosecuted without a report or an accusation made by the victim.<sup>27</sup>

According to the 2019 government programme, the government will draw up an action plan against racism and discrimination.<sup>28</sup> On 28 October 2021, the Ministry of Justice published the action plan titled "An Equal Finland: Government Action

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<sup>25</sup> Rauta, J. (2021), [Poliisin tietoon tullut viharikollisuus Suomessa 2020](#), (Hate crimes reported to the police in Finland in 2020 [Unofficial translation]), Reports of the Police University College of Finland 19/2021, Tampere.

<sup>26</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ 2008 L 328 6.12.2008, pp. 55-58.

<sup>27</sup> European Commission (2021), '[February infringements package: key decisions](#)', press release, 18 February 2021.

<sup>28</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2019), [Inclusive and competent Finland – a socially, economically and ecologically sustainable society](#), Government Programme, 6 June 2019, Publications of the Finnish Government 2019:25, Helsinki, p. 79.

Plan for Combating Racism and Promoting Good Relations between Population Groups” (*Yhdenvertainen Suomi: Valtioneuvoston toimintaohjelma rasismien torjumiseksi ja hyvien väestösuhteiden edistämiseksi/Ett jämlikt Finland: Statsrådets handlingsprogram mot rasism och för goda relationer*). The action plan includes eight key objectives and 52 measures to be carried out in different branches of government in 2021–2023. The action plan aims to dismantle structural inequalities in society, promote non-discrimination in the Finnish working life, strengthen the authorities’ equality competence, raise awareness of racism and its various forms, and develop research and data collection related to racism.<sup>29</sup> Civil society or community-based organisations (CSOs) have been involved in planning the various measures. Furthermore, CSOs will be closely involved in the implementation of the action plan.<sup>30</sup>

On 1 April 2021, the Ministry of Justice launched a two-year project titled *Osaavat (Projektet Kompetenta)*, which aims to intensify work against hate crimes and harassment. The project will train police officers and officials in the education sector. In addition, the project will plan and test the functions of a centre of excellence for hate crime and anti-discrimination work. The project is co-funded by the European Union’s Rights, Equality and Citizenship Programme.<sup>31</sup>

Running from June 2020 to May 2022, the project “All in for Equality” (*Yhdessä yhdenvertaisuuden puolesta/Tillsammans*) aims, among other things, to enable bystander interventions against discrimination and harassment.<sup>32</sup> In September 2021 and January 2022, the project features a nationwide media campaign titled “I am antiracist” (*Olen antirasisti/Jag är antirasist*). The aim of the campaign is to raise awareness of antiracism and to activate individuals and organisations to promote non-discrimination. In addition, the campaign brings together an extensive network of 120 actors working together to combat racism.<sup>33</sup> The project is co-funded by the European Union’s Rights, Equality and Citizenship Programme.<sup>34</sup>

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<sup>29</sup> Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2021), [Yhdenvertainen Suomi: Valtioneuvoston toimintaohjelma rasismien torjumiseksi ja hyvien väestösuhteiden edistämiseksi](#) (An Equal Finland: Government Action Plan for Combating Racism and Promoting Good Relations between Population Groups), Publications of the Ministry of Justice, Memorandums and statements 2021:34, Helsinki.

<sup>30</sup> Finland, information obtained from the Ministry of Justice (*oikeusministeriö/justitieministeriet*) by email on 27 September 2021.

<sup>31</sup> Finland, Ministry of Justice (2021), [‘Osaamista viharikosten ja häirinnän vastaiseen työhön’](#) (Competence in work against hate crime and discrimination [unofficial translation]), press release, 27 April 2021.

<sup>32</sup> Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2020), [All in For Equality - project](#), project description, 1 June 2020.

<sup>33</sup> Finland, information obtained from the Ministry of Justice (*oikeusministeriö/justitieministeriet*) by email on 27 September 2021.

<sup>34</sup> Finland, information obtained from the Ministry of Justice (*oikeusministeriö/justitieministeriet*) by email on 30 September 2020.

## Chapter 3. Roma equality and inclusion

### 3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	Finland's National Roma Policy (ROMPO2) 2018-2022 ( <i>Suomen romanipoliittinen ohjelma (ROMPO) 2018-2022/Programmet för romsk politik i Finland 2018-2022</i> )  The preparation of ROMPO3, which will cover the period 2023-2030, has commenced in 2021 (see below).
Please add a hyperlink if the strategy is publicly available.	<a href="http://urn.fi/URN:ISBN:%20978-952-00-4119-9">http://urn.fi/URN:ISBN:%20978-952-00-4119-9</a>
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	Yes (ongoing)
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	Information regarding indicators is not yet available.
Was Roma civil society involved in the development of the strategy? Please provide examples?	Yes To elicit stakeholder views on the present and future Roma policy programmes, a questionnaire has been sent to all Roma organisations in Finland, and other relevant actors, networks, authorities and municipalities. In addition, four thematic open working groups have been organised in 2021. The topics discussed included children and youth, families and working age population, the aging population, and Roma actors, organisations and authorities. <sup>35</sup>  On 8 December 2021, the National Advisory Board on Romani Affairs has organized together with the Advisory Board on Romani Affairs in Southwestern Finland and the Regional State Administrative Agency for

<sup>35</sup> Finland, information obtained from the Ministry of Social Affairs and Health by email on 29 October 2021.



	Southwestern Finland a webinar to collect information for the evaluation of the ongoing policy programme and for the development of the new one. The event targeted the Roma civil society, Roma advisory board members, authorities and other stakeholders. <sup>36</sup>
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	There is no reporting in 2021 of the involvement of NHRIs and/or equality bodies in the development of ROMPO3.
Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?	n.a.

The work to implement the EU Roma strategic Framework for equality, inclusion and participation nationally has commenced. During the spring the EU Framework has been presented in the National Advisory Board on Romani Affairs (*Romaniasian neuvottelukunta/Delegationen för romska ärenden*) and in the Employment and Equality Committee (*työelämä- ja tasa-arvovaliokunta/arbetslivs- och jämställdhetsutskottet*) of Parliament.<sup>37</sup>

Further, the National Advisory Board on Romani Affairs has initiated negotiations with the Finnish Institute for Health and Welfare (*Terveyden- ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*) concerning the evaluation of the present National Roma Policy Programme (ROMPO2), which is in force until the end of 2022. The evaluation commenced in September 2021 and the final report will be presented in May 2022.<sup>38</sup> Also the preparation of the new National Roma Policy Programme (ROMPO3) started in September. The draft programme will be finalized in May 2022 and it will be adopted in the autumn of 2022.<sup>39</sup> ROMPO3 will

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<sup>36</sup> Finland, National Advisory Board on Romani Affairs (*Romaniasian neuvottelukunta/Delegationen för romska ärenden*) (2021), '[Valtakunnallisen romaniasian neuvottelupäivän 8.12 teemana on romanityön kehittäminen](#)', press release, 9 December 2021.

<sup>37</sup> Finland, information obtained from the Ministry of Social Affairs and Health by email on 1 September 2021.

<sup>38</sup> Finland, Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*), '[Romanipoliittisen ohjelman arviointi ja kehittäminen \(ROMPO 2&3\)](#)', webpage, accessed on 24 January 2022.

<sup>39</sup> Finland, Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*), '[Romanipoliittisen ohjelman arviointi ja kehittäminen \(ROMPO 2&3\)](#)', webpage, accessed on 24 January 2022.

cover the period from 2023 to 2030 and will correspond to the national strategic framework required by the EU Roma strategic Framework.<sup>40</sup>

### **3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion**

The Government Action Plan for Combating Racism and Promoting Good Relations between Population Groups was published on 28 October 2021.<sup>41</sup> The National Advisory Board of Romani Affairs was represented in the working group preparing the Action Plan. The Action Plan includes 52 measures, most of which are relevant for Roma inclusion, three of the measures are explicitly referencing Roma. These are the development of new methods to facilitate the participation of minority youth, including Romani youth, in the monitoring of the implementation of Finland's human rights obligations, the implementation of a campaign within the central government to facilitate equal opportunities for Romani youth and youth from other ethnic minorities to realize working life training, and broad-based dialogue on information gathering for the promotion of equality of minority groups, including Roma.

To assist in the preparation of the National Child Strategy, the Ministry of Social Affairs and Health appointed a working group on children, youth and COVID-19. The final report of the working group was published on 18 January 2021.<sup>42</sup> It includes proposals for post-crisis measures directed at Roma children, youth and families. According to the proposals, the conditions and needs of Roma should be more strongly taken into account in the post-corona phase and more broadly in all policies concerning children, youth and families. Further the prevention of discrimination, including structural discrimination, against Roma should be strengthened.

One of the measures in the implementation plan for the new National Child Strategy concerns the preparation of a study on the wellbeing and rights of Roma children in Finland. The study will be done in collaboration with relevant stakeholder groups as well as children and young people. The information to be gathered will assist in future decision-making.<sup>43</sup>

In the Fundamental Rights Barometer published by the Ministry of Justice on 22 June 2021, attitudes towards minority groups, including Roma, were addressed

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<sup>40</sup> Finland, information obtained from the Ministry of Social Affairs and Health by email on 13 September 2021.

<sup>41</sup> Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2021), [Yhdenvertainen Suomi: Valtioneuvoston toimintaohjelma rasismien torjumiseksi ja hyvien väestösuhteiden edistämiseksi](#) (An Equal Finland: Government Action Plan for Combating Racism and Promoting Good Relations between Population Groups), Publications of the Ministry of Justice, Memorandums and statements 2021:34, Helsinki.

<sup>42</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Lapset, nuoret ja koronavirüs. Lapsistrategian koronatyöryhmän arvio ja esitykset lapsen oikeuksien toteuttamiseksi](#), Publications of the Finnish Government 2021:2, Helsinki, pp. 66–68.

<sup>43</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Kansallisen lapsistrategian toimeenpanosuunnitelma. Valtioneuvoston periaatepäätös](#), Publications of the Finnish Government 2021:81, Helsinki, p. 18.



among others through a question on how the respondents would feel if their neighbour would belong to one of the listed minority groups (homosexual/lesbian/ bisexual, jewish person, immigrant from Somalia, muslim, Romani, trans persons, asylum seeker/refugee or person with disabilities). The highest level of negative attitudes is reported towards the Roma (53 %), immigrants from Somalia (43 %) and asylum seekers and refugees (41 %). The negative attitudes towards Roma are the highest also when asked about how the respondents would feel if a family member would marry a person from the listed minority groups. The survey was conducted in parallel with the EU FRA's Fundamental Rights Survey as a push-to-web questionnaire. In addition to 1,049 persons who were interviewed for the Fundamental Rights Survey, 2,326 respondents were interviewed in Finnish, Swedish, Russian and Arabic for the Fundamental Rights Barometer.<sup>44</sup>

Research results on the participation of Roma in the labour market were published on 8 June 2021. The data was collected through a survey conducted by the Finnish Institute for Health and Welfare (*Terveyden- ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*) in 2017–18. The data comprised 234 persons (female 64 % and male 36 %). In the active age group of 30–54, 44 % of the men and 56 % of the women were in employment, whereas the figures for the whole population is 77 %. The researchers note that the higher number of women in employment is unusual in Europe and this is explained in the article by the Nordic family model, where both women and men are engaged in work outside the home.<sup>45</sup>

A study on the possibilities of Finnish Roma to influence Nordic, Baltic and European Roma policies, commissioned by the Ministry for Foreign Affairs, was published on 7 July 2021.<sup>46</sup> Based on interviews (34) and dialogues (3) with stakeholders, including Roma, the researchers recommend that Finland should emphasize meaningful participation of Roma through dialogues and participatory processes, provide information on the impact of the participatory processes and recognize linguistic differences in the dialogues. Further, the Ministry for Foreign Affairs continues to build networks with Roma actors in Nordic and Baltic countries.

The Deaconess Foundation published on 8 April 2021 a guide for journalists on how to report on Roma who migrate from other parts of EU to Finland.<sup>47</sup> The guide discusses nine different topics, including terms to use when reporting on Roma,

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<sup>44</sup> Nenonen, T., Kivelä, J., Ervasti, E., Joronen, M., Villa, S. (2021), [Perusoikeusbarometri](#), Publication of the Ministry of Justice, Reports and guidelines 2021:17, pp. 36–43.

<sup>45</sup> Mannila, S., Castaneda, A.E., Laalo, M., Kuusio, H. (2021), '[Suomen romanit ansiotyössä](#)', *Työpoliittinen aikakauskirja* (Finnish Labour Review), Vol. 64, Issue 2, pp. 38–46.

<sup>46</sup> Stenros, M., Jääskeläinen, K., Attias, M. (2021), [Suomalaisten romanien ja romaniasioissa toimivien vaikutusmahdollisuudet alueelliseen ja eurooppalaiseen romanipolitiikkaan](#), Ministry for Foreign Affairs of Finland, Helsinki.

<sup>47</sup> Deaconess Foundation (*Diakonissalaitos/Diakonissanstalten*) (2021), '[Opas kannustaa journalisteja kertomaan siirtolaistaustaisista romaneista monipuolisemmin](#)', press release, 8 April 2021.

transnational perspectives, intersectional aspects, and expertise on Roma affairs.<sup>48</sup>

As part of Finland's Strategy on Preventive Police Work 2019–2023, a publication on the collaboration between the police and Roma population was published on 2 November 2021.<sup>49</sup> The Roma community initiated the publication during a round table discussion led by the Minister of the Interior in 2020. The publication will be used as teaching material in police training.<sup>50</sup>

On 21 December 2021, the Non-Discrimination Ombudsman (*Yhdenvertaisuusvaltuutettu/Diskrimineringsombudsmannen*) issued a statement on a prevention and information collection operation named KURI1, which was directed at Roma and carried out by the Helsinki Police Department 2013-2015 and partly in 2016 and 2017.<sup>51</sup> The reason for the operation was originally to prevent shootings and facilitate ongoing violent crime investigations involving Roma. During the operation more than 2200 notifications concerning Roma were made in the internal information dissemination platform of the police. The Non-Discrimination Ombudsman analysed the official instructions of the operation and other material provided by the police and concluded that a presumption of discrimination based on ethnic grounds had arisen.<sup>52</sup>

According to the instructions of the operation, the intensified monitoring of Roma was directed at Roma cars and groups. The Non-Discrimination Ombudsman found such a broad target group problematic. Further, the Ombudsman questioned that the police was during the monitoring exercises instructed to interfere in all offenses with a low threshold. This seemed to indicate that the instructions went beyond the original focus on violent crimes and could potentially lead to a situation where Roma people were treated differently than other population groups.<sup>53</sup>

Further, the Non-Discrimination Ombudsman provided views on the investigation carried out within the police. In the spring of 2021, the National Police Board initiated a study on the legality of the operation. Whereas the Police Board reprimanded the Helsinki Police Department for the Roma control practice, it concluded that the practice did not amount to discrimination based on ethnic

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<sup>48</sup> Deaconess Foundation (*Diakonissalaitos/Diakonissanstalten*), [Opas journalistille: Kuinka kertoa siirtolaistaustaisista romaneista?](#), webpage, accessed on 2 September 2021.

<sup>49</sup> Vanhanen, S. (2021), [Poliisi ja romanit – yhdenvertaisuuden ja yhteistyön kysymyksiä](#), Publications by the Police University College, Tampere.

<sup>50</sup> Finland, National Police Board (*poliisihallitus/polisstyrelsen*) (2021), ['Police to enhance preventive work with Roma'](#), press release, 2 November 2021.

<sup>51</sup> Finland, Non-Discrimination Ombudsman (*Yhdenvertaisuusvaltuutettu/Diskrimineringsombudsmannen*), [Kannanotto suosituksineen Helsingin poliisilaitoksen romaneihin kohdistamaan ennaltaestämis- ja tiedonkeruuoperaation johdosta](#), VVDno-2021-919, 21 December 2021.

<sup>52</sup> Finland, Non-Discrimination Act ([yhdenvertaisuuslaki/diskrimineringslag](#)), Act No. 1325/2014, Section 8.

<sup>53</sup> Finland, Non-Discrimination Ombudsman (*Yhdenvertaisuusvaltuutettu/Diskrimineringsombudsmannen*), [Kannanotto suosituksineen Helsingin poliisilaitoksen romaneihin kohdistamaan ennaltaestämis- ja tiedonkeruuoperaation johdosta](#), VVDno-2021-919, 21 December 2021.

grounds.<sup>54</sup> According to the Non-Discrimination Ombudsman, the assessment by the National Police Board was deficient. The Police Board's study did not clarify how broadly the operation affected the Roma, what kind of notifications were made and what type of monitoring of Roma people was actually done. Further the study did not address the need for collaboration with the Roma community in the matter. Hence, the Non-Discrimination Ombudsman recommends that the Ministry of the Interior and the National Police Board continue to investigate the matter, discuss the findings with the Roma community and the Non-Discrimination Ombudsman, build trust on all levels, investigate whether there are or have been similar type of operations, provide training on ethnic discrimination, pay attention to different discrimination grounds, and integrate the promotion of equality and prevention of discrimination in various result-based mechanisms within the police organisation. The Non-Discrimination Ombudsman requests by 17 February 2022 information on the measures adopted as a response to the statement and recommendations.<sup>55</sup>

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<sup>54</sup> Finland, National Police Board (*poliisihallitus/polisstyrelsen*) (2021), '[Helsinki Police Department reprimanded for Roma control practice](#)', press release, 4 June 2021.

<sup>55</sup> Finland, Non-Discrimination Ombudsman (*Yhdenvertaisuusvaltuutettu/Diskrimineringsombudsmannen*), [Kannanotto suosituksineen Helsingin poliisilaitoksen romaneihin kohdistamaan ennaltaestämis- ja tiedonkeruuoperaation johdosta](#), VVTDno-2021-919, 21 December 2021.

## Chapter 4. Asylum, visas, migration, borders and integration

### 4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Finland <sup>56</sup>	3	As established by <a href="#">section 108(2)</a> of the Aliens Act, knowingly giving false information which has affected the outcome of the decision (number of refugee status revoked in this category: 3).	3	1) As established by <a href="#">section 108(1)</a> of the Aliens Act, concealing a fact that would have affected the outcome of the decision (number of subsidiary protection status revoked in this category: 1); 2) as established by <a href="#">section 108(2)</a> of the Aliens Act, knowingly giving false information which has affected the outcome of the decision (number of subsidiary protection status revoked in this category: 2).

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<sup>56</sup> Finland, information regarding revocations obtained from the Finnish Immigration Service (*Maahanmuuttovirasto/Migrationsverket*) by email on 4 January 2022.

## 4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
Finland <sup>57</sup>	N/A	N/A	N/A <sup>58</sup>	N/A	N/A	N/A

<sup>57</sup> In Finland, there does not yet exist a legal source providing for border monitoring, nor organisation(s) responsible for monitoring. The matter is pending. (Information obtained from the Finnish Border Guard (*Rajavartiolaitos/Gränsbevakningsväsendet*) by email on 23 September 2021.)

<sup>58</sup> According to [section 11 a](#) of the Parliamentary Ombudsman Act (*laki eduskunnan oikeusasiamiehestä/laq om riksdagens justitieombudsman*, Act No. 197/2002, 1 April 2002), the Parliamentary Ombudsman of Finland (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*) is the National Preventive Mechanism.

## Chapter 5. Information society, privacy and data protection

### 5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

On 1 January 2021, the amendments to the Act on Electronic Communications Services<sup>59</sup> implementing Audiovisual Media Services Directive<sup>60</sup> and the European Electronic Communications Code<sup>61</sup> came into force. In addition to implementing the directives, the act allowed obliging information imparting telecom operators to disable access to illegal online content if the information society service provider cannot be identified or is located outside the Finnish jurisdiction.<sup>62</sup>

On 4 February 2021, the Finnish Government communicated its position to Parliament concerning two major proposals by the European Commission: proposal for a regulation on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC and proposal for a regulation on contestable and fair markets in the digital sector (Digital Markets Act). The government supported the objectives of both regulations while also recommending further clarifications to safeguard proportionality of both regulations to reduce their risks to fundamental rights and freedoms.<sup>63</sup> Special attention was called to ensure that the provisions will be proportionate, equal, non-discriminatory, fair, appropriate and clear.<sup>64</sup> Similar positions were

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<sup>59</sup> Finland, Act Amending the Act on Electronic Communications Services and other related acts ([laki sähköisen viestinnän palveluista annetun lain muuttamisesta/lag om ändring av lagen om tjänster inom elektronisk kommunikation](#)), Act No. 1207/2020, 30 December 2020; Finland, Ministry of Transport and Communications (*liikenne- ja viestintäministeriö/kommunikationsministeriet*) (2021), '[Act on Electronic Communications Services enters into force on 1 January 2021](#)', press release, 8 January 2021.

<sup>60</sup> Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services, OJ 2010 L 95.

<sup>61</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code, OJ 2018 L 321.

<sup>62</sup> Finland, Act on Electronic Communications Services ([laki sähköisen viestinnän palveluista/lag om tjänster inom elektronisk kommunikation](#)), Act No. 917/2014.

<sup>63</sup> Finland, Ministry of Economic Affairs and Employment (*työ- ja elinkeinoministeriö/arbets- och näringsministeriet*) (2021), '[Finland supports common EU rules on digital platforms](#)', press release, 4 February 2021.

<sup>64</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*), [Union Communication of the Government to Parliament U 6 2021 vp](#), 4 February 2021.

taken in the committee proceedings of Parliament. In its opinion on the Digital Services Act, the Constitutional Law Committee emphasized that precise and clear definition for Article 2 (g) 'illegal content' must be developed to avoid harmful interferences with the freedom of expression.<sup>65</sup> Subsequent versions of the proposals only succeeded to make minor improvements in this matter according to the Constitutional Law Committee.<sup>66</sup> Regarding the Digital Markets Act, the government highlighted that due attention should be paid to the protection of personal data and the legal protection of gatekeeper companies.<sup>67</sup>

On 1 October 2021, the Act amending Chapter 25 section 9 of the Criminal Code came into effect.<sup>68</sup> The act allows public prosecutors to press charges for an illegal threat if the person was targeted due to their work task or public position of trust, or where a significant public interest so requires. The purpose of the amendment was to address the concerning growth of online shaming and targeted harassment, which threaten freedom of expression, governmental activities, research and the dissemination of information.

The Ministry of Transport and Communications released a memorandum concerning the retention of electronic communication traffic data to be circulated for statements. The memorandum was published to collect opinions on whether the Finnish data retention regulations need to be amended after the more recent preliminary rulings of the Court of Justice of the European Union. The memorandum takes the position that the new preliminary rulings do not require immediate changes in the national regulation, but recognised certain matters that need to be closely observed in the future in case the regulation is changed.<sup>69</sup>

In 2021, there were several relevant developments concerning cyber security. As a background, in 2020 the Ministry of Transport and Communications established a working group to study how to improve information security and data protection

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<sup>65</sup> Finland, Constitutional Law Committee of Parliament (*perustuslakivaliokunta/grundlagsutskottet*) (2021), [Statement of the Constitutional Law Committee, PeVL 20/2021 - vp U 2/2021 vp](#), 29 June 2021.

<sup>66</sup> Finland, Constitutional Law Committee of Parliament (*perustuslakivaliokunta/grundlagsutskottet*) (2021), [Statement of the Constitutional Law Committee PeVL 39/2021 vp U 2/2021 vp](#), 11 November 2021.

<sup>67</sup> Finland, Ministry of Economic Affairs and Employment (*työ- ja elinkeinoministeriö/arbets- och näringsministeriet*) (2021), '[Finland supports common EU rules on digital platforms](#)', press release, 4 February 2021.

<sup>68</sup> Finland, Act amending Chapter 25 section 9 of the Criminal Code ([laki rikoslain 25 luvun 9 §:n muuttamisesta/lag om ändring av 25 kap. 9 § i strafflagen](#)), Act No. 698/2021, 29 June 2021.

<sup>69</sup> Finland, Ministry of Transport and Communications (*liikenne- ja viestintäministeriö/kommunikationsministeriet*) (2021), '[Memorandum on the retention of electronic communication traffic data submitted for statements](#)', press release, 25 March 2021.

in the critical sectors of society.<sup>70</sup> The initiative was largely a response to a major data breach incident during that year.<sup>71</sup> The critical sectors that the working group studied were health care, financial markets, transportation and information infrastructures, and energy and water supplies. The working group published its final report on 1 February 2021, in which it recommended legislative amendments among other measures to improve security and data protection in the critical sectors of the society.<sup>72</sup> First, the group proposed more efficient and more organised cooperation between the authorities. Second, they highlighted that all critical sectors should have binding legal information security requirements. Third, the compliance of critical information systems should be assessed more extensively. Fourth, the specificities of each sector should be taken into account in order to set effective and proportionate obligations on the sectors. Fifth, the information security and data protection on the public sector needs to be improved. In addition to cyber security, effective data protection regulation was deemed crucial.<sup>73</sup> As a follow up, on 10 June 2021 the government adopted a Cyber Security Development Programme, which is an implementation plan about cross-sector development of cyber security during the years 2021–2030.<sup>74</sup> The government also adopted a resolution to improve the level of information security and data protection in critical sectors of society.<sup>75</sup>

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<sup>70</sup> Finland, Ministry of Transport and Communications (*liikenne- ja viestintäministeriö/kommunikationsministeriet*), Improving data security and data protection in the critical areas of society ([Tietoturvan ja tietosuojan parantaminen yhteiskunnan kriittisillä toimialoilla/Förbättring av datasäkerheten och dataskyddet i samhällets kritiska områden](#)), LVM073:00/2020.

<sup>71</sup> Finland, Finnish Broadcasting Company (*Yleisradio/Rundradion*) (2020), [Psychotherapy centre's database hacked, patient info held ransom](#), News, 21 October 2020.

<sup>72</sup> Lehtilä, O., Ronikonmäki, N-M. and Sirviö, T-H. (2021), [Tietoturvan ja tietosuojan parantaminen yhteiskunnan kriittisillä toimialoilla: Työryhmän loppuraportti](#) (Improving information security and data protection in the critical sectors of society), Publications of the Ministry of Transport and Communications 2021:1, Helsinki. (in Finnish, abstract in English).

<sup>73</sup> Lehtilä, O., Ronikonmäki, N-M. and Sirviö, T-H. (2021), [Tietoturvan ja tietosuojan parantaminen yhteiskunnan kriittisillä toimialoilla: Työryhmän loppuraportti](#) (Improving information security and data protection in the critical sectors of society), Publications of the Ministry of Transport and Communications 2021:1, Helsinki, p. 5.

<sup>74</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Cyber Security Development Programme: Higher level of cyber security brings growth and jobs](#), press release, 10 June 2021.

<sup>75</sup> Finland, Ministry of Transport and Communications (*liikenne- ja viestintäministeriö/kommunikationsministeriet*) (2021), [Minister Harakka: Contributions to information security and data protection in critical sectors of society are an investment in the future](#), press release, 10 June 2021.



On 30 September 2021, the government submitted a legislative proposal<sup>76</sup> to Parliament under which the National Cyber Security Centre under the Finnish Transport and Communications Agency would be designated as Finland's National Coordination Centre in the EU for cyber security matters. While the Cyber Security Centre is already responsible for many of the tasks laid down in the regulation for the National Coordination Centre, the bill would introduce new tasks including the establishment of the community of national stakeholders in cyber security and coordination of its operations as well as the national point of contact. The legislative amendment is expected to be in force by the end of the year 2021.<sup>77</sup>

The Parliament adopted Act on the Electronic Processing of Client Data in Healthcare and Social Welfare in 2021 2021 and it entered into effect on 1 November 2021.<sup>78</sup> The act establishes the conditions to merge the information systems of the social care into these nationwide information system services and contains the necessary information management provisions for social and health care. The amendment obliges all enablers of social welfare services that use client or patient information systems to join the Kanta<sup>79</sup> service platform and enables them to share data of their clients among each other. The new act also allows clients of the systems themselves to store their own well-being data or data produced by various well-being applications in their own new Personal Health Record database.<sup>80</sup> Finnish DPA and some civil society organisations commented the amendments during the legislative process. DPA was criticising the amendment for imposing them with new obligations

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<sup>76</sup> Finland, Government bill for an act amending section 304 of the Act on Electronic Communication Services HE 157/2021 ([hallituksen esitys eduskunnalle laeiksi Liikenne- ja viestintävirastosta annetun lain 3 §:n ja sähköisen viestinnän palveluista annetun lain 304 §:n muuttamisesta/regeringens proposition till riksdagen med förslag till lag om ändring av 3 § i lagen om Transport- och kommunikationsverket och 304 § i lagen om tjänster inom elektronisk kommunikation](#)).

<sup>77</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), '[National Cyber Security Centre to be designated as Finland's National Coordination Centre for cyber security matters](#)', press release, 30 September 2021.

<sup>78</sup> Finland, Act on Electronic Processing of Client Data in Healthcare and Social Welfare ([laki sosiaali- ja terveydenhuollon asiakastietojen sähköisestä käsittelystä/lag om elektronisk behandling av kunduppgifter inom social- och hälsovården](#)), Act No. 784/2021.

<sup>79</sup> Finland, Kanta, '[What are the Kanta Services?](#)'

<sup>80</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2021), '[Enablers of social welfare services obliged to join Kanta Services — new Act on Electronic Processing of Client Data in Healthcare and Social Welfare enters into force on 1 November 2021](#)', press release, 26 August 2021.

without taking this into consideration in their economic impact assessment, therefore possibly undermining effectiveness of their operation.<sup>81</sup>

## 5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government /Parliamentary	National Draft Acts	Preparation of general legislation on automated decision-making within public administration. The purpose of the initiative is to prepare the necessary provisions for general administrative legislation to ensure the implementation of the principles of administrative legality, good administration, legal certainty, transparency and formal accountability in automatic decision-making. The Ministry of Justice requested comments for	Yes (data protection, right to good governance, principle of legality, child rights)	Finland, <a href="#">Preparation of general legislation on automated decision-making within public administration</a> ( <i>Automaattista päätöksentekoa koskevan hallinnon yleislainsäädännön valmistelu/Beredning av allmän förvaltningslagstiftning som gäller automatiserat beslutsfattande</i> ), OM021:00/2020, Helsinki, Ministry of Justice ( <i>oikeusministeriö/justitieministeriet</i> ).

<sup>81</sup> Finland, Office of the Data Protection Ombudsman (*tietosuojavaltuutetun toimisto/dataombudmannens byrå*) (2020), [Expert testimony of the Office of the Data Protection Ombudsman Dnro 9949/93/2020](#), 8 December 2020.

		<p>certain provisions of the proposed bill concerning transparency and the scope of automated decision-making for requesting comments. The regulatory needs concerning general legislation on automated decision-making were considered in the prior assessment memorandum published by the Ministry of Justice.<sup>82</sup> The assessment memorandum, which serves as a groundwork for this statute drafting, describes among other things, the current state of automatic decision-making as well as the constitutional and data protection requirements. The principle of legality in administration, good governance, legal protection, the principle of openness, and liability for acts in office within</p>		
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<sup>82</sup> Vainio, N., Tarkka, V., and Jaatinen, T. (2020), [Arviomuistio hallinnon automaattiseen päätöksentekoon liittyvistä yleislainsäädännön sääntelytarpeista](#) (Assessment memorandum on the need to regulate automated decision-making within public administration in general legislation), Publications of the Ministry of Justice, Reports and guidelines 2020:14, Helsinki, 6 July 2020.

		public administration have been preconditions throughout the statute drafting process.		
Government /Parliament ary	National Draft Acts	Draft government proposal for acts amending the Copyright Act and section 184 of the Act on Electronic Communications Services. The Ministry of Education and Culture has been preparing its legislative act to implement Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC ( <i>DSM directive</i> ) and Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, and	Yes (right to property, freedom of expression, freedom to conduct business, right to an effective remedy and to a fair trial, freedom of the arts and sciences, right to privacy and data protection)	Finland, Draft government proposal for acts amending the Copyright Act and section 184 of the Act on Electronic Communications Services ( <a href="#"><i>hallituksen esitys eduskunnalle laeiksi tekijänoikeuslain ja sähköisen viestinnän palveluista annetun lain 184 §:n muuttamisesta/ utkastet till regeringens proposition till riksdagen med förslag till lagar om ändring av upphovsrättslagen och 184 § i lagen om tjänster inom elektronisk kommunikation</i></a> ), Helsinki, Ministry of Education and Culture ( <i>opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet</i> ), 27 September 2021.

		<p>amending Council Directive 93/83/EEC (<i>Online broadcasting directive</i>). In September, the ministry published its draft bill to request comments from stakeholders. Importantly, the proposal is considered to effectively require large content-sharing service providers to use automated content management technology to prevent making available copyright infringing works. As the subject-matter of the directives concerns various fundamental rights, the proposal seeks to establish sufficient balance between the rights. To minimise the risk of blocking legitimate forms of expressions, the proposal for instance requires content-sharing service providers to filter and block content only where the content is manifestly infringing.</p>		
Government /Parliamentary	Other project	<p>Implementation of COVID-19 vaccine certificates. In 2021, the Finnish Government was implementing both its own as well as the EU's Digital COVID vaccine</p>	<p>Yes (prohibition of discrimination, right</p>	<p>Finland, Ministry of Social Affairs and Health '<a href="#">COVID-19 Certificates</a>', Helsinki, website, 5 November 2021.</p>

		<p>certificates. The national COVID-19 vaccine certificates became available on May 2021 through OmaKanta Personal Health Record database.<sup>83</sup> The national vaccine certificates were enacted via legislative amendments<sup>84</sup> and decree by the Ministry of Social Affairs and Health as enabled by the Finnish healthcare legislation.<sup>85</sup> The vaccine certificate was made free in order to avoid discrimination. On similar grounds, healthcare providers also provide paper versions of the certificates if necessary.<sup>86</sup> Starting from 22 June 2021 the EU Digital COVID vaccine certificate started to replace the national COVID vaccine certificates.<sup>87</sup></p> <p>On 15 October 2021, Parliament approved a temporary amendment to the Communicable Diseases Act, which allowed Finland to nationally deploy the EU Digital COVID</p>	to privacy, child rights)	
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<sup>83</sup> Finland, Kanta Services website, [My Kanta Pages](#).

<sup>84</sup> Finland, [Communicable Diseases Act \(tartuntatautilaki/lag om smittsamma sjukdomar\)](#), Act No. 1227/2016, sections 16 a-g.

<sup>85</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2021), '[COVID-19 vaccination certificate becomes available in My Kanta Pages — decree specifying Act on Electronic Processing of Client Data in Healthcare and Social Welfare enters into force](#)', press release, 25 May 2021.

<sup>86</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), '[COVID-19 Certificates](#)', Helsinki, government website, 05 November 2021.

<sup>87</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2021), '[EU Digital COVID Certificate available in Finland as of 22 June](#)', press release, 17 June 2021.

		<p>Certificate as an alternative to restrictions ('COVID passport').<sup>88</sup> Operators that are subject to restrictions due to the pandemic were allowed to either comply with the restrictions imposed by the authorities or to require their customers or participants to show a COVID-19 certificate.<sup>89</sup> As the introduction of COVID passport touches everyday lives of individuals, and leads to differential treatment between vaccinated and non-vaccinated in certain situations, the justifiability, proportionality and necessity of such means had to be carefully evaluated. Children under 12 years were exempted from the requirement.<sup>90</sup></p>		
Government /Parliamentary	National policy communication	<p>On 27 May 2021, the Finnish Government delivered its position to Parliament in its Union communication concerning the proposal for a Regulation laying down harmonised rules on artificial intelligence COM(2021) 206 final (<i>Artificial Intelligence Act</i>). In its communication the government</p>		<p>Finland, Finnish Government (<i>valtioneuvosto/statsrådet</i>), Communication of the Government to Parliament on the proposal of the Commission for a Regulation laying down harmonised rules on artificial intelligence (<i>Artificial Intelligence Act</i>)</p>

<sup>88</sup> Finland, [Communicable Diseases Act \(\*tartuntatautilaki/lag om smittsamma sjukdomar\*\)](#), Act No. 1227/2016.

<sup>89</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2021), '[COVID-19 passport can be introduced, provisions on entry into the country to remain in force](#)', press release, 15 October 2021.

<sup>90</sup> Finland, Constitutional Law Committee of Parliament (*perustuslakivaliokunta/grundlagsutskottet*), [Statement of the Constitutional Law Committee PeVL 35/2021 vp - HE 131/2021 vp](#), 7 October 2021.

		supports the general objectives of the proposed regulation to build confidence-based and human-centric ecosystems for development and application of the European AI, based on the values of freedom, human dignity and privacy. The government considered that the proposed regulation still requires further clarifications as well as proportionality and impact assessments. Especially in relation to administrative sanctions and interconnection with other union laws.		<a href="#">(valtioneuvoston kirjelmä eduskunnalle komission ehdotuksesta Euroopan parlamentin ja neuvoston asetukseksi tekoälyn harmonisoiduksi sääntelyksi (Artificial Intelligence Act)/ statsrådets skrivelse till riksdagen om kommissionens förslag till Europaparlamentets och rådets förordning om harmonisering av bestämmelserna om artificiell intelligens (Artificial Intelligence Act))</a> , U 28/2021 vp, Helsinki, 27 November 2021.
Government /Parliamentary	Other projects	Cyber security and risk management in the application of AI. On 2 November 2021, the Finnish Transport and Communications Agency, ( <i>Liikenne- ja viestintävirasto Traficom/Transport och kommunikationsverket Traficom</i> ) published the first national AI study produced by the National Cyber Security Centre (NCSC), which examines AI from the perspective of cyber security and risk management. The report recognises that information security risks related to AI are both systemic and connected to implementation. Disregarding these risks can	Yes (prohibition of discrimination, right to privacy, data protection)	Vähä-Sipilä, A., Marchal, S. and Aksela, M. (2021), <a href="#">Tekoälyn soveltamisen kyberturvallisuus ja riskienhallinta</a> (Cyber security and risk management in the application of AI), Traficom Research Reports 9/2021, Helsinki, Transport and Communications Agency, (Liikenne- ja viestintävirasto Traficom/ Transport och kommunikationsverket Traficom) 22 October 2021.



		<p>escalate into violations of fundamental rights and freedoms. The report encourages developers of AI-based services and products to focus on the following three things: to prioritise cyber security and risk management in the development process, to outline the entire lifecycle of the machine learning model and to invest in data quality.</p> <p>Furthermore, the report introduced a new tool for risk management in the application of AI. The tool raises the most common risks and helps organisations to assess the impacts of these risks to information security and reliability of the application.</p> <p>While fundamental rights were not the direct subject matter of the research, their respect was one of the main driving reasons to improve the information security of the AI-based systems.</p>		
Academic	Other Project	<p>The Finnish Ministry of Justice has been coordinating a project called Facts Against Hate, funded by the European Commission's Rights, Equality and Citizenship programme. The project has produced a report piloting the use of AI in monitoring hate speech. The purpose was to develop overall understanding of Finnish language</p>	Yes (prohibition of discrimination)	<p>Kettunen, M., Paukkeri, M-S. (2021), <a href="#">Utilisation of artificial intelligence in monitoring hate speech</a>, Publications of the Ministry of Justice, Reports and guidelines 2021:19, Helsinki, 30 August 2021.</p>

		hate speech in publicly available online platforms by employing a combination of human analysis and machine learning. See Chapter 2.1 of this report for more details.		
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## Chapter 6. Rights of the child

### 6.1 Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>In 2020, the Ministry of Social Affairs and Health appointed a parliamentary committee to prepare Finland's first national child strategy. In addition, to assist in the preparation of the National Child Strategy, a working group on children, youth and COVID-19 was formed. The final report of the working group was published on 18 January 2021.<sup>91</sup> The working group highlights the need to assess systematically the impact of various measures on children, youth and families with children in the post-covid phase. Special focus should be put on vulnerable children, youth and families, including children living in poverty. The participation of children and young people in the preparation of the National Child Strategy was carried out in autumn 2020 through eight workshops and one online survey. The workshops were organized by child and youth organisations and more than 40 children, young people and young adults attended them, whereas approx. 1,300 children answered a survey. In a report published on 16 December 2020 the models for inclusion used in the preparatory process are assessed with the aim of enhancing the inclusion of children in decision-making also in the future.<sup>92</sup> The government launched the National Child Strategy on 23 February 2021.<sup>93</sup> The strategy addresses the following themes: combating discrimination and inequality; safeguarding the rights of children in vulnerable positions; protecting children from violence; delivering health and social services to children and their families; organising early childhood education and other forms of education; securing an adequate standard of living and social security; supporting children's relationships; providing for children's hobbies and other recreational activities; and promoting inclusion and participation. On 7 October 2021, the government published the implementation plan for the National Child Strategy.<sup>94</sup> Three of the listed measures are explicitly linked to the post-covid phase, that is, the implementation of the National Child Strategy in the</p>
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<sup>91</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Lapset, nuoret ja koronakriisi. Lapsistrategian koronatyöryhmän arvio ja esitykset lapsen oikeuksien toteuttamiseksi](#), Publications of the Finnish Government 2021:2, Helsinki.

<sup>92</sup> Stenvall, E. (2020), [Lasten ja nuorten osallisuus kansallisessa lapsistrategiassa. Osa 2: Osallisuuden toteutuminen lapsistrategian valmistelussa](#), Reports and Memorandums of the Ministry of Social Affairs and Health 2020:39, Helsinki, pp. 13–18.

<sup>93</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Kansallinen lapsistrategia. Komiteamietintö](#), Publications of the Finnish Government 2021:8, Helsinki. In English the [Finnish National Child strategy](#).

<sup>94</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), ['First implementation plan for Child Strategy sets out 30 new measures to safeguard children's rights'](#), press release, 7 October 2021.

	<p>strategic after care and recovery work targeting children, youth and families; the development of child impact assessments, child-oriented budgeting and children’s participation; and the preparation of a study concerning the impact of the pandemic on children’s close relationships and family life.<sup>95</sup></p> <p>To support the implementation of the National Child Strategy, the Prime Minister’s Office published a handbook on child impact assessment for legislators on 11 August 2021. The handbook examines the assessment of child impacts in the drafting of statutes from both a theoretical and a practical perspective.<sup>96</sup> In addition, a handbook on hearing the views of children in law drafting was published on 17 September 2021.<sup>97</sup> The handbook identifies seven basic factors to be taken into account when hearing children, and it also models two key ways of hearing (survey and event). The handbook made use of an inclusion pilot carried out in the spring in connection with the revision of the Child Welfare Act (<i>lastensuojelulaki/barnskyddslagen</i>, Act No. 417/2007).<sup>98</sup> The pilot comprised 10 online and one hybrid hearing events, which were organised in collaboration with three units providing substitute care to children.</p> <p>Further, the government launched on 19 August 2021 a pilot on child-oriented budgeting, which covers the 2022 state budget. The explicit aim is to promote the realisation of children’s rights by monitoring budget expenditure and revenue allocation to children and assessing the impact of budgetary decisions on children. The Ministry of Finance (<i>valtiovarainministeriö/finansministeriet</i>) has submitted guidelines on child-oriented budgeting to the ministries to facilitate the drafting of the 2022 budget proposal.<sup>99</sup></p> <p>Within the educational sector, various measures addressing vulnerabilities of children have been adopted. For example, the government has granted organisers of education € 60 million to bridge the learning gap caused by the pandemic.<sup>100</sup> The funding covers early childhood education and care, pre-primary education, basic education and upper secondary education. As to basic education, the funding is earmarked for measures that</p>
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<sup>95</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Kansallisen lapsistrategian toimeenpanosuunnitelma. Valtioneuvoston periaatepäätös](#), Publications of the Finnish Government 2021:81, Helsinki, p. 14.

<sup>96</sup> Iivonen, E., Pollari, K. (2021), [Lapsivaikutusten arvioinnin käsikirja lainvalmistelijoille](#) (Handbook on child impact assessment for legislators), Publications of the Prime Minister’s Office 2021:5, Helsinki.

<sup>97</sup> Stenvall, E., Tiitinen, L., Saarinen, L., Pollari, P., Sirtamo, J. (2021), [Lasten kuulemisen käsikirja lainvalmistelijoille](#) (Handbook for law drafters on hearing the views of children), Publications of the Prime Minister’s Office 2021:5, Helsinki.

<sup>98</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*) (2021), [Pilot for the National Child Strategy includes children and young people in bill drafting](#), press release, 7 April 2021.

<sup>99</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Child-oriented budgeting to be piloted in the 2022 budget](#), press release, 19 August 2021.

<sup>100</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Government proposes major support package to alleviate coronavirus harm in children and young adults](#), press release, 27 May 2021. Information on the execution of the support package obtained via email from the Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*) on 5 November 2021.

	<p>support learning among students in vulnerable positions, students with foreign mother tongues, special needs, migrant backgrounds and students that have interrupted their studies during the pandemic.<sup>101</sup></p> <p>As of 1 August 2021, compulsory education has been extended from the end of the 9<sup>th</sup> grade to the completion of secondary education or until the young person turns 18.<sup>102</sup> This means that everyone who has completed basic education is obligated to apply for further studies in a general upper secondary school, a vocational institute, 10<sup>th</sup> grade, preparatory education and training or any other programme that belongs to compulsory education. The aim of the reform is to raise the level of education and competence in Finland, reduce learning gaps, boost equality and non-discrimination in education, improve the wellbeing of young people and raise the employment rate. The upper secondary education is free of charge, including education, school meals, textbooks, school journeys over 7 kilometres, school materials needed in lessons, and final tests.<sup>103</sup></p>
<p>Measures to protect children from violence</p>	<p>The new National Child Strategy includes a chapter on the protection of children from violence. Among the key policies listed are strengthened support for parenting, prevention and early intervention; attention to violence and harassment in digital environments; enhanced services to children who have faced violence; and emphasis on child victims of human trafficking.<sup>104</sup></p> <p>In the final report of the working group on children, youth and COVID-19, attention is put on the increased use of digital media during the pandemic and thereby the enhanced risk of children to encounter sexual violence, including harassment and grooming. Internet safety and media training are identified as essential prerequisites for preventing violence in the internet.<sup>105</sup></p> <p>A development programme covering new reading skills is implemented between 2020 and 2022. The National Audiovisual Institute (<i>Kansallinen audiovisuaalinen instituutti/Nationella audiovisuella institutet</i>) is in charge of the media literacy part of the programme.<sup>106</sup> In addition to skills to use, understand and evaluate media contents and the skill to produce them, media</p>

<sup>101</sup> Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*) (2021), [‘40 miljoonaa euroa haettavissa varhaiskasvatukseen sekä esi- ja perusopetukseen koronaepidemian vaikutusten tasoittamiseksi’](#), press release, 3 June 2021.

<sup>102</sup> Finland, Act No. 1214/2020 (*oppivelvollisuuslaki/läropliktslag*), 30 December 2020.

<sup>103</sup> Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*) (2021), [The Government has decided to raise the leaving age in compulsory education from the start of autumn term 2021](#), 24 February 2021.

<sup>104</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Kansallinen lapsistrategia. Komiteamietintö](#), Publications of the Finnish Government 2021:8, Helsinki, p. 22.

<sup>105</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Lapset, nuoret ja koronavirüs. Lapsistrategian koronatyöryhmän arvio ja esitykset lapsen oikeuksien toteuttamiseksi](#), Publications of the Finnish Government 2021:2, Helsinki, p. 76.

<sup>106</sup> Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*), [Uudet lukutaidot –kehittämissuunnitelma](#), web page.

	<p>literacy focuses on skills to operate safely in media environments.<sup>107</sup></p> <p>Further, it is stated in the working group report on children, youth and COVID-19 that the effects of the pandemic should be reflected in the national action plan concerning the implementation of the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse. The Ministry of Social Affairs and Health appointed in the end of 2020 a working group to design the national action plan for the years 2022–2025.<sup>108</sup></p> <p>In addition, an implementation and communication plan for the Action Plan on Non-Violent Childhoods 2020–2025 was adopted on 4 July 2021.<sup>109</sup> To give effect to the plan, various measures have been realized during the year, including an allocation of € 1,9 million to hospital districts for extending the Barnahus model to the whole country.<sup>110</sup> The objective of the Barnahus project is to mainstream practices compliant with the European Barnahus standards in investigation processes of suspected cases of violence against children as well as in support and treatment provided for children who have encountered violence.<sup>111</sup></p> <p>The Barnahus project is coordinated by the Finnish Institute for Health and Welfare in collaboration with the hospital districts. Cooperation is also done with the police, the prosecution authority, universities, organisations, and centers of expertise and support (<i>osaamis- ja tukikeskus/ kompetens- och stödcenter, OT-keskus</i>).</p> <p>The Finnish Institute for Health and Welfare has during 2021 organised five webinars with 2,800 participants, three courses with 125 participants and one online course with 1,900 participants. The main target group is composed of professionals, who in their work encounter children and youth that have experienced violence. These include persons from the education, social and health care sectors, including child and family services, the police and the prosecution authority. The events have so far addressed topics like violence and trauma, parental support of foreign-born parents, LGBTI youth and violence,</p>
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<sup>107</sup> Finland, National Audiovisual Institute (*Kansallinen audiovisuaalinen instituutti/Nationella audiovisuella institutet*), [Medialukutaito](#), web page.

<sup>108</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), [Lanzaroten sopimuksen toimeenpanosuunnitelman valmistelu ja seurantaan varten asetettava työryhmä](#), project STM147:00/2020.

<sup>109</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2021), [Väkivallaton lapsuus 2020-2025 – toimeenpano ja viestintä](#), Reports and Memorandums of the Ministry of Social Affairs and Health 2021:17, Helsinki.

<sup>110</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2021), [Valtionavustusta haettavissa suomalaisen Lastenasiain-talo-mallin \(Barnahus\) jatkokehittämiseen](#), press release, 31 May 2021.

<sup>111</sup> Finland, Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*), [Barnahus project](#), web page.

	<p>digital sexual crimes, children as witness of violence, and legal interpretation.<sup>112</sup></p> <p>Further, the government has adopted an action plan to prevent bullying, teasing, violence and harassment in schools and educational institutions.<sup>113</sup> The plan comprises 14 actions, which aim at, for example, strengthening emotional skills of children in early childhood education, safeguarding secure learning environments, continuing education of school personnel, establishment of a web page on the prevention of bullying, and introducing in schools working methods normally employed by youth workers.</p>
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## 6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	No legislative changes have been made.
Policy developments	<p>The National Child Strategy highlights the need to protect the rights of children in vulnerable positions. Children who are suspect or accused in criminal proceedings are listed as vulnerable. Their vulnerability should comprehensively be taken into account in preventive work, corrective measures and services, and in legal protection systems.<sup>114</sup></p> <p>Further, the strategy addresses violent behaviour of children. Emphasis is put on finding effective, multiprofessional and multisectoral methods to prevent such violence, securing the implementation of demanding cases of foster care and supporting families in helping children.<sup>115</sup></p>
Other measures or initiatives	<p>In the third supplementary government budget of 2021 € 3 million was channelled to the police for preventive work targeting children and young adults. The consequences of the pandemic is viewed as one reason for the need to strengthen the preventing policing.<sup>116</sup></p> <p>In the action plan on preventing bullying (see 6.2), one of the adopted measures includes the linking of the Anchor programme</p>

<sup>112</sup> Finland, Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*), [Koulutuksia ja seminaareja](#), web page. Information on the events organised by the Finnish Institute for Health and Welfare obtained via email from the organiser on 3 November 2021.

<sup>113</sup> Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*) (2021), '[Action plan to prevent bullying – resources, education and legislative amendments at the centre](#)', press release, 26 January 2021.

<sup>114</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Kansallinen lapsistrategia. Komiteamietintö](#), Publications of the Finnish Government 2021:8, Helsinki, p. 19.

<sup>115</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Kansallinen lapsistrategia. Komiteamietintö](#), Publications of the Finnish Government 2021:8, Helsinki, p. 22.

<sup>116</sup> Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*) (2021), '[Additional police funding for preventive work targeting children and young adults](#)', press release, 27 May 2021.



more closely to the work against bullying in schools.<sup>117</sup> Through multiprofessional collaboration, the Anchor work focuses on the promotion of the wellbeing of children and adolescents, early stage crime prevention and the prevention of violent radicalisation and extremism.<sup>118</sup>

## Chapter 7. Access to justice

### 7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

On 11 March 2021, the Ministry of Justice (*oikeusministeriö/justitieministeriet*) published a working group proposal on preparing for the information needs of victims of terrorism.<sup>119</sup> The report includes a suggestion for information material for victims of terrorism and their family members. Such material would comprise information on assistance, support and compensation schemes available for the victims of terrorism and their family members. The materials are proposed to be published on the forthcoming crisis portal of the Prime Minister's Office (*valtioneuvoston kanslia/statsrådets kansli*). Essential information will be summarised in a printable brochure to be distributed locally following a terrorist attack. The working group considers that the material can be used even in violent attacks other than terrorist attacks. The working group suggests that the '112 Suomi' mobile application would be used to communicate on these matters. The report also includes a proposal on the location of a national contact point for victims of terrorism.

The National Police Board (*poliisihallitus/polisstyrelsen*) established a national unit to uncover and investigate human trafficking offences in February 2021. The unit, based at the Helsinki Police Department (*Helsingin poliisilaitos/ Polisinrättningen i Helsingfors*), seeks to build up the detection and investigation of human trafficking offences in cooperation with the National Police Board, the National Bureau of

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<sup>117</sup> Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*) (2021), '[Action plan to prevent bullying – resources, education and legislative amendments at the centre](#)', press release, 26 January 2021.

<sup>118</sup> Finland, information obtained from the [Anchor](#) web page on 20 September 2021.

<sup>119</sup> Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2021), '[Terrorismuhrien tiedontarpeisiin varautuminen: Työryhmän ehdotus](#)' (Preparing to cater for the information needs of victims of terrorism: Working group proposal), Publications of the Ministry of Justice, Memorandums and statements 2021:6, Helsinki.



Investigation (*keskusrikospoliisi/centralkriminalpolisen*) and local police departments. The unit focuses on nationwide, organised, professional or otherwise wide-scale human trafficking crimes taking place across the regional boundaries of the local police departments. The police departments will continue to investigate individual and regional cases of human trafficking and similar crimes in keeping with the regional responsibility principle. They will allocate active preventative measures to combat human trafficking and participate in the nationwide efforts. The duties of the National Bureau of Investigation include the centralised formation and maintenance of the national situational picture in human trafficking offences.<sup>120</sup>

The Ministry of Justice published on 15 July 2021 an action plan against human trafficking.<sup>121</sup> The action plan is one of the government's key actions to combat human trafficking, and it has been prepared by an intersectoral working group appointed by the Ministry of Justice. In preparing the action plan, the working group took into account the resolution of Parliament on intensifying efforts to combat human trafficking and improve victims' standing and the recommendations issued to Finland by international human rights treaty bodies. During the preparation, the working group consulted experts by experience, civil society organisations and multi-professional networks. Moreover, workshops for experts engaged in anti-trafficking action were organised. The aim was to gain a comprehensive picture of the challenges of anti-trafficking and to gather views for its development. The action plan, which will be implemented in 2021–2023, includes five strategic objectives: 1) promoting the detection of human trafficking and identifying the victims, 2) providing victims of human trafficking the assistance and support they need, 3) establishing criminal liability in human trafficking offences, 4) combating human trafficking on a wide front and 5) linking the development of anti-trafficking actions closely to the analysis, assessment and research on human trafficking. To achieve these objectives, the action plan comprises 55 actions including i.a.:

- developing tools and practices to detect human trafficking;
- ensuring adequate resources for the key actors;
- strengthening the capabilities of professionals in the criminal justice system and other key actors on reaching, identifying and assisting victims of human trafficking and investigating human trafficking offences;

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<sup>120</sup> Roth, V., Luhtasaari, M. (2021), [Finland fights human trafficking - Action Plan against Trafficking in Human Beings](#), Publications of the Ministry of Justice, Memorandums and statements 2021:24, Helsinki, pp. 44-45.

<sup>121</sup> Roth, V., Luhtasaari, M. (2021), [Finland fights human trafficking - Action Plan against Trafficking in Human Beings](#), Publications of the Ministry of Justice, Memorandums and statements 2021:24, Helsinki.

- developing multi-professional and cross-administrative cooperation and improving information sharing between actors working with victims of human trafficking;
- establishing and developing cooperation networks between authorities and CSOs and among the entities providing victims with assistance and services;
- diminishing the link between assistance and the criminal procedure to allow victims to receive assistance and protection regardless of the initiation, progress or outcome of the criminal procedure;
- examining how the authorities have applied the regulations on human trafficking;
- developing legislation on trafficking in human beings.

A newspaper article published in spring 2021 revealed shortcomings in criminal investigations of human trafficking.<sup>122</sup> After the article was published, the Deputy Chancellor of Justice (DCJ) (*apulaisoikeuskansleri/biträdande justitiekansler*) launched an inspection into the conduct of police officers and prosecutors in investigations of human trafficking offences. The decision of the DCJ<sup>123</sup>, issued 28 December 2021, is based on the evaluation of 50 pre-trial investigations pending or closed in various police departments across Finland. The decision highlights severe shortcomings in the criminal investigations of human trafficking. Most of the pre-trial investigations reviewed by the DCJ had been delayed, and some were still pending. At its longest, the investigation had taken more than four years. The main reason for the delays was that the police had not identified the human trafficking offence. According to the reports provided by heads of the investigation, reasons for the delays were also, among other things, due to the police's limited investigative resources, poor access to interpretation services, delay in translations and problems with cooperation between the authorities.

In its decision, the DCJ concludes that the difficulties in identifying human trafficking and delays in the criminal investigation jeopardise the realisation of the victims' rights and criminal liability. The DCJ issued 12 reprimands concerning the unlawful delay of the preliminary investigation. In 15 cases, the DCJ brought to the polices' attention the requirements of the legislation and procedures related to the pre-trial investigation. The DCJ calls on the National Police Board to create such conditions that investigations of human trafficking offences can be carried out without undue delay. Although the police have increased training on trafficking

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<sup>122</sup> Helsingin sanomat (2021), '[Tutkinta lopetettu](#)', 25 April 2021.

<sup>123</sup> Finland, Deputy Chancellor of Justice (*apulaisoikeuskansleri/biträdande justitiekansler*), decision [OKV/1233/70/2021](#), 28 December 2021.

in human beings, the findings of the inspected cases indicate that there are still obvious skill gaps in identifying human trafficking. Therefore, the DJG urges the National Police Board and the Police University College to consider whether training on human trafficking and related crimes should be stepped up. The National Police Board should also assess the role of the guidelines on conducting criminal investigations and the prioritisation of investigative resources. Moreover, the police must ensure the effectiveness of cooperation between authorities and that problems related to translations and interpretations do not unduly delay the investigation. To bring about a fundamental change in the current situation, the DCJ also calls on the police's internal oversight of legality to closely monitor the identification of human trafficking offences and safeguard investigations without undue delay. The DCJ asked the National Police Board to notify by 30 June 2022 what measures it has taken regarding issues raised in its decision. Moreover, the DCJ requested the National Police Board to provide information on pre-trial investigations of human trafficking offences pending for more than 12 months and explanations for delays of investigations pending for more than 18 months.

The Ministry of Justice published an assessment memorandum on 17 November 2021 on the criminalisation of forced marriage.<sup>124</sup> The memorandum examines the current provisions of the Criminal Code (*rikoslaki/strafflagen*, Act No. 39/1889) applicable to forced marriage, and discusses alternative ways to criminalise acts of forcing a person to enter into marriage. The assessment found that the existing provisions on trafficking in human beings and coercion cover acts of forcing a person to enter into marriage to a large extent. Therefore, there is no need to make amendments to the Criminal Code regarding forced marriage. However, the memorandum brings up the possibility of specifying the Criminal Code's provision on human trafficking by adding 'forcing a person to enter into marriage' as the purpose for committing the offence. The memorandum has been submitted for consultation from 17 November 2021 to 14 January 2022, after which the Minister of Justice will outline the follow-up.<sup>125</sup>

According to the 2019 government programme, crime victims and persons close to homicide victims will be provided with better opportunities to receive compensation from government funds.<sup>126</sup> Compensation for damage caused by a crime from government funds is provided for under the Act on Compensation for Crime Damage (*rikosvahinkolaki/ brottsskadelag*, Act No. 935/1973). The purpose

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<sup>124</sup> Mäkipää, L. (2021), [Arviomuistio avioliittoon pakottamisen rangaistavuudesta](#) (Memorandum on the punishability of forcing a person to enter into marriage), Publications of the Ministry of Justice, Memorandums and statements 2021:29, Helsinki.

<sup>125</sup> Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2021), '[Oikeusministeriö pyytää lausuntoja avioliittoon pakottamisen rangaistavuudesta](#)', press release, 17 November 2021.

<sup>126</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2019), [Inclusive and competent Finland – a socially, economically and ecologically sustainable society](#), Programme of Prime Minister Sanna Marin's Government, 11 December 2019, Publications of the Finnish Government 2019:33, Helsinki, p. 98.

of the act is to safeguard, in particular, the victim's position and survival, even in situations where compensation is not received from the offender. The victim's loved ones are also entitled to compensation in certain conditions. The assessment memorandum drawn up by the Ministry of Justice examines the need to amend the act to improve the opportunities of crime victims and homicide victims' loved ones to receive compensation. The proposed amendments concern, among other things, compensation caps, compensation for the suffering of persons close to homicide victims, compensation for suffering caused by discrimination and the commitment received from the State Treasury (*valtiokonttori/statskontoret*) to reimburse therapy costs. The memorandum was submitted for a broad consultation round, which took place between 20 July and 3 September 2021.<sup>127</sup> The majority of the 17 opinions given welcomed the amendments proposed in the memorandum. Preparations for the legislative amendments will continue in the working group to be set up during 2022.<sup>128</sup>

## 7.2 Measures addressing violence against women

Parliament adopted an act to establish the task of an independent rapporteur on violence against women for the Non-Discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*) in October 2021.<sup>129</sup> The act is due to enter into force on 1 January 2022. The rapporteur is responsible for monitoring violence against women and domestic violence, the functioning of national legislation and the implementation of international obligations broadly across sectoral borders. The duties of the rapporteur also include monitoring and evaluating measures to combat violence against women and domestic violence. Regarding domestic violence, the task of the rapporteur also covers, among other things, violence against men and boys. To carry out the task, the rapporteur takes initiatives, issues opinions, gives advice and prepares and commissions reports on violence against women and domestic violence. The rapporteur also brings up their findings in the social debate and reports to the government and Parliament.

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<sup>127</sup> Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), online consultation service ([lausuntopalvelu.fi/utlåtandetjänst.fi](https://lausuntopalvelu.fi/utlåtandetjänst.fi)), Request for opinions: memorandum on the Act on Compensation for Crime Damage ([Lausuntopyyntö: Arviomuistio rikosvahinkolaista, VN/28311/2020](#)), 27 July 2021. (The memorandum is attached to the request for opinions in pdf format under the file name 'RVL arviomuistio'.)

<sup>128</sup> Finland, information obtained from the Ministry of Justice (*oikeusministeriö/justitieministeriet*) by phone on 5 January 2021.

<sup>129</sup> Finland, Act on amending the Act on the Non-Discrimination Ombudsman ([laki yhdenvertaisuusvaltuutetusta annetun lain muuttamisesta/lag om ändring av lagen om diskrimineringsombudsmannen](#)), Act No. 988/2021.

During 23 September 2021 – 4 November 2021, the Ministry of Justice requested opinions on the working group’s proposal<sup>130</sup> to make the restraining order more effective and better safeguard the rights of the victim.<sup>131</sup> The proposal aims to reduce the violation of the restraining order and increase the safety of victims of intimate partner violence. The working group proposes that the police could impose a temporary restraining order, even if the victim of the crime is able to apply for the ban himself. It would be ensured that the victim would always be referred to support services in such a situation. A legal counsel could be appointed from government funds for a victim of a serious crime in a case concerning the restraining order. The applicant for the restraining order would not be charged even if the application is rejected or the case lapses. Violation of the restraining order should always be treated as a matter of urgency. The working group also proposes electronic monitoring of the restraining order. This could be done if necessary because of the threat of a crime against life, health or freedom. The court would decide on the matter, and the Criminal Sanctions Agency (*rikosseuraamuslaitos/brottsförjdsmyndigheten*) would carry out its technical supervision.

## **Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities**

### **8.1 CRPD policy & legal developments**

The Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) started the preparations of the proposal on reform of the legislation on disability by organising several open hearings during spring 2021.<sup>132</sup> The aim of the reform is to integrate the Disability Services Act (*laki vammaisuuden perusteella järjestettävistä palveluista ja tukitoimista/lag om service och stöd på grund av handikapp*, Act No. 380/1987) and the Act on Special Care for People with Intellectual Disabilities (*laki kehitysvammaisten erityishuollosta/ lag angående specialomsorger om utvecklingsstörda*, Act No.

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<sup>130</sup> Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2021), [Lähestymiskiellon tehostaminen](#), Publications of the Ministry of Justice, Memorandums and statements 2021:26, Helsinki.

<sup>131</sup> Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2021), [‘Oikeusministeriö pyytää lausuntoja lähestymiskiellon tehostamisesta’](#), press release, 23 September 2021.

<sup>132</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2021), [‘Vammaispalvelulainsäädännön uudistamista valmistellaan vuoden 2021 aikana’](#), press release, 23 April 2021.

519/1977) into a single act which will include provisions on special services for persons with disabilities. The government proposal is scheduled to be submitted to Parliament during spring 2022 and the new legislation would enter into force on 1 January 2023. The reform is based on a previous proposal, which lapsed in spring 2019, as well as a report published by a working group which prepared provisions on securing inclusion of persons with disabilities in client processes concerning services designed for them.<sup>133</sup>

Finland published the second National Action Plan on the UN Convention on the Rights of Persons with Disabilities (CRPD) on 11 February 2021.<sup>134</sup> The Action Plan emphasises the importance of social inclusion of persons with disabilities and the importance of accessibility as a precondition for implementing other Convention rights. One of the main objectives of the Action Plan is to increase awareness of the rights of persons with disabilities and to mainstream these rights across administrative sectors and more widely in society. The Action Plan includes 110 individual measures which are divided into 13 sets of measures, some of which are cross-cutting. Due to the ongoing COVID-19 epidemic, safety of persons with disabilities in emergency conditions is included as a new content area. The Action Plan was drawn up by the Advisory Board for the Rights of Persons with Disabilities (*Vammaisten henkilöiden oikeuksien neuvottelukunta/Delegationen för rättigheter för personer med funktionsnedsättning, VANE*) which includes representatives of organisations for persons with disabilities, labour market organisations and key ministries. Disability organisations and other stakeholders were also consulted in the preparatory process.<sup>135</sup>

In a judgement delivered on 7 January 2021, the Supreme Administrative Court (*korkein hallinto-oikeus/högsta förvaltningsdomstolen*) took stand on the legality of a ban on visitors to care units for persons with disabilities which a municipal manager of services for persons with disabilities had placed due to the Covid-19 situation.<sup>136</sup> The municipal decision had been based on Section 17 of the Communicable Diseases Act (*tartuntatautilaki/lag om smittosamma sjukdomar, Act No. 1227/2016*) with reference amongst others to guidance issued by the Ministry of Social Affairs and Health (*sosiaali- ja terveystministeriö/social- och*

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<sup>133</sup> Sivula, S. (2020), Securing the inclusion of people with disabilities in disability services — Report by the working group on promoting inclusion ([Vammaisten henkilöiden osallisuuden turvaaminen vammaispalveluissa: Osallisuustyöryhmän raportti](#)), Reports and Memorandums of the Ministry of Social Affairs and Health 2020:37.

<sup>134</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystministeriö/social- och hälsovårdsministeriet*) (2021), [Right to social inclusion and equality : National Action Plan on the UN Convention on the Rights of Persons with Disabilities \(2020–2023\)](#), Publications of the Ministry of Social Affairs and Health 2021:22.

<sup>135</sup> Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystministeriö/social- och hälsovårdsministeriet*) (2021), [Right to social inclusion and equality: National Action Plan on the UN Convention on the Rights of Persons with Disabilities \(2020–2023\)](#), Publications of the Ministry of Social Affairs and Health 2021:22., p. 16, 18–20.

<sup>136</sup> Finland, Supreme Administrative Court (*korkein hallinto-oikeus/högsta förvaltningsdomstolen*) decision No. 1/2021 ([KHO 2021:1](#)).



*hälsovårdsministeriet*). The appellants, a resident in one of the care units, and his father, had submitted an appeal to an administrative court arguing that the decision interfered with their private and family life and that it was not lawful. The administrative court had rejected their appeal on grounds that the decision could not be regarded legally binding and, therefore, was not eligible for appeal. The Supreme Administrative Court first considered the question of whether the decision to ban visitors to care units was eligible for appeal and found [in light of Section 21(1) of the Constitution and art. 13 of the ECHR] that it had to be, since it interfered with the appellants' fundamental rights. Secondly, the Court investigated whether there were legal grounds for the decision, and concluded that no such grounds could be found in Section 17 of the Communicable Diseases Act, and consequently quashed the decisions of the administrative court and the municipal authority. The Deputy Parliamentary Ombudsman had addressed the same issue in a series of decisions stating that the guidance issued by the Ministry of Social Affairs and Health was misleading and had led to bans and restrictions that were lacking legal grounds.<sup>137</sup> The Deputy Ombudsman had demanded the Ministry to take immediate legislative action to rectify the situation. The Ministry of Social Affairs and Health is currently preparing a major reform of the Communicable Diseases Act, in which context it will also assess the legislative needs effectuated by the decisions of the Supreme Administrative Court and the Deputy Parliamentary Ombudsman.<sup>138</sup>

## 8.2 CRPD monitoring at national level

The Ministry of Justice (*oikeusministeriö/justitieministeriet*) published the first Fundamental Rights Barometer on 22 June 2021.<sup>139</sup> The barometer examines the views and experiences on fundamental rights of persons with disabilities or functional limitations as well as people belonging to linguistic minorities (Swedish, Russian and Arabic). It was carried out in cooperation with the Finnish Human Rights Centre (*Ihmisoikeuskeskus/Människorättscentret*, part of the NHRI) and the Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*, THL) and based on a survey developed by FRA. The results show, e.g., that 73 % of the respondents with disabilities or functional limitations were aware of the legislation prohibiting discrimination based

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<sup>137</sup> Finland, Deputy Parliamentary Ombudsman (*apulaisoikeusasiamies/biträndande justitieombudsman*), Decision Nos. [EOAK/3232/2020 of 18 June 2020](#), [EOAK/3739/2020 of 22 October 2020](#), [EOAK/3479/2020 of 23 October 2020](#) and [EOAK/3847/2020 of 6 November 2020](#).

<sup>138</sup> Finland, information obtained from the Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsöministeriet*) via e-mail on 30 December 2021.

<sup>139</sup> Nenonen, T., Kivelä, J., Ervasti, E., Joronen, M., Villa, S. (2021), Fundamental Rights Barometer ([Perusoikeusbarometri](#)), Publications of the Ministry of Justice, Reports and guidelines 2021:17.

on disability, compared to 70 % of the Swedish-speaking respondents and 64–67 % of the other groups of respondents.<sup>140</sup> Rather remarkable differences when compared to the results of the other groups of respondents were shown as regards the question whether fundamental human rights are enjoyed equally by everyone: only 52 % of the respondents with disabilities or functional limitations concurred with this statement, whereas the share among the Arabic-speaking respondents was 81 %, among the Swedish-speaking respondents 77 % and among the Russian-speaking respondents 76 %; the share of the whole population being 61 %.<sup>141</sup> Likewise, when asked whether state and local level officials provide people information on their rights, 40 % of the respondents with disabilities disagreed or strongly disagreed with this statement, whereas the share of disagreeing respondents among the Swedish-speaking respondents was 25 %. Furthermore, 44 % of the respondents with disabilities disagreed or strongly disagreed with the statement that officials provide information on an easily understandable and easily readable manner.<sup>142</sup> The corresponding shares among the Swedish-speaking respondents, the whole population and the Russian-speaking respondents were 27 %, 25 % and 20 %.<sup>143</sup> [NB: As the share of the respondents to the survey was low for some respondent groups, and the share of respondents not completing the survey was also high in many respondent groups, the findings cannot be fully generalised].

The Parliamentary Ombudsman's on-site inspections to care institutions for persons with disabilities remained discontinued in 2021 due to the COVID-19 pandemic.<sup>144</sup> A number of distance inspections have been carried out, however.<sup>145</sup> As regards institutional care and services for persons with disabilities, the Ombudsman has underlined that residents' health and safety must be secured in all circumstances, stressing, nevertheless, that even in exceptional circumstances, their fundamental and human rights, such as freedom of movement and right to communication, may not be restricted without legal grounds or otherwise in an

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<sup>140</sup> Nenonen, T., Kivelä, J., Ervasti, E., Joronen, M., Villa, S. (2021), Fundamental Rights Barometer ([Perusoikeusbarometri](#)), Publications of the Ministry of Justice, Reports and guidelines 2021:17, p. 87.

<sup>141</sup> Nenonen, T., Kivelä, J., Ervasti, E., Joronen, M., Villa, S. (2021), Fundamental Rights Barometer ([Perusoikeusbarometri](#)), Publications of the Ministry of Justice, Reports and guidelines 2021:17, p. 107.

<sup>142</sup> Nenonen, T., Kivelä, J., Ervasti, E., Joronen, M., Villa, S. (2021), Fundamental Rights Barometer ([Perusoikeusbarometri](#)), Publications of the Ministry of Justice, Reports and guidelines 2021:17, p. 29.

<sup>143</sup> Nenonen, T., Kivelä, J., Ervasti, E., Joronen, M., Villa, S. (2021), Fundamental Rights Barometer ([Perusoikeusbarometri](#)), Publications of the Ministry of Justice, Reports and guidelines 2021:17, p. 29.

<sup>144</sup> Finland, information obtained from the Office of the Parliamentary Ombudsman ([oikeusasiames/justitieombudsmannen](#)) per email on 20 September 2021.

<sup>145</sup> Finland, information obtained from the Office of the Parliamentary Ombudsman ([oikeusasiames/justitieombudsmannen](#)) per email on 20 September 2021.



excessive manner.<sup>146</sup> In a decision regarding an institutionalised person's access to personal assistance, and with reference to Article 11 of CRPD, amongst other sources, the Deputy Ombudsman emphasised that persons with disabilities must be secured the services that they are entitled to on the basis of their individual needs even during exceptional circumstances. According to the Deputy Ombudsman, persons in charge of institutions must ensure that instructions given to the staff are lawful and that the staff is able to implement them in accordance with the law.<sup>147</sup> At a general level, the Deputy Ombudsman also pointed out that in the changing circumstances during the pandemic, residential units for persons with disabilities shall continuously and individually assess how and to what extent the client's right to services and communication can be realised as required by law.<sup>148</sup>

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<sup>146</sup> Finland, Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*) (2021), [Henkilökohtaisen avustajan käyttö poikkeusolojen aikana](#), RNO 4247/2020, decision of 8 July 2021, p. 5.

<sup>147</sup> Finland, Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*) (2021), [Henkilökohtaisen avustajan käyttö poikkeusolojen aikana](#), RNO 4247/2020, decision of 8 July 2021, p. 4.

<sup>148</sup> Finland, Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*) (2021), [Henkilökohtaisen avustajan käyttö poikkeusolojen aikana](#), RNO 4247/2020, decision of 8 July 2021, p. 5.

## Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;"><b>EQUALITY AND NON-DISCRIMINATION</b></p> <p style="text-align: center;"><b>Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</b></p>
Title (original language)	Tietoa syrjinnästä/Fakta om diskriminering
Title (EN)	Know Equality
Organisation (original language)	Oikeusministeriö/justitieministeriet
Organisation (EN)	Ministry of Justice
Government / Civil society	Government
Funding body	EU REC programme (80 %) and state budget (20 %)
Reference URL, where available) (incl. where available)	Finland, Ministry of Justice, <a href="#">Tutkimustietoa seksuaali- ja sukupuolivähemmistöjen tilanteesta Suomessa</a> (background study); Finland, Ministry of Justice, <a href="#">Seksuaali- ja sukupuolivähemmistöjä koskeva tiedonkeruu Suomessa – tuloksia ja suosituksia</a> (2021) (results of the roundtable); Finland, Ministry of Justice, <a href="#">REC project Know Equality</a> (project presentation)

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 February 2021
Type of initiative	Initiative to improve the collection and use in decision-making of information on the implementation of the right to non-discrimination of LGBTI people, as part of a larger EU-funded project
Main target group	Stakeholders on LGBTI issues, such as NGOs and researchers working with LGBTI issues as well as relevant public authorities and politicians
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p><a href="#">Background study, roundtable</a> and yearly follow-up discussions to improve the collection and use in decision-making of information on the implementation of the rights of LGBTI people.</p> <p>A background study on the availability of research-based information on the situation of LGBTI persons in Finland outlined the starting points for a roundtable discussion with key stakeholders on present collection of information on implementation of the rights of LGBTI persons, informational gaps and needs for development in terms of information collection. These will be followed by 1–2 yearly follow-up discussions with key stakeholders focusing on non-discrimination aspects.</p> <p>The practice forms part of the REC-funded project Know Equality (1.2.2021-31.1.2023). One of the focus areas of the project is information about discrimination of LGBTI persons.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	The background study, roundtable discussion and follow up discussions can be replicated as such with local stakeholders in other countries.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The dialogue will continue as part of the national monitoring system on discrimination, which will organize 1–2 discussion sessions a year with different stakeholders on the issue of developing the information-gathering on LGBTI issues, with a focus on non-discrimination.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The availability and relevance of the information gathered on LGBTI issues as a basis for public decision-making after the initiation of the practice can be compared to that existing before the practice.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The elements of the practice are easily transferable to other Member States as such and not costly to implement.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and</p>	<p>The initiative to the practice came from the Ministry of Justice. Stakeholders are key to its implementation and will be involved in reviewing its impact.</p>

implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	The practice will be evaluated as part of the REC-financed project by collecting feedback from the stakeholders involved in the project. Feedback will also be collected from the participants of the individual events.

<b>Thematic area</b>	<p style="text-align: center;"><b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b></p> <p style="text-align: center;"><b>Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</b></p>
<b>Title (original language)</b>	Yhdessä yhdenvertaisuuden puolesta / Tillsammans
<b>Title (EN)</b>	All in for Equality
<b>Organisation (original language)</b>	Oikeusministeriö yhteistyössä Ihmisoikeusliiton, yhdenvertaisuusvaltuutetun, Finnish Business and Society FiBS ry:n sekä Helsingin kaupungin kanssa.
<b>Organisation (EN)</b>	Ministry of Justice in cooperation with the Finnish League for Human Rights, Non-Discrimination Ombudsman, Finnish Business and Society FiBS ry, sekä the City of Helsinki.
<b>Government / Civil society</b>	Government in cooperation with civil society
<b>Funding body</b>	Government and the European Union's Rights, Equality and Citizenship Programme

<b>Reference (incl. URL, where available)</b>	<a href="https://oikeusministerio.fi/en/project?tunnus=OM072:00/2020">https://oikeusministerio.fi/en/project?tunnus=OM072:00/2020</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	1 June 2020 – 31 May 2022
<b>Type of initiative</b>	Awareness-raising and development initiative
<b>Main target group</b>	The different project activities have different target groups
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	The objectives of the project include combating discrimination and harassment targeted at ethnic and religious minorities in Finland, increasing awareness about a range of social biases that lead to structural discrimination, educating the labor market about diversity and promoting social inclusion among young people from ethnic and religious minority backgrounds.

<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>Combating racism and discrimination is central to the project, and the tools developed in the project are highly transferable. For example, educational material for secondary schools on non-discrimination, quality criteria to promote diversity in working life, the empowerment of young people belonging to ethnic or religious minorities, and an awareness-raising social media campaign can all be implemented in other EU countries.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>The project has been planned with longevity and sustainability in mind. This means, for instance, how the project's activities and tools are integrated into organisations' wider structures, and how these can be refined after the project. The intention is to continue implementing the tools and practices created in the project, and to develop them, even after the project has ended. For example, in September 2021, the project launched the nationwide media campaign titled "I am an antiracist" and created a new website for the campaign. Although the campaign will officially end at the same time as the project, the site will continue to be up and running, and it will be updated in the future.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>The project measures impact in various ways, both qualitatively and quantitatively: for example, the project looks at how many young people have been reached in <i>MakeSomeNoise</i> – a speaker forum for young people with an immigrant background, the number of people participating in training events, training feedback, feedback from campaign partners as to the effectiveness of the campaign, and companies' commitment to diversity.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>All the different activities of the project could be implemented in different EU countries, if adapted for different national contexts.</p>



<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>The project partners include the Finnish League for Human Rights, Finnish Business and Society FiBS ry, the City of Helsinki and the Non-Discrimination Ombudsman. All the above parties have been involved in planning the project, and are involved in the evaluation and implementation. Other CSOs may be involved in the various project activities, such as campaign implementation, and may provide feedback on that activity.</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>Methods/indicators for project evaluation have been set for the project at the planning stage. The project management team, which includes all project partners, plays a key role in project evaluation, and the project organises workshops to support the evaluation. The project is reported to the EU on the project portal, and the results of the project can be disseminated to a wider audience, for instance, in the form of a blog post.</p>

<b>Thematic area</b>	<p style="text-align: center;"><b>ROMA EQUALITY AND INCLUSION</b></p> <p><b>Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</b></p>
<b>Title (original language)</b>	<p>No promising practice has been identified for this thematic area.</p>

Thematic area	<p style="text-align: center;"><b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b></p> <p style="text-align: center;"><b>Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</b></p>
<b>Title (original language)</b>	AuroraAI-toimintamalli/AuroraAI-handlingsmodellen
<b>Title (EN)</b>	AuroraAI operating model
<b>Organisation (original language)</b>	Valtiovarainministeriö/finansministeriet
<b>Organisation (EN)</b>	Ministry of Finance, Digital and Population Data Services Agency (Digi- ja väestötietovirasto/Myndigheten för digitalisering och befolkningsdata)
<b>Government / Civil society</b>	Government in cooperation with civil society.
<b>Funding body</b>	Ministry of Finance
<b>Reference (incl. URL, where available)</b>	Finland, Ministry of Finance, " <a href="#">AuroraAI operating model</a> "

<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	A preplanning project started on 15 September 2018. The project was officially launched on 6 February 2020. <sup>149</sup>
<b>Type of initiative</b>	Initiative to develop a human centric and ethically sustainable operation model for public organisations utilising artificial intelligence.
<b>Main target group</b>	Service providers that provide public services to the general public across all sectors.
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	The Finnish National Artificial Intelligence Programme seeks to develop an interconnected network between various public organisations, providers of public services and service users. <sup>150</sup> As a part of this project, the AuroraAI operation model aims to promote that these organisations 1) implement human centric and ethical approaches to activities that use AI, 2) apply a holistic perspective on the overall examination of the transition, and 3) organise activities that support users in different situations and life events. As concrete outputs, the operating model provide a frame of reference, a toolkit and sample implementations to help organisations to transition to human-centric and AI-assisted activities. The work on the operation model is conducted openly among pilot organisations during 2021-2022. The model is planned to be deployed to selected life events in 2022.

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<sup>149</sup> Finland, Ministry of Finance (*Valtiovarainministeriö/finansministeriet*), "[The AuroraAI national artificial intelligence programme begins – with the aim of using artificial intelligence to bring people and services together in a better way](#)", press release, 7 February 2020.

<sup>150</sup> Finland, Ministry of Finance, "[National Artificial Intelligence Programme AuroraAI](#)", project website.

<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>Reference frameworks, toolkits and sample events openly accessible to the public; Public-private-people-partnership approach to pilot applications of AI-based services; openness and transparency</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>As the AuroraAI programme should result in sustaining the inter-organisational network, an active review of the model will be required. This will also facilitate that the model remains fit for societal and technological changes. This is recognised in the programme, which calls for developing preconditions and processes that allow developing its outputs after the end of the project.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>The operating model provides concrete guidelines, sample decisions and tools to facilitate a human-centric and ethical approach to the use of AI. These can be implemented and transplanted to various organisational settings.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>As the operating model will be publically available, it is possible to implement its output to other Member States as long as differences in organisational structures and regulatory settings are taken into account. Further, the set-up of the project itself to develop the model can be used to facilitate the development of similar models elsewhere. It could even function as a means to facilitate cross-border cooperation among Member States.</p>

<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>The project was launched in 2018 with a preliminary study conducted in an open network-based collaboration between the public, the private and the third sectors. The study resulted in an implementation plan, which was submitted for consultations in the spring of 2019. A total of 65 operators issued statements. Subject to an application process, the project is also open for any stakeholder organisations that want to join it. The final operating model will ultimately be openly available to the public, thus making it open for public scrutiny. The Finnish Digital and Population Data Services Agency (<i>Digi- ja väestötietovirasto/Myndigheten för digitalisering och befolkningsdata</i>) is responsible for the technical implementation of the AuroraAI service architecture, while the participant organisations of the network will be responsible for their conducts using the services either contractually or by law.<sup>151</sup></p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>N/A</p>

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<sup>151</sup> Finland, Ministry of Finance, "[AuroraAI – Towards a human-centric society Development and implementation plan 2019–2023 based on the preliminary study on the Aurora national artificial intelligence programme](#)", Helsinki, 2019.

Thematic area	<p style="text-align: center;"><b>RIGHTS OF THE CHILD</b></p> <p style="text-align: center;"><b>Please provide a promising practice related to the topics addressed in the chapter.</b></p>
<b>Title (original language)</b>	Lapsibudjetoinnin kokeilu vuoden 2022 valtion talousarviossa
<b>Title (EN)</b>	Child-oriented budgeting pilot in the 2022 state budget
<b>Organisation (original language)</b>	Valtiovarainministeriö/Finansministeriet
<b>Organisation (EN)</b>	Ministry of Finance
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Government
<b>Reference (incl. URL, where available)</b>	<p><a href="https://budjetti.vm.fi/indox/sisalto.jsp?year=2022&amp;lang=fi&amp;maindoc=/2022/tae/hallituksenEsitys/hallituksenEsitys.xml&amp;opennode=0:1:3:69">The government's budget proposal for 2022 to Parliament (<i>hallituksen esitys eduskunnalle valtion talousarvioksi vuodelle 2022/regeringens proposition till riksdagen om statsbudgeten för 2022</i>)</a>  <a href="https://budjetti.vm.fi/indox/sisalto.jsp?year=2022&amp;lang=fi&amp;maindoc=/2022/tae/hallituksenEsitys/hallituksenEsitys.xml&amp;opennode=0:1:3:69">https://budjetti.vm.fi/indox/sisalto.jsp?year=2022&amp;lang=fi&amp;maindoc=/2022/tae/hallituksenEsitys/hallituksenEsitys.xml&amp;opennode=0:1:3:69:</a></p>

<p><b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b></p>	<p>The government committed to enhancing child budgeting (<i>lapsibudjetointi/barnbudgetering</i>) in its programme adopted on 10 December 2019.<sup>152</sup> On 28 December 2020, a working group was appointed to develop a child-oriented budgeting pilot for the central government budget proposal of 2022. The working group published its proposal on 19 August 2021.<sup>153</sup></p>
<p><b>Type of initiative</b></p>	<p>Integration of child-oriented budgeting in the central government budget proposal</p>
<p><b>Main target group</b></p>	<p>Children and families with children</p>
<p><b>Indicate level of implementation: Local/Regional/National</b></p>	<p>National</p>
<p><b>Brief description (max. 1000 chars)</b></p>	<p>Child-oriented budgeting is introduced as a new feature of the central government budget proposal of 2022.<sup>154</sup> A section summarizing expenditures targeting children and families with children in 2020, 2021 and 2022 budgets is included in the general part of the 2022 budget proposal. The review of expenditures takes into account the (statutory and discretionary) expenditure directly aimed at and allocated to children, as well as expenditure clearly targeted at families with children. Children are defined as persons under the age of 18.<sup>155</sup> Nearly all appropriations listed concern education and teaching, as well as social welfare and healthcare services.<sup>156</sup> In the documentation concerning the planning of the child-oriented budgeting pilot,<sup>157</sup> explicit reference is made to CRC General Comment No. 19 on public budgeting for the realization of children's rights.<sup>158</sup></p>

<sup>152</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2019), [Inclusive and competent Finland – a socially, economically and ecologically sustainable society](#), Publications of the Finnish Government 2019:33, Helsinki, p. 156.



<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>Child-oriented budgeting as a whole can be implemented in different contexts. The working-group developing the pilot for the central government budget considered also the possibility of using child-oriented budgeting within municipalities and welfare services counties (<i>hyvinvointialue/välfärdsområden</i>).<sup>159</sup></p>
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<sup>153</sup> Finland, Ministry of Finance (*valtiovarainministeriö/finansministeriet*) (2021), [Lapsibudjetoinnin pilotointi ja vakiinnuttaminen. Työryhmän mietintö lapsibudjetoinnin kehittämismahdollisuuksista valtion talousarviossa sekä kunnissa ja hyvinvointialueilla](#), Publications of the Ministry of Finance 2021:29, Helsinki.

<sup>154</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*), Government's budget proposal for 2022 to Parliament (*hallituksen esitys eduskunnalle valtion talousarvioksi vuodelle 2022/regeringens proposition till riksdagen om statsbudgeten för 2022*), [section on child-oriented budgeting](#), online, accessed on 17 November 2021.

<sup>155</sup> Finland, Ministry of Finance (*valtiovarainministeriö/finansministeriet*) (2021), [Budget review 2022. Review on central government budget proposal, September 2021. Economic Policy](#), Publications of the Ministry of Finance 2021:57, Helsinki, p. 47.

<sup>156</sup> Finland, Ministry of Finance (*valtiovarainministeriö/finansministeriet*) (2021), [Budget review 2022. Review on central government budget proposal, September 2021. Economic Policy](#), Publications of the Ministry of Finance 2021:57, Helsinki, p. 48.

<sup>157</sup> Finland, Ministry of Finance (*valtiovarainministeriö/finansministeriet*) (2021), [Lapsibudjetoinnin pilotointi ja vakiinnuttaminen. Työryhmän mietintö lapsibudjetoinnin kehittämismahdollisuuksista valtion talousarviossa sekä kunnissa ja hyvinvointialueilla](#), Publications of the Ministry of Finance 2021:29, Helsinki, p. 24.

<sup>158</sup> United Nations, Committee on the Rights of the Child, [General Comment No. 19 \(2016\) on public budgeting for the realization of children's rights](#).

<sup>159</sup> Finland, Ministry of Finance (*valtiovarainministeriö/finansministeriet*) (2021), [Lapsibudjetoinnin pilotointi ja vakiinnuttaminen. Työryhmän mietintö lapsibudjetoinnin kehittämismahdollisuuksista valtion talousarviossa sekä kunnissa ja hyvinvointialueilla](#), Publications of the Ministry of Finance 2021:29, Helsinki, pp. 51–52.

<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>Child-oriented budgeting is a government priority as reflected in the government programme of 2019. Further, it has been developed with the aim of consolidating the practice as a permanent part of the central budget.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>Child-oriented budgeting provides information on trends in government spending directed at children. By including in the budget proposal figures for three consecutive years, the development over time can easily be discerned. However, the model for child-oriented budgeting adopted in Finland does not on its own provide for an impact assessment of the child expenditures. Additional measures will be required. Thus, the National Child Strategy provides that the impact assessment of the strategy will cover also the preparation and monitoring of the central government budget.<sup>160</sup></p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>The Finnish model for child-oriented budgeting does not require a total overhaul of the budget structure. Thus, it should not be too difficult to apply also in other settings and Member States. Of course, some adjustments to national budgetary policies might be necessary.</p>

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<sup>160</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021), [Kansallinen lapsistrategia. Komiteamietintö](#), Publications of the Finnish Government 2021:8, Helsinki, p. 34.

<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>N/A</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>The practice of child-oriented budgeting is introduced as a pilot in the government budget proposal of 2022. Based on these experiences a standardised version will be introduced in the budget proposal of 2023.<sup>161</sup></p> <p>Further, in accordance with section 90 of the Constitution of Finland (<i>perustuslaki/grundlagen</i>), the National Audit Office (<i>valtionalouden tarkastusvirasto/statens revisionsverk</i>) audits state finances and compliance with the state budget.<sup>162</sup> The Office operates as an independent agency in affiliation with Parliament. It audits both the legality and productivity of government finances and compliance with the budget.<sup>163</sup></p>

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<sup>161</sup> Finland, Ministry of Finance (*valtiovarainministeriö/finansministeriet*), '[Child-oriented budgeting to be piloted in the 2022 Budget](#)', press release, 19 August 2021.

<sup>162</sup> Finland, [The Constitution of Finland](#) (*Suomen perustuslaki/Finlands grundlag*), Act No. 731/1999, section 90.

<sup>163</sup> Finland, Act on the National Audit Office ([laki valtionalouden tarkastusvirastosta/lag om statens revisionsverk](#)), Act No. 676/2000, section 1.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE</b> <b>Please provide one example of a promising practice related to the topics addressed in the chapter.</b>
<b>Title (original language)</b>	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<p align="center"><b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b></p> <p align="center"><b>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</b></p>
<b>Title (original language)</b>	Vammaisten henkilöiden henkilökohtaisen budjetoinnin kokeiluhanke 2020–2021
<b>Title (EN)</b>	Pilot project on personal budgeting for persons with disabilities 2020–2021
<b>Organisation (original language)</b>	Terveyden- ja hyvinvoinnin laitos (THL) ja Sosiaali- ja terveysministeriö (STM)
<b>Organisation (EN)</b>	Finnish Institute for Health and Welfare (THL) and the Ministry of Social Affairs and Health
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Government (Ministry of Social Affairs and Health)

<p><b>Reference (incl. URL, where available)</b></p>	<p><a href="https://thl.fi/fi/tutkimus-ja-kehittaminen/tutkimukset-ja-hankkeet/vammaisten-henkiloiden-henkilokohtaisen-budjetoinnin-kokeiluhanke">https://thl.fi/fi/tutkimus-ja-kehittaminen/tutkimukset-ja-hankkeet/vammaisten-henkiloiden-henkilokohtaisen-budjetoinnin-kokeiluhanke</a>  <a href="https://stm.fi/-/vammaisten-henkiloiden-henkilokohtaisen-budjetoinnin-kokeiluhankkeeseen-myonnetaan-2-9-miljoonaa-euroa-valtionavustusta">https://stm.fi/-/vammaisten-henkiloiden-henkilokohtaisen-budjetoinnin-kokeiluhankkeeseen-myonnetaan-2-9-miljoonaa-euroa-valtionavustusta</a>  <a href="https://stm.fi/documents/1271139/21561927/Vammaisten+henkil%C3%B6iden+henkil%C3%B6kohtaisen+budjetoinnin+kokeiluhankkeen+hankeopas.pdf/7ac9e481-5c95-e9d7-2352-f0be23f3e89b/Vammaisten+henkil%C3%B6iden+henkil%C3%B6kohtaisen+budjetoinnin+kokeiluhankkeen+hankeopas.pdf">https://stm.fi/documents/1271139/21561927/Vammaisten+henkil%C3%B6iden+henkil%C3%B6kohtaisen+budjetoinnin+kokeiluhankkeen+hankeopas.pdf/7ac9e481-5c95-e9d7-2352-f0be23f3e89b/Vammaisten+henkil%C3%B6iden+henkil%C3%B6kohtaisen+budjetoinnin+kokeiluhankkeen+hankeopas.pdf</a> (project guide)  <a href="https://nordicwelfare.org/pub//Personalised+Support+and+Services+for+Persons+with+Disabilities+mapping+of+Nordic+models/">https://nordicwelfare.org/pub//Personalised Support and Services for Persons with Disabilities mapping of Nordic models/</a> (mapping of Nordic models)</p>
<p><b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b></p>	<p>8.1.2020–31.12.2021  The project end report will be presented to the Ministry of Social Affairs and Health before the end of 2021 and published in January 2022.</p>
<p><b>Type of initiative</b></p>	<p>Pilot project, testing the use of self-directed support to persons with disabilities in order to develop a national model for personal budgeting in Finland.</p>
<p><b>Main target group</b></p>	<p>Persons with disabilities</p>
<p><b>Indicate level of implementation: Local/Regional/National</b></p>	<p>Regional and national</p>

<p><b>Brief description (max. 1000 chars)</b></p>	<p>The project will develop a Finnish model for the way personal budgeting is organised and produce a proposal for the required legislation. The objective of the project is to strengthen the self-determination, inclusion and freedom of choice of persons with disabilities in the service planning and implementation process so that help and support will be available flexibly in different life situations and meet individual needs. The project consists of nine (9) regionally implemented projects and joint development work at the national level. It will assess the strengths, weaknesses, opportunities and challenges of personal budgeting in comparison to other forms of organising services and develop national principles and procedures as well as a jointly accepted definition for personal budgeting.</p>
<p><b>Highlight any element of the actions that is transferable (max. 500 chars)</b></p>	<p>The project operating model which is based on a coordinating bureau at the national level (THL), joint development work involving regions and the national level, and multiple actors, including beneficiaries, as well as a cyclical process where practices and experiences are regularly changed between the participants, should be easily transferable to similar circumstances, in particular, if the common goal is clear.</p>
<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>The project aims to strengthen the self-determination, inclusion and skills and capacities of persons with disabilities and place the individual at the centre of the planning, choice and implementing of support. If the proposal is approved the practice of personal budgeting will be anchored in legislation.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>Since one of the main aims of the project is to produce a legislative proposal introducing the Finnish model for personal budgeting, the response to the proposal and how the proposal proceeds will be a clear indicator of the ultimate outcome and success of the project.</p>

<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>Please see above under 'transferable elements'. The practice should be transferable to Member States which have similar decentralised structures for provision of social and health care services. A survey mapping the Nordic models of personalised support and services for persons with disabilities was produced in the framework of the project in cooperation between the Nordic Welfare Centre and the Finnish Institute for Health and Welfare (THL).</p> <p>The survey is available on-line at:  <a href="https://nordicwelfare.org/pub//Personalised_Support_and_Services_for_Persons_with_Disabilities_mapping_of_Nordic_models/introduction.html">https://nordicwelfare.org/pub//Personalised_Support_and_Services_for_Persons_with_Disabilities_mapping_of_Nordic_models/introduction.html</a></p>
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>The project steering group consists of representatives for the Finnish Disability Forum (umbrella organisation of disability NGOs), the Advisory Board for the Rights of Persons with Disabilities (VANE), the Association of Finnish Municipalities, the Ministry of Social Affairs and Health and the Finnish Institute for Health and Welfare (THL). The workshops organised by the project coordinating bureau (THL) have been open to all participants and the project has had a virtual co-working space open for all participants during the entire project implementation period.</p> <p>The regionally implemented projects and their steering groups have involved different disability NGOs and groups, and representatives for different stakeholders, organisations and service clients, such as children with disabilities and their families, have participated in the experimental and investigative work at the regional level. Involvement of persons with disabilities in the project as well as methods for regional networking were among the decisive evaluation criteria when selecting the regional projects. In the beginning of the project, the project bureau conducted a survey among the regional projects and their networks. In the area of social work, e.g., responses were provided by social workers, by social workers together with their clients, and by focus groups consisting of clients, social workers, social work managers and service providers based on joint discussions.</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>The regional projects will be reviewed and assessed against their set objectives by the Finnish Institute of Health and Welfare, and the whole project by the Ministry of Social Affairs and Health on the basis of the project end report.</p>



## Annex 2 – Case Law

<p><b>Thematic area</b></p>	<p>EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.</p>
<p><b>Decision date</b></p>	<p>19 October 2021</p>
<p><b>Reference details</b></p>	<p>Vaasa Court of Appeal (<i>Vaasan hovioikeus/Vasa hovrätt</i>), Judgment No. 408, Registration No. S 20/721</p>
<p><b>Key facts of the case</b> <b>(max. 500 chars)</b></p>	<p>The case concerned the entry into the population register of information concerning a child born in France to a Finnish mother and a French father on the basis of an international birth certificate. The parents were not married. The issue at stake was the additional information requested from the child’s father regarding fatherhood and custody rights. The motherhood and custody of the mother was entered into the population registry on the basis of the same international birth certificate without further delay.</p>
<p><b>Main reasoning/argumentation</b> <b>(max. 500 chars)</b></p>	<p>The authorities argued that they needed to ensure the reliability of the information entered into the population register (<i>väestötietojärjestelmä/befolkningsregistret</i>), in particular in relation to foreign documents. Under French law, the international birth certificate establishing the fatherhood and custody rights of the father constituted sufficient proof. Furthermore, in relation to the mother the same international birth certificate was deemed reliable.</p>

<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>Discrimination of an EU citizen on the basis of nationality; sufficiency of an international birth certificate to establish fatherhood and the father's custody rights, in a situation where the same document had been accepted as proof of motherhood and custody rights of the mother.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Court of Appeal upheld the District Court's finding that A had been discriminated against on the basis of nationality in violation of section 8 of the Non-Discrimination Act. The Court of Appeal found that the difference in treatment between the father and the mother was not based on law. The state is to pay the father € 1,000 in compensation and cover his trial costs. The same foreign document cannot be deemed reliable in relation to a Finnish citizen and unreliable in relation to a foreign citizen (in this case a citizen of another EU country).</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>Asiassa ei ole edes väitetty, että An esittämä asiakirja ei olisi mainitussa laissa tarkoitettu alkuperäinen, virallinen asiakirja tai sen oikeaksi todistettu jäljennös. Koska An avopuolison vanhemmuus ja huoltajuus on merkitty väestötietojärjestelmään saman asiakirjan perusteella, valtio ei voi tehokkaasti vedota asiakirjan luotettavuuden varmistamistarpeeseen menettelynsä oikeuttamiseksi.</p> <p>It has not been argued that the document presented by A would not constitute an original, official document or a certified copy. Since the parenthood and custody of A's partner were entered into the population register based on the same document, the state cannot argue that the need to verify the document justified its action.</p>

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
<b>Decision date</b>	No case law has been identified for this thematic area

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
<b>Decision date</b>	No case law has been identified for this thematic area

<b>Thematic area</b>	<b>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION</b> Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the right to an effective remedy in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
<b>Decision date</b>	No case law has been identified for this thematic area

<b>Thematic area</b>	<p>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p>Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
<b>Decision date</b>	10 September 2021
<b>Reference details</b>	Decision of the Supreme Administrative Court ( <i>Korkein hallinto-oikeus/Högsta förvaltningsdomstolen</i> ) <a href="#">KHO:2021:125</a>
<b>Key facts of the case</b> <b>(max. 500 chars)</b>	The government of Åland, an autonomous province of Finland, had hired the head of the Data Protection Authority for a fixed term of one year. The head of the DPA was not nominated for a permanent post at the end of the probationary period, which meant automatic termination of the employment. The head of the DPA filed an appeal to the Supreme Administrative Court demanding annulment of the decision.
<b>Main reasoning/argumentation</b> <b>(max. 500 chars)</b>	The Supreme Administrative Court found that the probation terms of national DPAs were regulated directly by the General Data Protection Regulation (Regulation (EU) 2016/679) in addition to the national legislation. The Court considered that the decision of the government of Åland to terminate the employment of the head of their DPA after the probationary period was done contrary to the GDPR. Article 53(4) of the GDPR allows dismissal only for serious misconducts or inability to perform duties. Such conditions were not at hand in the case.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	Although the GDPR does not contain explicit provisions concerning probation period for the DPA, its Article 54(1)(d) sets minimum term of office requirements that affect the national provisions on probationary period and their application.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The Supreme Administrative Court annulled the decision of the government of Åland and referred it back for reconsideration.

**Key quotation in original language and translated into English with reference details (max. 500 chars)**

Koska A:n virkasuhdetta ja sen päättämistä ei ollut arvioitu tietosuojasetuksen säännösten valossa, virkasuhteen päättämistä koskeva päätös oli kumottava ja asia palautettava maakunnan hallitukselle uudelleen käsiteltäväksi.

As A's employment and termination had not been assessed in the light of the provisions of the Data Protection Regulation, the decision to terminate her employment had to be annulled and the matter referred back to the provincial government for reconsideration.

<b>Thematic area</b>	RIGHTS OF THE CHILD Please provide the most relevant high court decision related to the topics addressed in the chapter.
<b>Decision date</b>	21 April 2021
<b>Reference details</b>	Decision of the Supreme Administrative Court ( <i>Korkein hallinto-oikeus/Högsta förvaltningsdomstolen</i> ) <a href="#">KHO:2021:44</a>
<b>Key facts of the case</b> <b>(max. 500 chars)</b>	The case concerned the placement of a 16-year-old child. Due to repeated acts of violence by the father in the home, the municipality placed the child into care outside the home. The administrative court agreed with the decision to take the child into care but dismissed the request of the child protection manager to place the child outside the home. Instead, the administrative court ruled that the child should be placed in the home of the parents, based on section 49(3) of the Child Welfare Act ( <i>lastensuojelulaki/barnskyddslagen</i> ). The Supreme Administrative Court overturned the decision by the lower court. Throughout the court proceedings the child expressed the wish to stay with the parents.
<b>Main reasoning/argumentation</b> <b>(max. 500 chars)</b>	The Supreme Administrative Court noted that, under section 49(3) of the Child Welfare Act, a child who has been taken into care, may be placed under the care of a parent as a short-term measure and in specific cases only, such as when the child's return home is being prepared after placement away from home or it is otherwise justified in terms of the child's interests. Considering that the decision to take the child into care was based on violence committed by one of the parents, there were no such exceptional grounds, in the meaning of section 49(3), despite the fact that the child had experienced challenges during previous placements outside the home and had expressed the wish to be placed with the parents.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	Substitute care under section 49 of the Child Welfare Act means placing a child away from the child's own home. The case clarified the interpretation of section 49(3) of the Act, by emphasising that it is an exception to the main rule, applies in specific cases only and on a short-term basis. The case also exemplifies the assessment of the balance between the child's views and his/her interests in a case involving domestic violence.

<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The decision by the administrative court was reversed. During the Supreme Administrative Court's proceedings, the local authorities made a new decision on placement of the child outside the home. The Supreme Administrative Court was not mandated to take a stand on this decision, which at the time had not yet been appealed to the administrative court.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>Koska A:n huostaanotto on perustunut merkittävältä osin vanhemman väkivaltaiseen käytökseen ja väkivallan jatkumisesta on herännyt vakava epäily vielä kiireellisen sijoituksenkin aikana, asiassa ei ole ollut edellytyksiä katsoa, että lapsen sijoittaminen kotiin vanhempiansa luokse voisi olla lapsen edun kannalta perusteltua lastensuojelulain 49 §:n 3 momentissa tarkoitettulla tavalla. Asiaa ei ole tullut arvioida toisin, vaikka A itse on vastustanut kodin ulkopuolista sijoitusta ja vaikka yksittäisessä sijaishuoltopaikassa on ilmennyt ongelmia.</p> <p>Because the taking into care of A has been based to a large extent on the violent behaviour of one of the parents and because there was serious suspicion that the violence had continued during the period of urgent custody, there were no reasons to conclude that the placement of the child with the parents could be motivated with the child's interest under section 49(3) of the Child Welfare Act. The case should not have been appraised differently, despite the fact that A opposed placement outside the home and there had been problems in a custody unit before.</p>

<p><b>Thematic area</b></p>	<p>ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.</p>
<p><b>Decision date</b></p>	<p>No case law has been identified for this thematic area.</p>

<p><b>Thematic area</b></p>	<p>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.</p>
<p><b>Decision date</b></p>	<p>22 December 2021</p>
<p><b>Reference details</b></p>	<p><a href="#">KHO:2021:189</a> ECLI:FI:KHO:2021:189</p>
<p><b>Key facts of the case</b> <b>(max. 500 chars)</b></p>	<p>Due to a permanent mobility impairment, a passenger had need for extra legroom when travelling by air plane. The Finnish airline company Finnair could not provide the needed extra space safely in the aircraft type in question by any other means than reserving the passenger two extra adjacent seats for which the passenger was fully charged. The Non-discrimination ombudsman took the case to the National Non-discrimination and Equality Tribunal (<i>yhdenvertaisuus- ja tasa-arvolautakunta/diskriminerings- och jämställdhetsnämnden</i>) which found the airline's conduct to amount to failure to provide reasonable accommodations and to constitute discrimination contrary to the Equality Act (<i>yhdenvertaisuuslaki/jämställdhetslagen</i>, Act No. 1325/2014). The airline company appealed to the Helsinki administrative court, which overruled the tribunal's decision, finding there to be no basis for requiring a price reduction in the Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air and the preparatory works of the Equality Act. The Non-discrimination ombudsman appealed the case to the Supreme Administrative Court (<i>korkein hallinto-oikeus/högsta förvaltningsdomstolen</i>).</p>
<p><b>Main reasoning/argumentation</b> <b>(max. 500 chars)</b></p>	<p>The Supreme Administrative Court noted that the matter concerned an air carrier's duty to provide reasonable accommodations in accordance with the Equality Act and the CRPD. It found that arranging three adjoining seats for the passenger with mobility impairment could not be considered an adequate measure from the part of the airline, since the passenger had had to pay a threefold price for the travel compared to a passenger without a disability. Considering the nature and the extent of the airline business, the rarity of the disability in question, the fact that the person had made the reservation well in advance of the travelling date, as well as the dynamic nature of flight ticket pricing, the Court further found that granting a price discount for the additional seats to ensure equal treatment could not be considered unreasonable for the carrier.</p>



<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The Court took stand to the question whether the provisions on reasonable accommodations in the Equality Act (Sections 1, 2[1], 4[4], 8[2], 15, and 28) and the CRPD (Arts. 1 and 2, 5[3] and 18) could place the airline company a duty to reduce the price for the extra seats. The Court noted that reasonable accommodations would need to address the individual needs of a person with disability, but the manner in which this is done may be chosen by the duty bearer. In individual situations reducing the price for a product or a service or making other type of price adjustments may be for the parties the most appropriate means to realise reasonable accommodations in order to ensure that the person with a disability would have equal access to the product or service in question. Assessing the impact of a price reduction as a reasonable accommodation from the point of view of the businesses' freedom to price their products would be taken into consideration when assessing the reasonableness of the required accommodation for the duty bearer.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Supreme Administrative Court quashed the decision of the administrative court and upheld the decision of the National Non-discrimination and Equality Tribunal regarding Finnair's failure to provide reasonable accommodations to the person with mobility impairment which amounted to discrimination contrary to the Equality Act.</p>

<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>Kun otettiin huomioon Finnair Oyj:n liiketoiminnan luonne ja laajuus, kyseessä olevan vamman harvinaisuus, se, että liikuntavammaisen henkilö oli varannut matkansa hyvissä ajoin ennen haluttua matkustuspäivää, sekä lentolippujen luonteeseen kuuluva hinnoittelun dynaamisuus, lisäpaikkojen hintoihin kohdistuvaa alennusta liikuntavammaisen henkilön yhdenvertaisen kohtelun turvaamiseksi ei voitu pitää Finnair Oyj:n kannalta kohtuuttomana alennuksen suoran kustannusvaikutuksen osalta. Finnair Oyj ei ollut myöskään osoittanut, että alennuksella olisi ollut sellaisia [...] lennon kokonaiskannattavuuteen ulottuvia vaikutuksia, joita olisi voitu pitää Finnair Oyj:n kannalta kohtuuttomina tai joiden olisi voitu katsoa rajoittavan sen hinnoitteluvapautta suhteettomalla tavalla. KHO:2021:189</p> <p>Considering the nature and the extent of the airline business, the rarity of the disability in question, the fact that the person had made the reservation well in advance of the travelling date, as well as the dynamic nature of flight ticket pricing, providing a price discount for the additional seats to ensure equal treatment of the person with mobility impairment could not be considered unreasonable for the carrier considering its direct cost effects. The airline company Finnair had neither been able to show that a discount would have had such [...] overall cost effects which would have been unreasonable for the company or curtailed its freedom of pricing in a disproportionate manner.</p>
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