PARLIAMENTARY OMBUDSMAN OF FINLAND

SUMMARY OF THE ANNUAL REPORT 2013

PARLIAMENTARY OMBUDSMAN OF FINLAND

PARLIAMENTARY OMBUDSMAN OF FINLAND

SUMMARY OF THE ANNUAL REPORT 2013

ISSN 0784–5677
Printing: Vammalan Kirjapaino Oy, Sastamala 2014
Graphic design: Anssi Kähärä / Werklig Oy
Format: Virpi Salminen
Translation: Lingsoft Language Services Oy

To the reader

The Constitution (Section 109.2) requires the Parliamentary Ombudsman to submit an annual report to the Eduskunta, the parliament of Finland. This must include observations on the state of the administration of justice and any shortcomings in legislation. Under the Parliamentary Ombudsman Act (Section 12.1), the annual report must include also a review of the situation regarding the performance of public administration and the discharge of public tasks as well as especially of implementation of fundamental and human rights.

The undersigned *Petri Jääskeläinen,* Doctor of Laws and LL.M. with Court Training, served as Parliamentary Ombudsman throughout the year under review 2013. My term of office is from 1.1.2014 to 31.12.2017. Those who have served as Deputy-Ombudsmen are Doctor of Laws *Jussi Pajuoja* (from 1.10.2013 to 30.9.2017) and Licentiate in Laws *Maija Sakslin* (from 1.4.2014 to 31.3.2018).

I am on leave of absence from my post as a state prosecutor with the Office of the Prosecutor General for the duration of my term, Dr. Pajuoja is on leave of absence from his post as a deputy head of department at the Ministry of Justice and Ms. Sakslin from her post as a responsible researcher with the Social Insurance Institution.

Doctor of Laws, Principal Legal Adviser *Pasi Pölönen* was selected to serve as the Substitute for a Deputy-Ombudsman for the period 15.12.2011–14.12.2015. He performed the tasks of a Deputy-Ombudsman for a total of 50 work days during the year under review.

The annual report consists of general comments by the office-holders, a review of activities and a section devoted to the implementation of fundamental and human rights. It additionally contains statistical data and an outline of the main relevant provisions of the Constitution and the Parliamentary Ombudsman Act. The annual report is published in both of Finland's official languages, Finnish and Swedish.

The original annual report is almost 400 pages long. This brief summary in English has been prepared for the benefit of foreign readers. The longest section of the original report, a review of oversight of legality and decisions by the Ombudsman by sector of administration, has been omitted from it.

I hope the summary will provide the reader with an overview of the Parliamentary Ombudsman's work in 2013.

Helsinki 3.4.2014

Petri Jääskeläinen
Parliamentary Ombudsman of Finland

Contents

Decisions marked with an asterisk * (for example 123/4/10*) can be found as press releases on the Ombudsman's web site: www.ombudsman.fi/english.

Photos

The pictures in the page spreads feature items from Aimo Katajamäki's sculptures series Wood People (2006), which is in the entrance foyer of the Little Parliament annex building. Photos Anssi Kähärä / Werklig Oy

Tomas Whitehouse / Tomas Whitehouse Photography Tmi p. 12, 18, 23 and 31

Photo archive of the Parliament of Finland p. 43

Photo archive of the Office of the Parliamentary Ombudsman p. 43 and 48

1 General comments

Parliamentary Ombudsman
Mr. Petri Jääskeläinen

The Parliamentary Ombudsman is to become a supervisory body for the prevention of torture

Optional Protocol

On 5 April 2013, the Finnish Parliament passed a law regarding the national implementation of the United Nations (UN) *Optional Protocol to the Convention against Torture* (OPCAT). The Finnish Parliament simultaneously approved a change in the Parliamentary Ombudsman Act, by which the Ombudsman was assigned the role of national supervisory body (NPM, *National Preventative Mechanism*) in accordance with the Optional Protocol.

The Convention itself entered into force in Finland in 1989. The implementation of the Convention is overseen by the *UN Committee against Torture* (CAT), to which State Parties submit a periodic report on its national implementation. Inspection visits in a State Party's territory do not fall under the Committee's remit. Instead, an inspection system has been established by the Optional Protocol, whereby the *Subcommittee on Prevention of Torture* (SPT) and national supervisory bodies conduct inspections of places falling under the jurisdiction of the Convention in which persons are considered to be deprived of their liberty. As well as prisoners, these persons may be children, elderly people, psychiatric patients, foreigners, or persons with disabilities committed in various kinds of institutions, care facilities, or residential units.

A comparable convention on the prevention of torture and inhuman or degrading treatment or punishment has been drawn up under the remit of the Council of Europe (CE). The convention came into force in Finland in 1991. This convention has become well known, particularly owing to the activity of its supervisory body, the Council of Europe's *Committee for the Prevention of Torture* (CPT). State Parties signed up to the convention must permit the CPT to visit any places in which persons are being deprived of their liberty. The CPT has visited Finland on four occasions: in 1992, 1998, 2003, and 2008. The CE convention against torture does not include a national monitoring system.

Ratification and entry into force

The UN General Assembly approved OPCAT in 2002 and the agreement was signed by Finland in 2003. In 2006, the Ministry for Foreign Affairs of Finland set up a working group to prepare the ratification of the Protocol and to create the subsequently required national monitoring system. The working group submitted its report in 2011 and the government's proposal was submitted to parliament in 2012.

The proposal suggested that, in its ratification of the CE convention, Finland had, to a significant extent, already committed itself to similar international obligations as those required by the ratification of the Optional Protocol. According to the current government´s proposal, there are no particular problems associated with the current ratification of the Optional Protocol on the basis of the provisions contained in the CE convention and the experiences of their implementation. A separate resolution was only required in relation to the issues associated with the National Preventative Mechanism. It was clear from the beginning of the proposal's preparation, however, that the Parliamentary Ombudsman would occupy the role of this supervisory body. Nevertheless, it took approximately ten years from the signing of the Protocol for the Finnish Parliament to make its decision.

At the time of writing, the acts passed by parliament have been waiting for approximately one year to enter into force. This is due to the fact that the Åland Parliament has, in accordance with its provincial autonomy, not yet accepted the legislative entry into force of the Optional Protocol. However, the national and international inspections intended by the Optional Protocol may need to be carried out in such places in which, according to the Act on the Autonomy of Åland, the activities carried out fall under the legislative jurisdiction of the Åland Islands. Therefore, the entry into force of the Protocol in the Åland Islands also requires the approval of the Åland Parliament.

All-told, the entry into force of OPCAT has taken far too long. Delays in ratifying international conventions on human rights is a general problem in Finland. Indeed, when there are delays in the ratification process, the drawing up and implementation of the structures and procedures intended to safeguard the rights outlined in the conventions are also delayed. These delays have denied the Parliamentary Ombudsman the opportunity to utilise the new methods and tools provided by OPCAT and, consequently, Finland has been partially left out in the cold in relation to the international cooperation initiatives associated with OPCAT.

Purpose and scope of application

The purpose of the Optional Protocol is to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment. In accordance with the Protocol, this function is accomplished by preventative, non-judicial measures that are grounded in regular visits to places in which persons are deprived of their liberties. In practice, this refers to making visits to, for example, elderly care homes for those suffering from dementia and similar conditions in order to prevent their mistreatment and/or any abuse of their self-determination rights.

Attempts have been made to set the Protocol's scope of application as broadly as possible. Here, the term places of detention, refers to all places falling under the jurisdiction and control of a State Party where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence. The deprivation of liberty, in turn, means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

As such, in addition to prisons, the remit of the Protocol includes pre-trial detention facilities, immigration detention, psychiatric or social care institutions, child protection units, and care facilities and residential units for elderly and persons with disabilities. Moreover, vehicles used to transport persons deprived of liberty are also covered by the Protocol. Places falling under the scope of application run into the thousands.

The regular inspection visits are carried out by both the international Subcommittee and the NPM. Both bodies have unrestricted access to all places of work and information associated with the treatment and conditions of persons committed in them. Moreover, both bodies have the right to speak in confidence with persons held and with staff and other persons involved in work relating to such places.

The Subcommittee then makes recommendations to the State Parties, the purpose of which is to improve the treatment and living conditions of persons deprived of their liberty. The Subcommittee also works to advise and assist national supervisory bodies through cooperation with them.

The NPM has the right to investigate the treatment and living conditions of persons deprived of their liberty and to make recommendations to the pertinent and responsible authorities. The NPM also submits proposals and reports regarding existing or planned legislature.

According to the Protocol, the national supervisory bodies must be independent and their experts must possess the necessary professional qualifications. Furthermore, attempts should be made to ensure gender equality and sufficient representation of ethnic groups and minorities. National supervisory bodies must adhere to the so-called Paris Principles, which set requirements for the national human rights institutions.

Precisely in conjunction with fulfilling the Paris Principles, the Human Rights Centre was established in connection to the Office of the Parliamentary Ombudsman. The Human Rights Centre has a Human Rights Delegation representing bodies that participate in promoting and safeguarding the fundamental and human rights. The Parliamentary Ombudsman is suitable for the role of NPM from this perspective, too.

What's new?

The special assignment previously assigned to the Parliamentary Ombudsman by the Parliamentary Ombudsman Act was to conduct inspections of closed institutions and to monitor the treatment of persons held therein. Nevertheless, OPCAT has its own specificities and places new requirements on the inspection process. Owing to the fact that it has already been known for some time that the Parliamentary Ombudsman is to occupy the role of NPM in accordance with the Optional Protocol, attempts have been made to consider these new requirements in developing inspection procedures.

One requirement of the NPM is that it carries out pro-active and unannounced visits to closed institutions. This has been implemented for several years now, with approximately half of inspections of closed institutions being carried out unannounced, as so-called surprise inspections.

The international supervisory bodies have also underlined the importance of numerous and regular visits. Attempts have subsequently been made to comply with this; increasing the amount of visits by as many as possible in relation to the continued growth in the number of complaints.

New and fundamentally important, here, is the fact that, as the NPM, the Ombudsman's mandate is broader than in other monitoring of legality. In accordance with the Constitution, the jurisdiction of the Parliamentary Ombudsman is only permitted to extend to private persons when they perform a public task. The mandate of the NPM, in turn, extends to private bodies who oversee or administrate places in which persons are or may be deprived of their liberties, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence. Vehicles used to hold and transport persons

deprived of their liberty, for example privately owned or controlled ships, planes or other modes of transport, may also be included in this aspect of the mandate.

One entirely new feature is the ability of the Parliamentary Ombudsman to now use external experts in fulfilling its role as the NPM. In practice, this means that experts from various fields, for example doctors, nominated by the Parliamentary Ombudsman can participate in inspection visits. Valuable information and assistance can also be obtained from experts with particular experiences such as those of persons who have been inmates in places subject to the Protocol; for example in child protection units. The ability to draw upon the knowledge, experience, and expertise of these experts is perhaps the most significant added value that OPCAT brings to the inspection activities of the Parliamentary Ombudsman.

Of principle importance, here, is that some form of immunity is provided to persons providing the NPM with information. The law states that such persons may not be punished or face other consequences as a result of providing information. According to the Protocol, this immunity is in force regardless of whether the information provided is true or false. Moreover, the personal data of persons providing information may not be disclosed without the express consent of the person or persons in question. These provisions promote and safeguard the access of the NPM to the broadest possible range of information on the treatment and conditions of persons deprived of their liberty. The provisions protect the persons providing information and, hence, encourages them to talk about their observations and knowledge without fear of adverse consequences.

The role as national supervisory body brings about new reporting obligations for the Parliamentary Ombudsman. According to the government´s proposal, the Ombudsman may include the aspects of his activities pertaining to the role as NMP either in his current reporting or present a separate report detailing these activities. The role of NMP also requires international cooperation both with the Subcommittee and the NPMs of other countries.

Further issues

International bodies have deemed it advisable that a separate entity be organised for the activities of the NPM. In the case of the Parliamentary Ombudsman's Office, however, it seems more appropriate that its activities as the NPM be integrated with those of the Office as a whole.

Places falling under the Protocol's scope of application are located in many administrative areas; these places are varied in nature, persons deprived of liberty are diverse groups, and the applicable legislation varies in different locations. It is precisely for these reasons that varied expertise is required for inspection visits in different locations. Owing to the fact that any potentially separate unit within the Office of the Parliamentary Ombudsman would in any case be very small, it would be impossible, in practice, to bring together all the necessary expert knowledge.

Participating in the activities associated with inspection visits and conducting the other work of the Parliamentary Ombudsman's Office, especially handling complaints, are mutually supportive. Indeed, the information and experience gained from inspection work can, in fact, be beneficial to the processing of complaints and vice versa. This is why as many personnel from the Ombudsman' Office as possible are involved in the work of the NPM – at the very least those whose assigned area includes sites covered by the OPCAT scope of application. In practical terms, this constitutes the majority of the Office's investigators.

A further question, here, concerns the division of activities: should the NPM´s activities and those of the Parliamentary Ombudsman be kept functionally separate? The functional emphasis of the NPM´s working methods is on preventative measures. This refers to conducting regular visits

to places of detention and entering into "constructive dialogue" with the personnel working therein, rather than intervening using legal means as a result of suspected irregularities. For its part, the working methods of the Ombudsman have traditionally been more like the latter actions; in other words, the monitoring of legality after the fact.

This difference in approach may, in some cases, be problematic and lend weight to keeping the activities of these two functions separate. Moreover, this could mean that inspection visits would only be carried out either in the role of the NPM or that of the Parliamentary Ombudsman.

However, it would appear that such a division of functions and roles is not possible. According to Finnish law, the NPM is the Parliamentary Ombudsman, and, in carrying out this role, the Ombudsman cannot renege himself of the activities and duties assigned to him in his primary position. Nonetheless, the government´s proposal submitted to Parliament is founded on the understanding that the Ombudsman will simultaneously carry out the operations normally assigned to this position in addition to those of the NPM.

The aforementioned functional division does not appear to be necessary also from the perspective that the operational emphasis of the Ombudsman's activities has otherwise shifted away from the ex post monitoring of the legality of the methods and procedures employed by the authorities and towards increasingly offering constructive guidance regarding the promotion of basic and human rights in their activities. This is further reflected in the inspections carried out as part of the Ombudsman's normal activities; here, too, has increasingly been a move towards proactive and preventative measures.

Not only is the NPM role assigned in accordance with OPCAT important in principal, it is also, in my view, the first time that the Ombudsman has been tasked with fulfilling a function that Finland is obliged to complete on the basis of an international treaty. The Subcommittee established by the Optional Protocol may, among other things, make recommendations and statements regarding State Parties that potentially pertain to the national supervisory body too. I do not, however, consider it possible that an agency of the Finnish government, for example a ministry, would direct the Ombudsman, not to talk about ordering him, as to how to carry out the work of the NPM. In my opinion, this would be in clear conflict with the constitutional status of the Ombudsman.

OPCAT requires a State Party to provide all the resources required by the NPM. This is an issue to which international supervisory bodies may need to pay attention. Indeed, in the conclusions it delivered on Finland's fifth and sixth periodic reports, the UN Committee Against Torture drew attention to the adequacy of resources afforded to the Parliamentary Ombudsman. The Committee recommended that Finland reserve sufficient economic and human resources for the Ombudsman to be able to conduct unannounced inspections of closed institutions with the required level of frequency.

In conjunction with the parliamentary proceedings, both the Constitutional Law Committee and the Legal Affairs Committee considered it important that the Ombudsman have sufficient resources so as to conduct its Protocol obligations in the appropriate manner. They were also of the opinion that the Parliamentary Ombudsman's new assignment should not be allowed to negatively affect his ability to carry out and develop his current activities.

The next step

The role of the National Preventive Mechanism has seen the Parliamentary Ombudsman take a further step towards diversification in terms of Ombudsman´s remit and the tools at his disposal. The new ways of working associated with this role, especially with regard to the use of external experts, bring added value to the monitoring work already conducted by the Ombudsman in relation to persons deprived of their liberty.

The National Preventive Mechanism assignment also supports Finland's National Human Rights Institution, which consists of the Parliamentary Ombudsman, the Human Rights Centre, and its Human Rights Delegation.

The next developmental step is already on the horizon: The working group set up to prepare the ratification of the UN Convention on the Rights of Persons with Disabilities has proposed that Finland's National Human Rights Institution would function as the structure for promoting, protecting and monitoring the implementation of the Convention. The Parliamentary Ombudsman's OPCAT assignment also serves to support this proposed new function.

Deputy-Ombudsman
Mr. Jussi Pajuoja

What is the state of legality in the administration?

The Parliamentary Ombudsman is frequently asked how the public administration and its legality appear in our eyes.

The answer is that it depends on the branch of administration. The Parliamentary Ombudsman has a clear overall view of some fields, whereas in others our picture is not complete. Factors that affect the sharpness of the picture include the extent of the branch, the intensity of oversight and special obligations imposed on the Parliamentary Ombudsman.

In some branches of administration, the Ombudsman is the only external overseer of legality. Such branches as the Defence Forces and the prison service are subjected to special supervision. Since there is no other party supervising these branches, the Ombudsman must have a clear picture of the legality of their activities.

Consequently, the Office of the Parliamentary Ombudsman has a strong focus on overseeing the Defence Forces and prisons. The objective is that during their four-year term, the Parliamentary Ombudsman or Deputy-Ombudsman inspect all divisions that train conscripts and all prisons. There are 20–30 of such objects of inspection in each sector.

This, however, is exceptional. As a rule, legality of administration is supervised by several overseers of legality. It is thus not possible to rely on a single actor for obtaining an overall view of the administration's state, and the picture is shaped by the observations made by several overseers. The critical question is, how can a general picture be put together from the observations of the various parties?

With whom can I file a complaint?

A person wishing to file a complaint in Finland has plenty of choice. You can choose to file your complaint with a number of different overseers of legality. For example, the overseers of legality in social welfare and health care issues comprise four different authorities: the Chancellor of Justice, the Parliamentary Ombudsman, the National Supervisory Authority for Welfare and Health (Valvira), and the Regional State Administrative Agencies (AVIs).

Similarly, external oversight of the education and cultural administration is ensured by the supreme overseers of legality and the Regional State Administrative Agencies. In addition, complaints within the administration can be filed with the Finnish National Board of Education, for example on issues related to state schools.

The complainant thus has plenty of options, but the flip side of the coin is being spoilt for choice. Whom would it make sense to choose if the same complaint can be filed with several authorities?

When a complainant is making a decision about whom to address, crucial factors are likely to be their personal images and preferences. The image of overseers of legality is, among other factors, shaped by their position of authority in society, visibility in the media and any previous experiences of filing complaints that the complainant may have. Expectations based on statistics may also have a bearing on this choice: how long do different agencies take to process complaints, and how many complaints lead into action.

How many complaints are filed?

Every year, over 10,000 complaints are made in Finland. The greatest number of these is received by those overseers of legality who have the broadest remit, in other words the supreme overseers of legality and the Regional State Administrative Agencies.

In 2013, over 5,000 complaints were filed with the Parliamentary Ombudsman, 2,500 with the Regional State Administrative Agencies, and nearly 2,200 with the Chancellor of Justice. In individual branches of administration, the highest numbers of complaints were filed with the National Police Board and Valvira, or 700 and 400 respectively.

The fact that the complaints are filed with various parties not only makes it difficult to get an overall picture of the oversight of legality but may also lead into overlapping efforts. The risk is that the same case or issue ends up being processed simultaneously by several agencies.

Do overlapping efforts occur?

In order to analyse whether the overseers of legality unwittingly process the same cases, the data of the Office of the Parliamentary Ombudsman and the Regional State Administrative Agency for Southern Finland were examined. This examination covered complaints received by the Regional State Administrative Agency in 2013 that were pending at the end of the year. The sample consisted of over 700 complaints.

Only a few cases came up in the material where the Regional State Administrative Agency and the Parliamentary Ombudsman were simultaneously processing same complaint filed by the same party. When a situation of this type is detected, the overseers of legality must decide which one of them will process the complaint further.

What makes overlapping complaints more difficult to spot is that while there is a direct interface between the records of the Parliamentary Ombudsman and the Chancellor of Justice that can be used to identify complaints being processed simultaneously by both, there is no such interface between the other overseers of legality.

When the examination was expanded from individual cases to interrelated issues, more overlapping cases came up. Some 20 per cent of the complaints received by the Regional State Administrative Agency were relevant to complaints that the Office of the Parliamentary Ombudsman was also processing or had processed.

These cases usually stemmed from a complainant's difficult life situation. In the course of long-term processes, complaints had been filed with different overseers of legality. A complainant could address one authority about such problems as their child's difficulties with school attendance and child welfare measures, and another about their personal mental health problems. The same array of problems could also find an outlet in complaints concerning the police activities.

As the complaints were filed with different overseers of legality, it was possible that none of the parties could get an overall picture of the problems encountered by the individual or the family and the associated actions by the authorities.

This observation challenges us to develop cooperation between the overseers of legality and our working methods. Due to secrecy provisions, authorities in the field are often unaware of each other's actions, whereas the supreme overseers of legality have a comprehensive right of access to information. Provisions on access to information by the supreme overseers of legality are laid down at the level of the Constitution.

Only the supreme overseers of legality can examine the actions taken by all authorities in relation to a customer. This is why our aim should be at intervention in a situation giving rise to a great number of complaints through concentrated action by a single overseer of legality, rather than through various agencies resolving individual complaints.

Education and culture administration under scrutiny

The Chancellor of Justice and the Parliamentary Ombudsman as the supreme oversees of legality together with the National Board of Education and the Regional State Administrative Agencies held a meeting in early 2014 to discuss the state of oversight of legality in the education and culture administration.

The education and culture administration encompasses all teaching and education from day-care centres to universities and adult education institutions. It also includes library, sports and youth services and the construction of educational institutions.

The challenge to overseeing legality in the education and culture administration is the immense scope of the sector. According to official statistics, there are over 3,700 educational institutions in Finland, which are attended by some 2 million students. In addition, early childhood education and care that are within the scope of the education and cultural administration are provided in over 4,000 municipal, private and group day-care centres.

How does the education and culture sector administration appear to the overseers of legality? In 2013, some 210 complaints concerning the education and culture administration were filed with the Parliamentary Ombudsman, 70 with the Chancellor of Justice and 190 with the Regional State Administrative Agencies. This sample of about 500 complaints is very small considering the extent of the sector. This is why only few conclusions may be drawn on the status of the education and culture administration in a certain locality or in the entire country from the number, nature or objects of these complaints.

Another problem is that the number of inspections carried out in the education and culture sector is very small. Last year, the Parliamentary Ombudsman conducted some ten inspections. The objects of these inspections were the Ministry of Education and Culture, two Regional State Administrative Agencies, the education and cultural services of a city, a few comprehensive schools and a special needs educational institution. The Chancellor of Justice inspected a few sites, whereas the Regional State Administrative Agencies no longer conduct any inspections in the education and cultural sector.

On the other hand, legal protection in the education and culture sector has in recent years also become more effective. Decisions that play a key role for pupils and students are increasingly appealed to the Regional State Administrative Agencies, and their decisions to the Administrative Courts. For example, appeals may concern student admissions or a decision to provide special support, such as placing a pupil in a special needs class. Requests for rectification are also filed with the Regional State Administrative Agencies on such matters as having to repeat a class and grades. Appeals and requests for rectification are thus increasingly emphasised in legal protection in the education and culture sector.

Analysis of complaints in the education and culture sector

The Regional State Administrative Agencies had some 100 pending complaints concerning the education and culture administration, the Parliamentary Ombudsman 70 and the Chancellor of Justice 50, totalling slightly over 200 at the end of February 2014. Information on the identity of the complainant, the subject of the complaint and the time the complaint was filed was obtained from case management systems.

The subjects of the complaints included problems with indoor air in school buildings, closing down of schools, bullying in schools, arrangement of school transport, the use of social media and the students' own terminal devices in teaching, and the provision of religious education and organisation of religious events in schools. These issues had become known to all overseers of legality in one form or another.

Various motives emerge from the complainants' letters. Their goals include benefiting others by rectifying a problem for the future, hunger for publicity, revenge on a difficult official or a political opponent in a municipality, or claiming damages or recompense.

Only in a few instances, different overseers of legality were unwittingly processing the same case submitted by a single complainant. On the other hand, the same issue, for example friction between a student and an educational institution, could result in numerous complaints filed with different overseers of legality. In these cases, it was often difficult to perceive which letters about various persons and incidents referred to the same case and which dealt with separate incidents.

As the number of complaints concerning the education and culture administration was low in the sample, no conclusions can be made on this basis on the percentage share of complaints that concern the same issue. In individual cases, tricky situations of overlap may be caused for example when the complainants address their criticism of indoor air problems in educational institutions to different overseers of legality. In this situation, the fact that the same case is already pending often comes up when a statement is requested. Perhaps the most difficult to detect instances of overlap are cases where different complainants write about the same issue, for example religious events organised in schools, to different overseers of legality, and the complaints concern schools in different parts of the country. In this case, there is a risk of the overseers making their decisions with no knowledge of each other.

Ultimately, three major problems are crystallised in the oversight of legality in the education and culture administration. Firstly, the resources allocated to oversight of legality are scarce. The supreme overseers of legality and the Regional State Administrative Agencies collectively only have some ten person-years available for this purpose. Secondly, the fact that the oversight of legality in the education and culture administration is carried out by a number of small units is a problem. No-one can thus form an overall picture of the field, even to the extent that the small volume of complaint and inspection data would allow if the data were analysed as a whole. In terms of the overseers' consistent operating practices, situations where different overseers of legality comment on the same questions of substance, even if they concern different educational institutions, may present a risk.

Improving the efficiency of examining complaints

At the moment, the Regional State Administrative Agencies in particular have a backlog of complaints. Last year, the Regional State Administrative Agencies received over 2,500 and resolved 2,200 complaints. The worst backlog was experienced by the Regional State Administrative Agency for Southern Finland. While it received nearly 1,000 complaints, it only resolved less than 800. An attempt has consequently been made to alleviate the Agency's difficult situation by allocating additional resources to it.

On the other hand, the situation of the supreme overseers of legality is better. One reason for this are the legislative amendments that entered into force in 2011, allowing the overseers more discretion in processing complaints. For example, the new provisions make it possible for the supreme overseers of legality to refrain from processing a case that is over two years old unless there is a specific reason referred to in the legislation to do so.

On April 1, 2014 the Parliament however, passed an amendment to the Administrative Procedure Act, which allowed a similar extended discretion for authorities processing administrative complaints. This amendment will also eliminate the disparity that in recent years has resulted from the supreme overseers of legality having a broader discretion than the authorities hearing administrative complaints. For example, if a complaint concerning an issue dating back to more than two years ago was submitted to the Regional State Administrative Agency, the Agency had to process it, whereas the supreme overseers of legality have usually been able to filter out these cases directly.

The new provisions can be expected to contribute to clearing the backlogs of Regional State Administrative Agencies and other authorities dealing with administrative complaints.

Long-term challenges

A special feature of the complaints system in Finland is that we have two supreme overseers of legality. In an international comparison, no other country can be found with a similar system. Our model was originally adopted from Sweden, but in practice, the Swedish Chancellor of Justice no longer plays a role in hearing complaints.

In other words, the Finnish oversight system features an overlap at the very highest level. This problem is emphasised when we extend the examination to the processing of all administrative complaints. The same issues may be processed simultaneously by different oversight authorities, in the worst case with no knowledge of each other. When the processing is decentralised, it is also more difficult to form an overall picture of the state of legality in the administration.

In terms of resources, there is a risk that overlapping complaint processes take up resources needed for other important functions. For example, the other core task of the Chancellor of Justice is supervising the government. We could thus ask whether the oversight of the government might be more effective if the act laying down the division of duties between the Parliamentary Ombudsman and the Chancellor of Justice were amended. Currently, the special tasks of the Parliamentary Ombudsman mainly include oversight of the Defence Forces and closed institutions. It might be possible to change the division of labour between the supreme overseers of legality by assigning the Parliamentary Ombudsman a larger role in the oversight of social welfare and health care services as a special task.

The on-going reform of the social welfare and health care service structure will affect the oversight of legality by the Regional State Administrative Agencies and Valvira. The special responsibility areas under the new system do not match the operating areas of the current Regional State Administrative Agencies. As social welfare and health care services are a key area supervised by the Regional State Administrative Agencies, it is unlikely that the supervisory organisation could have different geographical boundaries than the area for which the organisation providing the services is responsible.

On the other hand, the Regional State Administrative Agencies and Valvira have extremely efficient means of enforcing their orders at their disposal. They may impose a conditional fine, or threaten to interrupt or ban the operations, in order to oblige a subject of oversight to comply with an order issued by them. The Parliamentary Ombudsman and the Chancellor of Justice do not have access to similar instruments. For this reason, the Regional State Administrative Agencies and Valvira should pay particular attention to optimising the use of these powerful instruments of oversight.

Deputy-Ombudsman
Ms. Maija Sakslin

To fulfil the right to housing

The right to housing

Two crucial factors affect the ability to ensure that housing rights are implemented. Firstly, the right to housing is not safeguarded as a fundamental or human right, even though several fundamental and human rights protect many dimensions of housing. Secondly, the actions of private actors only fall under the jurisdiction of the Ombudsman when they perform a public task. Nevertheless, the Ombudsman has been able to make a significant impact on the protection of housing rights.

In accordance with the Constitution of Finland, public authorities shall promote the right of everyone to housing and the opportunity to arrange their own housing. This fundamental right does not ensure an individual's right to housing, but instead requires people to arrange their housing by themselves. When all fundamental rights are considered, only such a dwelling that affords an individual the opportunity for privacy and domestic peace is considered to completely meet the requirements of this fundamental right. According to the preparatory work of the Constitution, special attention must also be paid to the healthiness of housing.

According to the Constitution of Finland, those unable to obtain the means necessary for a life of dignity have the right to receive indispensable subsistence and care. This provision also requires the public authorities to ensure the organisation of adequate housing when a person is unable to obtain the means necessary for a life of dignity.

Moreover, the public authorities shall support families and others responsible for caring for children in such a way that they are able to ensure the wellbeing and personal development of their children. This provision of the Constitution of Finland is also significant to housing rights in the sense that in can be interpreted in such a way as to set the requirements for public authorities to organise housing for children and their parents.

The nature of the constitutional provisions regarding the safeguarding of housing deviate from other fundamental societal rights insofar as they do not impose direct obligations on the

legislator. Nevertheless, the implementation of the obligations imposed on the public authorities requires legislative specification. The promotion and supporting of housing rights necessitates the establishment of diversified social structures and arrangements. This is a question of providing the kinds of rights, benefits and services that and which the authorities are obligated to organise, monitor, and supervise.

The housing rights of disabled persons or those in need of child protection are safeguarded elsewhere in our legislation as individual rights, which are backed by the right to appeal. Our legislation also arranges for the moderation or compensation of housing costs. Moreover, the municipalities have a duty to assist in the arrangement of housing. Housing services must be arranged for those persons requiring special assistance or support in organising a home or living arrangements.

Indeed, housing rights are fundamental and basic human rights, the protection of which requires continuous development of the monitoring of legality. Social rights are unique insofar as individuals do not always have access to the legal means to effectively enforce their own rights. This does not mean, however, that the obligations required of public authorities by the Constitution are not legally-binding. The challenge, here, is not so much that of the weakness of the fundamental rights themselves, but rather the weakness of the mechanisms by which the legal implementation of these rights is ensured. Indeed, the lack of effective legal remedies ensuring the protection of rights or the failure of their implementation merely demonstrates the underdevelopment of rights protection, and not the fact that the social rights would in and of themselves oblige the public authorities and preserve the fundamental rights of individuals. This situation further emphasises the importance of legislative monitoring.

The European Convention of Human Rights

The preservation of fundamental social rights is a prerequisite for the implementation of several other fundamental rights. The decisions of the European Court of Human Rights illustrate that the effective protection of civil and political rights is only possible if the social dimensions of these rights are taken into account. The modern way of thinking about fundamental and human rights leans more towards the consideration of these fundamental freedoms in their entirety and their inter-relatedness than emphasising the specific nature of each separate basic right.

As is the case in the Constitution of Finland, the European Convention on Human Rights, does not safeguard the right to housing as a human right. The European Court of Human Rights has, however, sought to protect the legal interests associated with housing in, for example, its assessment to the fact that it may be acceptable to limit the right to ownership for social reasons.

According to the Court of Human Rights, democratic legislature is tasked with the elimination of social injustice. In modern societies, housing the population is a basic need, the regulation of which cannot be left entirely to market forces. Hence, the Court considered it possible to sustain the freezing or reduction of rents within a reasonable period. The Court of Human of Rights has also concluded that, as the aim of the legislation was to protect those members of society in need of special protection, a statutory prohibition on long-term lease agreements does not infringe the rights of the owner. On the other hand, the Court declared that the restrictions imposed on landlords went too far, as, in practice, they negated the right to ownership. If the judicial system of a Member State is unable to guarantee the balance between the various interests, it violates the Convention on Human Rights.

The ECHR protects the right to a private and family life. It provides protection for a home, but does not confer the right to have a home. In ex-

ceptional circumstances, however, the state may be obliged to arrange protective or emergency housing for those persons deemed to be in vulnerable situation. According to the judgement of the Court of Human Rights, taking children into care solely on the basis of a family's poor living conditions is a breach of the aforementioned right insofar as the authorities could have addressed the shortages by other means than breaking up the family unit. Breaking up families is, according to the Court, such a drastic measure that it should only be fallen back on in the most serious of situations.

With regards to a person's eviction from property owned by a local authority, the Court of Human Rights concluded that the loss of a home is the most extreme form of the lack of domestic peace. Consequently, the procedure may only be permitted under the Convention if its proportionality can be effectively assessed by the Court.

The prohibition of inhuman or degrading treatment imposed by the Convention may also be applicable in addressing the lack of housing. According to the Court of Human Rights, the fear, anxiety, sense of inferiority, despair, and long-term uncertainty that a person experiences as a result of being homeless for several months, without food, access to sanitary facilities, or the opportunity to meet any basic needs, and without any hope of this situation improving, was so serious that the prohibition on the inhuman and degrading treatment of people was, in fact, applicable. This assessment was also affected by a person's poor language skills and vulnerability.

Monitoring the enforcement of the rights

The statutory tenant selection criteria must be adhered to in the client selection process for rental properties subsidised by public funding. The tenant selection process for subsidised housing can be carried out by either the municipal authorities or companies owned by the municipally. As the procedures for selecting tenants may not differ on the basis of the party responsible for them, the principle of ensuring the legality of said procedures requires that good administrative practices are observed in handling housing applications, in negotiations, and in responding to enquiries, and emphasises the obligation to handle matters appropriately and without undue delay. Among other things, the Parliamentary Ombudsman concluded that the obligation for housing applicants to re-submit their applications at monthly intervals had no legal basis. The short length of this period of validity prevented the proper evaluation of the period itself, as well as the evaluation of the criteria set for the prioritisation of applicants.

During the monitoring of legality, attention is repeatedly paid to ensuring that the prioritisation criteria for housing applicants on the basis of their housing need, assets, and income level cannot be superseded by any negative credit rating that the applicant may have. It is possible, however, that in some individual cases, the tenant selection criteria or prioritisation system can be superseded by the specific nature of an applicant's situation. In the absence of any such exceptional background factors, applicants are to be allocated housing in accordance with the prioritisation system, regardless of any default of payment notifications the applicant may have received, unless the risk of non-payment of rent is deemed to be real and justified despite any measures taken to secure the receipt of this payment.

The inspection conducted by the Parliamentary Ombudsman pays particular attention to ensuring that people are not housed in conditions that do not meet their basic human needs, and that such living conditions are of a standard required in countries like Finland. Furthermore, the inspection assesses the adequacy of support service provision and seeks to ensure that procedures carried out in subsidised housing, such as any possible access restrictions or substances testing, are legal and proper.

The requirement for essential care guaranteed by the Finnish Constitution means that, in at least some situations, a municipality or local authority has a duty to carry out pro-active measures in order to provide safe housing. In this regard, the Parliamentary Ombudsman has stressed that when a person is of no fixed abode and his or her living conditions are such that necessitate the provision of emergency housing or shelter, a municipality or local authority may be obliged to organise this solution. Attention has been drawn in the review of legality to the need to ensure that the decision of the housing service is made in writing and that this decision is accompanied by instructions regarding the right to appeal. A client of the service has the right to appeal if his or her application for subsidised living is rejected, potentially having, instead, to wait for further consideration for a period upwards of a year. Nor is it deemed acceptable that the social problems experienced by an applicant for housing support are a result of him or her being treated less favourably than any other applicant.

In relation to the need for child protection as a result of a lack of housing or adequate living conditions, the monitoring of legality directs municipalities to organise, without undue delay, housing or to make alternative arrangements so as to address any deficiency regarding the living conditions. A lack of housing or inadequate living conditions cannot be permitted to lead to a situation in which the parents responsible for the care and rearing of a child are forced to live in a different location to the child or in which the child is taken into care because of these poor housing arrangements.

The Ombudsman's decisions also pointed out that in cases where a parent's homelessness or inadequate housing conditions make it difficult to maintain contact with a child in foster care, or if these factors prevent the termination of care fo a child leaving foster care, the municipality shall make every effort to provide means-tested housing or to correct deficiencies in the housing conditions. The solutions for ensuring parents and children remain in contact must be evaluated in social and child welfare. Furthermore, this evaluation must be conducted as part of a child's client plan and the parenting support client plan.

Municipalities are also reminded by the monitoring of legality that taking care of a young person's living arrangements is a significant part of the after-care according to Child Welfare Act.

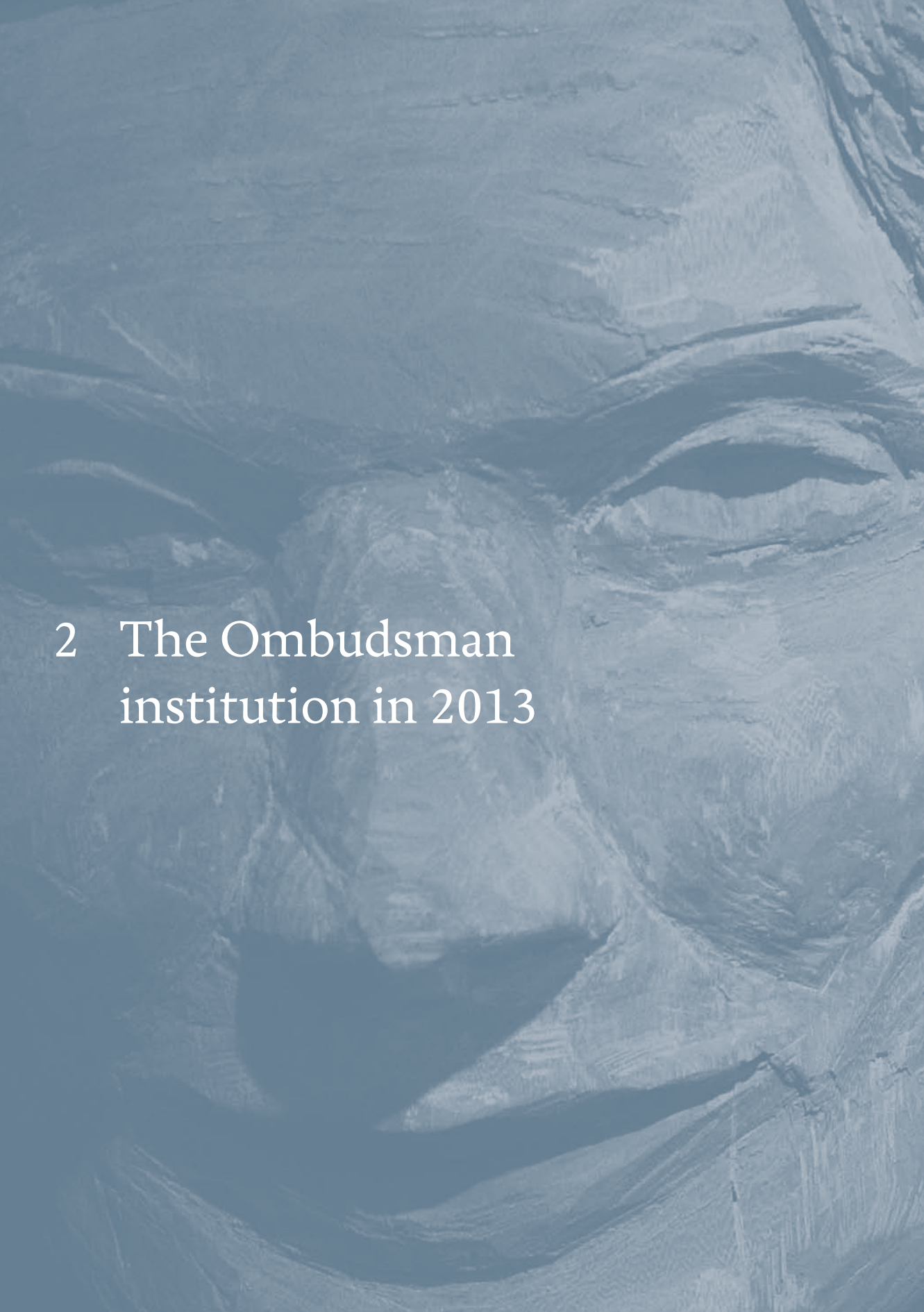
The monitoring of the housing rights of persons with disabilities is based on the principles expressed with regard to housing in the United Nations Convention on the rights of persons with disabilities. The Service Foundation was wrong to require that a tenant's spouse meet the same criteria as the tenant who had entered into a rental agreement with the Service Foundation. Here, the Parliamentary Ombudsman noted the disable person's rights to self-determination, freedom of choice, and inclusion. These rights serve to safeguard the ability of a disabled person to choose where and with whom he or she wishes to live. The Convention similarly protects the person's right to enter into marriage and start a family.

The inspection conducted by the Parliamentary Ombudsman noted that an institution or care unit must be an elderly care home in which a person is able to enjoy his or her final years in comfort and wherein due care and attention is paid to respecting his or her privacy.

The review of legality stressed that the care provided to an elderly person in his or her own home must safeguard his or her basic human rights, which, in addition to ensuring the provision of basic care, also includes the right to safe living conditions. Support services may not be arranged in such a way that they contradict the will and interests of an elderly person. The experiences of the elderly person him or herself with regard to the safety and general state of his or her living conditions must be taken into consideration when evaluating the amount and quality of support service provision.

Housing costs affect the amount of social assistance. As the housing costs in municipalities differ, they may consider what level of housing costs are deemed to be reasonable. The need to consider local housing conditions and costs is emphasised in the monitoring of legality. In contrast, it is not acceptable for the assessment of what constitutes a reasonable level of housing costs in the municipality to use fixed amounts; for example provided for in the Housing Allowance Act. With regards to students housing costs do not need to be taken into consideration at all in the calculation of the amount of social assistance for students living in free student accommodation.

In terms of the actual amounts considered in the calculation of social assistance, the Ombudsman has directed municipalities to consider the real costs of housing if the municipality is unable to provide accommodation that meets a client's needs and offers a reasonable standard, at or below the reasonable cost defined by the municipality. A client receiving social assistance may be required to look for lower cost housing.



2 The Ombudsman institution in 2013

2.1 Review of the institution

The year 2013 was the Finnish Ombudsman institution's 94th year of operation. The Parliamentary Ombudsman began his work in 1920, making Finland the second country in the world to adopt the institution. The Ombudsman institution originated in Sweden, where the office of Parliamentary Ombudsman was created by the Riksdag in 1809. After Finland, the next ombudsman institutions were established in Denmark in 1955 and Norway in 1962.

The International Ombudsman Institute, IOI, currently has about 160 members. However, some ombudsmen are regional or local; Germany and Italy are examples of countries that do not have parliamentary ombudsmen. The post of European Ombudsman was created by the EU in 1995.

The Ombudsman is a supreme overseer of legality elected by the national parliament, the Eduskunta. He or she exercises oversight to ensure that those who perform public tasks obey the law, fulfil their duties and implement fundamental and human rights in their activities. The scope of the Ombudsman's oversight includes courts, authorities and public servants as well as other persons and bodies that perform public tasks. By contrast, private instances and individuals who are not entrusted with public tasks are not subject to the Ombudsman's oversight of legality. Nor may the Ombudsman examine the Eduskunta's legislative work, the activities of parliamentarians or the official actions of the Chancellor of Justice.

The two supreme overseers of legality, the Ombudsman and the Chancellor of Justice, have virtually identical powers. The only exception is oversight of advocates, which is the sole responsibility of the Chancellor of Justice. Only the Ombudsman or the Chancellor of Justice can decide to bring a prosecution against a judge for an unlawful action in an official capacity.

In the division of labour between the Ombudsman and the Chancellor of Justice, however, responsibility for matters concerning prisons and other closed institutions where people are detained without their consent as well as for deprivation of freedom as regulated by the Coercive Measures Act has been centrally entrusted to the former. He or she is also responsible for matters concerning the Defence Forces, the Border Guard, crisis-management personnel and the National Defence Training Association as well as courts martial.

The Ombudsman is independent and acts outside of the traditional tripartite division of the powers of the state – legislative, executive and judicial. The Ombudsman has the right to receive from authorities and others who perform a public service all the information he needs in order to perform his oversight of legality. The objective is, *inter alia*, to ensure that various administrative sectors' own systems of legal remedies and internal oversight mechanisms operate appropriately.

The Ombudsman gives the Eduskunta an annual report in which he evaluates, on the basis of his observations, the state of administration of the law and any shortcomings he has discovered in legislation.

The election, powers and tasks of the Ombudsman are regulated by the Constitution and the Parliamentary Ombudsman Act. These provisions are shown in Annex 1 of this report.

In addition to the Ombudsman, the Eduskunta elects two Deputy-Ombudsmen. All serve for four-year terms. The Ombudsman decides

The leadership echelon of the Office of the Parliamentary Ombudsman in spring 2013. (From left) Ombudsman Petri Jääskeläinen, Deputy-Ombudsman Maija Sakslin, Substitute for a Deputy-Ombudsman Pasi Pölönen, Secretary General Päivi Romanov and Deputy-Ombudsman Jussi Pajuoja.

on the division of labour between the three. The Deputy-Ombudsmen decide on the matters entrusted to them independently and with the same powers as the Ombudsman.

In 2013 Ombudsman Jääskeläinen dealt with cases involving questions of principle, the Council of State (i.e. Government) and other of the highest organs of state. In addition, his oversight included matters relating to courts and administration of justice, the prison service, health care and language. The matters for which Deputy-Ombudsman Pajuoja was responsible included the police, the prosecution service and the Defence Forces, education, science and culture as well as labour affairs and unemployment security. Deputy-Ombudsman Sakslin dealt with matters pertaining to, for example, social welfare, children's rights, regional and local government as well as distraint and foreigners. A detailed division of labour is shown in Annex 2.

If a Deputy-Ombudsman is prevented from performing his or her task, the Ombudsman can invite the Substitute Deputy-Ombudsman to stand in. Principal Legal Advisor Pasi Pölönen served as Substitute Deputy-Ombudsman for a total of 50 working days in 2013.

2.2 The values and objectives of the Office of the Parliamentary Ombudsman

Oversight of legality has changed in many ways in Finland over time. The Ombudsman's role as a prosecutor has receded into the background and the role of developing official activities has been accentuated. The Ombudsman sets demands for administrative procedure and guides the authorities towards good administration.

Today, the Ombudsman's tasks also include overseeing and actively promoting the implementation of fundamental and human rights. This has changed the perspective on the authorities' obligations related to implementing people's rights. Fundamental and human rights come up in nearly all of the cases referred to the Ombudsman. Evaluation of implementation of fundamental rights means weighing against each other principles that tend in different directions and paying attention to aspects that promote implementation of fundamental rights. In his evaluations, the Ombudsman stresses the importance of a legal interpretation that is amenable to fundamental rights. This report contains a separate Chapter 3, which deals with fundamental and human rights.

A Human Rights Centre was set up in connection with the Office in 2012, which supports the Parliamentary Ombudsman in his tasks and in achieving the goals related to overseeing and promoting fundamental and human rights. The national human rights institution in Finland consists of the Parliamentary Ombudsman, the Human Rights Centre and the Human Rights Delegation. For more information on the activities of the Human Rights Centre, see Sub-Chapter 3.2.

The tasks statutorily assigned to the Ombudsman provide a foundation for determining what kinds of values and objectives can be set for both oversight of legality and the work of the Office in other respects as well. The key values of the Office of the Parliamentary Ombudsman were created from the perspectives of clients, authorities, the Eduskunta, the personnel and management.

The following is a summary of the values and objectives of the Office.

The values and objectives of the Office of the Parliamentary Ombudsman

Values

The key objectives are fairness, responsibility and closeness to people. They mean that fairness is promoted boldly and independently. Activities must in all respects be responsible, effective and of a high quality. The way in which the Office works is people-oriented and open.

Objectives

The objective with the Ombudsman's activities is to perform all of the tasks assigned to him or her in legislation to the highest possible quality standard. This requires activities to be effective, expertise in relation to fundamental and human rights, timeliness, care and a client-oriented approach as well as constant development based on critical assessment of our own activities and external changes.

Tasks

The Ombudsman's core task is to oversee and promote legality and implementation of fundamental and human rights. This is done on the basis of investigations arising from complaints or activities that are conducted on the Ombudsman's own initiative. Monitoring the conditions and treatment of persons in closed institutions and conscripts, inspections of official agencies and institutions, oversight of measures affecting telecommunications and other covert intelligence-gathering operations as well as matters of the responsibility borne by members of the Government and judges are special tasks.

Emphases

The weight accorded to different tasks is determined a priori on the basis of the numbers of cases on hand at any given time and their nature. How activities are focused on oversight of fundamental and human rights on our own initiative and the emphases in these activities as well as the main areas of concentration in special tasks and international cooperation are decided on the basis of the views of the Ombudsman and Deputy-Ombudsmen. The factors given special consideration in the allocation of resources are effectiveness, protection under the law and good administration as well as vulnerable groups of people.

Operating principles

The aim in all activities is to ensure high quality, impartiality, openness, flexibility, expeditiousness and good services for clients.

Operating principles in especially complaint cases

Among the things that quality means in complaint cases is that the time devoted to investigating an individual case is adjusted to management of the totality of oversight of legality and that the measures taken have an impact. In complaint cases, hearing the views of the interested parties, the correctness of the information and legal norms applied, ensuring that decisions are written in clear and concise language as well as presenting convincing reasons for decisions are important requirements. All complaint cases are dealt with within the maximum target period of one year, but in such a way that complaints which have been deemed to lend themselves to expeditious handling are dealt with within a separate shorter deadline set for them.

The importance of achieving objectives

The foundation on which trust in the Ombudsman's work is built is the degree of success in achieving these objectives and what image our activities convey. Trust is a precondition for the Institution's existence and the impact it has.

2.3 Modes of activity and areas of emphasis

Investigating complaints is the Ombudsman's central task and activity. The Ombudsman investigates those complaints that are within the scope of his oversight of legality and with respect to which there is reason to suspect an unlawful action or neglect of duty or if he takes the view that this is warranted for any other reason. Arising from a complaint made to him, the Ombudsman takes the measures that he deems warranted from the perspective of compliance with the law, protection under the law or implementation of fundamental and human rights. In addition to matters specified in complaints, the Ombudsman can also choose on his or her own initiative to investigate shortcomings that manifest themselves.

The Ombudsman is required by law to conduct inspections of official agencies and institutions. He or she has a special duty to oversee the treatment of inmates of prisons and other closed institutions as well as the treatment of conscripts doing their national service. Inspections are also conducted in other institutions, especially those in the social welfare and health care sector. Oversight of implementation of children's rights is likewise one of the areas of emphasis in his work.

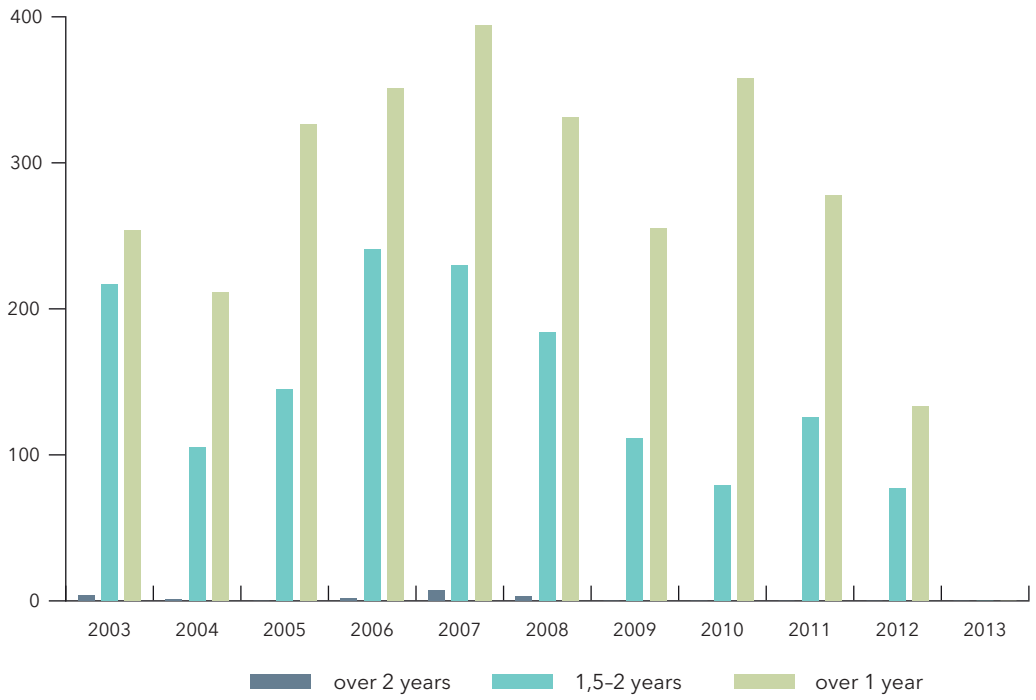
In addition, the Ombudsman must oversee also listening in on telecommunications, telesurveillance and technical eavesdropping. i.e. the use of so-called coercive measures affecting telecommunications. The use of these measures generally requires a court order, and they can be used primarily in the investigation of serious crimes. The use of these coercive measures often involves intervening in constitutionally guaranteed fundamental rights, such as privacy, confidentiality of communications and protection of domestic peace. The Ministry of the Interior, the Customs, the Border Guard and the Ministry of Defence are required by law to report annually to the Ombudsman on their use of coercive measures affecting telecommunications.

The law gives the police the right, subject to certain preconditions, to engage in covert activities to combat serious and organised crime. Through covert operations the police are able to acquire intelligence on criminal activities by, for example, infiltrating a criminal gang. The Ministry of the Interior must give the Ombudsman an annual report on also the use of covert methods.

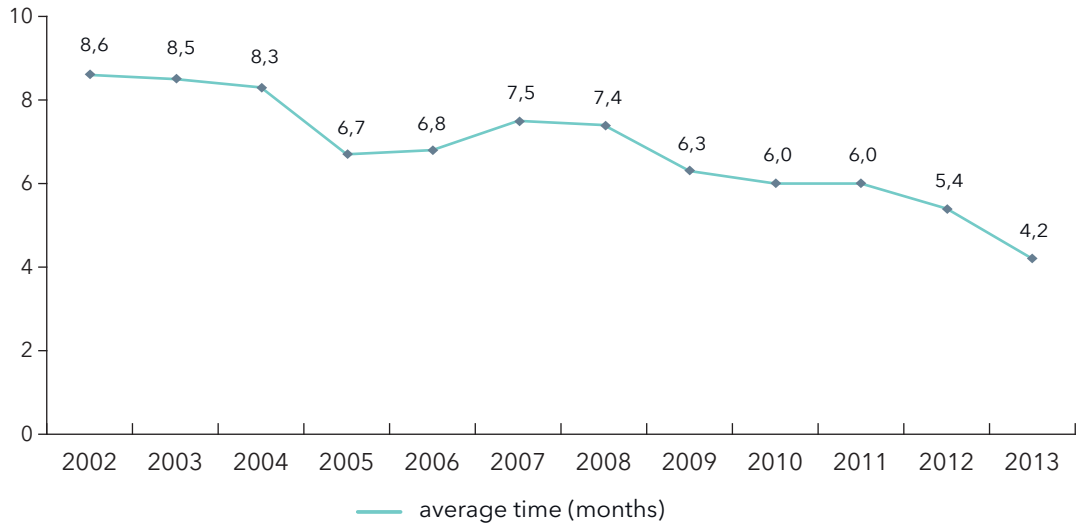
Fundamental and human rights come up in oversight of legality not only when individual cases are being investigated, but also in conjunction with, e.g., inspections and deciding the thrust of own-initiative investigations. Emphasising and promoting fundamental rights is also reflected otherwise in determining the thrust of the Ombudsman's activities. In connection with this, the Ombudsman has discussions with various bodies that include the main NGOs. On inspections and when investigating matters on his own initiative he takes up questions that are sensitive from the perspective of fundamental rights and have a broader significance than individual cases. In 2013, as in the year before, special themes for the oversight of the fundamental and human rights were equitable treatment and equality. The content of the theme is outlined in Sub-Chapter 3.4. dealing with fundamental and human rights.

2.3.1 ACHIEVING THE TARGET PERIOD OF ONE YEAR

A reform of the Parliamentary Ombudsman Act that entered into force in 2011 made the oversight of legality more effective. The reform gave the Ombudsman a wider range of operational alternatives and greater discretionary powers as well as stressed the citizens' perspective. The period within which complaints can be made was re-



Complaints that had been pending over a year in 2003–2013



Average time taken to deal with complaints in 2002–2013

duced from five years to two. The Parliamentary Ombudsman was granted the possibility of referring a complaint to another competent authority. The amendment also enables the Parliamentary Ombudsman to invite a Substitute Deputy-Ombudsman to discharge his or her duties as necessary.

The legislative reform enabled a more appropriate targeting of the resources to issues where the Parliamentary Ombudsman can help a complainant or take other measures. The aim is to help the complainant, if possible, by for example recommending that an error that has been made be rectified, or that compensation be paid for a violation of the complainant's rights.

Bringing the maximum processing time of complaints down to one year has been a long-term target of the Parliamentary Ombudsman. As the activities aiming to resolve complaints were made more effective, this target was achieved in the reporting year, despite a strong increase in the number of complaints. At the end of the year, the Parliamentary Ombudsman did not have a single pending complaint that would have dated back to more than a year. This was the first time in 20 years that this target was reached.

The average time taken to deal with complaints was 4.2 months at the end of the year, whereas it had been 5.4 months at the end of 2012.

■ received ■ resolved	2012	2013
Complaints	4 302 4 634	4 975 5 281
Transferred from the Chancellor of Justice	33	68
Taken up on own initiative	74 61	67 74
Requests for submissions and attendances at hearing	51 52	80 71
Other written communications	263 255	316 336
Total	4 723 5 002	5 506 5 762

Oversight-of-legality matters received and resolved in 2012–2013

2.3.2 COMPLAINTS AND OTHER OVERSIGHT OF LEGALITY MATTERS

The number of complaints received in 2013 was 5,043 or over 700 (16%) more than in the previous year. The number of complaints resolved during the year was 5,281, representing an increase of about 650 on the previous year and about 250 more than the number that were set in train.

The number of complaints arriving by post or telefaxed or delivered personally has been declining in recent years and, correspondingly, the number received via email has substantially increased. The vast majority, or 62%, of complaints arrived electronically in 2013.

Complaints that have reached the Ombudsman are recorded in their own subject category (category 4) in the register of the Office of the Parliamentary Ombudsman. Within about a week, the complainant is informed by letter that the complaint has been received. A notification that a complaint has arrived by email is sent immediately.

Some complaints are dealt with through a so-called *accelerated procedure*. 854 complaints, or 16% of the grand total, were dealt with this way in 2013. The purpose in dealing with complaints through the accelerated procedure is to ensure already at the reception stage that those matters recorded as complaints that do not require closer examination are preliminarily separated. The accelerated procedure is suitable in especially cases where there is manifestly no ground to suspect an error, the time limit has been exceeded, the matter is not within the Ombudsman's remit, the

Complaints received and resolved in 2002–2013

complaint is non-specific, the matter is pending elsewhere or what is involved is a repeat complaint in which no ground for a re-appraisal of the decision in the earlier complaint is evident. A notification letter about complaints that are being dealt with through the accelerated procedure is not sent to the complainant. If it emerges that a complaint is not suitable for accelerated handling after all, it is returned to the ordinary complaints category, and a notification letter is sent to the complainant from the Registry. In matters that are being dealt with through the accelerated procedure, a draft response is given within one week to the party deciding on the case. The complainant is sent a reply signed by the referendary taking care of the matter.

Letters of an enquiry nature received from citizens, clearly unfounded communications or those that concern matters that are not within the Ombudsman's remit or are non-specific in their contents are not dealt with as complaints; instead, they are recorded in their own category of matters (Category 6, *other communications*). However, they are counted as oversight of legality matters and forwarded from the Registry to the Substitute Deputy-Ombudsman or the Secretary General, who distributes them to the notaries and investigating officers. The person who has sent a letter of also this kind receives a reply, and reply concepts for this category of matters are examined by the Substitute Deputy-Ombudsman or the Secretary General. In 2013 there were 316 communications belonging to this register category.

While anonymous letters are not processed as complaints, the need to investigate the matter on the Ombudsman's own initiative is also assessed in these cases.

Letters that are received for information only are likewise recorded, but not replied to. However, the Substitute Deputy-Ombudsman or the Secretary General examines them. Contacts that are made using the feedback form on the web site are dealt with in accordance with these principles. In 2013 a total of 1,091 written communications that had arrived for information were received.

80% of all the complaints that arrived in 2013 related to the ten biggest categories of matters. The numerical data for the ten biggest target groups are shown in Annex 3.

In 2013, a total of 74 matters that the Ombudsman had investigated on his own initiative were resolved. Of these, 53 matters, or 72%, led the Ombudsman to take measures.

2.3.3 MEASURES

The most important decisions in the Ombudsman's work are those that lead to him taking measures. The measures are a prosecution for breach of official duty, a reprimand, the expression of an opinion or a proposal. A matter can also lead to some other measure on the part of the Ombudsman, such as ordering a pre-trial investigation or bringing an earlier expression of opinion by the Ombudsman to the attention of an authority. In addition, a matter may be rectified while it is under investigation.

A prosecution for breach of official duty is the most severe sanction at the Ombudsman's disposal. However, if he takes the view that a reprimand will suffice, he may choose not to bring a prosecution even though the subject of oversight has acted unlawfully or neglected to fulfil his or her duty. He can also express an opinion as to what would have been a lawful procedure or draw the attention of the oversight subject to the principles of good administrative practice or aspects conducive to the implementation of fundamental and human rights. An opinion expressed may be a rebuke in character or intended for guidance. In addition, the Ombudsman may recommend rectification of an error that has occurred or draw the attention of the Government or other body responsible for legislative drafting to shortcomings that he has observed in legal provisions or regulations. Sometimes an authority may on its own initiative rectify an error it has made already at the stage when the Ombudsman has intervened with a request for a report.

Decisions and own initiatives that led to measures totalled 840 in 2013, which represented nearly 16% of all decisions. Complaints and own initiatives were investigated fully, i.e. by obtaining at least one report and/or statement in the matter, in 1,486 cases, or 28% of all cases. About 49% of these cases led to measures by the Ombudsman.

In about 45 % of cases, i.e. around 2,371, there was either no ground to suspect erroneous or unlawful behaviour or there was no reason for the Ombudsman to take measures. No erroneous action was identified in 443 cases, i.e. slightly over 8%. The complaint was not investigated in about 32% of cases (1,680).

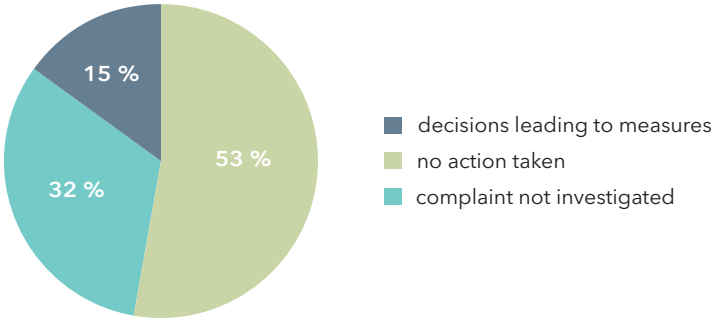
The most common reason for a complaint not being investigated was the fact that the matter was still pending in a competent authority. An overseer of legality does not usually intervene in a matter that is being dealt with in an appeal instance or other authority. Matters pending before other authorities that were not investigated represented slightly over 14% of cases (736) in which decisions were issued. In addition, matters that do not fall within the Ombudsman's remit and, as a general rule, those over two years old were not investigated.

If complaints that were not investigated are excluded from the examination, the share of all investigated complaints which led to measures was slightly under 22 %.

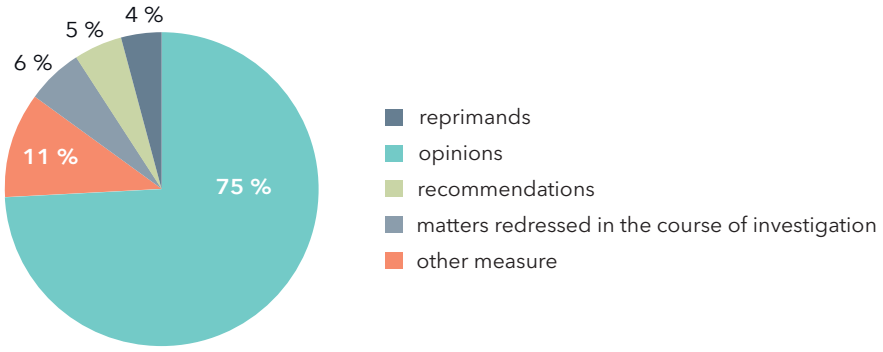
No prosecutions for breach of official duty were ordered during the year under review. 33 reprimands were issued and 621 opinions expressed. Rectifications were made in 51 cases in the course of their investigation. Decisions categorisable as proposals totalled 47, although stances on development of administration that in their nature

MEASURES TAKEN BY PUBLIC AUTHORITIES		Measure							Total number of decisions	Percentages*
		Prosecution	Reprimand	Opinion	Recommendation	Rectification	Other measure	Total		
Public authority	Social security		6	193	4	16	6	225	1 240	18,1
	- social welfare		4	155	2	10	5	176	892	
	- social insurance		2	38	2	6	1	49	348	
	Police		1	110	5	8	7	131	895	14,6
	Prisons		4	71	8		33	116	434	26,7
	Health care		9	70	15	4	17	115	598	19,2
	Labour administration		1	39		4	1	45	194	23,2
	Environment		2	30	2		4	38	211	18,0
	Local government		4	20			4	28	174	16,1
	Education		1	10	4	8	1	24	192	12,5
	Transport and communications			6	4	5	2	17	107	15,9
	Guardianship		1	6	2		5	14	90	15,5
	Agriculture and forestry			11		1	2	14	101	13,9
	Defence			8		3	1	12	55	21,9
	Distraint		1	9	1			11	134	8,2
	Asylum and immigration			10				10	78	12,8
	Courts			8			2	10	277	3,6
	- civil and criminal			7			2	9	234	
	- special								1	
	- administrative			1				1	42	
	Customs		1	6				7	35	20,0
	Taxation			3	1		3	7	96	7,3
	Public legal counsels		1	6				7	53	13,2
	Prosecutors		1	3		2		6	93	6,4
	Other subjects of oversight			2				2	126	1,6
	Highest organs of state				1			1	136	0,7
	Church								17	
	Private parties not subject to oversight								19	
	Total		33	621	47	51	88	840	5 355	15,7

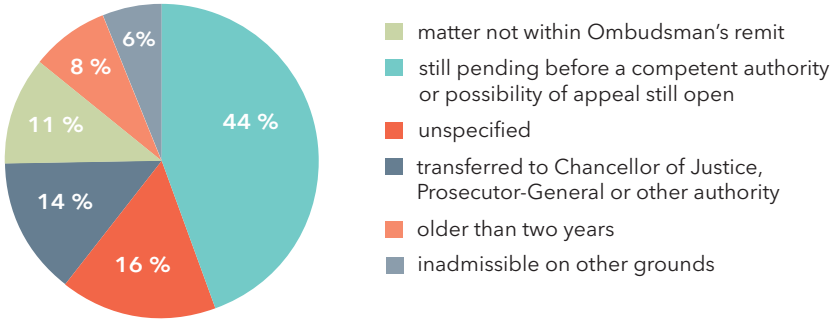
* Percentage share of measures in decisions on complaints and own initiatives in a category of cases



All cases resolved in 2013



Decisions involving measures in 2013



Complaints not investigated in 2013

constituted a proposal were included in also other decisions. Other measures were recorded in 88 cases. In actual fact, the number of other measures is greater than the figure shown above, because only one measure is recorded in each case, although sometimes several have been taken.

2.3.4 INSPECTIONS

Inspection visits to 89 places were made during the year under review. That was significantly less than in the previous year (147). The reduction was due to a dramatic increase in the number of complaints and the fact that processing all complaints in one year or less was set as a primary target. A list of all inspections is shown in Annex 4.

Two-thirds of the inspections were conducted under the leadership of the Ombudsman or the Deputy-Ombudsmen and the remainder by legal advisers. Of the inspections at closed institutions, 28 were unannounced or so-called surprise inspections.

Persons confined in closed institutions and conscripts are given the opportunity for a confidential conversation with the Ombudsman or his representative during an inspection visit. Other places where inspection visits take place include reform schools, institutions for the mentally handicapped as well as social welfare and health care institutions.

Shortcomings are often observed in the course of inspections and are subsequently investigated on the Ombudsman's own initiative. Inspections also fulfil a preventive function.

2.4 New oversight duties

Oversight of the UN Convention against Torture

On 5 April 2013, after a long period of drafting, the Eduskunta adopted a Government Bill to accept the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment as well as to enact legislation to bring those provisions of the Protocol that belong to the sphere of legislation into force and to apply the Protocol. In this context, the Parliamentary Ombudsman Act was amended, and the Ombudsman was designated the national preventive mechanism required under the Protocol.

The Protocol creates a system in which independent international and national oversight bodies take regular inspection visits to places where people deprived of their liberty are kept or may be kept, including prisons, police prisons, mental hospitals and units for child welfare and care for the elderly. These units may also be private. This task brings the Parliamentary Ombudsman new reporting duties, and the Ombudsman's inspection activities must be expanded, their content must be developed, and reliance on experts outside the Office must be enhanced. It also results in increased international cooperation. For a discussion of this oversight duty, see Parliamentary Ombudsman Jääskeläinen's general comments in this report pp. 12–17.

UN Convention on the Rights of Persons with Disabilities

The proposal drafted in a working group appointed by the Ministry for Foreign Affairs on adopting the UN Convention on the Rights of Persons with Disabilities of December 2006 and its Optional Protocol was completed in late 2013. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Under the Convention, the parties shall establish a framework to promote, protect and monitor the national implementation of the Convention. According to the working group's proposal, the duties to be discharged by the framework referred to in Article 22, Paragraph 2 of the Convention should be assigned to the National Human Rights Institution. In Finland, this institution comprises the Parliamentary Ombudsman, the Human Rights Centre and the Human Rights Delegation.

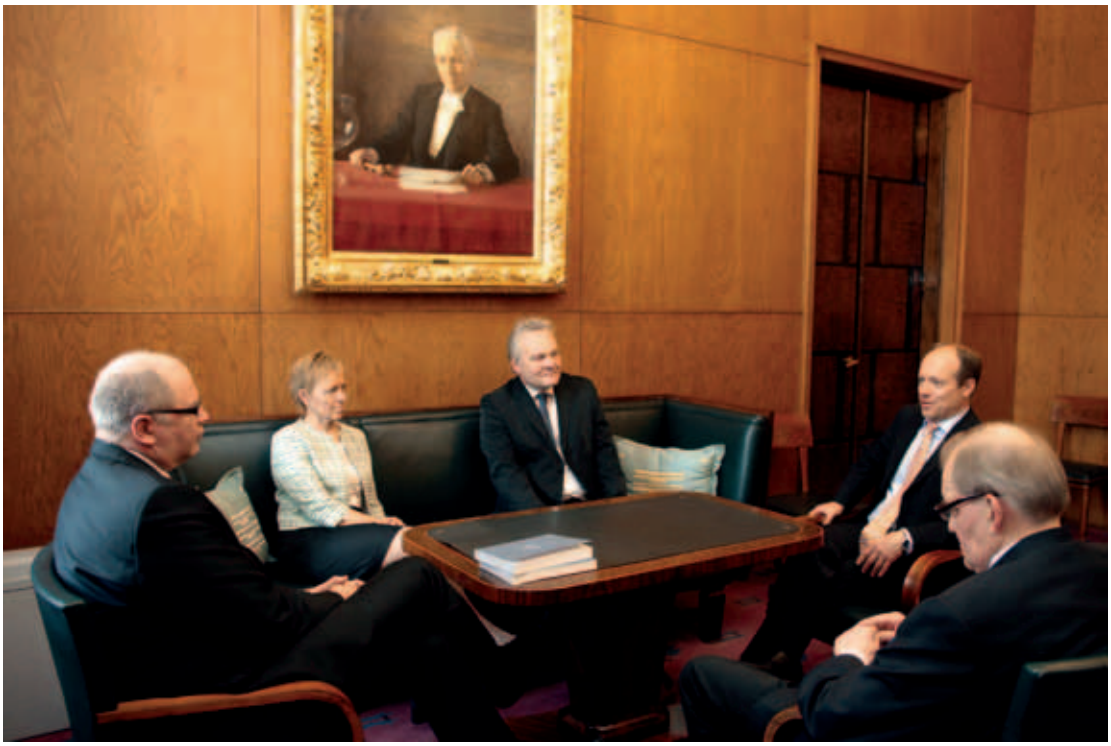
2.5
Cooperation in Finland and internationally

2.5.1
EVENTS IN FINLAND

The Parliamentary Ombudsman's annual report for 2012 was presented to the Speaker of the Eduskunta on 31 May 2013.

Numerous Finnish authorities and other visitors and groups visited the Office of the Parliamentary Ombudsman, and discussions with them focused on topical matters and the Ombudsman's activities. The Ombudsman, the Deputy-Ombudsmen and members of the Office staff paid visits to familiarise themselves with the activities of other authorities, made presentations and participated during the year in numerous formal hearings and other events.

On 23 May, Parliamentary Ombudsman Jääskeläinen took part in a panel discussion at an alumni evening organised by the University of Helsinki on the theme "Oversight of legality today". In addition to Jääskeläinen, the panellists included Chancellor of Justice Jaakko Jonkka and



The 2012 annual report of the Parliamentary Ombudsman was presented to the Speaker of the Finnish Parliament Mr. Eero Heinäluoma (left) on 31 May. Discussing the outlook for the oversight of legality, Deputy-Ombudsman Ms. Maija Sakslin and Mr. Jussi Pajuoja, Parliamentary Ombudsman Mr. Petri Jääskeläinen and Secretary-General of the Finnish Parliament Mr. Seppo Tiitinen.

Professor Olli Mäenpää. On 6 June, Parliamentary Ombudsman Jääskeläinen took part in a seminar titled "International Symposium on Torture as a Global Challenge" organised by the Ministry for Foreign Affairs and the Human Rights Centre, and gave an introduction on the topic of OPCAT in Finland.

Parliamentary Ombudsman Jääskeläinen gave presentations at a media training event in the Eduskunta on 15 October and at an event for senior members of the Association of Finnish Lawyers on 19 November. He gave an address at a national seminar for patient ombudsmen on 20 November, and delivered the Parliamentary Ombudsman's review of topical issues at a legal seminar of the Helsinki Court of Appeal on 15 November. At the evaluation seminar of the Finnish National Action Plan on Fundamental and Human Rights organised at the University of Tampere on 10 December, Jääskeläinen delivered a keynote speech on "Ten essential fundamental and human rights problems in Finland".

Deputy-Ombudsman Sakslin delivered several presentations and introductory remarks during the year. She presented her observations as Deputy-Ombudsman at the Church Human Rights Forum on 31 January, on promotion of fundamental rights at the Hyvä Suomi 2020 event organised by the Ministry of Social Affairs and Health on 15 March, on ESC rights in European law at a training seminar on ESC rights in jurisdiction on 29 April, and on future challenges of overseeing social welfare and health care at a discussion event organised by the National Supervisory Authority for Welfare and Health Valvira on 23 September. On 27 May, Deputy-Ombudsman Sakslin took part in a panel discussion on the services, coordination and supervision required under the Istanbul Convention at a seminar organised by the Human Rights Centre and other actors that addressed violence against women and domestic violence as a human rights violation.

In addition, Deputy-Ombudsman Sakslin gave a lecture titled "Parliamentary Ombudsman as an overseer of social rights" at the XV National Legal Science Seminar, and delivered introductory remarks on the role of a lawyer in oversight of legality at the University of Helsinki on 4 September. She took part in a panel discussion on "Current challenges to legal expertise" at the University of Turku on 2 October. She gave an introductory presentation on children's rights in oversight of legality to the Child Advisory Board on 17 September, and on the work of the European Union Agency for Fundamental Rights on 30 October at a seminar on fundamental rights in the EU at the University of Turku.

In addition, legal advisers from the Office made presentations at numerous different events, seminars and theme days.

2.5.2 INTERNATIONAL COOPERATION

In recent years, the Office of the Parliamentary Ombudsman has engaged in an increasing number of international activities. During the year, the Office again received a number of visitors and delegations from other countries who came to familiarise themselves with the Ombudsman's activities. Some of these were working visits, during which the visitors were given a practically oriented introduction to the work and procedures of the Office as well as the administration, and they met employees working at the Office. One reason for which the Finnish Parliamentary Ombudsman institution and its activities attract international interest is that the Finnish institution is the second oldest of its kind in the world.

In November 2013, Parliamentary Ombudsman Jääskeläinen and Principal Legal Adviser Pasi Pölönen gave a statement on the proposed reform of the Parliamentary Ombudsman Act in Montenegro on request of the Council of Europe Directorate General of Human Rights and Rule of Law.

International visitors

On 24 January, Ambassador Henk Swarttouw from the Netherlands Embassy visited Parliamentary Ombudsman Jääskeläinen. President of the Parliamentary Assembly of the Council of Europe, Mr. Jean-Claude Mignon, together with the Finnish Ombudsman for Children, Ms. Maria Kaisa Aula, visited the Office on 2 April, at which time they met Deputy-Ombudsman Pajuoja, Director of the Human Rights Centre, Ms Sirpa Rautio, and Legal Advisers from the Office among others.

Rapporteur of the Parliamentary Assembly of the Council of Europe, Mrs. Olga Borzova, visited the Office on 14 June and met Deputy-Ombudsman Sakslin and public servants at the Office. The particular topic of the meeting was legislation and practices on taking children in custody in Council of Europe member countries. Mrs. Borzova was collecting material for a report to the Parliamentary Assembly titled "Social services in Europe: legislation and practice of the removal of children from their families in Council of Europe states."

European Union's Special Representative for Human Rights, Mr. Stavros Lambrinidis, met Parliamentary Ombudsman Jääskeläinen and Director Rautio on his visit to the Office on 24 April.

The Ombudsman from the Indian state of Madhya Pradesh and their party visited the Office on 3 October. On the same day, the Office also received a delegation from the Legal Committee of the Vietnamese National Assembly. The Office was visited by a Korean delegation led by Chairperson Ahn Byung-ook on 7 October, and by a delegation from the Czech Parliament on 11 December.

Estonian Deputy Chancellor of Justice, Ms. Nele Parrest, and her party visited the Office on 29–31 October. In addition, the Office received Dr. Martynas Vasiliauskas, an official from the Office of the Parliamentary Ombudsman in Lithuania, on a working visit during which he was offered an extensive introduction to the activities and procedures of the Office. A member of the Sub-committee referred to in the Optional Protocol of the UN Convention against Torture, Mari Amos from Estonia, paid a working visit to the Office on 23 September to provide information on the implementation and oversight of the Convention and the Subcommittee's work.

The European Union's Special Representative on Human Rights Mr. Stavros Lambrinidis (right) visited the Office of the Ombudsman on 24 May and met with Director of the Human Rights Centre of Finland Ms. Sirpa Rautio and Ombudsman Mr. Petri Jääskeläinen.

Events outside Finland

The Parliamentary Ombudsman is a member of the European Network of Ombudsmen, the members of which exchange information on EU legislation and good practices at seminars and other gatherings as well as through a regular newsletter, an electronic discussion forum and daily electronic news services. Seminars intended

for ombudsmen are arranged every other year by the European Ombudsman together with a national or regional colleague. The liaison persons, who serve as the network's nodal points on the national level, meet in Strasbourg every other year. Parliamentary Ombudsman Jääskeläinen and Deputy-Ombudsman Pajuoja took part in the 9th National Seminar of the European Network of Ombudsmen in Dublin on 15-17 September.

Parliamentary Ombudsman Jääskeläinen and Ms Kristiina Kouros, Acting Director of the Human Rights Centre, took part in the 26th annual conference of the International Coordinating Committee of National Institutions for the promotion and protection of human rights in Geneva on 6-8 May 2013.

The Ombudsman and Acting Director Kouros took part in a strategy meeting of the European Network of National Human Rights Institutions (ENNHRI) in Budapest on 13 November. Jääskeläinen also attended the concluding conference of the "European Year of Citizens" in Vilnius on 12–13 December.

Deputy-Ombudsman Pajuoja took part in the 30th anniversary seminar of the Spanish Parliamentary Ombudsman institution in Madrid on 26-29 September. Pajuoja and Principal Legal Adviser Raino Marttunen took part in the fifth International Conference of Ombuds Institutions for the Armed Forces that was held in Oslo on 20-22 October.

Deputy-Ombudsman Sakslin has been a member of the Management Board of the European Union Agency for Fundamental Rights (FRA) since 2010. In 2012, she was elected as chair of the Management Board. She took part in meetings of the Agency's institutions on 21–22 February, 22–24 May, 26–27 September and 11–13 December. Deputy-Ombudsman Sakslin delivered an address at the meeting of the European Union Agency for Fundamental Rights, Council of Europe, equality authorities, national human rights institutions and parliamentary ombudsman institutions in Vienna on 7–8 October, and attended the meeting of the national liaison officers of the Agency for Fundamental Rights on 10 October. She also attended a seminar titled "Human rights in times of economic crisis" organised by the European Court of Human Rights in Strasbourg on 25 January, and took part in an EU Fundamental Rights Platform conference held in Vienna on 25-26 April, where she delivered the opening remarks.

On 30 May, the Ministry for Foreign Affairs organised a meeting in connection with a visit by Marta Santos Pais, UN Secretary General Special Representative on Violence against Children, at which Deputy-Ombudsman Sakslin represented the Office.

At the 20th anniversary seminar organised by the Polish Parliamentary Ombudsman in Warsaw on 24–25 October titled "The Citizen of the Council of Europe", Deputy-Ombusman Sakslin delivered an address on the relationship between the EU Charter of Fundamental Rights and the European Convention on Human Rights.

Director Sirpa Rautio and Principal Legal Adviser Riitta Länsisyrjä took part in a seminar organised by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law under the title "the Architecture of Human Rights Protection in the Nordic Countries" held in Lund on 29–30 April.

Senior Legal Advisor Jari Pirjola acted as the Finnish representative in the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) since December 2011. This representative is elected for a term of four years. Pirjola participated in the Committee's meetings and inspection trips seven times during the year.

Legal Adviser Piatta Skottman-Kivelä took part in the Finnish-Russian Seminar on Current Issues on Child Welfare in Familial Conflict organised by the Ministry of Education and Science of the Russian Federation. At this seminar, she delivered a paper on the topic "Child welfare in Finland – the role of the Parliamentary Ombudsman in overseeing children's rights".

Principal Legal Adviser Jorma Kuopus took part in the 8th conference titled "Internationale Konferenz der Informationsfreiheitsbeauftragten" in Berlin. Legal Adviser Minna Verronen attended

a conference of the Accessibility and Disability Rights project in Washington on 24–29 September, and Investigating Officer Peter Fagerholm took part in a conference on Fundamental Rights held in Vilnius on 12–13 November.

Officials from the Office also participated in seminars and other conferences abroad.

2.5.3 THE OMBUDSMAN SCULPTURE

Year 2009 marked the 90th anniversary of the establishment of the Parliamentary Ombudsman institution under the 1919 Constitution. To celebrate this anniversary, sculptor Hannu Siren was commissioned to create an ombudsman sculpture. It is a serially manufacturable sculpture used in the same way as a medal.

The name of the sculpture is ”Kaikki” (All). Its designs can be seen as expressing interaction between an individual and a community, the universal nature of human rights, or the human dignity of the individual that the Parliamentary Ombudsman protects.

The Ombudsman can award this sculpture to a Finnish or a foreign person, authority or organisation for commendable work that promotes the rule of law and the implementation of fundamental and human rights. The silver sculpture is intended as an award for actions of extraordinary merit.

On 27 March, the Parliamentary Ombudsman awarded a silver ombudsman sculpture to Licentiate of Laws Jacob Söderman. In his speech at the awarding ceremony, Jääskeläinen said that Söderman’s activities have had a particularly significant impact on protecting persons in a vulnerable position, promoting good governance and developing fundamental and human rights structures. His skilful and bold work has been recognized and appreciated both in Finland and internationally.

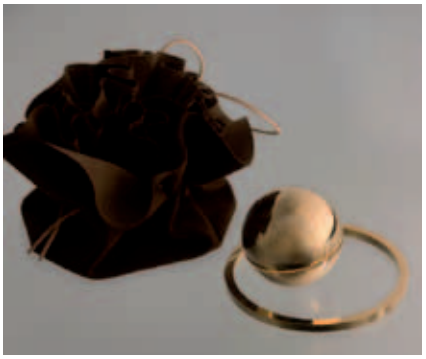
Söderman has worked as Parliamentary Ombudsman, the first European Ombudsman, and in numerous other positions of trust over nearly half a century, promoting respect for the rule of law and fundamental and human rights.

On 16 September, Parliamentary Ombudsman Jääskeläinen awarded European Ombudsman P. Nikiforos Diamandouros with an ombudsman sculpture for his particular merits in promoting a European culture of governance, transparency and ethical principles and the implementation of fundamental and human rights. Jääskeläinen presented the sculpture to Mr Diamandouros at the seminar of the European Network of Ombudsmen in Dublin.

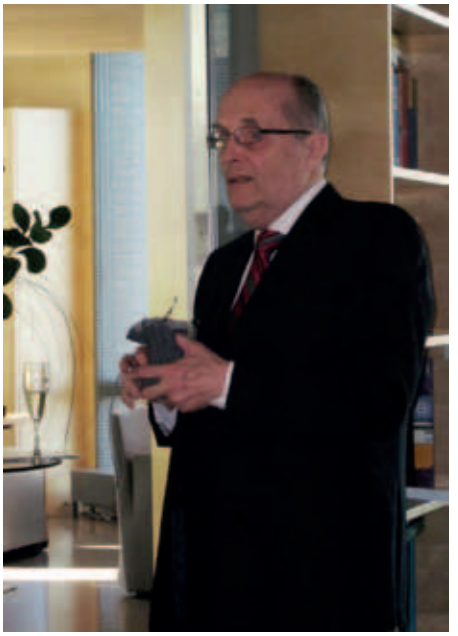
Licentiate of Laws, Professor Matti Kuusimäki was awarded an ombudsman sculpture by Parliamentary Ombudsman Jääskeläinen on 3 May. Kuusimäki has promoted legality and the implementation of fundamental and human rights in his various training and development roles, as a Court of Appeal judge and as the first Prosecutor General in Finland over 40 years in total.

Deputy-Ombudsman Pajuoja presented an ombudsman sculpture to the Spanish Parliamentary Ombudsman institution (Defensor del Pueblo) in connection with its 30th anniversary celebrated in Madrid on 24 September as recognition for the institution’s valuable work.

On 8 February, the Parliamentary Ombudsman also awarded the Ombudsman sculpture to long-term employees of the Office who retired during the year, or Principal Legal Advisor Lea Haapkylä, Notary Raili Kerrman, Archiviste Marja-Liisa Pärssinen and Investigating Officer Kari Huttunen as a recognition and a token of appreciation for their merits in promoting legality and fundamental and human rights. Haapkylä had worked at the Office of the Parliamentary Ombudsman for nearly 30 years, Kerrman for 36 years, Pärssinen for 37 years and Huttunen for 30 years.



The sculpture "Kaikki" (All) by sculptor Mr. Hannu Siren was commissioned in 2009 to honour the 90th anniversary of the institution of the Finnish Parliamentary Ombudsman. The sculpture is made in silver and in bronze (pictured).



Mr. Jacob Söderman, LL.Lic., was awarded the silver Ombudsman sculpture on 27 March. Söderman has worked as Parliamentary Ombudsman of Finland, the first European Ombudsman, and in numerous other positions of trust over nearly half a century, promoting respect for the rule of law and fundamental and human rights.

The European Ombudsman Mr. P. Nikiforos Diamandouros received the Ombudsman sculpture in recognition of the work he has carried out during his ten-year term in this position. The ceremony took place at the 9th meeting of the European Network of Ombudsmen on 16 September in Dublin.

2.6 Service functions

2.6.1 SERVICES TO CLIENTS

We have tried to make it as easy as possible to turn to the Ombudsman. We have drafted a brochure, which contains a complaint form, outlining the Ombudsman's tasks and how to make a complaint. A complaint can be sent by post, email, fax or by filling in the electronic complaint form on our web site. The Office provides clients with services by phone, on its own premises or by email.

Two on-duty lawyers at the Office are tasked with advising clients on how to make a complaint. The on-duty lawyers dealt with some 1,900 telephone calls last year, while about 150 people visited the Office in person.

The Registry at the Office receives and registers incoming complaints and replies to enquiries about them, in addition to responding to requests for documents. Last year, the Registry received some 2,700 telephone calls. There were around 290 personal visits by clients and around 600 requests for documents. The archives of the Office mainly provide researchers with services.

2.6.2 COMMUNICATIONS

In 2013, the communications unit of the Office set up the Parliamentary Ombudsman's Facebook pages and completed an update of the Ombudsman's visual look. A brochure in keeping with the new graphic guidelines titled "Can the Ombudsman help you?" was printed in Finnish, Swedish and English towards the end of the year.

26 press releases outlining decisions made by the Ombudsman and a brief so-called network tip for 11 decisions were issued in 2013. The Office disseminates information about those decisions of the Ombudsman that have led into taking a measure or that are otherwise deemed to be of general interest. The press releases are given in Finnish and Swedish, and they are also posted in English on the Internet.

An analysis of media visibility commissioned by the Office indicated that the Parliamentary Ombudsman's visibility on digital media amounted to 1,994 news items in 2013. The majority of the news (98%) were neutral or positive in their tone.

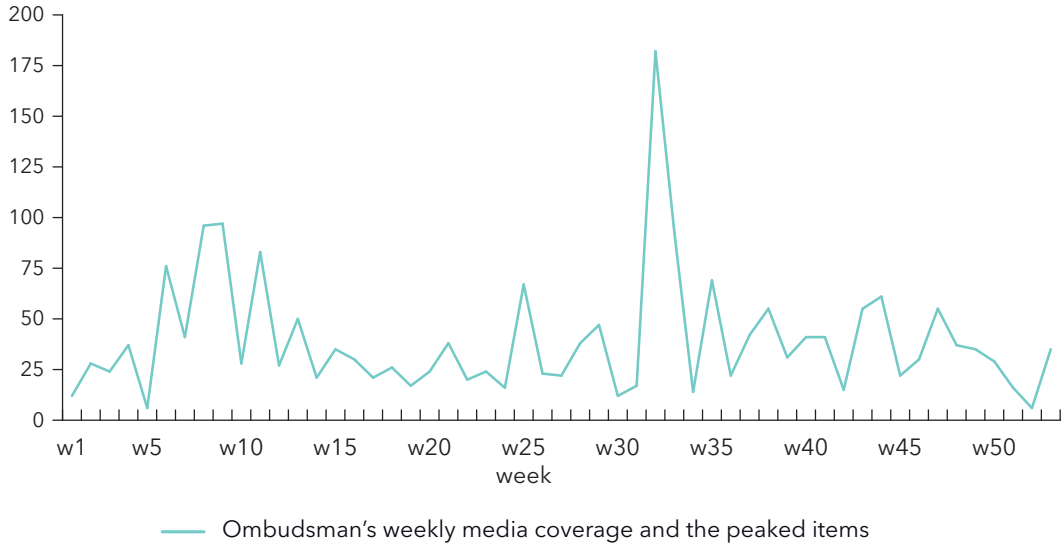
During the year 191 anonymised decisions were posted on the Internet. Decisions posted on the Internet are those that are of legal or general interest.

The Ombudsman's web pages in English are at the URL: www.ombudsman.fi/english, in Finnish at: www.oikeusasiamies.fi and in Swedish at: www.ombudsman.fi. At the Office, information needs are also the responsibility of the Registry and the referendaries (legal advisers).

2.6.3 THE OFFICE AND ITS PERSONNEL

The Office of the Parliamentary Ombudsman, which the Ombudsman heads, is there to do the preparatory work on cases to be decided by him and to assist him in his other duties as well as to perform tasks that are the responsibility of the Human Rights Centre.

The Office comprises four sections, with the Ombudsman and the two Deputy-Ombudsmen each heading a section of their own. The administrative section, which is headed by the Secretary General, is responsible for general administration. The Human Rights Centre, which works under the aegis of the Office, is headed by the Director of the Human Rights Centre.



An analysis of the Ombudsman's digital media presence was carried out during 2013. It revealed that the Ombudsman appeared 1,994 times in digital media sources. Stories making the most news featured prisoner's overalls, the Himanen investigation and the distribution of passports in R-Kioski stores.

The regular staff totalled 59 at the end of 2013. The number of posts was reduced by one compared with the previous year, as the Office was obliged to cut one post of a notary as from 1 February 2013.

At the end of 2013, there was one vacant post in the Office. The archival duties were assigned to a single personnel member, and a records clerk post that became vacant due to retirement was replaced by that of an Administrative Secretary.

In addition to the Ombudsman and the Deputy-Ombudsmen, the regular staff of the Office comprised the Secretary General, 10 principal legal advisers, 8 senior legal advisers and 11 legal advisers and 2 on-duty lawyers. There was also an information officer, 2 investigating officers, 4 notaries, an administrative secretary, a records clerk, 3 departmental secretaries and 7 office secretaries. In addition, a total of eight other persons worked in the Office for all or part of the year on fixed-term appointments. A list of the personnel is shown in Annex 5.

In accordance with its rules of procedure, the Office has a Management Group comprising, in addition to the Ombudsman, the Deputy-Ombudsmen, the Secretary General, the Director of the Human Rights Centre and three representatives of the personnel. Discussed at meetings of the Management Group are matters relating to personnel policy and the development of the Office. The Management Group met 9 times in 2013. A cooperation meeting for the entire staff of the Office was held on 3 occasions in 2013.

The Office had permanent working groups in the areas of education, wellbeing at work, and equitable treatment and equality. Working groups were appointed for a records management programme and to prepare a file management plan.

The Office launched an electronic records management programme, for which purpose an information management expert was appointed to the Office in a fixed-term employment relationship. The file management plan that is associated with the project was completed during

the year. The objective of programme is to set up an electronic document and case management solution that will support the Ombudsman's duties related to the oversight of legality and other tasks, and thus to introduce an electronic working environment and, gradually, electronic filing.

The Office of the Parliamentary Ombudsman is in the Pikkuparlamentti annex building at the street address Arkadiankatu 3.

2.6.4 THE FINANCES OF THE OFFICE

To finance the activities of the Office, it is given a budget appropriation each year. Rents, security services and a part of the costs of information management are paid by the Eduskunta and these expense items are not included in the Ombudsman's annual budget.

The Office was given an appropriation of €5,515,000 for 2013. Of this appropriation, a total of €5,374,000 was spent in 2013, which was almost €141,000 less than the estimated amount. The main reason for the underuse of the estimated appropriation was savings in payroll costs, as for several months in 2013, there were three vacancies in the Office while the recruitment process was in progress.

The Human Rights Centre prepares its own action and financial plans and its draft budget.

3 Fundamental and human rights

3.1 The Ombudsman's fundamental and human rights mandate

The term "fundamental rights" refers to all of the rights that are guaranteed in the Constitution of Finland and all bodies that exercise public power are obliged to respect. The rights safeguarded by the European Union Charter of Fundamental Rights are binding on the Union and its Member States and their authorities when they are acting within the area of application of the Union's founding treaties. "Human rights", in turn, means the kind of rights of a fundamental character that belong to all people and are safeguarded by international conventions that are binding on Finland under international law and have been transposed into domestic legislation. In Finland, national fundamental rights, European Union fundamental rights and international human rights complement each other to form a system of legal protection.

The Ombudsman in Finland has an exceptionally strong mandate in relation to fundamental and human rights. Section 109 of the Constitution requires the Ombudsman to exercise oversight to "ensure that courts of law, the other authorities and civil servants, public employees and other persons, when the latter are performing a public task, obey the law and fulfil their obligations. In the performance of his or her duties, the Ombudsman monitors the implementation of basic rights and liberties and human rights."

For example, this is provided for in the provision on the investigation of a complaint in the Parliamentary Ombudsman Act. Under Section 3 of the act, arising from a complaint made to him or her, the Ombudsman shall take the measures that he or she deems necessary from the perspective of compliance with the law, protection under the law or implementation of fundamental and human rights. Similarly, section 10 of the Parliamentary Ombudsman Act states that the Ombudsman can, among other things, draw the attention of a subject of oversight to the requirements of good administration or to considerations of implementation of fundamental and human rights.

For a more extensive discussion of the Ombudsman's duty to promote the implementation of fundamental and human rights, see Parliamentary Ombudsman Jääskeläinen's article on this subject in the Annual Report for 2012 (pp. 12–17).

Oversight of compliance with the Charter of Fundamental Rights is the responsibility of the Ombudsman when an authority, official or other party performing a public task is applying Union law.

Both the Constitution and the Parliamentary Ombudsman Act state that the Ombudsman must give the Eduskunta an annual report on his activities as well as on the state of exercise of law, public administration and the performance of public tasks, in addition to which he must mention any flaws or shortcomings he has observed in legislation. In this context, special attention is drawn to implementation of fundamental and human rights.

In conjunction with a revision of the fundamental rights provisions in the Constitution, the Eduskunta's Constitutional Law Committee considered it to be in accordance with the spirit of the reform that a separate chapter dealing with implementation of fundamental and human rights and the Ombudsman's observations relating to them be included in the annual report. Annual reports have included a chapter of this kind since the revised fundamental rights provisions entered into force in 1995.

The fundamental and human rights section of the report has gradually grown longer and longer, which is a good illustration of the way the emphasis in the Ombudman's work has shifted from overseeing the authorities' compliance with their duties and obligations towards promoting people's rights. In 1995 the Ombudsman had issued only a few decisions in which the fundamental and human rights dimension had been specifically deliberated and the fundamental and human rights section of the report was only a few pages long (see the Ombudsman's Annual Report for 1995 pp. 26–34). The section is nowadays the longest of those dealing with various groups of categories in the report, and implementation of fundamental and human rights is deliberated specifically in hundreds of decisions and in principle in every case.

Information concerning various human rights events and ratification of human rights conventions are no longer included in the Ombudsman's annual report, because these matters are dealt with in the Human Rights Centre's own annual report.

3.2 Human Rights Centre

The Human Rights Centre was established in connection with the Office of the Parliamentary Ombudsman through legislation that entered into force on 1.1.2012. It is administratively part of the Office, but operationally autonomous and independent. The Ombudsman appoints the Director of the Centre for a four-year term, having first obtained a submission from the Constitutional Law Committee. The Centre has a delegation which consists of 20–40 members appointed for a four-year period by the Parliamentary Ombudsman, after hearing the Director of the Centre. The Director of the Centre chairs the Delegation.

The Human Rights Centre and the Delegation were established with the aim of creating a structure which, together with the legality overseeing duties of the Parliamentary Ombudsman, meets the requirements of national human rights institutions (NHRI) of the Paris Principles adopted by the United Nations General Assembly in 1993. These requirements include, *inter alia*, formal as well as financial and administrative autonomy and independence, pluralism, and the broadest possible mandate for the promotion and protection of human rights.

The Ombudsman, the Human Rights Centre and the Human Rights Delegation together constitute Finland's national human rights institution.

3.2.1 TASKS OF THE HUMAN RIGHTS CENTRE

The Human Rights Centre has an extensive mandate to *promote* human rights. According to the law, the tasks of the Centre are:

- Promoting information, education, training and research associated with fundamental and human rights.
- Drafting reports on implementation of fundamental and human rights.
- Presenting initiatives and issuing statements in order to promote and implement fundamental and human rights.
- Participating in European and international cooperation associated with promoting and safeguarding fundamental and human rights.
- Taking care of other comparable tasks associated with promoting and implementing fundamental and human rights.

The Centre does not handle complaints or deal with other individual cases that fall within the remit of the supreme overseers of legality.

3.2.2 THE HUMAN RIGHTS DELEGATION

The Human Rights Delegation was established to ensure pluralism in the national human rights institution. The first Delegation was appointed by the resolution of the Parliamentary Ombudsman on 29.3.2012. The first term runs from 1.4.2012–31.3.2016. The delegation is chaired by the Director of the Human Rights Centre. The Delegation is composed of representatives of civil society, research into fundamental and human rights as well as other bodies that participate in promoting and safeguarding these rights. The special ombudsmen and the Sámi Parliament of Finland are permanent members by virtue of law.

According to the law, the duties of the Human Rights Delegation include

- to function as a national cooperative body for actors in the sector of fundamental and human rights,
- to deal with matters of fundamental and human rights that are of far-reaching significance and important in principle, and

– to annually approve the action plan and annual report of the Human Rights Centre.

A working committee and sections composed of delegation members and external experts can operate under the Delegation. Currently, the Delegation has set up sections on human rights education, the rights of people with disabilities, and human rights monitoring.

3.2.3 ACTIVITIES OF THE HUMAN RIGHTS CENTRE IN 2013

Year 2013 was the first full year in operation of the Human Rights Centre. The activities related to the establishment of the organisation began to take a less prominent role, and execution of the actual statutory tasks started in earnest. One of the main ideas in the establishment of the Centre was to increase cooperation among different actors in the field of fundamental and human rights. The Centre aims to have continuous cooperation with other actors in the field in all of its operations. Key authorities include the Ministry of Justice Unit for Democracy and Language Affairs, the Ministry for Foreign Affairs Unit for Human Rights Policy, and the special ombudsmen. There are also cooperation activities with a range of different non-governmental organisations.

Dissemination of information

One of the central statutory tasks of the Human Rights Centre is to promote the dissemination of information on fundamental and human rights. The government proposal (HE 205/2010 vp) addresses the societal impacts related to the establishment of the Centre. According to the proposal, "by participating in the international activities of national human rights institutions, the Centre would disseminate information in European and international settings about the situation in Finland as regards fundamental and human rights and bring new expertise on human rights to Finland by monitoring the work of international bodies that supervise the implementation of human rights obligations in accordance with international standards." The proposal further suggests that the Human Rights Centre could create and maintain a data bank on matters of fundamental and human rights.

The Human Rights Centre executes its task of information dissemination via its home page (www.ihmisoikeuskeskus.fi/in-english/) and through active engagement on Facebook. In addition, information is disseminated using various networks in the field of fundamental and human rights and by organising events on current topics on fundamental and human rights, often in cooperation with other actors in the field. Public events organised in 2013 included:

– A regional conference on the Istanbul Convention – from signing to ratification: Exchange of experiences and practices
– A workshop for experts on the topic of "Indicators of fundamental and human rights in Finland"
– A seminar on the European Social Charter system for Collective Complaints
– Presentation of the Human Rights Centre at the Visitors' Centre in the Little Parliament
– Violence against women and domestic violence as human rights violations – What is new in the Istanbul Convention?
– Sexual and gender minorities in schools, workplaces and as users of services – What new does the EU Agency for Fundamental Rights study tell us?
– An international seminar – Torture as a global challenge.

In 2013, the Centre hosted a number of visitor groups from educational institutions and other organisations. These events include presentations about the Centre's activities, information about fundamental and human rights in general, and in many cases, based on individual groups' requests, more in-depth discussions on specific topics.

Although the Human Rights Centre does not handle complaints or other individual cases, in 2013 it received dozens of queries and requests for help by individuals. The Centre responds to all queries and aims to refer each person to the right authority.

The Human Rights Centre publishes an annual report (separate from the Ombudsman's report), which is approved by the Human Rights Delegation. The report is submitted to the appropriate special committees.

Human rights education

Human rights education is a fundamental prerequisite for the development of human rights awareness and, ultimately for, the realisation of human rights. The right to human rights education is a human right as such, which the state is obliged to realise. In 2012, the UN member states unanimously adopted a declaration on human rights education which includes this right.

In accordance with its mandate to promote of human rights education, the Human Rights Centre immediately upon the onset of its operations started mapping the realisation of human rights education in the Finnish education system. This, the first national study on human rights education was carried out in most part during 2013 and published in early 2014. A number of experts from different sectors of education and human rights education took part in the study.

On the basis of the study, it can be stated that the value base and goal-setting of the Finnish education system provide a reasonably good foundation for human rights education. However, in terms of legislation and political and administrative steering, there are currently not enough safeguards in place to ensure that this education systematically reaches everyone with and has the quality required by international standards. Implementation of human rights education relies too heavily on the level of interest and activeness of individual teachers, other educators and education providers. Another clear shortfall is that human rights are not always taught as norms of international law, which means that their obligatory nature may not be understood. In addition, significant challenges were found especially in the area of teacher training as well as the supplementary education of civil servants and public officials.

Based on the findings of the study, in December 2013, the Human Rights Delegation adopted seven general recommendations on the promotion of human rights education in Finland. The Delegation recommends that human rights education should be included in all forms of education and training. It also asks the government to draft a separate national action plan on human rights education. The action plan should specify general and educational sector-specific objectives, measures and responsible bodies and define content-specific objectives of human rights education as well as the related monitoring measures and indicators.

In addition to the study on human rights education, the Centre was also directly involved in the provision of human rights education. In 2013, the Centre provided training to personnel of e.g. Finnvera, Finnpartnership and Finnfund as well as ministry officials on corporate responsibility and human rights. In addition, the Centre has provided speakers for a number of events organised by public administrative bodies, universities and NGOs, including a conference arranged by Zonta, the Ahtisaari Day, and a seminar on war crimes organised by the Ministry for Foreign Affairs and the Erik Castrén Institute.

Initiatives and statements

According to the government proposal on the establishment of the Human Rights Centre (HE 205/2010 vp), the Centre's tasks should include the submission of initiatives and statements to promote and safeguard fundamental and human rights. For example, the Human Rights Centre could draw the attention of Parliament, government, local authorities and other public bodies

or even private organisations and individuals to general issues related to fundamental or human rights or specific issues concerning, for example, a particular group. The Centre may also issue statements on key legislative proposals which may have a bearing on fundamental and human rights.

In 2013, the Human Rights Centre issued, *inter alia*, the following statements and comments:

- A comment to the Ministry of Education and Culture on democracy and human rights education in teacher training
- A statement to the Constitutional Law Committee on the annual report of the Human Rights Centre
- A statement to the Legal Affairs Committee concerning legislative motions LA 27/2012 (amendment to the Act on Child Custody and Right of Access) and 28/2012 (amendment to the Criminal Code as regards right of access)

In addition, the Human Rights Centre issued a statement in June 2013 on the reform process of the Act on Equality between Women and Men and the Non-Discrimination Act.

International cooperation

The Human Rights Centre participates in European and international cooperation associated with promoting and safeguarding fundamental and human rights.

The International Coordinating Committee (ICC) was established in 1993 as the international association and leading organisation of national human rights institutions (NHRI). As members of the ICC, national human rights institutions actively develop and assess their own activities and assist in the establishment of new independent and autonomous institutions. In addition to cooperation between the NHRIs, the ICC seeks to promote the role of the institutions in their home states, the UN and other international organisations.

The ICC's activities are defined to a large extent by the Paris Principles. As part of its coordination activities, the ICC provides support and guidance to NHRIs to help them to operate in accordance with the Paris Principles, in particular through the accreditation process which determines whether applicants meet the terms of ICC membership.

Members with the 'A' status are entitled to vote in international and regional assemblies of NHRIs. In addition, they can participate and take the floor in the sessions of the United Nations Human Rights Council and other international bodies. The accreditation therefore gives NHRIs international recognition.

The ICC also has observer members with a 'B' status which do not meet the Paris Principles criteria in full. These institutions are not entitled to vote in ICC meetings or take the floor in the sessions of the UN Human Rights Council, but they may participate in both. Prospective ICC member institutions which do not comply with any of the Paris Principles are assigned the 'C' status. These institutions may participate in ICC meetings and working groups as observer members.

The Human Rights Centre prepared the Finnish NHRI accreditation application during 2013 in cooperation with the Parliamentary Ombudsman. The application includes the NHRI strategy. Finland's application will be reviewed by the ICC accreditation committee in autumn 2014. However, representatives of the Finnish NHRI have already been given the opportunity to observe the ICC's activities during the application stage, for example as observers in its annual meetings.

The European Network of National Human Rights Institutions (ENNHRI) is composed of 40 NHRIs from around Europe. Approximately half of the member institutions have been assigned the 'A' status by the ICC. A permanent secretariat was established in Brussels in 2013 to coordinate the network. The Finnish NHRI was accepted as a member of the ENNHRI in 2013.

The ENNHRI promotes the realisation and safeguarding of human rights in Europe by supporting the work of existing European NHRIs and by assisting in the establishment and accreditation of new NHRIs. It provides an information channel for its members, offers training and works with international and regional human rights mechanisms. The ENNHRI also occasionally issues joint communiques after consulting its members.

The ENNRI has thematic working groups, in which the Human Rights Centre participates. The working groups deal with matters such as the rights of people with disabilities, the promotion of human rights in corporate activities, and the operations of human rights monitoring bodies.

Monitoring fundamental and human rights

In late 2013, the Human Rights Delegation established a section which monitors the realisation of fundamental and human rights. The section is tasked with operating as a liaison group between the NHRI and the civil society in matters related to monitoring the implementation of recommendations given to Finland by international and EU-level fundamental and human rights supervisory bodies, and the monitoring of the implementation of projects related to the national action plan on fundamental and human rights. The monitoring section drafts proposals and assists the Human Rights Centre, for example, in issuing parallel reports to international monitoring bodies of fundamental and human rights.

The Human Rights Centre also participated in the panel of fundamental and human rights actors, which was established to monitor the implementation of the national programme on fundamental and human rights. The panel published its statement and ten recommendations on the programme delivery in January 2014. Among other matters, the panel emphasised the autonomy of the special ombudsmen and their independence from government as prerequisites for the credibility of the monitoring and oversight of human rights. Further, the panel reminded that in addition to official bodies, resources for human rights work carried out by the national human rights institution and NGOs must also be ensured.

The Human Rights Centre participated in the review of government reports issued to legislative and investigative bodies which monitor the implementation of international human rights conventions by issuing statements at different stages of the reporting process. In addition, the Centre issues statements to enquiries, draft general comments and other draft documents upon the committees' requests.

In the near future, the Finnish NHRI will likely be tasked with the promotion, safeguarding and monitoring of the rights of people with disabilities under the UN Convention on the rights of persons with disabilities Article 33(2). This would be the first task specifically assigned to the national human rights institution. The task will become a topical matter once Finland has ratified the convention. The working group preparing the ratification issued its report in January 2014.

The Human Rights Delegation has set up a planning group which will prepare the establishment of a section dealing with the rights of people with disabilities in 2014. The section will contribute to the tasks prescribed under the UN convention.

3.3 Shortcomings and improvements in implementation of fundamental and human rights

The Ombudsman's observations and comments in conjunction with oversight of legality often give rise to proposals and expressions of opinion to authorities as to how they could in their actions promote or improve implementation of fundamental and human rights. In most cases these proposals and expressions of opinion have had an influence on official actions, but measures on the part of the Ombudsman have not always achieved the desired improvement.

On the recommendation of the Constitutional Law Committee (PeVM 10/2009 vp), the 2009 Annual Report contained, for the first time, a section outlining observations of certain typical or persistent shortcomings in implementation of fundamental and human rights. Also outlined were examples of cases in which measures by the Ombudsman had led or are leading to improvements in the authorities' activities or the state of legislation. The Constitutional Law Committee has expressed the wish (PeVM 13/2010 vp) that a section of this kind will become an established feature of the Ombudsman's Annual Report.

The Ombudsman does not become aware of all problems relating to legality or fundamental and human rights. Oversight of legality is founded to a large degree on complaints from citizens. Information about shortcomings in official actions or defects in legislation is obtained also through inspection visits and the media. However, receipt of information about various problems and the opportunity to intervene in them can not be completely comprehensive. Thus lists that contain both negative and positive examples can not be exhaustive presentations of where success has been achieved in official actions and where it has not.

The way in which certain shortcomings repeatedly manifest themselves shows that the public authorities' reaction to problems that are highlighted in the implementation of fundamental and human rights has not always been adequate. In principle, after all, the situation ought to be that a breach pointed out in a decision of the Ombudsman or, for example, in a judgment of the European Court of Human Rights should not re-occur. The public authorities have a responsibility to respond to shortcomings relating to fundamental and human rights through measures of the kind that preclude comparable situations from arising in the future.

Possible defects or delays in redressing the legal situation can stem from many different factors. In general, it can be said that the Ombudsman's stances and proposals are complied with fairly well. When this does not happen, the explanation is generally a dearth of resources or defects in legislation. Delay in legislative measures also appears often to be due to there being insufficient resources for law drafting.

3.3.1 DEVELOPMENT HAS NOT ALWAYS BEEN ENOUGH

On 10 December 2013, Parliamentary Ombudsman Jääskeläinen addressed an expert seminar held in Tampere to evaluate Finland's National action plan on fundamental and human rights. The ombudsman's speech was entitled, "The ten central basic and human rights problems in Finland." The following describes the problems brought up by the ombudsman that are based on observations made in the course of his work.

Shortcomings in the conditions and treatment of the elderly

There are tens of thousands of elderly customers living in institutional care and assisted living units. Shortcomings related to nutrition, hygiene, change of diapers, rehabilitation and access to outdoor areas are identified continuously as is substituting medication for insufficient staffing.

There are also shortcomings in safety, outdoor recreation arrangements and services for running errands.

Measures limiting the right to self-determination in the care of the elderly should be based on law. However, the required legislative foundation is entirely lacking. Legislative reform is underway but work on the bills has been slow.

There are insufficient resources for internal overseeing of the administration. The regional state administrative agencies do not, in all cases, have the means to supervise the activities.

Shortcomings in child protection and the handling of child matters

A general lack of municipal resources for child protection and the low number of tenures, in particular those of social workers; deteriorate the quality of child protection services. In addition, social workers do not always receive an adequate education and employee turnover is high.

The supervision of foster care in child protection is insufficient. The child protection authorities at the municipal level do not have enough time to visit foster care locations and they are not sufficiently familiar with the conditions and treatment of the children. The regional state administrative agencies do not have enough resources for inspections.

Mental healthcare services for children and the youth are lacking. It is difficult to arrange the treatment needed by children placed in foster care.

The insufficiency and delays of open welfare support services for families cause problems for families that need services. This insufficiency is manifested as an increased need for child protection and is reflected in children's mental health problems.

The total handling time in matters related to the care of a child and other matters often becomes unreasonably long from the perspective of the child's interest. In particular, preparing a report of the child's circumstances takes an excessively long time.

Shortcomings in the guarantee of the rights of persons with disabilities

There are physical, legal and social obstacles as well as shortcomings in the guarantee of equal opportunity of participation for persons with disabilities.

There is a lack of support for the employment of persons with disabilities and their right to a family. In many cases, persons with mental disabilities work at activity centres for a salary lower than minimum wage. The child of a disabled mother is often taken into custody and alienated from her rather than arranging for the support services the family requires.

The policies for limiting the right to self-determination vary in institutional care. The social and health services for children with disabilities are insufficient.

Policies limiting the right to self-determination at institutions

Measures limiting the right to self-determination often lack legal grounds, for example, when they are based only on "institutional power". In unregulated situations, limiting measures may be excessive or inconsistent.

The supervision of policies limiting self-determination is insufficient, and the controllability of these measures has shortcomings as there are no procedural guarantees of protection under the law.

Problems with the detention of foreigners and insecurity of immigrants without documentation

Keeping people who have lost their freedom under the Aliens Act in a police prison is problematic, as police prisons are not suitable for the long-term confinement of people. Due to the conditions at the police prisons, the freedom of a person who remains detained under the Aliens Act is unnecessarily limited at police prisons.

Foreigners are being kept in jails because the only detention unit for foreigners (Metsälä) is continuously full. In addition, there is no appropriate detention place intended for families.

Shortcomings and ambiguities have been identified in the fulfilment of the basic needs of immigrants without documentation, such as social and health services and a primary education.

Flaws in the conditions and treatment of prisoners and remand prisoners

For many prisoners, the lack of activities is a serious problem. Some prisoners must be in their cells 23 hours per day. The Council of Europe anti-torture committee (CPT) recommends that prisoners have at least eight hours per day outside of their cell.

Toiletless cells used for confining prisoners are against the international standards of prison administration and can violate the human dignity of the prisoners. Despite many years of criticism from the Ombudsman and CPT, there were still 180 toiletless cells in use in Finnish prisons at the end of the reporting year.

Remand prisoners are still excessively detained at police prisons. CPT has criticised Finland for this for 20 years. According to international prison standards, crime suspects should be kept in remand prisons rather than police detention facilities, where conditions are suitable only for short stays and where remand prisoners are at risk of being put under pressure.

Shortcomings in the availability of sufficient health services

There are shortcomings in arranging for statutory health services. For example, there are problems with the distribution of care supplies and the supplies are not distributed sufficiently in all cases because of financial reasons. The round-the-clock dentist service required by the Health Care Act has not been implemented.

The access to treatment assured under Treatment Guarantee legislation has still not been implemented in full. In many cases, the queues for treatment are too long.

There are shortcomings in the healthcare of special groups, such as conscripts, prisoners and immigrants without documentation.

Shortcomings in the safety of the primary education learning environment

Bullying at school is often left to run its course. The schools do not have the means of identifying aggressors and intervening in bullying.

Indoor air problems are continuously identified at schools.

The availability of student care, rehabilitation and other school-related and learning support depends on the child's place of residence and the financial situation of the home municipality. The unique needs of the child cannot always be taken into consideration.

Lengthy handling times of legal processes and shortcomings in the structural independence of courts

Delayed trials have long been a problem in Finland. This has been identified in both the national oversight of legality and in the ECHR legal praxis. Despite some legislative reforms that have improved the situation, trials can still last an unreasonably long time. This can be a serious problem

particular for matters that require urgent handling, such as child-related matters.

With respect to the structural independence of the courts, the fact that the court system is led by a ministry is problematic, not to mention the insufficient resources allocated to the court system. With respect to the independence of the courts, an alarming example is that a supplementary budget was necessary to finance a single criminal case (the so-called "Wincapita" case).

Shortcomings in the prevention and recompense for basic and human rights violations

Basic and human rights violations are not always taken seriously, which partly results from insufficient human rights training and education.

International human rights treaties are not ratified quickly enough in Finland. This, in turn, slows down the creation of the structures and procedures aimed at securing the rights guaranteed by the treaties.

The legislative foundation for the recompense for basic and human rights violations is inadequate.

3.3.2 EXAMPLES OF GOOD DEVELOPMENT

The following presents certain cases from different administrative branches where, because of the comment by the Ombudsman or Deputy-Ombudsman or a proposal made therein or otherwise, there has been favourable development with respect to the basic or human rights. The examples also describe the impact of the Ombudsman's activities.

The Ombudsman's recommendations concerning recompense for mistakes or violations and measures for the amicable settling of matters are compiled in sub-chapter 3.4. These proposals and measures have mostly led to positive outcomes.

Police

Based on the inspection observations of the Deputy-Ombudsman, the National Police Board prepared new instructions for detention facilities that entered into force on 1 January 2013 along with a training package aimed at the police commissioners and supervisors of the facilities.

The Deputy-Ombudsman's inspections have continuously focused on the lack of privacy in police prisons when going to the loo. Because of the fixed camera surveillance of the detention rooms for intoxicated people, someone going to the loo is visible in several control rooms of the detention facilities.

The National Police Board sent a letter to police departments on 5 December 2013 requiring that the Deputy-Ombudsman's observations on the lack of privacy be taken into consideration in connection with technical solutions for change and renovation work at police prisons. In the detention facilities where no renovation is planned in the immediate future, the protection of privacy will be taken into consideration in conjunction with other solutions and without delay. These mean, for example, adjusting the camera image or orientation so that the privacy of prisoners will also be protected when going to the loo, for instance. In addition, it is required that camera surveillance be used only insofar as necessary in each individual case.

In the third stage of the police administrative reform (PORA III) at the beginning of 2014, the number of police departments was reduced to eleven. A legal unit concentrating on the internal oversight of legality has been established in each police department. It should be assumed that this improves the operating premises of the administration's internal oversight of legality.

Prison service

The Ombudsman has made several proposals for the revision of legislation on imprisonment that entered into force in 2006.

During the report year, a draft of a government bill was completed at the Ministry of Justice on the amendment of the imprisonment and remand imprisonment acts. A significant number of the proposed changes are based on the Ombudsman's proposals and comments. For example, it presents changes to provisions pertaining to the calculation of the time of imprisonment; prisoner communication, meetings, electronic communication, discipline and supervision; the right to appeal; and the procedure governing appeals.

Alien affairs

In several rulings in 2012, the Deputy-Ombudsman pointed out to the Finnish Immigration Service (Migri) that a decision on a residence permit application filed on the basis of family ties must generally be communicated to the applicant within nine months from the submission of the application.

The handling times of residence permit applications based on family ties have been at least somewhat shortened in Migri.

According to the EU Return Directive (2008/115/EC), Member States shall create an efficient supervision system for deportation.

An amendment was made to the Aliens Act according to which it is the Minority Ombudsman's task to supervise the enforcement of the deportation of aliens through all of the stages of deportation. The Minority Ombudsman can, for example, observe the deportation flights of aliens. The change entered into force on 1 Jan 2014.

There is only one detention unit (Metsälä) for people detained based on the Aliens Act, which in practice is permanently full. Therefore, detained people have to be placed in a police prison, primarily in the Pasila police prison in Helsinki.

During the report year, the Ministry of the Interior decided that a new detention unit, including a family unit, will be established in connection with the Joutseno reception centre. The unit is to commence its operations during 2014.

The Defence Forces and the Border Guard

One of the special tasks of the Parliamentary Ombudsman is the oversight of the conditions and treatment of conscripts. During the report year, the Conscription Act was amended so that travel for all domestic leaves of conscripts to their home municipality or municipality of residence is free of charge. In addition, the conscripts' per diem was increased and the service time was shortened by 15 days.

Conscripts returning home in the spring and summer of 2013 gave the best-ever scores for their training and time as a conscript in their exit survey.

The committee that studied the safety of storing explosives handed its final report to the Minister of Defence in the summer of 2013. The report was related to a decision made by the Deputy-Ombudsman on 31 Dec 2008 (3733/4/05), which paid attention to the shortcomings in explosive safety with the Defence Forces. Based on the report, the Minister of Defence made a decision on developing the storage of explosives. The central goal is to have the storage of explosives in the administrative branch of the Ministry of Defence fully comply with the regulations by 31 Dec 2017.

Health care

The operational practices of certain hospital districts and health centres limited the provision of auxiliary equipment for medical rehabilitation to persons living in serviced housing units in a way that could be regarded as contrary to the Auxiliary Equipment Decree. The Ombudsman requested that the Ministry of Social Affairs and Health guide the hospital districts and health centres in questions associated with operational praxis conformant to the Auxiliary Equipment Decree (2495/4/12).

The ministry stated that instructions regarding the decree were sent to all hospital districts and municipalities and to authorities supervising the execution of auxiliary device services. In addition, the instructions were sent for the information of the Association of Local and Regional Finnish Authorities, the National Council on Disability and the handicap forum Vammaisfoorumi. Based on the feedback and contacts received, the ministry established that the letter has clarified the assignment praxis of auxiliary devices for medical rehabilitation.

The Ombudsman asked Valvira (National Supervisory Authority for Welfare and Health) to help hospital districts draft a consistent policy so that paramedics request treatment advice from a doctor in any unclear cases where the condition of the patient is not deemed to require transportation to treatment (4248/4/11).

Valvira stated that it sent guide 4/2013 to the hospital districts. According to the guide, the hospital districts should instruct their paramedics to be open to asking the emergency response physician on duty for treatment instructions in the case of any uncertainty regarding a patient. Asking for the treatment instructions is also supported by the Act on Health Care Professionals, which stipulated that a certified physician will decide on the medical examination, diagnosis and related treatment of a patient. The emergency response physician on duty is also probably more fit than the paramedics to review patient records and thereby better assess his/her overall situation.

Social welfare

A disabled person was living in a rental flat owned by the Service Foundation for People with an Intellectual Disability. The foundation had received a subsidy from Finland's Slot Machine Association (RAY) to procure flats for people in need of special help and support. The service foundation required that a common-law spouse who would be the subtenant meet the same criteria as the disabled person who had rented the flat from the foundation.

At his own initiative, the Deputy-Ombudsman investigated whether RAY and/or the Service Foundation for People with an Intellectual Disability had acted in violation of the principles of the European Convention on Human Rights and the UN Convention on the Rights of Persons with Disabilities.

The Deputy-Ombudsman stated that Section 10, Subsection 1 of the Finnish Constitution provides for the private life, dignity and domestic peace of everyone. According to Article 8 of the European Convention on Human Rights, everyone has the right to respect for his or her private life, family life, home and correspondence.

Article 19 of the UN Convention on the Rights of Persons with Disabilities emphasises their right to self-determination, freedom of choice and participation. The parties secure this right by, for example, ensuring that persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and that they not be obliged to live in any particular living arrangement. Article 22 of the convention secures the right of persons with disabilities to his or her private life, honour and reputation. According to the article, no person with disabilities, regardless of their place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, correspondence or other types of communication or to unlawful attacks on his or her honour and reputation.

RAY stated that it did not have terms or instructions related to subletting in its investment subsidies.

RAY stated that it honours the respect for private life and family life provided for in Article 8 of the European Convention on Human Rights and the UN Convention on the Rights of Persons with Disabilities. The Service Foundation confirmed to RAY that it had acted erroneously. It stated that the common-law spouse who would be the subtenant did not need to meet the same criteria as those set for the original tenant.

Educational matters

On 16 December 2013, Parliament adopted amendments to legislation pertaining to basic and secondary education and student care. The amendments of the act on basic education (which came into force on 1 Jan 2014) promote the working peace at schools; increase the participation possibilities of students; and improve the position of children in hospital schooling. The new Student Care Act (into force on 1 Aug 2014) gathers provisions on student care that have been scattered across the legislation. The aim of the act is to move the emphasis to preventive student care and improve the availability of psychologists and school counsellor services. The act also applies to secondary education in upper secondary schools and education referred to in the act on vocational education. The reforms should help resolve problems that are repeatedly referred to in complaints.

Language matters

With respect to the legal protection of people in the construction industry, it is problematic that harmonised product standards related to the regulation of EU construction products are not published in all official languages of the EU, that is, not in Finnish and Swedish. These standards are essential for the compulsory CE marking of construction products, and actors in the construction business are obliged to apply them. The Ombudsman proposed that the Ministry of the Environment (ME) and the Ministry of Employment and the Economy (MEE) consider national and EU-level measures for resolving this issue (962/4/12* and 4779/4/12*).

The ME stated it has monitored the progress of the standards translation matter in the EU and has brought the matter to discussion and to the agenda of the Standing Committee on Construction. The MEE, for its part, has reported the Ombudsman's decision to the Technical Regulations Standing Committee and asked it to discuss the matter in order to find a joint European response to the question. In addition, the aim was to determine the number of standards referred to in the legislation in the various administrative branches and have the various ministries assess the need for possible measures. MEE also intends to take the matter to the above committee for more detailed scrutiny. In Finland, the situation per se will probably be better than in many other member states, as the aim is to translate 80% of the harmonised product standards.

The Ombudsman was assessing the right of personnel to receive documents regarding the organisational reform of the workplace in their mother tongue, i.e., in this case, in Swedish. Although the legislation did not require the translation of such documents in this case, the Finnish Border Guard concluded that documents should be provided in a consistent way to ensure the equal treatment of both Finnish-speaking and Swedish-speaking personnel (892/4/13).

Other matters

In its ruling on the regulation of metro traffic, the Ombudsman stated that the security guarantees of metro traffic should be provided for by law (448/4/11* and 3865/4/12*).

On 3 April 2013, the Ministry of Transport and Communications established a workgroup to study the regulation applicable to metro traffic. On 31 October 2013, the workgroup proposed (LVM publications 32/2013) that metro traffic be brought under governance of legal regulation. The ministry aims to start drafting the legislation in February 2014 based

on the workgroup's suggestion and statements regarding it. The goal is for the law to be enacted by the time the traffic with the "Western Metro" commences (at the beginning of 2016).

The issue of sufficient resources for the Southern Finland Regional State Administrative Office had not been seen to although the Deputy-Ombudsman had already issued a reprimand to the regional state administrative office because of the unreasonably long handling of a complaint. The Ministry of Finance (MF) had stated that it will actively work to develop the complaint and supervision processes of the regional state administrative offices and the related legislation and pay attention to the handling times of the regional state administrative offices as part of the performance control. In addition, the development of the case volumes will be monitored and, if necessary, resource increases will be proposed in framework and budget proposals.

The Deputy-Ombudsman substitute issued a new reprimand to the regional state administrative office due to undue delay of the handling of a case and asked the MF to state whether the ministry had deemed it necessary to propose resource increases to improve the situation (2184/4/12).

The MF stated that a project had been started in 2013 under the name "Clearing the complaints backlog in the basic services, legal protection and permits area of the Southern Finland Regional State Administrative Office". The project commenced on 1 Oct 2013 and will last for 13 months. The cost of the project for 2013 and 2014 is an estimated €760,680. During the project, additional resources totalling 13 man-years have been assigned to the handling of social and healthcare complaints at the Southern Finland Regional State Administrative Office. Other regional state administrative offices have been asked to participate in the project.

3.4 The Ombudsman's proposals concerning recompence and matters that have led to an amicable solution

The Parliamentary Ombudsman Act empowers the Ombudsman to recommend to authorities that they correct an error that has been made or rectify a shortcoming. Section 22 of the Constitution, in turn, obliges the public authorities to ensure implementation of fundamental and human rights. Making recompense for an error that has occurred or a breach of a complainant's rights on the basis of a recommendation by the Ombudsman is one way of reaching an agreed settlement in a matter. The Ombudsman has made numerous recommendations regarding recompense over the years. These proposals have in most cases led to a positive outcome.

The Constitutional Law Committee likewise took the view in its report (PeVM 12/2010 vp) that a proposal by the Ombudsman to reach an agreed settlement and effect recompense in clear cases was a justifiable way of enabling citizens to achieve their rights, bring about an amicable settlement and avoid unnecessary legal disputes.

Recompense was recommended in 19 cases in the report year. In addition, during the handling of complaints, communication from the office to the authority often led to the rectification of the error or insufficient action and, therefore, contributed to an amicable settlement.

The grounds on which the Ombudsman recommends recompense are explained more extensively in the 2011 and 2012 annual reports (p. 84 and p. 65).

3.4.1 THE RECOMMENDATIONS FOR RECOMPENSE

The recommendations for recompense that the Ombudsman made during the year under review are set forth below. The authorities' responses have not yet been received in all cases.

Recompense for violations of fundamental and human rights

Undertaking patient treatment against their will

The complainant claims that rachianaesthesia was administered against the patient's will because of a stone in the renal pelvis so that a tube to the ureter could be mounted, also against the patient's will.

According to the Ombudsman, it was clear that the treatment of the complainant at the central hospital was not implemented by mutual understanding with the complainant as set forth in the Patient Act. The Ombudsman emphasised that our legal system does not have any such general justification for bypassing a person's right for self-determination on the basis that bodily intervention could objectively or medically be considered in the interest of the person.

The Ombudsman deemed it clear that treating the complainant against her will had violated the personal integrity protection secured by Section 7 of the Constitution and the protection of private life secured by Section 10 of the Constitution and Article 8 of the European Convention on Human Rights. The Ombudsman was surprised that the parties providing explanations and statements in

the matter had not understood that. According to the Constitution and the Human Rights Convention, treatment against a patient's will is allowed only if it is based on a law passed by the Parliament. Such legislation has not been issued for somatic healthcare. The Patient Act, however, requires patient's consent for treatment.

Medical measures performed without the patient's consent or support from legislation specifically allowing the treatment have, in the Human Rights Court's praxis, been deemed violations of Article 8 and thus gives rise to monetary recompense. The Court has paid attention to whether the measure caused the patient feelings of fear, anxiety or inferiority. The Ombudsman deemed it clear that the actions of the healthcare professionals at the central hospital had caused a level of suffering to the complainant that merited recompense. The Ombudsman issued the physicians and hospital district performing the measures a reprimand for the illegal actions for future information (673/4/12*).

The hospital district notified the Ombudsman that it had made a decision to recompense the complainant with €1,000 for the adjustment disorder and €2,000 for the violation of the patient's right to self-determination and bodily integrity.

Another complainant had been fed with an IV and been administered an enema against the patient's will. In addition, the head nurse had inspected the condition of the complainant's skin despite the patient's specifically asking the nurse not to while outsiders were present.

Considering the complainant's very difficult illness and the resultant helplessness and dependence on the help of other people, the Ombudsman held it credible that the actions of the treatment personnel had caused a degree of suffering that merited recompense. In addition, to protect the patient's interests, the patient had required legal help and thus incurred expenses.

Section 22 of the Constitution obliges the public authorities to safeguard implementation of fundamental and human rights. Public authorities refers *inter alia* to municipalities and inter-municipal joint authorities. Therefore, the Ombudsman proposed that the joint authority recompense the complainant for the violations of fundamental and human rights that he or she had suffered (2803/4/12).

The hospital district informed the Ombudsman that based on the complainant's representative, a one-off compensation of €8,500 had been decided on for the fundamental and human rights violations.

Deprivations of liberty by the police

The complainant had been detained because the patrol had misinterpreted the content of a warrant for apprehension for the complainant. This misunderstanding had resulted from a break in the flow of information. Already during the transportation, it was cleared that the warrant for apprehension had not required taking the complainant to the police station. That notwithstanding, the complainant was taken to the police station. There the complainant was informed of the police's actions and offered transportation to the complainant's choice of location. In any case, the rather short-term loss of freedom of the complainant was unjustified. The Deputy-Ombudsman proposed that the police department of Finland Proper consider how to recompense the complainant (2278/4/13).

The police department stated it had decided to pay the complainant €120 in compensation.

In another complaint case, the complainant was criticising the actions of the dentist, police department and paramedic staff of the ambulance company on behalf of a daughter. According to the complaint, the dentist requested execution assistance from police to transport the daughter to a nursing home where she was in voluntary care. According to the complainant, the police patrol broke into the home of the complainant's family, forcibly took the patient to an ambulance and tied the patient down for the duration of the journey.

In healthcare legislation, a doctor and a dentist are separate healthcare professions. Owing to this, the dentist could not request executive assistance from the police to begin with. In addition, it was apparent that the other grounds of the legislation were not fulfilled in this case. The dentist had acted in violation of law when requesting executive assistance without the justification set forth in the law for such a request. The inspector had explained in a report that there were grounds conformant to the Police Act for providing executive assistance as the request from the dentist referred to the provisions of the Mental Health Act and the Social Welfare Act. The request for executive assistance indicated, however, that the purpose was not to transport the patient to a healthcare centre or hospital, as required by law, and the dentist was not a social welfare authority referred to in the law. Thereby, the inspector had acted in violation of the law when granting executive assistance without legal grounds.

According to the Ombudsman, it is apparent that the patient felt obliged to get into the ambulance. Thereby, she had been stripped of her freedom *de facto*, albeit for a short period of time, because of the erroneous actions of the doctor and police. Therefore, the Ombudsman proposed that the hospital district and police department consider whether they could recompense the complainant for the violation (4398/4/12).

The Eastern Finland police department stated that it had sent a decision to the complainant offering compensation. In its decision, the police department apologised for the actions of its official and for the events and paid €300 in recompense to the complainant.

Also the hospital district apologised for its mistaken actions. It had additionally decided to pay €300 in compensation to the patient for the infringement of freedom.

Violation of a teacher's freedom of speech

The Ombudsman issued a reprimand to the head of education of the town of Riihimäki and to the town lawyer for violating a teacher's freedom of speech. The town had issued a written warning to a class teacher because of certain parts of an article the teacher wrote in the letters to the editor section of a local newspaper. According to the Ombudsman, the letter, even with respect to the individual statements, fit well within the limits of the teacher's freedom of speech. The Ombudsman also asked the town to assess how the violation of the freedom of speech could be rectified and how the teacher could be compensated (3793/2/12*).

The town stated it had removed the warning given to the teacher, apologised for the harm caused by the warning and paid compensation to the teacher. In addition, it had urged the officials in question to pay attention to the basic rights, particularly with regards to the guarantee of freedom of speech.

Violating the assurance of sufficient social welfare and healthcare services

The complainant criticised the arrangement of daughter A's foster care and treatment of the daughter in the foster care homes assigned to her. The complainant also criticised the health care arranged for the child.

The statement received by the Deputy-Ombudsman and the related expert opinions and statements indicated that the need for child protection and the related healthcare and care for A had not been sufficiently investigated. Similarly, A's need for healthcare services had not been sufficiently investigated, and therefore the arrangement for healthcare necessary for the child had been neglected or at least grossly delayed.

A's right to receive the healthcare she needed had not been implemented sufficiently before she was placed in foster care. Her right to receive appropriate foster care and the related healthcare had not been implemented, either. Therefore, the

Deputy-Ombudsman decided to propose to the Basic Care Committee that A be recompensed (3202/4/12).

Violation of access to legal protection

In its ruling on a complaint regarding debt recovery procedure, the Deputy-Ombudsman held that the district court had acted against the law when it did not, as required by the debt recovery code, immediately deliver a complaint directly to the district court or send a copy of it to the execution officer who had made the decision. The Deputy-Ombudsman determined that the procedure had factually resulted in denying the complainant's constitutional right to appeal because the debt recovery agency was not aware of the legal shortcomings of the previous stage, and therefore a final statement had been made in the matter. The Deputy-Ombudsman proposed that the Ministry of Justice, which is in charge of overseeing the court system, consider how to recompense the complainant for the denial of the right to appeal (1285/4/12).

The Ministry of Justice stated it would pay €5,000 in compensation to the complainant for the error made by the district court, consisting compensation of €4,500 euros for the denial of the right to appeal and €500 for the party's expenses.

Recompense for damage caused by other unlawful acts

Unlawful ordering of a customer fee in supported living

The Deputy-Ombudsman deemed that the basic social security administrative branch of the town of Kuopio had violated various laws in arranging for the complainant's social welfare services. The social security administrative branch had, firstly, neglected its obligation to make a decision on the social service arranged for the complainant, that is supported living in a housing unit of an association. In addition, the social security administrative branch acted in violation of the act on social and health care customer fees as the complainant had not been issued a customer fee for the supported living service and no appealable decision was issued on that. Likewise, the social security administrative branch violated the act on the client's position and rights, as, according to the statement obtained, the complainant had not been informed of the rights and obligations inherent to supported housing. Similarly, no service plan been prepared for the complainant and a representative of the social security administrative branch had not participated in the drafting of the service plan at the association.

The Deputy-Ombudsman proposed that the social security administrative branch of the town of Kuopio consider how it could recompense the complainant for the financial loss caused by the unlawful collection of the supported housing fees by the association.

According to the head of social welfare of the town of Kuopio, the complainant had been paid €2,087.53 in 2013 for the supported housing fee for March 2010. According to the statement, this was deemed to be sufficient compensation for the actions of the social security administrative branch.

The Deputy-Ombudsman determined that, in light of the statement available, it would appear that the complainant had paid a considerable amount of supported housing service fees. In addition, the compensation referred to by the social security administrative branch in 2013 had never been paid. The complainant had less than €50 remaining in personal income to spend each month. According to the understanding of the Deputy-Ombudsman, the complainant should not have had to pay the supported housing service fees at all. Similarly, the Deputy-Ombudsman was not convinced by the statement that the fee collected by the association from the complainant (which should have been collected from the town) was a reasonable amount. Therefore, the Deputy-Ombudsman proposed to the town government of Kuopio that the town recompense

the complainant for the customer fees (support service fees) incorrectly paid by the complainant (4995/4/13).

Failure to issue a pensioner's card

In May 2012, the complainant had visited the Tampere office of Kela and asked for a pensioner's card in order to be eligible for discounts on train tickets, for instance. The office had stated, however, that the card could not be issued. The office had presented the complainant with a document stating that the complainant was not eligible for the discount.

Kela admitted that the office had provided the complainant with incorrect information. According to Kela, the complainant was entitled to the requested card and Kela stated it had ordered the card for the complainant. Kela assessed that the error could be attributed to the fact that the complainant's full national pension had been reduced by proportioning proportional factor to be considered because of the complainant's living abroad.

The Deputy-Ombudsman emphasised the obligation of service and advise and also the obligation of carefulness. In addition, the Deputy-Ombudsman urged the district to contact the complainant to determine whether financial loss had resulted because Kela had not issued the pensioner's card. This is because the complainant had in the appeal mentioned an intention to travel by train (1914/4/12).

Kela's Regional Office for Western Finland stated that based on a statement obtained from the Tampere insurance district, it can be estimated that the complainant had paid €64.84 in the form of unrealised discounts. The regional centre stated it accepts the complainant's claim and will pay €150 to the complainant in recompense for the above damage and for the trouble caused by the mishandling of the matter.

Carelessness in an employment disability pension decision

Kela had, with its decision of March 2012, granted the complainant employment disability pension as of 1 February 2012. The decision did not, however, indicate the basis for determining the commencement date of the pension. During the handling of the complaint, Kela amended its decision and granted the complainant employment disability pension as of 1 December 2009, paying the complainant approximately €14,000 retroactively after tax withholdings.

The Deputy-Ombudsman deemed that Kela was negligent in the handling of the matter. The Deputy-Ombudsman informed Kela of this. In addition, the Deputy-Ombudsman urged Kela to handle the payment again to compensate interest for delay (1560/4/12).

Kela's health department stated that with its decision it had granted the complainant an interest for delay because of delayed benefit.

Failure to compensate a prisoner for travel expenses

The execution office had applied a policy in violation of the Prison Act where a prisoner arriving at the prison did not receive state compensation based on the determination that these expenses were to be born by the convict. The Ombudsman proposed that the execution office consider how it could recompense the complainant for the damage caused by the actions.

Similarly, the prisoner had not received state compensation for the expenses for travelling home when released from prison although there is a statutory right to compensation for these expenses. The Ombudsman proposed that the prison consider how it could recompense the complainant for the damage caused by its actions (1160/4/12).

The district bailiff of the execution office of Northern Savonia stated that the office has changed its policy. Each convict is now asked about the travel

expenses he/she has incurred. The complainant will be paid €13.30 as requested for the expenses incurred by getting to the prison. In addition, the complainant had received an apology for the matter.

The prison governor stated that the prison will pay the travel expenses of the released prisoners travelling within the territory of Finland from the state funds.

Student's right to school transportation free of charge

The complainants' child had gone to a local school as of 2001. However, the head of the school administration of the municipality had deemed in 2009 that the child was going to school in the incorrect zone. The municipality denied the free transportation to school and required that the child move to another school. The municipality did not, however, make an appealable decision on the matter, and the child did not receive free-of-charge transportation to the local school until March 2012, after complaints were filed.

The Deputy-Ombudsman deemed that the municipality had incorrectly interpreted the primary education act and that an appealable decision should have been made based on the Constitution. The handling of the matter had, in total, taken more than three years, which meant a significant delay in this relatively simple matter. The Deputy-Ombudsman issued reprimands to the municipality's head of the school administration and the board of education. In addition, the Deputy-Ombudsman proposed that compensation be paid (261/4/12).

According to the statement from the municipality, the municipality had reached an agreement with the parents. In compensation for the school travel of the older child of the family, the municipality paid a total of €1,789.20 for the time from 2009 to 20 February 2012. Likewise, in compensation, the municipality will be responsible for the school transport of the family's younger son between the family's current residence and school until the son enters the sixth grade.

Failure of preschool and kindergarten to see to the transportation of a six-year-old child

The complainants stated that their six-year-old child had been sent by taxi from preschool straight home and not to day care as had been agreed. As a result, the child had had to walk home for the first time without an escort from the main road for a distance of approximately one kilometre and wait at the home yard for approximately three hours in a temperature of minus fifteen degrees. The situation was not discovered until the afternoon when the father had gone to take the child from the afternoon day care. At that time the father discovered that no one knew where the child was. The father found the scared and cold child crying in their front yard.

The Deputy-Ombudsman determined that the municipality had neglected the supervision and arrangement of the child's safety, thus subjecting the child to a scary and potentially dangerous situation. In addition, the parents had had the right to assume that the safety of their child be appropriately seen to in both preschool and day care. The Deputy-Ombudsman was of the opinion that the municipality should in some way recompense the family for the harm suffered (4872/4/12).

The municipality stated to the Deputy-Ombudsman that it had apologised to the complainants for the events and paid €100 in compensation for the actions.

Tax Administration's obligation to rectify its recurring mistakes

Based on a statement obtained by the Tax Administration, there had been ambiguity in the tax withholding of a complainant who had been retired since 2006. In the tax withholding of the years 2008–2011, the same income had been recorded twice and the error had not been rectified until the tax withholding of 2012. The tax withholding of 2012 had, however, a different error, as

the complainant's pension income from Sweden had been recorded twice.

The Deputy-Ombudsman was of the opinion that the actions of the Tax Administration could not be justified. In particular, since the taxpayer's tax withholding had the same recurring error attributed to the Tax Authority itself for several years, it was not only up to the customer to demand rectification. The Tax Administration's obligation to service and advice is particularly emphasised for vulnerable people. Many retired people are considered vulnerable. The Deputy-Ombudsman considered the Tax Administration's failure in this matter was severe and it was not enough that the statement provided had offered an apology for the harm and bother caused to the complainant. The Deputy-Ombudsman requested that the Tax Administration consider how it could financially or otherwise recompense the complainant for the harm and bother caused by this erroneous and repeated action of the Tax Administration (2788/4/12).

According to the statement obtained from the Tax Administration, an agreement had been reached with the complainant financial on compensation for the cost of demanding rectification of the erroneous tax withholding statements for the tax years 2009–2011. The amount of the compensation was €75.

Secret information on police rota

The absence of the complainant had been marked on the police department's rota with a code. The list, however, contained an explanation of the code, which was substance abuse rehabilitation. Thereby, secret information had been disclosed on the rota, which the police department also admitted as an error. The Deputy-Ombudsman requested that the police department consider compensation for the error (2646/4/12).

The police department paid €1,000 in compensation to the complainant in accordance with the Deputy-Ombudsman's decision.

Payment ground for request for information in violation of the Act on the Openness of Government Activities

The complainant had applied for office at the Ministry of Social Affairs and Health. When another person was selected, the complainant requested that the ministry provide a copy of the comparison of the applicants' merits and the application of the selected person.

The Ministry of Social Affairs and Health acted in a dissatisfactory way when it levied a fee on the document issued for the party based on commercial grounds and did not attach instructions for an appeal to the decisions. The Ombudsman urged the ministry to investigate whether the complainant had suffered financial damage due to the fee imposed on erroneous grounds and asked the ministry to consider compensation for any damage incurred (60/4/11).

The ministry stated it would return €47.30 to the applicant. The officials had been notified of the procedure conformant to Section 14 of the Act on the Openness of Government Activities. In addition, the payment policy had been harmonised.

Sudden change of instructions concerning roadside election ads

The Finnish Transport Agency had changed the instructions for roadside election ads one month before the municipal election campaign in the autumn of 2012 and had not informed the participants of the campaign of its decision. Only email message was sent out regarding the amendment to the regulation and it was sent so late that the election ads were mostly already in place. The election ads which had been removed were treated as waste, which incurred expenses to the complainants. According to the instructions, the removed ads were to be stored so that the owner could retrieve them if desired.

The Deputy-Ombudsman was of the opinion that the Finnish Transport Agency had acted in violation of the principle of protecting legitimate

expectations. A private person must be able to expect that the authority will not change it's prouderes suddenly or retroactively in such a way as to affect the private person's right or interest in a harmful way. The parties placing election ads on the side of the ring roads had the right to expect that the instructions regarding these ads would not suddenly change. The Deputy-Ombudsman was of the opinion that the Finnish Transport Agency should also consider compensation to those demanding it. The Deputy-Ombudsman also requested the Finnish Transport Agency's statement by the end of February 2014 on providing instructions for election advertising on ring roads in the coming European Parliament election (3999* and 4007/4/12*).

Disappearance of assets in the custody of the police

According to an entry made in the police prison, the complainant's box had €460, and therefore €30.20 was missing according to the bookkeeping. The cause for the discrepancy could not be established and the fact could not be attributed to any individual police department official. The money of the person whose freedom had been deprived was in the custody of the Helsinki police department, and the police department was responsible for storing the money. The Deputy-Ombudsman proposed that the Helsinki police department take action to remunerate the complainant for the difference between the bookkeeping amount and the factual amount stored by the police department (4749/4/11).

The Helsinki police department had made a decision in the matter. It stated that, in accordance with the Deputy-Ombudsman's proposal, the complainant was remunerated for the missing amount of money stored by the police.

3.4.2 CASES RESULTING IN AN AMICABLE SETTLEMENT

The following describes certain cases where, during the handling of complaints, communication from the office to the authority led to the rectification of the error or insufficient action and, therefore, an amicable settlement was reached.

Prison service

The complaint criticised the prison's actions in failing to pay the complainant's salary. According to the prison's preliminary statement, it appeared likely that the salary had probably not been paid inadvertently. As the salary was in fact paid after the Office of the Parliamentary Ombudsman contacted the prison, the Ombudsman was of the opinion that there was no further cause to investigate the matter (4329/4/12).

The complaint criticised the daily programme adhered to at the prison that results in the time allocated for morning activities and breakfast being so short that workers leave for the worksite "with a bun stuffed in their mouth." According to the complaint, the 30 minutes allocated for eating lunch often falls short. The Ombudsman stated that according to the preliminary statement, the scarcity of the time allocated for eating had been noticed at the facility and that an attempt was being made to rectify the shortcoming by increasing punctuality on the one hand and flexibility on the other. Therefore, the complaint no longer necessitated action by the Ombudsman (3950/4/13).

In earlier statements (e.g., 570/4/05), the Ombudsman had been of the opinion that the communication form used at prisons by the inmates for various applications and requests must no longer be referred to as the "whinge sheet" in the prison's official instructions although the expression is fully established in the prison culture. The Ombudsman considered "whinge sheet" a demeaning expression that labelled the inmate's appropriate contact as unnecessary complaining.

Because of the complaint, the prison governor was asked for a preliminary statement where the governor stated that one form box in one ward of the prison still had the old "whinge sheets" label. The governor said that the label has been removed. Therefore, the Ombudsman's actions were limited to pointing out to the prison that labels demeaning the inmates' contacts or other similar texts should be removed (3257/4/13).

The complainant criticised, among other issues, that it was not possible to access the library at the prison if the person in charge of it was on holiday. According to the statement, actual library services had not been arranged at the prison during summer time. Magazines coming to the library are delivered directly to the inmates' living quarters and cycled from ward to ward. The prison governor stated that, owing to the complaint, a decision had been made at the facility on the arrangement of library services during the upcoming annual holiday of the instructor. The Ombudsman stated that the issue referred to in the complaint had been rectified (3320/4/13).

Social welfare

The complaint criticised the town's social welfare department for refusing to providing an email address or receiving an application for income support in an electronic format. According to the statement obtained, applications for income support were temporarily not being received by email because of practical arrangements. According to the statement, the situation had, however, changed and the town now had an email address to which applications and attachments could be sent. Based on the statement obtained, the substitute Deputy-Ombudsman determined that the matter had been rectified. Therefore, the complaint no longer gave rise to action by the Deputy-Ombudsman as an overseer of legality (3577/4/13).

According to the complainant, the documents requested from the town's social welfare office had not been received. In response to the complaint, the social welfare administration provided a verbal statement. According to the head social worker, the requested documents had now been sent to the complainant with notification of receipt. The head social worker had also attempted to reach the complainant by telephone. The social welfare administration had apologised for the matter. The Deputy-Ombudsman was of the opinion that the matter had been resolved and limited her actions to that she reffered to the Act on the Openness of Government Activities and the Administrative Procedure Act. The Deputy-Ombudsman pointed out to the basic care committee the obligations of an authority based on the regulations (4668/4/13).

The complainant criticised the information provided on the town's transportation service. In response to the complaint, a social worker provided a verbal statement. According to it, the complainant had been advised that the service supervisor of the travel service centre could be contacted to discuss matters concerning the arrangement of transportation services. The social worker had not had time to respond to the query sent by the complainant by email. The social worker apologised for the matter and promised to respond to the query as soon as possible. The substitute Deputy-Ombudsman was of the opinion that the complaint gave rise to no further action other than he pointed out to the town's welfare service the principles of arranging for transportation services for persons with severe disability (5115/4/13).

Health care

The complainant criticised the actions of the joint municipal authority for social and health care in handling an application regarding a treatment facility transfer. Owing to the complaint, a statement was obtained by telephone. The head of the responsibility area stated that the matter had been discussed with representatives of the hospital. The result of the investigation was not, however, attributed to the difficult workload

handled by the psychiatry department as informed to the complainants. The head of the area stated that the complainants will receive responses from the head in the near future.

The Ombudsman was of the opinion that the decision concerning the choice of treatment facility is not an appealable administrative decision (statement of the law committee 1/1997 vp). However, the written application of the complainants should have been responded to in writing within a reasonable time. This had not been the case, and therefore the actions were inappropriate. As the response will, however, be delivered to the complainants in the near future, the Ombudsman was of the opinion that the matter be resolved by sending a copy of his response to the joint municipal authority for social and health care (106/4/13).

The complainant criticised the hospital's actions when the decision-making form regarding possession of property was only in Finnish although the complainant was a Swedish speaker. Owing to the complaint, the hospital was contacted by telephone. Based on the information obtained, the form will quickly be translated into Swedish. The Ombudsman stated that the language services at the hospital had been insufficient. Owing to the complaint, the patients' legal protection will, however, improve in the future. It was determined that the case merited no further measures (673/4/13).

The complaint criticised the actions of the hospital district. The complainant was not provided with all the material requested and no appealable decision on the refusal was issued. According to a statement obtained by telephone from the head of administration of the hospital district, the complainant's most recent information requests will be reviewed and the complainant will be provided with either the material requested or an appealable decision of refusal. Therefore, at least at this stage the case gave rise to no further actions of the Ombudsman (1848/4/13).

According to the complainant, a final statement prepared at the hospital for the complainant's mother had unduly included personal health information about the complainant. Furthermore, the complainant stated that the town's health care centre physician had divulged this information to the complainant's mother. Based on the statement of the social and health agency official, information regarding the complainant had been removed from the final statement prepared at the hospital. The health care centre physician denied having acted as described in the complaint. The patient document entries regarding the visit in question contained no information regarding the complainant. Therefore the matter gave rise to no further measures by the Ombudsman (2343 and 2357/4/13).

The complaint criticised the hospital's policy of collecting a separate fee for physician's statements for rehabilitation support. The statement obtained because of the complaint indicates that the matter addressed a physician's statement, which had not been included in the hospital's treatment. According to the hospital's policy, the hospital's physicians had written the statements for the patients based on a private-law contract. The MB who wrote the statement had erroneously prepared the statement on a form with the hospital's name. The hospital had intervened in the matter with instructions, and the hospital's letterhead will no longer be used as the template for private-law invoices. The MB who wrote the certificate had promised to return the fee collected. To ensure that this will not happen again, the Ombudsman made it known to the complainant that, according to information obtained from Kela, the applicant will be reimbursed for the expenses incurred by a medical certificate needed for the continuation of rehabilitation support or pension. Therefore, the complainant can still appeal Kela (2550/4/12).

The complainant stated that a doctor's appointment at the health care centre could not be obtained for a follow-up examination following an operation performed at the dermatological clinic. Owing to the complaint, the health care centre was requested, pursuant to the Ombudsman's decision, to contact the complainant and report to the Ombudsman whether a result sat-

isfactory to the complainant had been reached in the matter or, if not, to provide the Ombudsman with information necessary for the investigation of the complaint. The head physician at the health care centre stated that the complainant had been contacted by telephone and that a follow-up appointment with a dermatologist had been scheduled for the complainant. Therefore, the case gave rise to no further actions of the Ombudsman (3588/4/13).

Guardianship

According to the complainant, a response to an inquiry had not been received from the magistrate. Owing to the complaint, the magistrate was contacted by telephone. After the contact, the magistrate provided the Ombudsman's Office with a response sent to the complainant. As the magistrate had specifically responded to the complainant's inquiry, the complaint gave rise to no further action by the Ombudsman (1164/4/13).

Social insurance

The complainant stated that as the result of a robbery, he had lost his wallet along with a Kela card with a photo and R ID. The complainant had applied for a new card from Kela but had been informed that Kela no longer issues Kela cards with the holder's photograph. The complainant stated that he had to carry his military ID and war front ID at various places in order to receive his discounts and benefits. He perceived the procedure as cumbersome and asked for intervention in the matter.

According to Kela, veterans can be issued a card with a photograph and an additional A4-size certificate stating that they receive the veteran's pension. According to Kela, veterans had perceived this difficult. In early 2012, Kela amended its earlier decision so that veterans can be granted a new photo ID to replace a lost one until autumn 2014. Kela apologised for the office handling the complainant's case not having taken into account the current instructions. The Deputy-Ombudsman stated that, as Kela had ordered a new Kela card with photograph for the complainant, the matter had been rectified in his case.

General municipal matters

The complainant criticised the officials of the town for handling a claim for compensation for water damage to the complainant's property. According to the statement of the municipality, the complainant had sent a damage report to the town. The director of waterworks had investigated the events in the autumn of 2012. According to the investigation, the water which had flooded the cellar of the building had come from rainwater pipes. This had been communicated to the complainant, who was also provided with photographs from the investigation in CD format. A witten statement from the town had since been attached to the complainant's damage report. The response described the events and stated that seeing to the rainwater pipes is the responsibility of the building owner and the town is not liable for compensation for damage.

The Deputy-Ombudsman was of the opinion that the complainant should, when being verbally informed of the cause of damage and the opinion that the town is not liable for compensation, have been provided with a written, justified response to the damage report. As the complainant did not receive an appropriate written response until after several months, the handling of the matter was unduly delayed. However, considering that the complainant had been verbally informed of the town's view, the substitute Deputy-Ombudsman decided that the case gave rise to no further action than drawing the attention of the town's appropriate officials to the appropriate handling of a case initiated with an authority (184/4/13).

Language matters

The complainant criticised the actions of the Eastern Uusimaa police department in handling a criminal complaint. Based on the statement obtained because of the complaint, it was apparent that the complainant had had difficulty receiving appropriate service in Swedish. When the complainant contacted the officer in charge of investigation to discuss the decision to end the investigation, the officer had used Finnish because the officer did not speak Swedish fluently enough for the explanation. As the police department stated it had instructed officers in charge of investigations that the cases of Swedish-speaking customers should thenceforth be transferred for handling by policemen who speak Swedish, the Ombudsman deemed it sufficient to make the views regarding the implementation of language rights known to the police department (5004/4/12).

According to the complainant, the National Bureau of Investigation's material on the prevention of money laundering was not available in Swedish. As the National Bureau of Investigation informed the Ombudsman that it had undertaken the translation of the material referred to in the complaint and the renewal of its website, the complaint gave rise to no further action than the Ombudsman's request to report the completion of the material's translation and website reform (2232/4/13).

Taxation

The complainant was dissatisfied with the quantity of travel expenses between the complainant's residence and workplace approved for tax deduction. The complainant suspected that colleagues had received a differential treatment, as the complainant had not received a tax deduction based on the use of a personal car.

According to the tax office's statement, the taxation adjustment board had rejected the complainant's claims for adjustment of the taxation of tax years 2008 and 2009. Therefore, the complainant had been notified by letter that a tax increase of almost €300 would be imposed in 2011 taxes because of a recurring and groundless deduction claim. However, the Tax Administration's Individual Taxation Unit stated in its statement to the Deputy-Ombudsman that there were no grounds for imposing a tax increase in the complainant's situation and that it had made it known to the tax office that the tax increase debited must be removed.

The Deputy-Ombudsman determined that the imposed tax increase had been removed and the matter had, in that regard, been rectified. Therefore, and because the complainant had access to the means of appeal provided for in law based on which the right to travel expense deductions could be submitted to an appeals authority, the complaint gave no rise to further measures by the Deputy-Ombudsman (3265/4/12).

The Finnish Transport Safety Agency had reimbursed the complainant for the vehicle tax. According to the agency's return notice, the amount of tax to be returned was €73.408. The agency stated it would return €73.40 of taxes to the applicant. According to the complainant, the correct amount, according to normal rounding rules, would have been €73.41.

Owing to the complaint, the Ombudsman's Office contacted the Finnish Transport Safety Agency by email. The message referred to the act on the rounding of euro-denominated payments and the rounding rules derived from the instructions of the Tax Administration regarding tax withholding. According to the agency, the matter had now been investigated. Changes would be made in the future, and the agency will use only two decimals in the payments. In this context, it will be ensured that roundings will be made according to normal rounding rules in all cases. Based on the statement obtained, the Deputy-Ombudsman decided that the complaint gave rise to no further action than sending the response for the Finnish Transport Safety Agency's information (5203/4/13).

Agriculture and forestry

The complainant criticised the invoicing for aerial photography. In the complainant's view, the price of the aerial photographs was considerably higher than the price stated when the photographs were ordered. According to the Information Service Centre of National Land Survey of Finland, an error had occurred in the invoicing, which had not been noticed because of the late date of invoicing. The time when the photographs had been ordered had not been checked when issuing the invoice in March 2013, and the error had not been noticed in connection with the complainant's inquiry regarding the accuracy of the invoice. The Information Service Centre stated it will return the erroneously invoiced amount to the complainant. According to information received by telephone, this did in fact occur.

Since, according to the statement by the Information Service Centre of National Land Survey of Finland, the matter had been rectified as a result of the contact by the Ombudsman's Office, the Deputy-Ombudsman was of the opinion that the case gave no rise to further actions (1436/4/13).

3.5 Special theme for 2013: Equitable treatment and equality

3.5.1 INTRODUCTION

As the year before, equitable treatment and equality were a special theme chosen for 2013. The theme was taken up on all inspection and familiarisation visits and was taken into consideration also in other activities, such as when considering investigations on our own initiative (for handling of the theme and how it is highlighted in the Ombudsman's work in general, see the summary of the annual report for 2010, p. 105).

Because of the multidimensional nature and wide scope of the theme, it was necessary to limit the extent of our discussion of it in the annual report. Presented in the section is a compilation of observations made in the course of inspection and familiarisation visits of whether citizens have equal access to services and whether they are treated equitably by different authorities. Our own initiatives relevant to these themes and complaints concerning them received by us have been described to the appropriate extent. For a more detailed discussion, please refer to the sections dedicated to each theme or our website.

The beginning of the section contains a compilation of observations made in the course of inspections in various sectors of administration and with a bearing on certain categories of matters (language rights, client service and equitable treatment). The end of the section contains a compilation of observations and decisions dealing with problems uncovered in the treatment of certain special groups and access to services from the perspective of equality.

3.5.2 AVAILABILITY OF SERVICES IN CLIENTS' MOTHER TONGUE OR A LANGUAGE THEY CAN UNDERSTAND

During an inspection of a police department, it was observed that the instructions for making appointments with the licence services handed out at the police station's service desk were only available in Finnish and English. Swedish instructions had also been printed, but for one reason or another, the handout was not there (3402/3/13*).

Lapland Police Department has four employees who can serve clients in the Sámi language. The Emergency Warnings Act caused problems from the viewpoint of services in the Sámi language, and for this reason, the Police Department would need ready-made phrases in the Sámi language. The fact that there are three different Sámi languages was also experienced as a problem (3951/3/13). There were no Sámi-speaking staff members in the Prosecutor's Office of Lapland, and the office had to resort to an interpreter to serve Sámi-speaking clients. However, the prosecutor's contact details and availability information were displayed at the main door of the Ivalo office not only in Finnish but also in all three Sámi languages (3650/3/13).

When visiting the National Police Board, the Deputy-Ombudsman was informed of the final report of a working group that investigated linguistic issues in police services. It was explained to the Deputy-Ombudsman that one of the basic principles in the structural reform of the police administration was guaranteeing the provision of police services in different languages and ensuring that the availability of Swedish-speaking services is not negatively affected (5314/3/13).

Shortcomings were observed in the course of inspections in a number of prisons, in particular regarding foreign prisoners' possibilities of obtaining information about prison conditions and their rights and duties in a language they understand:

- the prison's rules of order and familiarisation guide for new arrivals were only available in Finnish (1671/3/13)
- the prison's rules of order and familiarisation guide for new arrivals were not available in Swedish, even if the Parliamentary Ombudsman had already drawn the prison's attention to this problem in an inspection carried out in 2010 (1752/3/13)

  The Ombudsman asked the prison to send the Swedish translation of the prison rules and familiarisation guide to the Office of the Parliamentary Ombudsman by 30 September 2013.
- instructions for inmates on the notice boards of some prisons were only posted in Finnish (2476/3/13)
- some foreign prisoners said that they got no reply to their enquires (2476/3/13)
- in interviews with prisoners, foreign prisoners in particular reported problems with obtaining information about the rights and duties of prisoners and the institution's activities and staff – all written information was provided in Finnish (4992/3/13)
- according to foreign prisoners, some of the guards did not speak, or were unwilling to speak, any other language besides Finnish (4992/3/13)
- in addition to Finnish, the information for new arrivals was available in Swedish, Estonian and Russian, but not English (5309/3/13).

  In the Parliamentary Ombudsman's opinion, the prisons must ensure that foreign prisoners are provided with adequate information, especially in case of information to be considered vital that is not included in the familiarisation guides for new arrivals. In terms of equitable treatment of foreign prisoners, the Parliamentary Ombudsman also felt it was important that an attempt be made to respond to any enquiries made by these prisoners in a language they can understand, resorting to interpretation services if necessary (2476 and 5309/3/13).

In some prisons, the language rights were well implemented: the familiarisation guides for new prisoners were available in Finnish, English, Swedish, Russian and Romanian (2476/3/13).

A psychiatric hospital treated Swedish-speaking patients from time to time, but no M3 forms in Swedish were available, at least not in the ward that was inspected (1530/3/13).

The Parliamentary Ombudsman urged the hospital to acquire Swedish forms.

The authorities increasingly rely on interpretation services. The inspection subjects did not bring up any problems related to obtaining these services:

- a public enterprise of a city (2083/3/13)
- a Local Register Office (2126/3/13)
- a special school maintained by the government (4234/3/13)
- a prosecutor's office (3650/3/13)
- a prison (1671/3/13).

The following are some of the issues relevant to linguistic equality that the Parliamentary Ombudsman received complaints and expressed his opinion about:

- equality between construction sector actors operating in different EU Member States was not implemented (962* and 4779/4/12*)
- in the interest of equitable treatment of public officials, documents concerning a workplace restructuring project should have been offered equally to both the Finnish and Swedish speaking staff (892/4/13).

3.5.3 CLIENT SERVICE

The problems clients encountered when trying to contact the telephone services of a police licence services unit were discussed during an inspection visit to the unit (3402/3/13*).

In connection with the inspection of the Police Department of Lapland, it turned out that the number of emergency response missions has declined in recent years. As one explanation for this reduction was offered the possibility that, in sparsely populated areas, people do not call the police as they do not expect the police to arrive at the scene quickly (3951/3/13). The availability of police licence services in these areas was also poor compared to elsewhere in the country: for example, a police representative visited the joint services point in Utsjoki once a month, and the one in Savukoski 2 or 3 days a week (3951/3/13).

A key observation made during prison inspections was that the prisoners had problems obtaining information about their rights and duties in prison and about activities in the institutions – references to such problems were particularly prominent in interviews with foreign prisoners (2476, 4992 and 5309/3/13).

The Ombudsman informed the Criminal Sanctions Agency's central administration unit of the aforementioned observations in connection with a visit to the Agency (5638/3/13).

The Deputy-Ombudsman found that development efforts initiated to harmonise the administrative functions of Local Register Offices were of primary importance in order to implement equitable treatment. However, problems with access to the Local Register Office services were uncovered – the consumer helpline was often jammed, and the advisory services could not be contacted. The Local Register Office felt that the reason for this was inadequate resources (2126/3/13).

The financial and debt advisory services of a city indicated that the poor availability of these services was a national problem. For example, while the time a client waited for their first appointment was 64 days in 2012, today this time may be as long as 90 days (2127/3/13).

According to the Deputy-Ombudsman, the inspection subject had already slightly exceeded the limits of reasonable waiting times in 2012, but in early 2013, the situation had deteriorated further. The Deputy-Ombudsman noted that the parties responsible for the supervision and adequate provision of financial and debt advisory services, or the Regional State Administrative Offices and the city, had to ensure that the procedures are assessed critically and that as comprehensive an offer of debt advisory services as possible is provided within the available resources.

The Deputy-Ombudsman referred to a decision (2816/4/11) issued on 28 December 2012, according to which the recurrent problems, which included continuous under-resourcing, had plagued the statutory financial and debt advisory services since their inauguration. The Deputy-Ombudsman considered that measures to improve the nationwide equality of clients regarding access to services had still not been implemented. For this reason, the Deputy-Ombudsman decided to take the initiative in investigating how the implementation of fundamental rights – including equality and the right to good governance – are taken into consideration when developing services.

The procedure for making appointments introduced by an Employment and Economic Development Office differed from that used by other similar offices, and it had given rise to complaints. In this respect, the case was also about equitable treatment. According to representatives of the inspection subject, creating uniform operating models for the offices had been proposed to the Ministry before the reform was carried out. The proposal had not been put into practice, however, and the offices had been granted rather extensive discretion in organising their client service functions as they saw fit (4194/3/13).

Complaints about having to make an appointment to visit an official at the Employment and Economic Development Office had been made to the Deputy-Ombudsman. During a visit to the Centre

for Economic Development, Transport and the Environment, the Deputy-Ombudsman highlighted the importance of providing some possibilities for direct service use at the Employment and Economic Development Offices, for example by means of a queue number system, and not by appointment only (4195/3/13).

The pension insurance institution Keva had such an extensive backlog of pension applications that it received some one hundred requests to expedite the processing of applications a week (1473/3/13).

The Deputy-Ombudsman felt it was vital that Keva can process the backlog of pension applications as soon as possible and achieve its target processing times, and decided to monitor the achievement of these objectives.

The following are some of the issues relevant to client service that the Parliamentary Ombudsman received complaints and expressed his opinion about:

- backlogs, service provision arrangements and long waiting times of the police licence administration (4168/4/11* and 2028*, 2047* and 2200/4/12*)
- prisoners' possibilities of using the inter-library loan services of libraries (2076/4/13)
- the backlog and long processing times of work permit issues at an Employment and Economic Development Office (1960/4/12)
- the long processing times of an unemployment fund (3060 and 3201/4/12).

The Parliamentary Ombudsman investigated on his own initiative prisoners' access to banking services (3027/2/10).

3.5.4 EQUITABLE TREATMENT

A child's mother had been entered as the head of the family in the information system of a city's public enterprise. For this reason, invoices in the enterprise's accounts receivable were principally shown under the mother's name, even if the day-care fee was under the parents' joint names (2083/3/13).

The Deputy-Ombudsman referred to her decision of 12 August 2011 (557/4/11), according to which the person who had actually applied for the service should be entered as the applicant in individual social welfare sector decisions. The authorities had no right to make a decision under the name of the head of the family chosen by them when the applicant was another family member. The Deputy-Ombudsman found this practice, in which the position of the so-called head of the family specified in the information system was in actual fact dependent on the applicant's gender, a breach of the Act on Equality between Women and Men.*

A Local Register Office had noticed that there were differences between offices in the way in which procedures concerning refusals to disclose data for safety reasons were applied (2126/3/13).

Keva made an effort to speed up the processing of expedited applications, making it possible to pay a pension within a few days in urgent cases (1473/3/13).

The Deputy-Ombudsman felt that when processing an expedition request, the equal treatment of clients should also be taken into account. An application should only be processed before other applications that had been received earlier when there also are other reasons besides the request that support expediting the processing of an application.

In inspections of various units of the Defence Forces, the equitable treatment of conscripts emerged as an issue, especially with reference to the length of the military service period. This topic is discussed in the section on *military matters and the defence administration*.

Interviews with prisoners revealed that the time allotted for prisoners in a prison wing for telephoning public offices was between 7–8 a.m., at which time the offices are not yet open (2476/3/13).

On an earlier occasion, the Parliamentary Ombudsman had already investigated prisoners' possibilities of making telephone calls in closed prisons on his own initiative (933/2/11). In his decision of 24 September 2013, the Parliamentary Ombudsman noted that the aim of equitable treatment of prisoners should be that prisons or wings with similar conditions and security levels should offer the inmates the same possibilities of using the telephone.*

In connection with prison inspections, attention was paid to the fact that due to a lack of space and other reasons, prisoners who were not supposed to be there had to be placed in cells for short-term stays. These mainly included prisoners having received maintenance treatment who had been put under pressure in their own wings. The Parliamentary Ombudsman found it problematic that prisoners had to be placed in wings which were intended for temporary occupation where the prisoners in practice had no possibility of taking part in prison activities and spending time outside the cell (1671/3/13).

In another prison, remand prisoners on whom a court had imposed communication restrictions had to be placed in an isolation cell. The conditions in the isolation cell were considerably worse and more restricted than what would have been necessary to enforce the communication restrictions (4992/3/13).

A prison was struggling to organise non-supervised visits for prisoners, as the number of prisoners qualifying for such visits had increased. In some cases, the prisoners had to wait for months for a visit. The prison was considering an arrangement where each prisoner could have just one unsupervised visit a month. For prisoners who had children aged under 12 years, two unsupervised visits a month had been arranged (1671/3/13).

In the context of communication, the Parliamentary Ombudsman drew attention to considering the best interests of the child and positive discrimination.

The following are some of the issues relevant to equitable treatment that the Parliamentary Ombudsman received complaints and expressed his opinion about:

- municipalities had dissimilar practices concerning the payment of costs incurred for mechanical dosage of medicines (809/4/11*)
- a city could not categorically exclude a certain long-term illness from the distribution of care supplies (1351 and 2570/4/12)
- HIV positive persons had been treated differently from others in access to fertility treatments (1863/4/11)
- the possibilities of all residents to take part in a municipal survey had not been ensured (1513/4/12)
- a maximum age limit for receiving informal care support had been set in instructions adopted by a municipality (4799/4/12)
- the special conditions of granting the child home care allowance municipal supplement and inequitable treatment of working and unemployed parents (2932/4/11)
- overcrowding in a prison and the rights of prisoners placed in wings for new inmates to spend their free time together with other prisoners, possibilities of taking part in organised free time activities and the right to take part in activities (3593/4/11)
- organising access to outdoor exercise for a prisoner having been threatened with violence (15/4/13) and for a prisoner placed in a cell for temporary occupation (2726/4/13)
- restrictions in the distribution of care supplies for patients with a long-term illness in certain municipalities and joint municipal authorities (197/2/13*)
- the right of a prisoner placed in isolating observation to outdoor exercise (1241/2/13)
- prisoners' possibilities of using a telephone in various prisons (933/2/11).

3.5.5 TREATMENT OF SPECIAL GROUPS AND THE AVAILABILITY AND QUALITY OF SERVICES

The elderly

In the social welfare sector, inspections of care homes offering enhanced services for the elderly continued in 2013.

A group home did not have a bathroom large enough to accommodate a trolley on which a bedridden patient could have been taken into the bathroom for a shower. As a result, the only way to wash bedridden patients in diapers was bead baths using washcloths – what remained unclear was how often the bedridden patients in the group home were in actual fact taken to the sanitary facilities on the 3rd floor of the building for a bath (5120/3/13).

The facilities of a care home (twin rooms) did not in all parts protect the privacy of the elderly residents, especially when providing terminal care (1728/3/13).

Outdoor access that was part of the care offered by a group home mainly took place on a balcony – in one home, at least once a week and in another, approximately twice a month (2873, 2875 and 5120/3/13). In one of the group homes that were inspected, none of the residents went out every day. This was justified by a lack of staff. For this reason, outdoor access also to a great extent took place in the summer and focused on having coffee outdoors (5121/3/13).

As the unit's balcony used for outdoor access was of a poor standard, the Deputy-Ombudsman felt that more resources should be reserved for bringing the residents outdoors, for example by means of shift arrangements (395/3/13).*

According to the Deputy-Ombudsman, access outdoors should be one of elderly persons' rights, and they should be encouraged to go outdoors as soon as they become clients of a care home. The lack of personnel resources should not undermine elderly persons' access outdoors in different times of the year (1727/3/13).*

The care home had not set aside resources for bringing the residents out to use services. This was not included in the municipalities' contracts on outsourced services, and service use was thus an additional service subject to an extra charge (2874 and 2875/3/13).

The residents' care package did not include any medical services excluding public health care services (5120 and 5121/3/13).

The care provided in a care home did not include the services of a physiotherapist, excluding "chair exercises" twice a week. The municipalities responsible for providing the service did not pay for physiotherapy as part of the care they provided, and the residents had to pay for any physiotherapy they needed themselves (2873, 2875, 5120 and 5121/3/13).

The residents of a group home had little access to life outside the home as the carers did not have adequate resources for this, and few of the residents had expressed wishes to go out (5120 and 5121/3/13).

Children and young adults

The settings of the ventilation system in a higher comprehensive school were out of order, presumably because of the on-going renovations that were not due for completion until the autumn of the following year. Some of the pupils had been moved to a different school. Because of the poor indoor air quality, one pupil was sitting apart from the others in the classroom at a desk placed beside an open window. In addition, at the time of the inspection pupils were engaged in a team assignment in a stuffy storeroom, which had not been designed for use by pupils. It was reported that the poor quality of indoor air had a negative effect on the efficiency of lessons (4174/3/13).

The Deputy-Ombudsman described the indoor air problems in the school as genuine and severe. He felt that a period exceeding one year was a long time in view of the health of growing children. After the inspection, the city decided to close the school due to the indoor air problems until the on-going renovations had been completed.

Persons with disabilities

In connection with an inspection at a special school maintained by the government, the school suggested that many small municipalities found guidance and support services whose prices were defined in the Act on Criteria for Charges Payable to the State too expensive. According to a school representative, as a result of this the children concerned did not receive the services they needed, and equality was not implemented (4234/3/13).

The staff of the same school were also concerned over where the children would continue their studies after comprehensive school, as places in education for the disabled had been cut. The staff also felt that the young people did not receive adequate psychiatric further treatment. The staff would have preferred if all children, assisted by adequate support measures, could go to school in their home municipalities. In reality some pupils had to travel unreasonable distances to go to school, also during the term in which the inspection took place (4234/3/13).

The following are some of the issues that the Deputy-Ombudsman received complaints and expressed his opinion about:

- the fact that personal assistance was organised as an outsourced service prevented the implementation of a severely disabled person's equal rights to live and make decisions in matters concerning themselves (3425/4/12)
- pupils with intellectual disabilities could not be educated in a general teaching group at their local school (577/4/11)
- the secrecy of voting for in case of voters using a wheelchair was undermined at a polling station (4009/4/12).

On her own initiative, the Deputy-Ombudsman investigated the right to a family of a person with a disability living in a rented flat owned by the Service Foundation for People with an Intellectual Disability (2943/2/13).

Psychiatric patients

As in previous years, the Parliamentary Ombudsman drew attention to psychiatric patients' access to outdoor exercise. According to the Ombudsman, daily access to outdoor exercise had to be ensured as far as the patient's psychological state of health permitted, also when the patient could not go outdoors on his or her own (1530/3/13).

In his decisions concerning the complaints, the Ombudsman noted that equal access to oral health care services for patients treated in a psychiatric hospital was not implemented. Patients were treated differently, especially those in short-term care at a psychiatric hospital (2977/4/12).

3.6
Statements on fundamental rights

3.6.1
FUNDAMENTAL AND HUMAN RIGHTS IN OVERSIGHT OF LEGALITY

The following text contains a report of the observations concerning implementation of fundamental and human rights that the Ombudsman made in the course of oversight of legality. This section provides a summary of the content of rights which are safeguarded by Sections 6–22 of the Constitution and examples of cases for each type of right in decisions by the Ombudsman. The observations are primarily based on complaints and own-initiative investigations on which decisions were issued during the year under review as well as on information that came to light in the course of inspection visits. The statements presented in this section are mainly those specifically justified on the basis of fundamental rights norms.

3.6.2
EQUALITY, SECTION 6

Equal treatment of people is one of the cornerstones of our legal system. It is enshrined in Section 6 of the Constitution. However, an acceptable societal interest may justify people being treated differently. In the final analysis, it is a matter for the legislator to assess the generally acceptable reasons that in each individual situation justify giving people or a group of people a different status. The obligation on the public authorities to promote real equality in society was underscored in conjunction with the revision of the fundamental rights provisions of the Constitution.

Complaints about a number of local authorities suggest that, with regard to the dispensation of medication to customers in home care or residential homes, local authorities have moved or are in the process of moving from the traditional method of distributing medication manually to automatic dispensation. In automatic dispensation, each patient's medication is supplied by the pharmacy in individually packaged doses, a service for which each pharmacy charges a variable fee. In some municipalities, the patient is required to fully cover the costs of automatic dispensation, while in others the patient pays part of the costs or they are paid for in full by the municipality.

According to the Ombudsman, the dispensation of medicines is a duty which falls under the statutory duty of provision of municipalities. Municipalities may organise the manual dispensation of medicines or purchase the automated dispensation service from a pharmacy. If a municipality uses the latter option, it must not cause additional costs to the patient. In the assessment of the provision of health care services, attention must be paid not only to the equal treatment of the residents of a given municipality, but also to that of residents of different municipalities (809*, 1239 and 2573/4/11).

Prohibition on discrimination

The prohibition on discrimination enshrined in Section 6.2 of the Constitution complements the equality provision. It requires that no one may, "without an acceptable reason", be placed in a different position on the basis of gender, age, origin, language, religion, conviction, opinion, state of health, handicap or other reason relating to the person.

The complaint and the resulting investigation showed that HIV-positive women in Finland do not receive equal access to infertility treatment.

There are no hospitals in Finland that provide fertility treatment involving the processing of gametes of HIV-positive individuals. There are also differences in other treatments depending on the patient's hospital district.

The Ombudsman found that the prohibition of discrimination in treatment decisions is an essential matter of justice in health care. According to the Ombudsman, in individual decisions on treatment, no other prioritisation except those related to the patient's illness or disorder, the need for treatment of the effectiveness of treatment is legal. Access to health care services must be based on a medically justified need for treatment as determined by the patient's state of health.

According to the Ombudsman, the fact that the treatment of gametes of HIV-positive individuals would require a laboratory to have special facilities is not an acceptable basis for the unequal access to infertility treatment among such individuals. In practice, the lack of a laboratory of this kind means that HIV-positive individuals and/or their partners do not have access to infertility treatment. This is in conflict with the prohibition of non-discrimination (1863/4/11).

According to a city authority's criteria on children's acceptance to school, children who have minor to medium developmental disabilities are taught at specific schools which have special classes intended for such pupils or, alternatively, in what are known as group integration classes. Children with difficult or severe developmental disabilities are taught in special classes at two named schools. Therefore, there was no possibility whatsoever for pupils with developmental disabilities to receive education as part of a general group at a child's local school.

According to the Ombudsman, decision-making on a child's school placement must in each case be primarily based on the child's interests, information about the child in question, and case-by-case consideration. If the provision of a school place and acceptance as a pupil is based solely on the child's status as belonging to a specific group of people with disabilities, the city is discriminating against them (577/4/11).

The right of children to equal treatment

The equality provision of the Constitution contains a special reminder that children have a right to equal treatment and that they are entitled to influence decisions concerning them to the degree that their level of development allows. On the other hand, as a group with less power and who are weaker than adults, they need special protection and care. The provision also offers a ground on which children can be given positive special treatment to ensure that their equal status relative to the adult population can be safeguarded.

As a result of an unannounced inspection at a children's home, the Deputy-Ombudsman began a review of the practices of municipalities (in charge of the child's placement) responsible for organising substitute care of children placed in institutional care. The purpose of the review was to establish how the municipalities in charge of the placements had monitored the use of restrictive measures and in what ways the child's right to have personal discussion with the social worker in charge of the child's case had been promoted and safeguarded.

In the decision, the Deputy-Ombudsman stated that children have the right to feel that they are genuinely involved in decision-making that affects them and in daily matters which have an effect on their lives. It is important that children be heard taking into account their age and development level, that children be given the opportunity to take part in the planning and execution of services that are designed for them, and that children be encouraged to voice their views and opinions on such matters. On the other hand, children must not be forced into providing their opinions or taking part in discussions. Nevertheless, in any case, children must be given enough information about the obligations of the authority and the institute in question, the child's rights and the tasks and role of the social worker in decision-making on children's matters (1901/2/12 etc.).

3.6.3 THE RIGHT TO LIFE, PERSONAL LIBERTY AND INTEGRITY, SECTION 7

Section 7 of the Constitution, protection of fundamental rights applies to the individual's life and liberty as well as to personal integrity and security. It is intended to cover all cruel, inhumane or degrading punishments or other forms of treatment. The prohibition on treatment that offends against human dignity applies to both physical and mental treatment.

There are two dimensions to safeguarding physical fundamental rights: on the one hand, the public authorities must themselves refrain from breaching these rights and, on the other, they must create the conditions in which these fundamental rights enjoy the best-possible protection against also private violations. The latter dimension is involved when, for example, people are protected against crime.

Matters that are especially sensitive from the perspective of implementation of a person's physical fundamental rights are the coercive measures and force used by the police as well as conditions in closed institutions and the armed forces. Customarily a large proportion of the complaints that come under the heading of Section 7 of the Constitution concern police measures hindering the liberty of an individual person. According to the complaints, either there was no legal foundation for the police action or it went against the principles of proportionality.

At the Office of the Parliamentary Ombudsman special attention has been paid on inspection visits to putting an end to the tradition of bullying in the military. Inspections of police facilities have been carried out to determine the use of coercive measures, such as arrest and detention, that impinge on the right to personal liberty, but remain beyond the control of the courts and the due recording of grounds to such measures used. Personal liberty and integrity have also featured centrally in inspection visits to psychiatric hospitals and prisons.

Personal integrity and security

Section 7.1 of the Constitution guarantees everyone the right to personal liberty, integrity and security. Many cases concerning health care and the care of elderly and disabled people have dealt with restrictions on the right of self-determination which are not prescribed by law. For that reason, these types of measures have been assessed from the point of view of provisions on self-defence or defence of others or necessity.

The matter became apparent in the assessment of a security services agreement entered into by a psychiatric hospital. According to the Ombudsman, special powers of security personnel which are provided by the Private Security Services Act are rarely applicable in closed institutions. These special forcible means include, *inter alia*, the removal of a person, the apprehension of an offender, and a security check (frisking) of an apprehended offender. In contrast, for guards working in hospitals, such measures are mainly based on the defence of self or others, which is regulated very loosely and is often difficult to interpret in an institutional setting. The security service contract entered into by the hospital included tasks for which guards appear not to have sufficient authority or, at the very least, the authority is very much open to interpretation. These tasks include assistance during treatment and the handcuffing of patients during patient transfer.

According to the Ombudsman, there are tasks related to treatment in mental hospitals which may justify the use of forcible means but which cannot be carried out by the care personnel without jeopardising their safety and for which, on the other hand, guards have no authority. From the point of view of the protection under the law and safety of patients, hospital personnel and security personnel, it is essential that these situations be reviewed and, if necessary, provided for by law as appropriate (1222/2/11*).

A patient who suffered from a severe illness and associated helplessness was fed through an IV against his will and administered an enema against his will. According to the Ombudsman,

the procedures violated the patient's personal integrity and privacy. Procedures can only be carried out against the patient's will if the law provides a basis for them. There are no such legal provisions on somatic medical care. The Act on the Status and Rights of Patients requires that medical procedures be carried out only with the patient's consent. The Ombudsman recommended that the patient be compensated for the suffering caused by the violations (2803/4/12).

In another case, a patient was administered spinal anaesthesia forcibly and against his will and given a urethral catheter due to a kidney stone. The Ombudsman emphasised that the Finnish judicial system does not include any general justification for overruling a person's right of self-determination on the basis that interference with the person's bodily integrity could be considered in his or her best interests on objective or medical grounds. The Ombudsman again recommended that the person be compensated for the suffering caused by the violations against his personal integrity and privacy (673/4/12*).

Prohibition on treatment violating human dignity

Section 7.2 of the Constitution states that no one may be sentenced to death, tortured or otherwise treated in a way that violates human dignity. The prohibition on treatment that offends human dignity applies to both physical and mental treatment and is intended to cover all cruel, inhuman or degrading forms of punishment or other treatment.

The provision has largely the same content as Article 3 of the European Convention on Human Rights, according to which no one may be tortured or treated or punished in an inhuman way. When evaluating what is treatment that violates human dignity, one is always to some degree bound by the changing values and perceptions in society and the case law with respect to application of the Constitution and of the Convention does not always have the same content.

Patients who are placed in solitary confinement must be provided with the opportunity to relieve themselves in a way that respects their human dignity. A patient was not provided such an opportunity when he requested it, and he was therefore forced to defecate on the floor of the soli-tary confinement unit. The Ombudsman issued a reprimand to the hospital and recommended that the patient be compensated for the violation (3333/4/11).

At a psychiatric hospital, during aggressive situations involving a child, the child was subjected to what is known as the wrap mat treatment in which the child is wrapped inside a mat. The Ombudsman found the wrap mat treatment questionable from the point of view of human dignity. The treatment is a restraint procedure that deeply and strongly interferes with the patient's liberty and bodily integrity in an exceptional way. The Ombudsman stated that it was essential that this procedure and consent to its use be provided for by law, if there is a will to permit the use of such treatment (2598/4/12).

During a prisoner's accompanied leave to attend the funeral of his mother, the prisoner was kept handcuffed throughout the duration of the funeral. The Ombudsman had no reason to suspect incorrect procedure with regard to the restraint of the complainant having taken place in the first instance. However, the Ombudsman noted that the restraint by handcuffs of a person who is attending the funeral of his or her parent, and especially during the funeral ceremony, should in the first instance be considered highly humiliating. This type of treatment should not be resorted to without weighty reason.

The Ombudsman was of the view that reasons which may provide grounds for the prisoner's restraint, for example, during the journey to the funeral, do not alone provide grounds to continuing the prisoner's restraint during the funeral ceremony. Inquiries did not reveal any weighty reasons which would have given grounds to continuing the prisoner's restraint, taking into account the requirement of dignified treatment (838/4/12).

The conditions of individuals deprived of their liberty

Section 7.3 of the Constitution prohibits violation of the personal integrity of the individual as well as deprivation of liberty arbitrarily or without a reason prescribed by an Act. The sub-section contains explicatory rules concerning intervention in personal integrity and deprivation of liberty. They apply to both the legislator and those who implement the law. All deprivations of liberty and interventions in personal integrity must be founded on laws enacted by Parliament, and they must not be arbitrary. Personal liberty is a general fundamental right, one that protects not only a person's physical freedom, but also his or her freedom of will and right of self-determination.

The last sentence of sub-section 3 contains a constitutional provision which states that the rights of individuals deprived of their liberty shall be guaranteed by an Act. The treatment of individuals deprived of their liberty must meet the requirements of, *inter alia*, international conventions on human rights. The Ombudsman's oversight of legality is specifically focused on the exercise of the rights of individuals deprived of their liberty during their incarceration. Numerous cases concerning restriction of rights are resolved each year in the oversight of legality. The fundamental rights of individuals who have been deprived of their freedom must not be limited without a reason founded in law.

A person who had been sentenced to prison had voluntarily surrendered to a prison, where he was immediately placed in monitored solitary confinement. According to the Ombudsman, the situation stated as a reason for the monitored solitary confinement, namely that voluntary surrenders are potential risks to prison security, does not provide sufficient grounds for monitored solitary confinement. The prerequisite of "reasonable grounds for suspicion" provided in the Act for solitary confinement is aimed at preventing the violation of personal integrity without grounds or on insufficient grounds (1353/4/12).

The Ombudsman has submitted several proposals on the guaranteeing of rights of individuals deprived of their liberty by an Act. For example, the right of patients in mental health hospitals to obtain foodstuffs and other personal items is not provided for in law, while the same right is provided for prisoners. Taking into account the long treatment periods of patients in forensic psychiatric care, the Ombudsman considered it important that these patients be afforded the possibility of such acquisitions in the same way as prisoners are (1223/2/11).

3.6.4 THE PRINCIPLE OF LEGALITY UNDER CRIMINAL LAW, SECTION 8

One of the fundamental principles of the rule of law is that no one may be regarded as guilty of a crime or sentenced to a punishment on the basis of an act that is not a punishable offence at the time of its commission. Nor may anyone be sentenced to a more severe penalty than what is provided for in the law at the time it is committed. This is called the principle of legality in criminal law.

Issues related to the principle of legality under criminal law came to light in a criminal case in which a subway train driver had been sentenced for endangering traffic safety. There are no legal provisions concerning the safety of subway train traffic. The Ombudsman stated that safety prerequisites of subway transport should be laid down in law. If the prerequisites were indisputably based on law, problems related to the principle of legality under criminal law provided by Section 8 of the Constitution would likely be avoided. The Ombudsman did not comment further on the legal aspects of the case while the application for the reversal of the final judgment is before the Supreme Court. The application concerns the issue of whether violation of subway traffic guidelines is an act punishable by law as required by the principle of legality under criminal law (448/4/11* and 3865/4/12*).

3.6.5 FREEDOM OF MOVEMENT, SECTION 9

Freedom of movement involves, *inter alia*, the right of Finnish citizens and foreigners legally resident in Finland to move freely within the country and to choose their place of abode. Everyone also has the right to leave the country. Regulation of entry into and departure from the country by foreigners is also included in freedom of movement.

Complaints with a bearing on freedom of movement often concern the decisions made or procedures followed by the authorities when granting passports.

However, the restriction of the freedom of movement in violation of Section 9 of the Constitution can also be applicable to cases where an individual's freedom of movement within a closed institution is restricted without grounds.

Children's freedom of movement may be restricted by restrictive measures in accordance with the Child Welfare Act. The Deputy-Ombudsman did not find acceptable such institutional rules or practices which clearly impinged on a child's fundamental rights or which were excessive or otherwise arbitrary and repressive. Restrictions of a disciplinary nature are not used to impinge on a child's fundamental rights but to arrange a child's day-to-day custody and care and to support his or her growth and development. Disciplinary rules and restrictions imposed on a child must not go further or last longer than is necessary to fulfil the acceptable objectives of such rules or restrictions (1901/2/12).

The Ombudsman submitted a recommendation to the Ministry of Social Affairs and Health that the prerequisites of granting a leave to a patient in involuntary psychiatric treatment, and the conditions to be applied to such leaves, should be provided for in the Mental Health Act. This could involve the restriction of a patient's fundamental rights, such as prohibiting a patient from international travel during a leave. Restrictions imposed on patients cannot be determined by the internal rules of units; instead, such restrictions must be based on law (3731/4/12).

3.6.6 PROTECTION OF PRIVACY, SECTION 10

The right to privacy is protected by Section 10 of the Constitution. This protection is complemented by closely related fundamental rights, such as the right to protection of honour and the respect for the privacy of the home and confidential communications. In protecting these rights difficult comparisons of interests often have to be resolved with a view to safeguarding other fundamental rights, such as freedom of speech and the associated principle of publicity or the publicity of administration of the law, which demand a certain degree of intervention in privacy or the revelation of facts associated with it.

The provision in the Constitution concerning protection of privacy also mentions protection of personal data as a part of protection of privacy. The provision refers to a need to safeguard, through legislation, the individual's protection under the law and his or her privacy when personal data are being processed, registered or used.

Respect for the privacy of home

Whether measures on the part of the authorities that extend into the sphere of domestic peace are founded in law is a matter that often arises when the police conduct house searches. In recent years, a large proportion of complaints concerning house searches conducted by the police have related to presence during the search. It would appear that the police quite easily – and often on grounds that give rise to criticism – fail to reserve an opportunity for the occupant of the premises to be present when the house search is conducted. There have likewise been problems with the fact that the occupant has not had the opportunity to call a witness to the scene.

The matter of domestic peace was dealt with in a complaint on official assistance provided by the police to an executor. The Deputy-Ombudsman stated that legislation should provide grounds for access to premises protected by do-

mestic peace against the will of the person entitled to such protection. The case involved the preparation of the sale of a marital property, where there were no legal grounds for assistance by the police in obtaining access to the home. The Deputy-Ombudsman stated that provisions which permit the impingement of fundamental rights must not be interpreted broadly in unclear cases (481/4/12).

Protection of family life

Section 10 of the Constitution does not contain a mention of protection of family life. However, this is considered to fall within the scope of the protection of privacy that is enshrined in the Constitution. In Article 8 of the European Convention on Human Rights family life is specifically equated with private life.

A local authority had a procedure in place whereby meetings and telephone contact between a child taken into custody and placed in long-term foster care and his or her parents would be reduced. The reason for restricting contact is to give children time to settle, calm down and get to know their new family. According to the Deputy-Ombudsman, the Child Welfare Act does not recognise this kind of specific transitional or settling period during which contact could be reduced or stopped altogether as a matter of course. The Deputy-Ombudsman stated that this kind of formal practice applied in all cases is not based on the individual assessment of a child's best interests. Decisions concerning a child's contact with parents must be made on an individual basis in accordance with the child's best interests. In some cases, a child's individual circumstances may provide grounds for not being able to organise contact with parents during foster care or having to reduce contact. The practice applied by the social service in all cases was in violation of the Child Welfare Act and, when applied universally, prevented the exercise of a child's legal right to have contact with his or her parents (2833/4/13).

Protection of family life arose also in several cases relating to arrangements for inmates of closed institutions to meet family members.

In the case of a minor who was in voluntary care at a psychiatric hospital, the patient cannot be required to generally consent to having his or her visits being monitored by a nurse who is present in the same room where the patient can receive guests. According to the Ombudsman, requesting such consent requires a case-by-case consideration of whether such supervision is necessary on the grounds of preventing severe risk to the patient's care (2598/4/12).

Confidentiality of communications

Opening and reading a postal despatch or eavesdropping on and recording a telephone conversation are examples of restricting the confidentiality of communications. These measures must be based on an Act.

Often, the limits of the protection of the confidentiality of communications arise when authorities are conducting criminal investigations and in communications to and from persons in closed institutions. Confidentiality of prisoners' communications is in many cases important also to ensure that the right to a fair trial is implemented. Cases where letters received by a prisoner from his or her legal counsel have been opened illegally continually arise in the Ombudsman's oversight of legality. In most cases, the issue has been that the nature of such letters as attorney-client correspondence has not been observed or understood correctly (e.g. 4231/4/13 and 2826/4/12).

A telephone intended for use by prisoners was located on the corridor of a housing unit and protected with a hood which did not completely protect prisoners from being overheard when talking on the telephone. The Ombudsman stated that prisoners' telephone conversations were, as a rule, confidential. The Ombudsman emphasised that prisoners should be able to have confidential communications and that the prison should guarantee this confidentiality, for instance, by ensur-

ing that other prisoners do not wait for their turn within hearing range (852/4/13). – There are also similar cases in child welfare institutions.

Protection of privacy and personal data

The Deputy-Ombudsman evaluated the police practice of using police dogs for the control of illegal drugs in a public place. The Deputy-Ombudsman found that this kind of an impingement on privacy must be supported by specific provision of law instead of a common practice or being equated with general policing duties. For example, this type of provision exists for border control and customs inspections.

It is a matter of the privacy and protection of personal integrity of those being targeted in a public place. Therefore, technical or other monitoring methods used by the police for the purpose of detecting crime must be authorised by a legal provision. This is especially so due to the fact that being "marked" by a police dog seems, without exception, to lead to further measures which impinge on the individual's privacy with the aim of obtaining further information about a suspected crime (1870/4/13* etc.).

The patient's privacy and the fact that anybody not participating in the patient's treatment and associated tasks are to be regarded as third parties must be taken into consideration in health care and social welfare measures.

A physician drew up a request of judicial assistance from the police which stated the patient's diagnosis and symptoms. The physician wanted to ensure that the doctor on call would have enough information to draw up a possible referral to observation. The intention was for the police to pass on the information contained in the request for assistance to the doctor on call.

The purpose of judicial assistance by the police is to ensure the safety of health care personnel and, if necessary, the use of coercive measures should the patient resist being taken in. The request for assistance disclosed unnecessarily extensive information about the patient's health status to the police. Although the provision of sufficient information to health care professionals who need such information is important from the point of view of good patient care, the method chosen by the physician was not legal (4745/4/11).

A health centre acted inappropriately by sending confidential patient information by email across an unprotected network (4510/4/12).

Each person has a right to dignified ageing and good treatment. Key ethical principles which safeguard dignified ageing in the care of elderly people include the right of self-determination and inclusion. The quality of services must be ensured in the provision of long-term care and welfare of elderly people. The right to privacy, the safety of housing and care and its significance, the way the client is treated, the elderly client's social interactions as well as other aspects of the elderly person's participation in ordinary life, such as for example outdoor exercise and daily errands are among the factors that affect the quality of the services to be arranged (2875/3/13).

3.6.7 FREEDOM OF RELIGION AND CONSCIENCE, SECTION 11

Freedom of religion includes both the right to profess one's religion and to practise it in actuality. Freedom of religion and conscience includes also a negative freedom of religion. Everyone has the right to profess and practise a religion, the right to express conviction and the right to belong or not to belong to a religious community. No one is under an obligation to participate in practising a religion that is contrary to his or her conscience.

In its assessment of ecclesiastical work in the Finnish armed forces, the Deputy-Ombudsman stated that the freedom of religion applies to all citizens and is in principle independent of any membership in a religious community. For example, members of the Evangelical Lutheran Church cannot be forced to take part in religious

ceremonies. The question of participation in religious practice should be organised in the armed forces in the same way as participation in the military oath or affirmation is already resolved by law. The two options should be freely available so that a member of a religious community can choose whether to participate in religious practice and, similarly, individuals who are not members of a religious community can also choose either of the two options (4489/2/10 and 3543/4/11).

3.6.8 FREEDOM OF SPEECH AND PUBLICITY, SECTION 12

Freedom of speech

Freedom of speech includes the right both to express and publish information, opinions and messages and to receive them without anyone preventing this in advance. Freedom of speech is provided for in nearly the same wording in both the Constitution and international human rights conventions. The key purpose of the freedom of speech provision is to guarantee the free formation of opinion, open public discourse, free development of mass media and plurality as well as the opportunity for public criticism of exercise of power that are prerequisites for a democratic society. The duties of the public authorities include promoting freedom of speech.

According to the Deputy-Ombudsman, the Social Insurance Institution of Finland (Kela) has, without prejudice to the freedom of speech, the right to prohibit the complainant from collecting names on Kela's premises for a petition for the legalisation of cannabis. Customers have the right to expect to be able to visit the premises in peace. Kela should aim to prevent possible distractions in advance. The public authority must exercise objectivity in all of its actions. The appearance of the authority's actions to outsiders is also influenced by the way in which the service at its offices is organised. The best way to maintain trust in the authority's impartiality is for the operation in its facilities to be focused solely on the execution of its statutory tasks.

The Deputy-Ombudsman found that Kela had been justified in preventing the collection of names for a petition on its premises, as it could disrupt customer service or jeopardise the public's trust in the impartiality of Kela. Further, the Deputy-Ombudsman did not find Kela's action unreasonable from the point of view of the complainant's freedom of speech (1236/4/12).

A city authority had issued a teacher a warning due to an article the teacher had written in a local paper. The Ombudsman found that the statements which led to the warning had, in the main, been expressions which were open to interpretation and should be seen as value judgments. There had been no need to present any further factual basis for their accuracy.

The warning had not been issued on the basis of any inappropriate motives of the teacher, in other words, the teacher's good faith had not been contested when the warning was issued. Further, the expressions which had led to the warning had not been particularly severe nor had they been directed at an identifiable representative of the employer. The Ombudsman found that the teacher had not broken the duty of loyalty when making these statements. It was not necessary to impinge on the teacher's freedom of speech, nor was it proportionate from the point of view of the intended aim, namely that of protecting the employer's reputation. The issuance of the warning had violated the teacher's freedom of speech guaranteed as a fundamental and human right (3793/2/12*).

A prison had removed a local election candidate's advertisements from letters sent by the candidate to a prisoner. By this action, the prison had interfered in the exercise and implementation of freedom of speech without legal grounds. Freedom of speech includes both the right to send and the right to receive information. At the same time, the prison had interfered in the implementation of electoral and participation rights (3434/4/12).

Freedom of speech includes also photographing. Complaints are made both because an authority has, without a valid reason, prohibited photographing and also alleging that an authority has allowed photographs to be taken in a situation that, in the complainant's view should be kept secret. What is often involved is a matter of striking a balance between freedom of expression and some or other fundamental right – such as protection of privacy.

Publicity

Closely associated with freedom of speech is the right to receive information about a document or other recording in the possession of the authorities. Publicity of recorded materials is a constitutional provision of domestic origin. The Act on the Openness of Government Activities emphasises especially promotion of access to information.

The Ombudsman has received many complaints concerning publicity of recorded material, although in most cases the complainant has still had the opportunity to refer the matter to a competent authority for resolution. Then the Ombudsman has advised the complainant to use this legal remedy in the first instance.

The Ministry of Social Affairs and Health acted incorrectly in its handling of a request for information in a case where a person who had applied for a position at the ministry had requested that the ministry provide a copy of the comparison of applicants' merits and of the application of the successful candidate. A document supplied to the complainant had been redacted, even though as an interested party the complainant had the right to receive non-public information as well. The redaction meant that the decision was partially negative, but the ministry had not acted in accordance with Section 14 of the Act on the Openness of Government Activities when issuing the document.

Further, the fee charged for the copies had been determined on commercial grounds and not at cost and, possibly, without taking into account the provision on the delivery of electronic documents by email free of charge. The fee statement did not specify on which provision the fee was based nor did it include instructions on making a claim for a revised decision. The decision on the claim for a revised decision did not include appeal instructions. In addition, the claim for a revised decision was handled with unreasonable delay of approximately one year. The Ombudsman issued a reprimand to the ministry (60/4/11).

3.6.9 FREEDOM OF ASSEMBLY AND ASSOCIATION, SECTION 13

The constitutional provision on the freedom of assembly and association also covers the right of demonstration and the freedom to organise. The freedom to organise also includes the negative freedom to organise i.e. the right to refrain from membership in any association.

Freedom of assembly and association is generally dealt with in complaints associated with demonstrations. What is often involved is assessing whether the police have adequately safeguarded the exercise of freedom of assembly. Complaints concerning the procedure for registering an association are likewise received.

The Ombudsman reviewed a matter concerning demonstrations held outside the Parliament House. The Ombudsman stated that holding a demonstration outside the Parliament House did not require permission. However, according to the law, Parliament may, on certain conditions, restrict the use of the area in its control – including the steps of the Parliament House – for demonstration purposes. The operation of Parliament as the supreme decision-making authority must be ensured in all circumstances. This, along with certain security points of view, clearly requires certain restrictions to the way in which the steps

of the Parliament House can be used for demonstration purposes. The Ombudsman proposed that Parliament's view of restrictions and conditions of using the location for demonstrations be resolved by the Office Commission (2107/2/12).

3.6.10 ELECTORAL AND PARTICIPATORY RIGHTS, SECTION 14

Political rights, i.e. electoral and participatory rights are key fundamental rights in a democratic society. Only persons separately mentioned in the Constitution, for example only Finnish citizens in national elections, have the right to vote. In addition to this, an obligation has been placed on the public authorities to promote the opportunity of everyone to participate, to the extent that possibilities permit, in societal activities and influence decision making that concerns him- or herself.

The Ministry of Justice issued new electoral guidelines before the 2012 local elections. They included a new interpretation of the disqualification of members of election boards, according to which candidates or their family members were not permitted to participate in the work of election boards. The interpretation was based on the understanding that the provisions of the Administrative Procedure Act on disqualification should be applied to all election officials. The Ombudsman found that electoral legislation is characterised by exceptional accuracy. In the Ombudsman's view, the effect of the disqualification provisions of the Administrative Procedure Act on electoral legislation and on the activities of election officials should have been separately determined at a time not immediately before an election. The action by the Ministry of Justice caused ambiguity and hindered the smooth execution of the 2012 local elections (4200/4/12).

The Finnish Transport Agency issued a notice on its website just before the local elections about a change in its policy, which meant that election posters could no longer be freely placed along ring roads. Posters which were already in place at the time were collected and taken away or removed. In the Deputy-Ombudsman's view, those who had placed election posters along the ring roads had been entitled to assume that instructions which had been issued previously and of which they were aware would not suddenly change. Electoral participants should have been informed well in advance of the Finnish Transport Agency's new interpretation of the policy (3999/4/12*).

In the 2012 local elections, a city authority had reserved 32 locations for use as polling stations, two of which were on the premises of a local church parish. According to a complaint, by this action, the city authority had attempted to favour the Lutheran Church and hinder the ability of non-religious individuals or those belonging to other religious groups to exercise their electoral right.

In the Deputy-Ombudsman's view, the matter of which body owns the polling facility was considered less important than the general purpose and facilities of the premises when assessing the suitability of the premises. Accessibility of the polling station is important to good voter turnout. If the poll card sent to registered voters mentions the word "parish", this is not a significant matter from the point of view of the fundamental rights system. According to the Deputy-Ombudsman, this type of mention can hardly be considered part of the protection of the freedom of religion and conscience to such an extent that it cannot be considered a violation of the negative freedom of religion, at least not when, from the point of view of the fundamental rights system, there are other legitimate reasons such as access and accessibility for using such facilities as polling stations. The premises in question were used as regular sports and community facilities. The city's actions did not provide grounds for reprimand (4607/4/12).

3.6.11 PROTECTION OF PROPERTY, SECTION 15

Protection of property has traditionally been strong in domestic case law. With respect to protection of property, a broad discretionary margin has been applied in the case law interpreting the European Convention on Human Rights, but this has not been able to weaken the corresponding protection afforded on the national level.

Matters relating to protection of property only rarely have to be investigated by the Ombudsman. This is due at least in part to the fact that, for example, it is possible to have a seizure by the police referred to a court for examination or that, for instance, there is a statutory right of appeal to a district court against an implementation measure conducted in conjunction with distraint or a distraint officer's decision. There is also, as a general rule, a statutory right of appeal to a court in relation to planning and compulsory purchase matters.

A substitute for a Deputy-Ombudsman determined that the technical department of a local authority had acted incorrectly when excavation work for a sewage line had been started in an unclear situation without a property owner's clear consent or, alternatively, a permit issued by the building control authority. The local authority would have had plenty of time to resolve the ambiguity well before the work was started. As the procedures had been commenced without clear legal basis, the complainant's right to protection of property had been impinged by a procedure which did not meet the requirements of good governance (4296/4/12).

3.6.12 EDUCATIONAL RIGHTS, SECTION 16

The Constitution guarantees everyone cost-free education as a subjective fundamental right. In addition, everyone must have an equal right to education and to develop themselves without lack of funds preventing it. What is involved in this respect is not a subjective right, but rather an obligation on the public authorities to create for people the prerequisites for educating and developing themselves, each according to their own abilities and needs. The freedom of science, the arts and higher education is likewise guaranteed by the Constitution. The right to basic education is guaranteed for all children in the Constitution. The equal right of all children to education is also emphasised in the UN Convention on the Rights of the Child. The public authorities must ensure implementation of this fundamental right.

According to the Deputy-Ombudsman, the fact that not all children are provided basic education due to not having a legal residence in a Finnish municipality violates the Constitution and the Convention on the Rights of the Child. When ambiguities related to the provision of basic education to "paperless" children came to light (1420/2/10), the Deputy-Ombudsman stated that the local authorities' duty to provide basic education is extensive. The Basic Education Act does not require a child to have permanent residence in the municipality nor that the municipality in question should be the child's home municipality for the purposes of the municipality of residence act (kotikuntalaki). The Deputy-Ombudsman emphasised that according to the Constitution, each person has the right to free basic education. The Deputy-Ombudsman further pointed out that the obligations provided by international human rights conventions are also binding on Finland. According to the UN Convention on the Rights of the Child, the government has the duty to ensure the rights recognised in the Convention for all children under its jurisdiction without any discrimination.

3.6.13 THE RIGHT TO ONE'S OWN LANGUAGE AND CULTURE, SECTION 17

Guaranteed in the Constitution are, besides the equal status of Finnish and Swedish as the national languages of the country, the right of the Sámi, the Romani and others to maintain and develop their own language and culture. The language provisions pertaining to the Åland Islands are contained in the Act on the Autonomy of Åland.

Finland has also adopted the Council of Europe Charter for Regional or Minority Languages as well as the Framework Convention for the Protection of National Minorities.

Language rights have links to other fundamental rights, especially those relating to equality, freedom of speech, education, freedom to engage in economic activity as well as a fair trial and good administration. An obligation to take care of the educational and societal needs of the Finnish- and Swedish-speaking segments of the country's population according to similar principles apply to the "public authorities" as a whole, and not just to the State. As the structure of administration is changed and privatisation continues, this expansion has considerable significance.

According to the Ombudsman, a complainant's language rights were not appropriately protected in the communication of a fixed penalty notice. The police officer had dealt with the matter in Finnish, although the officer had access to materials, such as the vehicle registration document and driving licence, which would have indicated that the complainant's mother tongue was Swedish. At the very least, the police officer should have enquired which of the two national languages the complainant would have preferred to use (1329/4/12).

In a case concerning place names on maps, the Ombudsman found that the autonomous status of Åland and its status as a unilingual Swedish-speaking area could be considered justification for displaying Åland and Mariehamn on maps using their Swedish names only. On the other hand, this interpretation would not take into consideration the right of Finnish-speaking citizens living in the mainland to receive established knowledge of place names in their mother tongue from national maps produced by the public authorities. In addition, the National Land Survey of Finland also has the duty to safeguard the country's linguistic cultural heritage and promote the use of both national languages. It is not possible to consolidate both of these views in the same map. This would support having the National Land Survey produce different language versions of maps. To serve the needs of Åland and national authorities who have correspondence with Åland, maps could also be made available which would only provide the Swedish names of places in Åland and places in the mainland which also have a Swedish name (580/4/12).

The Ombudsman found it problematic that harmonised standards which are binding on the construction industry and adopted by the European standards body upon request by the European Commission are not published in their entirety in all official languages of the European Union. Only their reference data are published in the Official Journal of the European Union, after which they become binding. From the national fundamental rights point of view, the Ombudsman took the view that the public administration should ensure that organisations which are bound by these standards in Finland receive sufficient information about the foreign-language content of these standards in both of the two national languages of Finland in the event that EU bodies have not assumed responsibility for publishing the standards in all official languages of the EU. This is important in order for the protection under the law to be implemented equally and to prevent language-related factors from creating barriers, for example, to the legal pursuit of livelihood in practice (962* and 4779/4/12*).

3.6.14 THE RIGHT TO WORK AND THE FREEDOM TO ENGAGE IN COMMERCIAL ACTIVITY, SECTION 18

In conjunction with the revision of the fundamental rights provisions of the Constitution, everyone was guaranteed the right according to the law to earn his or her livelihood by the employment, occupation or commercial activity of his or her choice. The point of departure has been the principle of freedom of enterprise and in general the individual's own activity in obtaining his or her livelihood. However, the public authorities have a duty in this respect to safeguard and promote.

In addition, a duty to take responsibility for the protection of the labour force is imposed on the public authorities in the constitutional provision. The provision is relevant especially for labour protection and related activities. Issues related to labour protection are commonly raised in matters such as problems of indoor air quality in schools and health centres.

An inspection carried out by the Deputy-Ombudsman at a comprehensive school contributed to the school being closed for the 2014 spring term due to problems in indoor air quality and the pupils being relocated to other learning facilities (4174/3/13).

3.6.15 THE RIGHT TO SOCIAL SECURITY, SECTION 19

The central social fundamental rights are safeguarded in Section 19 of the Constitution. The Constitution entitles everyone to the indispensable subsistence and care necessary for a life of human dignity. In separately mentioned situations of social risk, everyone is additionally guaranteed the right to basic security of livelihood as laid down in an Act. The public authorities are also required by law to ensure adequate social welfare and health services for all. Likewise separately mentioned is the obligation on the public authorities to promote the health of the public as well as the wellbeing and personal development of children, in addition to the right of all to housing.

The right to indispensable subsistence and care

No stance on the patient's financial situation or ability to pay is adopted in the regulations concerning access to treatment; the only criterion on the basis of which access to treatment is assessed is the patient's individual state of health and the need for treatment arising from it. Thus payment of overdue client fees or a payment commitment issued by the social welfare department cannot be set as a precondition for access to treatment. A patient has a right to the treatment, both urgent and non-urgent, that his or her state of health requires (3323/4/10).

The right to security of basic subsistence

Section 19.2 of the Constitution guarantees everyone the right to basic subsistence in the event of unemployment, illness and disability and during old age as well as at the birth of a child or the loss of a provider. The benefits payable in these situations are taken care of mainly by the social insurance system.

In its decision on a complaint concerning social assistance, the Deputy-Ombudsman stated that it did not consider illegal a procedure whereby a recipient of social assistance is required to primarily use public health care services. Social assistance for the use of private health care services is limited to treatment which is not available in the public health care system. What is unclear is the stance on prescription medicines prescribed by a private practitioner in cases involving social assistance. These are often essential medicines whose cost to the applicant of social assist-

ance is the same regardless of whether he or she has visited a public health care service or a private one. In this case, the customer can bring the matter of the compensation of prescription medicines before a court of law (1526/4/12).

The right to adequate social welfare and health services

The Constitution obliges the public authorities to ensure through an Act that everyone enjoys adequate social, health and medical services. They must also support families and others responsible for providing for children so that they have the ability to ensure the wellbeing and personal development of the children.

The chief physician of the outpatient clinic of a city's health care services unit had made a treatment decision on the basis of guidelines on the care supplies of elderly Alzheimer's patients and determined that an elderly patient was not entitled to receive diapers as care supplies. According to the Ombudsman, the unit's guidelines could not categorically exclude any particular long-term condition without consideration of patients' individual needs (1351/4/12).

The right to housing

Section 19.4 of the Constitution requires the public authorities to promote the right of everyone to housing and the opportunity to arrange their own housing. The provision does not safeguard the right to housing as a subjective right nor specifically set quality standards for housing. However, it may be of relevance when interpreting other fundamental rights provisions and other legislation.

In its decision on a complaint concerning the treatment of homeless people, a substitute for a Deputy-Ombudsman stated that Section 19(4) of the Constitution refers to the obligation on public authorities with regard to housing policy. Citizens do not have a subjective right to housing provided by the local authority, excluding the exceptions provided in the Act on Services for the Disabled (vammaispalvelulaki) and in the Child Welfare Act.

Indispensable care guaranteed by the Constitution as necessary for a life of dignity means that at least in some cases, a local authority has the duty to take active measures to safeguard the availability of housing. For example, this could be applicable in cases of individuals who have become homeless due to life management issues (1946/4/13).

3.6.16 RESPONSIBILITY FOR THE ENVIRONMENT, SECTION 20

The environment must be preserved and remain viable so that all other fundamental rights can be implemented. Section 20 of the Constitution contains two elements: first of all, everyone bears responsibility for nature, the environment and the cultural heritage as well as secondly an obligation on the public authorities to strive to safeguard for everyone the right to a healthy environment and the possibility to influence the decisions that concern their own living environment.

Responsibility for nature, the environment and the cultural heritage has rarely featured as a fundamental right in complaints. By contrast, the obligation on the public authorities to strive to safeguard for everyone the right to a healthy environment and the possibility to influence the decisions that concern their own living environment has been cited in many complaints. The possibility to influence decisions concerning the living environment often arises together with the fundamental right to protection under the law and the associated guarantees of good administration. The issue can be, for example, hearing an interested party, interaction in planning, the right to institute proceedings and the right to receive an appealable decision or the right of appeal in environmental matters.

3.6.17 PROTECTION UNDER THE LAW, SECTION 21

The protection under the law associated with an official procedure has traditionally been a core area of oversight of legality. Questions concerning good administration and fair trial have been the focus of the Ombudsman's attention in various categories of cases most frequently of all.

Protection under the law is provided for in Section 21 of the Constitution. The provision applies equally to criminal and civil court proceedings, the application of administrative law and administrative procedures. In an international comparison it is relatively rare for good administration to be seen as a fundamental rights question. However, also the EU Charter of Fundamental Rights contains a provision relating to good administration.

The principles of good administration and procedural regulations enshrined in the Administrative Procedure Act implement the constitutional imperative that qualitative demands relating to good administration be confirmed on the level of an Act.

In the Finnish system, the general obligations that are binding on public servants under threat of a penalty include observing principles of good administration insofar as they are expressed in the "provisions and regulations to be observed in official actions". Deviation from good administration is excluded from the scope of the threat of punishment in the event that the deed is deemed to be "when assessed on the whole, petty" in the manner defined in the Penal Code. This area of non-criminalised actions is especially important in the Ombudsman's oversight of legality. Besides, the oversight conducted by the Ombudsman extends also to the activities of bodies that perform public tasks, but whose employees do not bear official accountability for their actions.

The right to have a matter dealt with and the right to effective legal remedies

Section 21 of the Constitution guarantees everyone a right to have his or her case dealt with appropriately and without undue delay by a legally competent court of law or other authority. When a person's rights and obligations are concerned, it must be possible for the matter to be reviewed by a court of law or other independent organ for the administration of justice. Correspondingly, Article 6 of the European Convention on Human Rights safeguards everyone's right to a trial in a legally established and independent court when his or her rights and obligations are being decided on or a criminal charge is laid.

Section 21.2 of the Constitution requires the right to appeal and other guarantees of a fair trial to be safeguarded in an Act. Articles 6 and 13 of the European Convention on Human Rights as well as Article 2 of the 7th Additional Protocol require effective and factual legal remedies.

What is typically involved in cases belonging to this category is obtaining an appealable decision or, more rarely, application of refusal of leave to appeal. Both factors influence whether a person can at all have a matter referred to a court or other authority to be dealt with. The Constitutional Law Committee has in its practice regarded refusals of leave to appeal that are general in character and unitemised as problematic. It is also important with the effectiveness of legal remedies in mind that an authority provides a direction of redress to facilitate an appeal or at least sufficient information for the person to be able to exercise the right of appeal. In addition, the reasons presented in support of a decision are in an essentially important position when it comes to exercising the right to appeal against it.

A district court had acted illegally when it did not, in accordance with the Enforcement Code, immediately forward a complaint, or a copy thereof, to the enforcement authority which had made the decision after the complaint had been sent directly to the district court. The enforcement authority was not aware of the lack of legal force

of the previous stage of the proceedings, and a final settlement had already been made on the matter. In practice, as a result of this action, the complainant had no right to an appeal. Following the Deputy-Ombudsman's recommendation, the Ministry of Justice paid the complainant compensation for the infringement of the right to appeal (1285/4/12).

The chief education officer of a local authority had determined that a child was attending a school in the wrong catchment area. The local authority refused to provide the child's transport to school free of charge and demanded that the child be transferred to another school. However, the local authority did not submit an appealable decision on the matter, and the child did not receive transport to the local school free of charge until later. In the Deputy-Ombudsman's view, the local education authority had not issued an appealable decision on the matter of the local school and the child's transport free of charge without undue delay. Further, the child had been denied transport to school free of charge without grounds and in violation of the principle of the protection of confidentiality (2612/4/12).

Expeditiousness of dealing with a matter

Section 21 of the Constitution requires that a matter be dealt with by a competent authority "without undue delay". A comparable obligation is enshrined in Section 23.1 of the Administrative Procedure Act. Article 6 of the European Convention on Human Rights, in turn, requires a trial in a court "within a reasonable time".

There has been an important trend of providing maximum processing times in an Act. Provisions on the maximum processing time are in place, *inter alia*, for subsistence subsidy (7 days), statements on eligibility of unemployment benefits (14 days), requests of information under the Act on the Openness of Government Activities (14 days), and the treatment time guarantee (3/6 months). The Child Welfare Act also provides maximum processing times for different procedures. In criminal matters, the deadline for proceedings is determined by provisions on the expiry of the right to institute criminal proceedings.

Complaints received by the Ombudsman suggest that considerable improvement has been made in the area of treatment time guarantee. In contrast, breaches of the law continued to take place among a number of local authorities with regard to the processing time of subsistence subsidy applications. The maximum time has been exceeded on multiple occasions. There were also delays in issuing statements on eligibility for unemployment benefits.

The statutory processing time is the maximum processing time. For example, in unemployment benefit matters, Kela must issue its decision without undue delay and in any case within 30 days. In practice, Kela's own target has been seven days for some time already.

Regulations on legal remedies to prevent trial delays and effect recompense for them are included in legislation. Chapter 19 of the Code of Judicial Procedure contains provisions enabling a case to be declared urgent in a district court. The act on compensation for excessive duration of judicial proceedings stipulates that an involved party has a right to receive State compensation if legal proceedings in a civil, petition or criminal case in a general court of law are delayed. Recompense for delay in legal proceedings is also possible in new cases initiated in administrative courts from June 2013 onwards.

Questions relating to the expeditiousness of handling matters continually arise in oversight of legality. The attention of authorities has often been drawn, for the purpose of guidance, to the principle of expeditiousness, also when what has been involved in a concrete case is not something that can be branded as an actual breach of official duty. The Ombudsman has tried to find out the reasons for delays and often also to recommend ways of improving the situation or at least to draw the attention of higher authorities to a lack of resources (73/4/13).

Where the maximum processing time is not provided in other areas of legislation, the consti-

tutional requirement on the avoidance of undue delay is applied and, in many cases the same requirement provided for by the Administrative Procedure Act. What can be regarded as a reasonable length of time to deal with a matter depends on the nature of the matter. Other things that demand especially speedy processing include protection of family life and matters relating to the state of health of an involved party, employment relationships, the right to practise an occupation, holding an official post, pensions or compensation for damages. Ensuring expeditiousness is particularly important also when the personal circumstances of an involved party mean that he or she is in a weak position.

The matter of reasonable time was at issue in a number of decisions concerning administration of permits by the police authority. The police have adopted an appointment booking system in their permit services. The system is primarily operated electronically online. In 2013, many of the permit service points of the police had queues where the first available appointment could be in six weeks' time. The Deputy-Ombudsman stated that the Ombudsman cannot determine the reasonable length of time from the point of view of the service principle and duty to process without undue delay as provided by the Administrative Procedure Act. However, the Deputy-Ombudsman stated that the waiting period in excess of six weeks before the first available appointment in the complainant's case was not acceptable from the point of view of the oversight of legality. The Deputy-Ombudsman accepted the view of the National Police Board that getting an appointment with the authority in permit matters within 2-3 weeks is reasonable (e.g. 1681/4/13*).

In a city's social and health care agency, the processing time of appeals in individual care cases was approximately four months. The Deputy-Ombudsman reviewed the matter on her own initiative having determined that the processing time too long. In established legal praxis of the Ombudsman, the processing time of appeals has been considered legal in cases where it has been less than three months (1383/2/13).

The processing of a complaint under the Act on the Status and Rights of Patients took over seven months. The reason provided for the long processing time was that the complaint had been difficult to understand. In such cases, a reasonable processing time has generally been considered to be one to two months. A processing time in excess of seven months cannot be considered reasonable (4322/4/13).

Delay in processing is often associated with inadequacy of the resources available. Delays were caused also by the absence of staff during holiday periods. According to established practice of the Ombudsman, merely referring to "the general work situation" is not a sufficient excuse for exceeding reasonable processing deadlines. Delay can also result from otherwise defective or erroneous handling of the matter in question. In such cases, there can often be other problems from the perspective of good administration.

Delays in the activities of public authorities have also been caused by the introduction of new IT systems. For example, the roll-out of a new case work system at Keva (formerly the Local Governments Pensions Institution) caused delays in the processing of pension applications in 2012-2013. Further, the deployment of the VITJA-data-system of the police is behind schedule.

Publicity of proceedings

Questions relating to publicity of proceedings arise mainly in the context of oral hearings in courts of law. One of the basic situations, relating to implementation of requests for documents and information, is dealt with under the heading of Section 12 of the Constitution.

Hearing an interested party

According to Section 21(2) of the Constitution, the right to be heard shall be laid down by an Act as part of guarantees of a fair trial and good governance. Shortfalls related to the hearing of inter-

ested parties are commonly found in the oversight of legality by the Ombudsman.

A child who was in joint custody and lived with the father had been enrolled as a pupil at a comprehensive school in another city at the request of the child's mother. The father had not been heard in the matter, and the vice-rector of the school had not initially informed the father about the child's enrolment in a school at another locality (3065/4/12).

In a matter concerning a disabled person's right to the car tax refund, the Deputy-Ombudsman determined that the process of hearing the claimant did not meet the requirements on good governance as provided by the Constitution and, in more detail, by the Administrative Procedure Act. Finnish Customs had not communicated a statement by a medical adviser to an applicant. As the matter was clearly a report which could influence the decision, the Customs should have heard the applicant after the report during the processing of the application and not only at the appeal stage (2326/4/11).

Providing reasons for decisions

The right to receive a reasoned decision is safeguarded as one component of good administration and a fair trial in Section 21.2 of the Constitution. Article 6 of the European Convention on Human Rights likewise requires adequate reasoning in support of decisions. The obligation to reason a decision is defined in greater detail in *inter alia* the Code of Judicial Procedure, the Act on Criminal Trials, the Act on Exercise of Administrative Law and the Administrative Procedure Act.

It is not enough to announce the final decision; instead, the interested parties also have the right to know how and on what grounds the decision has been arrived at. The reasons given for a decision must express the main facts underlying it as well as the regulations and orders. The language in which the decision is written must also be as understandable as possible. Reasoning is important from the perspective of both implementation of the interested parties' protection under the law and general trust in the authorities as well as also of oversight of official actions.

The Insurance Court had ruled that a complainant had been employed as an owner of a business, which had been recorded in the trade register. The letter of complaint presented facts on the basis of which the matter could have been ruled differently in spite of the entry in the trade register. The Deputy-Ombudsman determined that the grounds for the decision on unemployment benefit issued by the Insurance Court to the complainant had been limited. The relationship between being registered as a new trader and the right to unemployment benefits should have been explained in the reasons for the decision (3038/4/12).

According to the Ombudsman, an administrative court should have given reasons in its permit decision as to why it had considered the sale of a property in accordance with the guardian's application to be in the interests of the client, although it was known at the time of the decision that a higher bid had been made for said property (1026/4/13).

Appropriate handling of matters

The demand for appropriate handling of matters contains a general duty of care. An authority must carefully examine the matters that it is dealing with and comply with the regulations and orders that have been issued. This extensive category includes cases of very different types relating to both court and administrative procedures. What was involved in some cases was an individual error due to carelessness, whilst in others the cause lay mainly in the procedural methods that authorities had adopted and in demarcations and assessments to do with factual power of discretion.

Communications by the Ministry of Justice on a legislative amendment concerning the recording of a long-term enforcement order in the debtor's credit file should have emphasised the

practical impacts of the amendment on debtors so that they may prepare for the change in advance. As debtors must also be given equal treatment in terms of advisory services, a plan should have been drawn up for enforcement districts on individual communications about the amendment (e.g. 871/4/12).

A physician of a health centre should have discussed a do-not-resuscitate (DNR) order with the patient or, if necessary, the patient's family before making the decision. Entries on DNR orders in patient records must state the name of the decision authority, medical grounds for the decision, details of the discussion conducted with the patient and, if necessary, with the family, and the opinion of the patient or, if necessary, the family, on the decision (77/4/12).

There had been a recurring error over several years in the withholding of tax from a retired taxpayer due to an error by the tax authority. According to the Deputy-Ombudsman, the rectification of the error could not depend solely on a claim for adjustment made by the customer. The public authorities have the duty to rectify their errors by their own initiative. The duty of service and investigation is particularly important in the case of vulnerable people. Many retired people are part of this group (2788/4/12).

Other prerequisites for good administration

In the oversight of legality, cases involving issues related to other prerequisites of good governance are seen repeatedly. These principles of legality under the Administrative Procedure Act include, *inter alia*, the principles of appropriateness, confidentiality and proportionality.

A city was in breach of the principles of legality of good administration when it required a complainant to present evidence of his health and income to avoid the city from halting payment of compensation for loss of earnings. The Court of Appeal had confirmed the complainant's right to a compensation for loss of earnings by a non-appealable judgment. The complainant had the right to assume that the compensation would be paid in accordance with the judgment (2022/4/12).

Guarantees of protection under the law in criminal trials

The minimum rights of a person accused of a crime are separately listed in Article 6 of the European Convention on Human Rights. They are also included in Section 21 of the Constitution, although they are not specifically itemised in the same way in the domestic list of fundamental rights. The Constitution's regulation of criminal trials is more extensive than the first-mentioned document's, because the Constitution guarantees procedural rights also to an interested party and his/her right to demand punishment.

A police officer conducting a criminal investigation had incorrectly denied a complainant the opportunity to participate as an interview witness in the interview of the complainant's friend who was a crime suspect. The investigating officer had been under the wrong impression that an interview witness must be a police officer (4618/4/12).

A person who did not speak either of the national languages had signed an interview record drawn up in a national language and hence had no certainty of its contents. The Deputy-Ombudsman stated that according to the established view, the signing of an interview record means that the interviewee confirms that he or she has read through and approved the record of the interview. For that reason, there are grounds to expect that interviewees should only sign a version written in a language they understand (639/4/12).

Impartiality and general credibility of official actions

As the European Court of Human Rights has reiterated, it is not enough for justice to be done; it must also be seen to be done. The thinking in Article 6 of the Convention and its application in

the judiciary is reflected also on administrative procedure. In domestic law this is reflected by the fact that in Section 21 of the Constitution fair trial and good administration are combined in the same constitutional provision. What is involved in the final analysis is that in a democratic society all exercise of public power must enjoy the trust of citizens.

Reason to doubt the impartiality of an authority or public servant must not be allowed to arise owing to extraneous causes. Something that must also be taken into consideration here is whether a public servant's earlier activities or some special relationship that he or she has to the matter can, objectively evaluated, provide a reasonable ground to suspect his or her ability to act impartially. Indeed, it can be considered justified for a public servant to refrain from dealing with a matter also in a case where recusability is regarded as open to interpretation.

Stakeholder cooperation between the building control of the labour protection division of the Regional State Administrative Agency of Southern Finland and construction companies weakened the trust enjoyed by the authority's control operations. Construction companies had provided inspectors of their district events which had included alcohol and entertainment (388/2/12). Leaves of absence taken by officials of the Regional State Administrative Agency of Northern Finland and spent working for mining companies were of such nature that they could jeopardise the public's trust in the impartiality of the public authority (1586/4/12*).

Grants given by the Finnish Film Foundation are decided by its managing director upon recommendations by production advisers and within the framework of an operating plan approved by the board. The Deputy-Ombudsman found it problematic from the point of view of good governance and especially from the point of view of the provisions on disqualification that a member of a board who influences and supervises the managing director of the foundation can apply for and be granted significant financial support for a film project while also being one of the individuals monitoring the use of the grant. This kind of a set-up could enable structural corruption (4714/2/12).

The best way to restore and promote trust in good administration is for the authority which made the error in the first place to take responsibility for the error and rectify it. This is one of the reasons why the Ombudsman does not support the Ministry of Finance proposal that claims for compensation made against the State should be handled centrally by the State Treasury (2712/5/13).

Behaviour of officials

Closely associated with the trust that the actions of a public servant must inspire is the official's behaviour both in office and outside it. The legislation on public servants requires both State and municipal officials to behave in a manner that his or her position and tasks presuppose. Public servants holding offices that demand special trust and esteem must behave in a manner commensurate with their position also outside their official working hours.

A police officer had posted a message from his private Twitter account which was not consistent with a high standard of behaviour required of public officials (a joke about Roma people). Due to its nature, police activities are subject to heightened expectations with regard to impartiality. In the Act, the requirement of a high standard of behaviour of police officers is specifically extended to include private life. Furthermore, in this case the police officer was a sergeant who carried out a lot of police work in social media and was a public figure. It could be difficult for members of the public to determine in which capacity the police officer in question was acting in his communications in social media. In practice, the police officer cannot detach himself from his official role, especially in communications dealing with police matters (4670/4/12).

3.6.18 SAFEGUARDING FUNDAMENTAL RIGHTS, SECTION 22

Section 22 of the Constitution enshrines an obligation on all public authorities to guarantee the observance of basic rights and freedoms and human rights. The obligation to safeguard can also presuppose proactive measures. The general obligation to safeguard extends to all provisions with a bearing on fundamental and human rights.

Decisions by the Ombudsman concerning the obligation to safeguard have focused on, *inter alia*, the key role of the Parliament's budgetary powers with regard to the ability of the public authorities to meet their obligations related to fundamental and human rights. For example, the insufficiency of the monitoring resources of regional state administrative agencies has been criticised. The obligation to safeguard has also been highlighted in areas such as the implementation of language rights.

In accordance with the obligation to safeguard fundamental and human rights, a registry office should have ensured a complainant's right to personal safety when address details which were subject to a denial-of-personal-data order were disclosed to the child's co-guardian. The information was disclosed to the person whose threats had been the grounds for granting the order (4372/4/12).

The safeguarding of fundamental rights involves a question of what circumstances give grounds to impinging on an individual's fundamental rights with his or her consent. According to the Ombudsman, when considering the acceptability of restricting an individual's fundamental rights with his or her consent, the following questions should be examined: firstly, whether the restrictive measure is, in fact, one which can be taken on the basis of the individual's consent. When assessing this question, attention could be paid to the general prerequisites of restriction of fundamental rights and to how, if at all, the legislator has previously assessed the prerequisites of such measure. According to the view of the Constitutional Law Committee, in the case of exceptional measures which have a strong impact on the individual's private life and personal integrity, the restriction of a fundamental right cannot be solely based on the individual's consent; the consent must be provided by law. Secondly, consideration must be given to what is required for the consent to be valid in each individual case (2372/4/12).

The obligation to safeguard fundamental rights can also be considered to include the equivalent requirement of Article 13 of the European Convention of Human Rights on the right to an effective remedy in cases of violations of fundamental rights. These also include the availability of compensation in cases where the violation of fundamental rights can no longer be prevented or rectified. The Ombudsman's recommendations on compensations are reported in section 3.4 of the report.

3.7 Complaints against Finland to the European Court of Human Rights in 2013

In 2013 a total of 315 new cases (314) against Finland were registered at the European Court of Human Rights (ECHR or the Court). A Government response was requested arising from 34 (24) complaints. The number of cases pending after the end of the year was 197. The number of complaints about Finland was roughly the same as for the previous year.

The screening and handling of complaints by the ECHR has been substantially more effective in recent years. In 2010 there was a switch to a slimmed-down composition (a single-judge formation and the committee formation now has greater powers), and a new admissibility criterion "significant disadvantage" was adopted.

The conditions governing the lodging of a complaint were made more stringent again from the start of 2014, when the amendment to the ECHR Rules of Court entered into force. Complaints to the ECHR must now be lodged using a form that has been produced by the ECHR Secretariat, providing the necessary details on it. Furthermore, the complaint must include copies of all relevant documents. If an application is not properly filed, the case will not be investigated.

A very large proportion, about 95%, of the complaints made to the European Court of Human Rights are ruled inadmissible. This is done either in a single-judge formation or through a so-called Committee decision (3 judges). The respondent State is not informed of this decision; instead, notification is made, in writing, only to the complainant. Thus the matter does not call for measures with respect to the State. In 2013 a complaint was ruled inadmissible or was struck from the list of cases in 300 (615) cases concerning Finland. In the majority of these, a decision was reached in a slimmed-down composition. Since Finland acceded to the European Convention on Human Rights, a total of 4,274 complaints against it have been ruled inadmissible.

A decision that a complaint satisfies the prerequisites for admissibility is made by the Court either in Committee formation or in Chamber formation (7 judges). A decision confirming a friendly settlement can also be made, whereby the complaint is struck from the Court's case list. The remaining judgments are given either in Committee or Chamber formation or by the Grand Chamber (17 judges). In its judgment, the Court resolves a case concerning an alleged violation of human rights or confirms a friendly settlement.

In 2013, there were remarkably few judgments by the ECHR regarding Finland. The Court issued three (5) judgments concerning Finland. A violation of rights was confirmed in all of them. In addition to judgments, the European Court of Human Rights issued 14 (24) decisions. Ten of these, were issued in Chamber formation and four in Committee formation.

Four decisions (8) ended in a friendly settlement after the complainant and the government had reached agreement. One of the cases concerned a unilateral declaration issued by Finland on an incidence of a breach of human rights. Three cases where an agreement was reached related to legal remedies in a house search and one the duration of administrative judicial proceedings. In the cases in which an agreement had been reached, the State of Finland undertook to pay €14,250 in compensation. In nine (12) Cham-

ber-formation decisions no violation of a human right was established, or the complaint was ruled inadmissible on processual grounds. The ECHR issued 40 (42) decisions on applications for interim measures, four of which were approved.

By the end of 2013 Finland had received a total of 166 judgments from the Court, and 93 complaints had been decided on (through a decision or a judgment) as a result of a friendly settlement or a unilateral declaration by the Government. The number of times that the Court found against Finland throughout the time of its membership is strikingly large, at 129. However, the number of findings against Finland has declined in recent years. There have been a total of 104 findings against Sweden, Norway, Denmark and Iceland, although they have been party to the European Convention on Human Rights for considerably longer than Finland. I 2013 the other Nordic countries received 20 judgments, in five of which the Court found against them. In recent years, Finland has no longer differed significantly from the other Nordic countries as regards numbers of judgments for infringements.

The ECHR's Grand Chamber is important. There is one judgment concerning Finland pending there. It relates to the H. case, a judgment which was given on 13 November 2012 and is thus not final. The ECHR's Chamber did not find a violation of rights in a case in which a married transgendered complainant had been required to change his married status to that of a civil union as a condition for him to have his personal ID code changed to one indicating his new gender (female) (see the Chamber judgment in the report by the Parliamentary Ombudsman of Finland, Summary of the Annual Report 2012, p. 84).

3.7.1 SUPERVISION OF THE EXECUTION OF JUDGMENTS IN THE COUNCIL OF EUROPE COMMITTEE OF MINISTERS

The Committee of Ministers of the Council of Europe supervises the execution of judgments and decisions by the Court. The Committee's oversight focuses on three different matters: payment of any sum awarded by the Court as well as introduction of individual measures and general measures to remedy the violation. The means of oversight are primarily diplomatic. The Committee of Ministers can when necessary refer a question of implementation for confirmation by the Court.

The oversight system was restructured with effect from 1.1.2011. Within six months of an ECHR judgment becoming final, States must provide either an action report or an action plan, i.e. report on measures that have been carried out and/or are planned. The reports are published on the Committee of Ministers website.

In the year under review, the Finnish Government produced action report DD(2013)454, resulting from certain judgments relating to a fair trial. The Government also produced action plan DD(2013)537, resulting from a Finnish judgment (*X. v. Finland*) relating to involuntary mental health treatment.

Three new oversight cases became pending in the year under review (Lupala, Saikkonen, Sipiläinen). Supervision of the execution remained pending with respect to a further 42 judgments concerning Finland.

The Committee of Ministers brought to conclusion the supervision of the execution of the following ECHR judgments concerning Finland:

- Resolution CM/ResDH(2013)60: the *Vilén* judgment on the complainant's access to information and rights to participate in the hearing of a case concerning health insurance
- Resolution CM/ResDH(2013)61: 11 ECHR decisions ending in a friendly settlement be-

tween the complainant and the Government (*Majuri, Hietanen, Huovinen and Ekostyle Oy, Nurminiemi, Valo, Parviainen, Kellosalo, K.E., Silvasti, Ruohoniemi, P.J.*)
- Resolution CM/ResDH(2013)90: five judgments on the duration of mainly civil and criminal proceedings (*T and Others, Hagert, F. and M., Knaster and Taavitsainen*).

3.7.2 JUDGMENTS AND DECISIONS DURING THE YEAR UNDER REVIEW

Two judgments concerning the deadline for bringing an action under the Paternity Act

The *Laakso* (15.1.2013) and *Röman* (29.1.2013) judgments both concerned an unconditional period of five years for bringing an action in the Paternity Act's implementing act.

In the case of the *Laakso* judgment, the ECHR took the view that a tight deadline for bringing an action to establish paternity and, in particular, the obligation that national courts of law have to act within its framework with no possibility of achieving a balance of the various interests weakened the core content of the right enshrined in Article 8 of the European Convention on Human Rights. The ECHR found that a reasonable balance of interests had not been achieved. The Court ordered the State to pay the complainant €6,000 as compensation for non-pecuniary damage and €5,000 in costs and expenses.

The ECHR reached a similar conclusion in the *Röman* judgment. In that, the Court ordered the State to pay the complainant €6,000 as compensation for non-pecuniary damage and €4,000 in costs and expenses.

Judgment on freedom of speech

The *Ristamäki* and *Korvola* judgment (29.10.2013) concerned a violation of the freedom of speech. A reporter and their superior had been fined and ordered to pay damages to A for libel. In the national legal proceedings, the view had been taken that the complainants had made false and mistaken insinuations about A in a television programme, with the result that it was likely to cause A personal suffering, make A an object of scorn, and cause A harm. Examples mentioned of a lack of cooperation between the authorities in the programme that had come in for criticism were A's fraud trial and film material of the trial and of A, which mentioned that the court was hearing a charge of a white-collar crime. In the national proceedings, the complainants had denied the charge, stating that all the information given in the programme had been absolutely correct. The ECHR did not consider the reasons stated as sufficient to warrant an obstacle to the freedom of speech.

The Court ordered the State to pay the complainants €4,240 in total for non-pecuniary damage and €3,500 in costs and expenses.

Complaints ruled inadmissible by Chamber decision

A total of 14 (11) complaints were rejected or ruled inadmissible in Chamber or Committee composition on the ground that no breach of a right was established or on a variety of processual grounds.

In the wake of ECHR judgments leading to regulation on court control in the legality of house searches (see the *Heino* and *Harju* judgment in the Parliamentary Ombudsman of Finland, Summary of the Annual Report 2011, p. 40), numerous complaints on the same subject were lodged with the ECHR. In the year under review, three of these ended in friendly settlements. The ECHR ruled the *Nieminen* complaint (19.3.2013) inadmissible, as it was unfounded. The complainant

had not shown that an actual search of his home had been conducted, and there was thus no interference with the right enshrined in Article 8.

The *Peuraniemi* case (1.10.2013) concerned a police security check undertaken of the home of the complainant. The police searched a drunk driver who had entered his flat and found car keys in the complainant's pocket. The ensuing investigation, however, was later abandoned, when the police realised that they had suspected the wrong person. The ECHR ruled the complaint inadmissible, because the complainant had requested the investigation of an alleged crime on the part of the police, a case that was still pending in Finland.

In the *Koski* decision (19.11.2013), the ECHR ruled the claims made by the complainant relating to the case of an unfair trial inadmissible, as they were unfounded. The complainant, who was sentenced by the District Court for white-collar crimes, failed to arrive for the main hearing at the Court of Appeal, and his lawyer was not present there either. The Court of Appeal discontinued the appeal. The ECHR had previously adopted the view that Finland had violated Article 6 of the European Convention on Human Rights in a case of this type, but it now considered that the circumstances surrounding this case were different in that there was no violation of rights (see the *Kari-Pekka Pietiläinen* judgment in the Parliamentary Ombudsman of Finland, Summary of the Annual Report 2009, p. 44).

The *Nömman* decision (8.10.2013) also related to a procedure in the Court of Appeal. The complainant deemed his trail as unfair, as the Court of Appeal had sentenced him for a new charge without holding an oral hearing. The ECHR dismissed the complaint as unfounded. The Court of Appeal had not reassessed the acts for which charges were being brought, the complainant had not called for an oral hearing when the case was before the Court of Appeal, and there was no question of any evaluation of the reliability of testimony.

The *Helander* decision (10.9.2013) related to a situation where an email sent by a lawyer to his client in a remand prison was not delivered to the prisoner in question, despite requests. The complainant was of the view that this had violated his right in the preparation of the defence in a criminal case, the confidentiality of communications and the exercise of freedom of speech. Finnish law did not oblige the prison authorities to deliver emails to prisoners. This corresponded to approved European practices. The ECHR rejected the complaint as unfounded.

Two complaints (*M.M. et al* and *A.N.H.*) were struck from the ECHR list of cases, because complainants who had been ordered to be deported had been granted a temporary residence permit in Finland, and, in another case, asylum status had been granted while the ECHR was dealing with the complaint.

The *J. et al* case (12.2.2013) concerned the taking into custody of four children and restrictions on contact in the family. The ECHR considered the grounds presented for custody and restrictions on contact to be adequate and ruled the complaint inadmissible, as it was unfounded.

The ECHR ruled the *Anttila* complaint regarding a violation of the freedom of speech inadmissible (19.11.2013). The complainant was the editor-in-chief of a newspaper that had published tax information and the chairman of the board and a shareholder of the limited company that owned the publication. The case concerned the blocking of a text messaging service that produced tax information on certain identifiable persons launched in 2003 by this company and another limited company in partnership with a telecom operator. The Finnish Data Protection Board and Administrative Court did not accept blocking request from the Data Protection Ombudsman. However, the Supreme Administrative Court reversed these decisions (preliminary ruling C-73/07 of the Court of Justice of the EU in case KHO:2009:82). Later the Data Protection Board prohibited the text messaging service after the Supreme Administrative Court had referred the matter back for re-examination. The ECHR ruled the complaint inadmissible because it found that the complainant was not a 'victim' within the meaning of Article 34 of the European Con-

vention on Human Rights, and the prohibitions had been imposed on limited companies and not on the complainant personally. – The ECHR has requested a Government response as a result of the complaint of freedom of speech by the limited companies referred to (Satakunnan Markkinapörssi Oy and Satamedia Oy).

Case *A.E.L.* (10.12.2013) concerned the taking into custody and family reunification of a child under the Child Protection Act. The ECHR ruled that custody and the gradual removal of restrictions on contact were acceptable and took the view that the actions of the authorities were aimed at family reunification. The matter thus did not contravene Article 8.

Compensation amounts

In the cases finding a violation, the State of Finland was ordered to pay the complainants compensation totalling €28,740 (€25,650 in 2012). Cases that ended with friendly settlements or unilateral declarations incurred a payment obligation of over €14,250 (€55,900). Thus complaints about breaches of human rights cost the State of Finland a total of over €42,990 (€81,550) in payments ordered during the year under review.

Communicated new cases

A response from the Government was requested in relation to 34 (24) new complaints, including the following: seven cases relating to an alleged violation of Article 3 in deportation situations and five cases of an alleged violation of the prohibition relating to dual punishment in connection with taxation procedure and criminal actions. One case concerned an alleged violation of the freedom of speech, i.e. the text messaging service regarding tax information referred to earlier. One case related to withholding a letter in prison, where the provisions of Article 8 of the European Convention on Human Rights are relevant.

Furthermore, the ECHR asked for a Government response in a case concerning the distribution of parish magazines from the perspective of the freedom of religion, respect for the privacy of the home, and the existence of effective legal remedies. However, the complaint was struck from the ECHR's list of cases early in 2014 after the complainant withdrew the complaint owing to the risk of incurring court costs.

4 Annexes

Constitutional Provisions pertaining to Parliamentary Ombudsman of Finland

11 June 1999 (731/1999), entry into force 1 March 2000

Section 38
Parliamentary Ombudsman

The Parliament appoints for a term of four years a Parliamentary Ombudsman and two Deputy Ombudsmen, who shall have outstanding knowledge of law. A Deputy Ombudsman may have a substitute as provided in more detail by an Act. The provisions on the Ombudsman apply, in so far as appropriate, to a Deputy Ombudsman and to a Deputy Ombudsman's a substitute. (802/2007, entry into force 1.10.2007)

The Parliament, after having obtained the opinion of the Constitutional Law Committee, may, for extremely weighty reasons, dismiss the Ombudsman before the end of his or her term by a decision supported by at least two thirds of the votes cast.

Section 48
Right of attendance of Ministers, the Ombudsman and the Chancellor of Justice

Minister has the right to attend and to participate in debates in plenary sessions of the Parliament even if the Minister is not a Representative. A Minister may not be a member of a Committee of the Parliament. When performing the duties of the President of the Republic under section 59, a Minister may not participate in parliamentary work.

The Parliamentary Ombudsman and the Chancellor of Justice of the Government may attend and participate in debates in plenary sessions of the Parliament when their reports or other matters taken up on their initiative are being considered.

Section 109
Duties of the Parliamentary Ombudsman

The Ombudsman shall ensure that the courts of law, the other authorities and civil servants, public employees and other persons, when the latter are performing a public task, obey the law and fulfil their obligations. In the performance of his or her duties, the Ombudsman monitors the implementation of basic rights and liberties and human rights.

The Ombudsman submits an annual report to the Parliament on his or her work, including observations on the state of the administration of justice and on any shortcomings in legislation.

Section 110
The right of the Chancellor of Justice and the Ombudsman to bring charges and the division of responsibilities between them

A decision to bring charges against a judge for unlawful conduct in office is made by the Chancellor of Justice or the Ombudsman. The Chancellor of Justice and the Ombudsman may prosecute or order that charges be brought also in other matters falling within the purview of their supervision of legality.

Provisions on the division of responsibilities between the Chancellor of Justice and the Ombudsman may be laid down by an Act, without, however, restricting the competence of either of them in the supervision of legality.

Section 111
The right of the Chancellor of Justice and Ombudsman to receive information

The Chancellor of Justice and the Ombudsman have the right to receive from public authorities or others performing public duties the information needed for their supervision of legality.

The Chancellor of Justice shall be present at meetings of the Government and when matters are presented to the President of the Republic in a presidential meeting of the Government. The Ombudsman has the right to attend these meetings and presentations.

Section 112
Supervision of the lawfulness of the official acts of the Government and the President of the Republic

If the Chancellor of Justice becomes aware that the lawfulness of a decision or measure taken by the Government, a Minister or the President of the Republic gives rise to a comment, the Chancellor shall present the comment, with reasons, on the aforesaid decision or measure. If the comment is ignored, the Chancellor of Justice shall have the comment entered in the minutes of the Government and, where necessary, undertake other measures. The Ombudsman has the corresponding right to make a comment and to undertake measures.

If a decision made by the President is unlawful, the Government shall, after having obtained a statement from the Chancellor of Justice, notify the President that the decision cannot be implemented, and propose to the President that the decision be amended or revoked.

Section 113
Criminal liability of the President of the Republic

If the Chancellor of Justice, the Ombudsman or the Government deem that the President of the Republic is guilty of treason or high treason, or a crime against humanity, the matter shall be communicated to the Parliament. In this event, if the Parliament, by three fourths of the votes cast, decides that charges are to be brought, the Prosecutor-General shall prosecute the President in the High Court of Impeachment and the President shall abstain from office for the duration of the proceedings. In other cases, no charges shall be brought for the official acts of the President.

Section 114
Prosecution of Ministers

A charge against a Member of the Government for unlawful conduct in office is heard by the High Court of Impeachment, as provided in more detail by an Act.

The decision to bring a charge is made by the Parliament, after having obtained an opinion from the Constitutional Law Committee concerning the unlawfulness of the actions of the Minister. Before the Parliament decides to bring charges or not it shall allow the Minister an opportunity to give an explanation. When considering a matter of this kind the Committee shall have a quorum when all of its members are present.

A Member of the Government is prosecuted by the Prosecutor-General.

Section 115
Initiation of a matter concerning the legal responsibility of a Minister

An inquiry into the lawfulness of the official acts of a Minister may be initiated in the Constitutional Law Committee on the basis of:

1) A notification submitted to the Constitutional Law Committee by the Chancellor of Justice or the Ombudsman;

2) A petition signed by at least ten Representatives; or
3) A request for an inquiry addressed to the Constitutional Law Committee by another Committee of the Parliament.

The Constitutional Law Committee may open an inquiry into the lawfulness of the official acts of a Minister also on its own initiative.

Section 117
Legal responsibility of the Chancellor of Justice and the Ombudsman

The provisions in sections 114 and 115 concerning a member of the Government apply to an inquiry into the lawfulness of the official acts of the Chancellor of Justice and the Ombudsman, the bringing of charges against them for unlawful conduct in office and the procedure for the hearing of such charges.

Parliamentary Ombudsman Act

14 March 2002 (197/2002)

CHAPTER 1
Oversight of legality

Section 1
Subjects of the Parliamentary Ombudsman's oversight

(1) For the purposes of this Act, *subjects of oversight* shall, in accordance with Section 109 (1) of the Constitution of Finland, be defined as courts of law, other authorities, officials, employees of public bodies and also other parties performing public tasks.

(2) In addition, as provided for in Sections 112 and 113 of the Constitution, the Ombudsman shall oversee the legality of the decisions and actions of the Government, the Ministers and the President of the Republic. The provisions set forth below in relation to subjects of oversight apply in so far as appropriate also to the Government, the Ministers and the President of the Republic.

Section 2
Complaint

(1) A complaint in a matter within the Ombudsman's remit may be filed by anyone who thinks a subject has acted unlawfully or neglected a duty in the performance of their task.

(2) The complaint shall be filed in writing. It shall contain the name and contact particulars of the complainant, as well as the necessary information on the matter to which the complaint relates.

Section 3
Investigation of a complaint (20.5.2011/535)

(1) The Ombudsman shall investigate a complaint if the matter to which it relates falls within his or her remit and if there is reason to suspect that the subject has acted unlawfully or neglected a duty or if the Ombudsman for another reason takes the view that doing so is warranted.

(2) Arising from a complaint made to him or her, the Ombudsman shall take the measures that he or she deems necessary from the perspective of compliance with the law, protection under the law or implementation of fundamental and human rights. Information shall be procured in the matter as deemed necessary by the Ombudsman.

(3) The Ombudsman shall not investigate a complaint relating to a matter more than two years old, unless there is a special reason for doing so.

(4) The Ombudsman must without delay notify the complainant if no measures are to be taken in a matter by virtue of paragraph 3 or because it is not within the Ombudsman's remit, it is pending before a competent authority, it is appealable through regular appeal procedures, or for another reason. The Ombudsman can at the same time inform the complainant of the legal remedies available in the matter and give other necessary guidance.

(5) The Ombudsman can transfer handling of a complaint to a competent authority if the nature of the matter so warrants. The complainant must be notified of the transfer. The authority must inform the Ombudsman of its decision or other measures in the matter within the deadline set by the Ombudsman. Separate provisions shall apply to a transfer of a complaint between the Parliamentary Ombudsman and the Chancellor of Justice of the Government.

Section 4
Own initiative

The Ombudsman may also, on his or her own initiative, take up a matter within his or her remit.

Section 5
Inspections (28.6.2013/495)

(1) The Ombudsman shall carry out the on-site inspections of public offices and institutions necessary to monitor matters within his or her remit. Specifically, the Ombudsman shall carry out inspections in prisons and other closed institutions to oversee the treatment of inmates, as well as in the various units of the Defence Forces and Finland's military crisis management organisation to monitor the treatment of conscripts, other persons doing their military service and crisis management personnel.

(2) In the context of an inspection, the Ombudsman and officials in the Office of the Ombudsman assigned to this task by the Ombudsman have the right of access to all premises and information systems of the inspection subjeft, as well as the right to have confidential discussions with the personnel of the office or institution, persons serving there and its inmates.

Section 6
Executive assistance

The Ombudsman has the right to executive assistance free of charge from the authorities as he or she deems necessary, as well as the right to obtain the required copies or printouts of the documents and files of the authorities and other subjects.

Section 7
Right of the Ombudsman to information

The right of the Ombudsman to receive information necessary for his or her oversight of legality is regulated by Section 111 (1) of the Constitution.

Section 8
Ordering a police inquiry or a pre-trial investigation (22.7.2011/811)

The Ombudsman may order that a police inquiry, as referred to in the Police Act (872/2011), or a pre-trial investigation, as referred to in the Pre-trial Investigations Act (805/2011), be carried out in order to clarify a matter under investigation by the Ombudsman.

Section 9
Hearing a subject

If there is reason to believe that the matter may give rise to criticism as to the conduct of the subject, the Ombudsman shall reserve the subject an opportunity to be heard in the matter before it is decided.

Section 10
Reprimand and opinion

(1) If, in a matter within his or her remit, the Ombudsman concludes that a subject has acted unlawfully or neglected a duty, but considers that a criminal charge or disciplinary proceedings are nonetheless unwarranted in this case, the Ombudsman may issue a reprimand to the subject for future guidance.

(2) If necessary, the Ombudsman may express to the subject his or her opinion concerning what constitutes proper observance of the law, or draw the attention of the subject to the requirements of good administration or to considerations of promoting fundamental and human rights.

Section 11
Recommendation

(1) In a matter within the Ombudsman's remit, he or she may issue a recommendation to the competent authority that an error be redressed or a shortcoming rectified.

(2) In the performance of his or her duties, the Ombudsman may draw the attention of the Government or another body responsible for legislative drafting to defects in legislation or official regulations, as well as make recommendations concerning the development of these and the elimination of the defects.

CHAPTER 1 a
National Preventive Mechanism (NPM) (28.6.2013/495)

Section 11 a
National Preventive Mechanism (28.6.2013/495)

The Ombudsman shall act as the National Preventive Mechanism referred to in Article 3 of the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (International Treaty Series /).

Section 11 b
Inspection duty (28.6.2013/495)

(1) When carrying out his or her duties in capacity of the National Preventive Mechanism, the Ombudsman inspects places where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (place of detention).

(2) In order to carry out such inspections, the Ombudsman and an official in the Office of the Ombudsman assigned to this task by the Ombudsman have the right of access to all premises and information systems of the place of detention, as well as the right to have confidential discussions with persons having been deprived of their liberty, with the personnel of the place of detention and with any other persons who may supply relevant information.

Section 11 c
Access to information (28.6.2013/495)

Notwithstanding the secrecy provisions, when carrying out their duties in capacity of the National Preventive Mechanism the Ombudsman and an official in the Office of the Ombudsman assigned to this task by the Ombudsman have the right to receive from authorities and parties maintaining the places of detention information about the number of persons deprived of their liberty, the number and locations of the facilities, the treatment of persons deprived of their liberty and the conditions in which they are kept, as well as any other information necessary in order to carry out the duties of the National Preventive Mechanism.

Section 11 d
Disclosure of information (28.6.2013/495)

In addition to the provisions contained in the Act on the Openness of Government Activities (621/1999) the Ombudsman may, notwithstanding the secrecy provisions, disclose information about persons having been deprived of their liberty, their treatment and the conditions in which they are kept to a Subcommittee referred to in Article 2 of the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Section 11 e
Issuing of recommendations (28.6.2013/495)

When carrying out his or her duties in capacity of the National Preventive Mechanism, the Ombudsman may issue the subjects of supervision recommendations intended to improve the treatment of persons having been deprived of their liberty and the conditions in which they are kept and to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Section 11 f
Other applicable provisions (28.6.2013/495)

In addition, the provisions contained in Sections 6 and 8–11 herein on the Ombudsman's action in the oversight of legality shall apply to the Ombudsman's activities in his or her capacity as the National Preventive Mechanism.

Section 11 g
Independent Experts (28.6.2013/495)

(1) When carrying out his or her duties in capacity of the National Preventive Mechanism, the Ombudsman may rely on expert assistance. The Ombudsman may appoint as an expert a person who has given his or her consent to accepting this task and who has particular expertise relevant to the inspection duties of the National Preventive Mechanism. The expert may take part in conducting inspections referred to in Section 11 b, in which case the provisions in the aforementioned section and Section 11 c shall apply to their competence.

(2) When the expert is carrying out his or her duties referred to in this Chapter, the provisions on criminal liability for acts in office shall apply. Provisions on liability for damages are contained in the Tort Liability Act (412/1974).

Section 11 h
Prohibition of imposing sanctions (28.6.2013/495)

No punishment or other sanctions may be imposed on persons having provided information to the National Preventive Mechanism for having communicated this information.

CHAPTER 2
Report to the Parliament and declaration of interests

Section 12
Report

(1) The Ombudsman shall submit to the Parliament an annual report on his or her activities and the state of administration of justice, public administration and the performance of public tasks, as well as on defects observed in legislation, with special attention to implementation of fundamental and human rights.

(2) The Ombudsman may also submit a special report to the Parliament on a matter he or she deems to be of importance.

(3) In connection with the submission of reports, the Ombudsman may make recommendations to the Parliament concerning the elimination of defects in legislation. If a defect relates to a matter under deliberation in the Parliament, the Ombudsman may also otherwise communicate his or her observations to the relevant body within the Parliament.

Section 13
Declaration of interests (24.8.2007/804)

(1) A person elected to the position of Ombudsman, Deputy-Ombudsman or as a substitute for a Deputy-Ombudsman shall without delay submit to the Parliament a declaration of business activities and assets and duties and other interests which may be of relevance in the evaluation of his or her activity as Ombudsman, Deputy-Ombudsman or substitute for a Deputy-Ombudsman.

(2) During their term in office, the Ombudsman the Deputy-Ombudsmen and the substitute for a Deputy-Ombudsman shall without delay declare any changes to the information referred to in paragraph (1) above.

CHAPTER 3
General provisions on the Ombudsman, the Deputy-Ombudsmen and the Director of the Human Rights Centre (20.5.2011/535)

Section 14
Competence of the Ombudsman and the Deputy-Ombudsmen

(1) The Ombudsman has sole competence to make decisions in all matters falling within his or her remit under the law. Having heard the opinions of the Deputy-Ombudsmen, the Ombudsman shall also decide on the allocation of duties among the Ombudsman and the Deputy-Ombudsmen.

(2) The Deputy-Ombudsmen have the same competence as the Ombudsman to consider and decide on those oversight-of-legality matters that the Ombudsman has allocated to them or that they have taken up on their own initiative.

(3) If a Deputy-Ombudsman deems that in a matter under his or her consideration there is reason to issue a reprimand for a decision or action of the Government, a Minister or the President of the Republic, or to bring a charge against the President or a Justice of the Supreme Court or the Supreme Administrative Court, he or she shall refer the matter to the Ombudsman for a decision.

Section 15
Decision-making by the Ombudsman

The Ombudsman or a Deputy-Ombudsman shall make their decisions on the basis of drafts prepared by referendary officials, unless they specifically decide otherwise in a given case.

Section 16
Substitution (24.8.2007/804)

(1) If the Ombudsman dies in office or resigns, and the Parliament has not elected a successor, his or her duties shall be performed by the senior Deputy-Ombudsman.

(2) The senior Deputy-Ombudsman shall perform the duties of the Ombudsman also when the latter is recused or otherwise prevented from attending to his or her duties, as provided for in greater detail in the Rules of Procedure of the Office of the Parliamentary Ombudsman.

(3) Having received the opinion of the Constitutional Law Committee on the matter, the Parliamentary Ombudsman shall choose a substitute for a Deputy-Ombudsman for a term in office of not more than four years.

(4) When a Deputy-Ombudsman is recused or otherwise prevented from attending to his or her duties, these shall be performed by the Ombudsman or the other Deputy-Ombudsman as provided for in greater detail in the Rules of Procedure of the Office, unless the Ombudsman, as provided for in Section 19 a, paragraph 1, invites a substitute for a Deputy-Ombudsman to perform the Deputy-Ombudsman's tasks. When a substitute is performing the tasks of a Deputy-Ombudsman, the provisions of paragraphs (1) and (2) above concerning a Deputy-Ombudsman shall not apply to him or her.

Section 17
Other duties and leave of absence

(1) During their term of service, the Ombudsman and the Deputy-Ombudsmen shall not hold other public offices. In addition, they shall not have public or private duties that may compromise the credibility of their impartiality as overseers of legality or otherwise hamper the appropriate performance of their duties as Ombudsman or Deputy-Ombudsman.

(2) If the person elected as Ombudsman, Deputy-Ombudsman or Director of the Human Rights Centre holds a state office, he or she shall be granted leave of absence from it for the duration of their term of service as as Ombudsman, Deputy-Ombudsman or Director of the Human Rights Centre (20.5.2011/535).

Section 18
Remuneration

(1) The Ombudsman and the Deputy-Ombudsmen shall be remunerated for their service. The Ombudsman's remuneration shall be determined on the same basis as the salary of the Chancellor of Justice of the Government and that of the Deputy-Ombudsmen on the same basis as the salary of the Deputy Chancellor of Justice.

(2) If a person elected as Ombudsman or Deputy-Ombudsman is in a public or private employment relationship, he or she shall forgo the remuneration from that employment relationship for the duration of their term. For the duration of their term, they shall also forgo any other perquisites of an employment relationship or other office

to which they have been elected or appointed and which could compromise the credibility of their impartiality as overseers of legality.

Section 19
Annual vacation

The Ombudsman and the Deputy-Ombudsmen are each entitled to annual vacation time of a month and a half.

Section 19 a
Substitute for a Deputy-Ombudsman (24.8.2007/804)

(1) A substitute for a Deputy-Ombudsman can perform the duties of a Deputy-Ombudsman if the latter is prevented from attending to them or if a Deputy-Ombudsman's post has not been filled. The Ombudsman shall decide on inviting a substitute to perform the tasks of a Deputy-Ombudsman. (20.5.2011/535)

(2) The provisions of this and other Acts concerning a Deputy-Ombudsman shall apply *mutatis mutandis* also to a substitute for a Deputy-Ombudsman while he or she is performing the tasks of a Deputy-Ombudsman, unless separately otherwise regulated.

CHAPTER 3 a
Human Rights Centre (20.5.2011/535)

Section 19 b
Purpose of the Human Rights Centre (20.5.2011/535)

For the promotion of fundamental and human rights there shall be a Human Rights Centre under the auspices of the Office of the Parliamentary Ombudsman.

Section 19 c
The Director of the Human Rights Centre (20.5.2011/535)

(1) The Human Rights Centre shall have a Director, who must have good familiarity with fundamental and human rights. Having received the Constitutional Law Committee's opinion on the matter, the Parliamentary Ombudsman shall appoint the Director for a four-year term.

(2) The Director shall be tasked with heading and representing the Human Rights Centre as well as resolving those matters within the remit of the Human Rights Centre that are not assigned under the provisions of this Act to the Human Rights Delegation.

Section 19 d
Tasks of the Human Rights Centre (20.5.2011/535)

(1) The tasks of the Human Rights Centre are:
1) to promote information, education, training and research concerning fundamental and human rights as well as cooperation relating to them;
2) to draft reports on implementation of fundamental and human rights;
3) to present initiatives and issue statements in order to promote and implement fundamental and human rights;
4) to participate in European and international cooperation associated with promoting and safeguarding fundamental and human rights;
5) to take care of other comparable tasks associated with promoting and implementing fundamental and human rights.

(2) The Human Rights Centre does not handle complaints.

(3) In order to perform its tasks, the Human Rights Centre shall have the right to receive the necessary information and reports free of charge from the authorities.

Section 19 e
Human Rights Delegation (20.5.2011/535)

(1) The Human Rights Centre shall have a Human Rights Delegation, which the Parliamentary Ombudsman, having heard the view of the Director of the Human Rights Centre, shall appoint for a four-year term. The Director of the Human Rights Centre shall chair the Human Rights Delegation. In addition, the Delegation shall have not fewer than 20 and no more than 40 members. The Delegation shall comprise representatives of civil society, research in the field of fundamental and human rights as well as other actors participating in the promotion and safeguarding of fundamental and human rights. The Delegation shall choose a deputy chair from among its own number. If a member of the Delegation resigns or dies mid-term, the Ombudsman shall appoint a replacement for him or her for the remainder of the term.

(2) The Office Commission of the Eduskunta shall confirm the remuneration of the members of the Delegation.

(3) The tasks of the Delegation are:

1) to deal with matters of fundamental and human rights that are far-reaching and important in principle;
2) to approve annually the Human Rights Centre's operational plan and the Centre's annual report;
3) to act as a national cooperative body for actors in the sector of fundamental and human rights.

(4) A quarum of the Delegation shall be present when the chair or the deputy chair as well as at least half of the members are in attendance. The opinion that the majority has supported shall constitute the decision of the Delegation. In the event of a tie, the chair shall have the casting vote.

(5) To organise its activities, the Delegation may have a work committee and sections. The Delegation may adopt rules of procedure.

CHAPTER 4
Office of the Parliamentary Ombudsman and the detailed provisions (20.5.2011/535)

Section 20 (20.5.2011/535)
Office of the Parliamentary Ombudsman and detailed provisions

For the preliminary processing of cases for decision by the Ombudsman and the performance of the other duties of the Ombudsman as well as for the discharge of tasks assigned to the Human Rights Centre, there shall be an office headed by the Parliamentary Ombudsman.

Section 21
Staff Regulations of the Parliamentary Ombudsman and the Rules of Procedure of the Office (20.5.2011/535)

(1) The positions in the Office of the Parliamentary Ombudsman and the special qualifications for those positions shall be set forth in the Staff Regulations of the Parliamentary Ombudsman.

(2) The Rules of Procedure of the Office of the Parliamentary Ombudsman shall contain more detailed provisions on the allocation of tasks among the Ombudsman and the Deputy-Ombudsmen. Also determined in the Rules of Procedure shall be substitution arrangements for the Ombudsman, the Deputy-Ombudsmen and the Director of the Human Rights Centre as well as the duties of the office staff and the cooperation procedures to be observed in the Office.

(3) The Ombudsman shall confirm the Rules of Procedure of the Office having heard the views of the Deputy-Ombudsmen and the Director of the Human Rights Centre.

CHAPTER 5
Entry into force and transitional provision

Section 22
Entry into force

This Act enters into force on 1 April 2002.

Section 23
Transitional provision

The persons performing the duties of Ombudsman and Deputy-Ombudsman shall declare their interests, as referred to in Section 13, within one month of the entry into force of this Act.

Entry into force and application of the amending acts:

20.5.2011/535
This Act shall enter into force on 1 January 2012.

Section 3 and the first paragraph of Section 19 a of the Act shall, however, enter into force on 1 June 2011.

The measures necessary to launch the activities of the Human Rights Centre may be taken before the entry into force of the Act.

22.7.2011/811
This Act shall enter into force on 1 January 2014.

28.6.2013/495
This Act shall enter into force on the date to be laid down in a Government Decree. However, Section 5 of the Act shall enter into force on 1 July 2013.

Division of labour between the Ombudsman and the Deputy-Ombudsmen

Ombudsman Mr. Petri Jääskeläinen
decides on matters concerning:

- the highest organs of state
- questions involving important principles
- courts
- the prison service and execution of sentences
- health care
- legal guardianship
- language legislation

Deputy-Ombudsman Mr. Jussi Pajuoja
decides on matters concerning:

- the police
- social insurance
- public prosecutor
- Defence Forces, Border Guard and non-military national service
- traffic and communications
- trade and industry
- data protecton, data management and telecommunications
- education, science and culture
- labour administration
- unemployment security
- church affairs

Deputy-Ombudsman Ms. Maija Sakslin
decides on matters concerning:

- social welfare
- municipal affairs
- distraint, bankruptcy and dept arrangements
- children's rights
- taxation
- environmental administration
- agriculture and forestry
- asylum and immigration
- Sámi affairs
- customs

Statistical data on the Ombudsman's work in 2013

MATTERS UNDER CONSIDERATION

Oversight-of-legality cases under consideration		**7,199**
Cases initiated in 2013		5,506
– complaints to the Ombudsman	4,975	
– complaints transferred from the Chancellor of Justice	68	
– taken up on the Ombudsman's own initiative	67	
– submissions and attendances at hearings	80	
– other written communications	316	
Cases held over from 2012		1,433
Cases held over from 2011		245
Cases held over from 2010		12
Cases held over from 2009		3

Cases resolved		**5,762**
Complaints		5,281
Taken up on the Ombudsman's own initiative		74
Submissions and attendances at hearings		71
Other written communications		336

Cases held over to the following year		**1,437**
From 2013		1,384
From 2012		25
From 2011		24
From 2010		3
From 2009		1

Other matters under consideration		**237**
Inspections [1]		89
Administrative matters in the Office		125
International matters		23

[1] Number of inspection days 60

OVERSIGHT OF PUBLIC AUTHORITIES

Complaint cases		5,281
Social security		1,218
– social welfare	871	
– social insurance	347	
Police		889
Health care		586
Prisons		420
Courts		275
– civil and criminal	232	
– special	1	
– administrative	42	
Environment		210
Labour administration authorities		191
Education		189
Municipal affairs		173
Highest organs of state		135
Enforcement		133
Transport and communications		106
Agriculture and forestry		101
Taxation		96
Prosecutors		93
Guardianship		89
Asylum and immigration		78
Municipal councils		53
Defence		52
Customs		34
Private parties not subject to oversight		19
Church		17
Other subjects of oversight		124

OVERSIGHT OF PUBLIC AUTHORITIES

Taken up on the Ombudsman's own initiative			**74**
Social security		22	
– social welfare	21		
– social insurance	1		
Prisons		14	
Health care		12	
Police		6	
Labour administration authorities		3	
Education		3	
Defence		3	
Courts		2	
– civil and criminal	2		
– administrative	–		
Municipal affairs		1	
Environment		1	
Enforcement		1	
Transport and communications		1	
Guardianship Prosecutors		1	
Highest organs of state		1	
Customs		1	
Other subjects of oversight		2	
Total number of decisions			**5,355**

MEASURES TAKEN BY THE OMBUDSMAN

Complaints			**5,281**
Decisions leading to measures on the part of the Ombudsman			787
– prosecution		–	
– reprimands		31	
– opinions		590	
– as a rebuke	304		
– for future guidance	286		
– recommendations		38	
– to redress an error or rectify a shortcoming	4		
– to develop legislation or regulations	16		
– to provide compensation for a violation*	18		
– to rech an agreed settlement	–		
– matters redressed in the course of investigation		45	
– other measure		83	
– to rech an agreed settlement	22		
No action taken, because			2,814
– no incorrect procedure found		443	
– no grounds		2,371	
– to suspect illegal or incorrect procedure	1,691		
– for the Ombudsman's measures	680		
Complaint not investigated, because			1,680
– matter not within Ombudsman's remit		189	
– still pending before a competent authority or possibility of appeal still open		736	
– unspecified		276	
– transferred to Chancellor of Justice		30	
– transferred to Prosecutor-General		6	
– transferred to other authority		203	
– older than two years		134	
– inadmissible on other grounds		106	

MEASURES TAKEN BY THE OMBUDSMAN

Taken up on the Ombudsman's own initiative 74

Decisions leading to measures on the part of the Ombudsman		53
– prosecution		–
– reprimands		2
– opinions		31
– as a rebuke	25	
– for future guidanc	6	
– recommendations		9
– to redress an error or rectify a shortcoming	2	
– to develop legislation or regulations	6	
– to provide compensation for a violation	1	
– matters redressed in the course of investigation		6
– other measure		5
No action taken, because		12
– no incorrect procedure found		3
– no grounds		9
– to suspect illegal or incorrect procedure	8	
– for the Ombudsman's measures	1	
Own initiative not investigated, because		9
– still pending before a competent authority or possibility of appeal still open		1
– inadmissible on other grounds		8

INCOMING CASES BY AUTHORITY

Ten biggest categories of cases

Social security		1,142
– social welfare	771	
– social insurance	371	
Police		858
Health care		573
Prisons		374
Courts		264
– civil and criminal	223	
– special	1	
– administrative	40	
Education		211
Labour administration authorities		186
Municipal affairs		174
Environment		146
Highest organs of state		1129

Inspections

* = inspection without advance notice

Courts

- Administrative Court of Oulu
- District Court of Lapland (coercive measures affecting telecommunications and house searches)
- District Court of Pohjanmaa, Vaasa office (coercive measures affecting telecommunications and house searches)

Prosecution service

- Prosecutor's Office of Lapland, Rovaniemi Headquarters
- Prosecutor's Office of Pohjanmaa, Vaasa Headquarters
- Prosecutor's Office of Western Finland, Pori Service Office
- The Office of the Prosecutor General

Police administration

- Helsinki Police Department, Daily Crimes investigation division
- Helsinki Police Department, License Services*
- Helsinki Police Department, Police prison at Pasila Police Station (twice)
- Lapland Police Department, Police prison and facilities for intoxicated customers at Rovaniemi Main Police Station
- Lapland Police Department, Rovaniemi
- National Bureau of Investigation (NBI)
- National Bureau of Investigation, Rovaniemi office
- National Police Board, (oversight of legality)
- National Police Board, (VITJA project)
- National Police Board, Helsinki
- National Police Board, Licence Administration
- Ostrobothnia Police Department, Police prison at Vaasa Main Police Station*
- Ostrobothnia Police Department, Vaasa
- Satakunta Police Department, Police prison and facilities for intoxicated customers at Pori Main Police Station*
- South Karelia Police Department, Police prison at Imatra Police Station*
- Western Uusimaa Police Department, Licence services at Espoo Main Police Station*
- Western Uusimaa Police Department, Police prison at Espoon Main Police Station*

Defence Forces and Border Guard

- Defence Force's explosives storage, Upinniemi
- North Karelia Border Guard District, Joensuu
- The Armoured Brigade, Hattula
- The East Finland Logistics Regiment, Hartola Storage Section
- The Gulf of Finland Coast Guard District, Helsinki Border Control Department Helsinki-Vantaa Airport
- The Ministry of Defence (Finland's Cyber Security Strategy)
- The Naval Academy of Finland, The Island Fortress of Suomenlinna (Sveaborg)
- The North Karelia Brigade, Joensuu

Prison service

- Criminal Sanctions Agency, Central Administration Unit, Helsinki
- Criminal Sanctions Region of Western Finland, Region Center, Tampere

- Criminal Sanctions Region of Western Finland, Tampere Community Sanctions Office and Release Unit
- Jokela Prison*
- Kerava Prison*
- Kylmäkoski Prison
- Kylmäkoski Prison clinic
- Service unit (Vapauteen valmennuspalvelu) for released prisoners of Silta training association, Tampere
- Turku Prison*
- Vaasa Prison*

Immigration administration

- City of Helsinki, Metsälä Reception Centre and The Detention unit*
- Joutsenon vastaanottokeskus – Joutseno Reception Centre

Social welfare

- A-Clinic Foundation's care unit Stoppari for young people in Lahti*
- Central Finland Foundation for Disability Services, Lehtola housing services, Äänekoski*
- City of Helsinki, Aksiisikoti (unit of Puistola residential care home)*
- City of Helsinki, Puistola residential care home*
- City of Helsinki, Toivola children's home*
- City of Järvenpää, Pihlavistokoti (care home)*
- City of Jyväskylä, Kortepohja housing unit for disabled persons*
- City of Kouvola, Dementia- ja Kehitysvammaisten ryhmäkoti association's private group home Ehtookartano for dementia sufferers and mentally handicapped persons*
- Esperi Care Service Centre Tilkka, care homes Tilkantupa and Tilkantoivo, Helsinki*
- Helsinki Deaconess Institute's day centre Hirundo for travellers*
- Kouvolan palvelukotiyhdistys Association, dementia care home Sinisiipi*
- Miljan Hoivakoti (private care home), Järvenpää*
- ONERVA Centre for Learning, Counselling and Training, Jyväskylä

Health care

- City of Oulu, Psychiatric ward*
- Helsinki University Central Hospital HUCH, Psychiatry Centre's Youth Psychiatry Clinics, Helsinki*
- The Hospital District of Helsinki and Uusimaa, Paloniemi Hospital*
- The Hospital District of Southwest Finland, the psychiatric division of Uusikaupunki Hospital*
- The Northern Ostrobothnia Hospital District, Oulu University Hospital's (OUH) Psychiatry cost centre

Social insurance

- Kela (the Social Insurance Institution of Finland) Kamppi office (customer service), Helsinki
- Keva (Local Government Pensions Institution), Helsinki

Labour and unemployment security

- Employment and Economic Development Office (TE Office) of Pirkanmaa, Tampere
- Employment and Economic Development Office (TE Office) of Uusimaa
- The Centre for Economic Development, Transport and the Environment (ELY Centre) of Pirkanmaa, Employment, Entrepreneurship and Competence unit, Tampere
- The Ministry of Employment and the Economy, Employment and Entrepreneurship Department

Education

- City of Helsinki, Puistola comprehensive school (use of social media)
- City of Vantaa, Havukoski school
- City of Vantaa, The Education Department
- Ministry of Education and Culture, General Education Division
- Regional State Administrative Agency (AVI) of Lapland, education services, Rovaniemi

Other inspections

- City of Kemi, The money and debt adviser service
- Customs, Helsinki
- Emergency Response Centre Administration, Pori
- Emergency Response Centre of Satakunta, Pori
- Emergency Response Centre, Kuopio
- Emergency Response Centre, Vaasa
- Emergency Services College, Kuopio
- Enforcement Office of Oulu, The main office in Oulu
- Government IT Shared Service Centre, Helsinki
- ICT Agency HALTIK, Rovaniemi
- Local Register Office of Lapland, Kemi unit
- Oulun Konttori (City of Oulu's public enterprise, service centre)
- Regional State Administrative Agency (AVI) of Southern Finland, information management, Helsinki
- The Crisis Management Centre Finland (CMC Finland), Kuopio

Staff of the Office of the Parliamentary Ombudsman

Parliamentary Ombudsman
Mr. Petri Jääskeläinen, LL.D., LL.M. with court training

Deputy-Ombudsmen
Mr. Jussi Pajuoja, LL.D.
Ms. Maija Sakslin, LL.Lic.

Secretary General
Ms. Päivi Romanov, LL.M. with court training

Principal Legal Advisers
Mr. Jorma Kuopus, LL.D., LL.M. with court training
Mr. Eero Kallio, LL.M. with court training (part-time since)
Mr. Raino Marttunen, LL.M. with court training
Ms. Lea Haapkylä, LL.M. with court training (till 31.5.)
Ms. Riitta Länsisyrjä, LL.M. with court training
Mr. Harri Ojala, LL.M. with court training
Ms. Kaija Tanttinen-Laakkonen, LL.M.
Mr. Juha Haapamäki, LL.M. with court training
Mr. Tapio Räty, LL.M.
Mr. Pasi Pölönen, LL.D., LL.M. with court training
Mr. Juha Niemelä, LL.M. with court training (since 1.6.)

Senior Legal Advisers
Mr. Erkki Hännikäinen, LL.M.
Ms. Mirja Tamminen, LL.M. with court training
Ms. Tuula Aantaa, LL.M. with court training
Ms. Kirsti Kurki-Suonio, LL.D.
Mr. Håkan Stoor, LL.Lic., LL.M. with court training
Ms. Ulla-Maija Lindström, LL.M.
Mr. Jari Pirjola, LL.D., M.A.
Mr. Mikko Sarja, LL.Lic., LL.M. with court training

Legal Advisers
Mr. Kari Muukkonen, LL.M. with court training
Mr. Jouni Toivola, LL.M.
Ms. Minna Verronen, LL.M. with court training
Ms. Anu Rita, LL.M. with court training
Mr. Juha Niemelä, LL.M. with court training (till 31.5.)
Mr. Mikko Eteläpää, LL.M. with court training
Ms. Iisa Suhonen, LL.M. with court training
Ms. Terhi Arjola-Sarja, LL.M. with court training
Ms. Pirkko Äijälä-Roudasmaa, LL.M. with court training
Mr. Kristian Holman, LL.M., M.Sc. (Admin.)
Ms. Piatta Skottman-Kivelä, LL.M. with court training

On-duty lawyers
Ms. Pia Wirta, LL.M. with court training
Ms. Jaana Romakkaniemi, LL.M. with court training

Information Officer
Ms. Kaija Tuomisto, M.Soc.Sc.

Information Management Specialist
Mr. Janne Madetoja, M.Sc.(Admin.) (since 10.6.)

Notaries
Ms. Raili Kerrman, LL.B. (till 31.1.)
Ms. Helena Rahko, LL.B.
Ms. Taru Koskiniemi, LL.B.
Ms. Eeva-Maria Tuominen, M.Sc.(Admin.), LL.B.
Ms. Pirkko Suutarinen, LL.B.

Investigating Officers
Mr. Reima Laakso
Mr. Peter Fagerholm

Administrative secretary
Ms. Eija Einola (since 15.11.)

Records Clerk
Ms. Marja-Liisa Pärssinen, LL.B. (till 31.1.)

Filing Clerk
Ms. Helena Kataja

Assistant Filing Clerk
Ms. Päivi Karhu (part-time 1.4.–31.12.)

Departmental Secretaries
Ms. Päivi Ahola
Ms. Mervi Stern
Ms. Anu Forsell

Office Secretaries
Ms. ArjaRaahenmaa (part-time)
Ms. Virpi Salminen
Ms. Krissu Keinänen
Ms. Sirpa Salminen (on leave till 31.8.)
Mr. Mikko Kaukolinna
Ms. Johanna Hellgren
Ms. Pirjo Hokkanen (part-time)
Ms. Eija Einola (till 14.11.)
Ms. Taina Raatikainen (till 31.8., on leave 8.6.–31.8.)
Ms. Nina Moisio (since 11.3.)
Ms. Leena Helin (18.3.–19.4.)
Ms. Sanna Hosike (since 15.11.)

Trainee
Ms. Sanna Hosike (28.5.–14.11.)

Staff of the Human Rights Centre

Director
Ms. Sirpa Rautio, LL.M. with court training
(on leave since 4.10.)
Ms. Kristiina Kouros, LL.M. (since 4.10.)

Assistant Expert
Ms. Elina Hakala, M.Soc.Sc. (since 3.5.)

Experts
Ms. Kristiina Kouros, LL.M. (on leave since 4.10.)
Ms. Leena Leikas, LL.M. with court training
Ms. Kristiina Vainio, M.Soc.Sc. (since 22.10.)

PARLIAMENTARY OMBUDSMAN OF FINLAND

FI - 00102 Parliament of Finland
TELEPHONE +358 9 4321
TELEFAX +358 9 432 2268
ombudsman@parliament.fi
www.ombudsman.fi/english