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Frant National contribution to the Fundamental Rights Report 2023

Finland

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Franet country study: policy and legal highlights 2022

<p>Issues in the fundamental rights institutional landscape</p>	<p>Extended mandate of the Non-Discrimination Ombudsman : On 20 December 2022, an amendment of the Non-Discrimination Act was adopted. It gives the Non-Discrimination Ombudsman the powers to supervise the implementation of the Non-Discrimination Act also within working life. Previously the Occupational Safety and Health Administration has been the sole competent authority in this area.</p>
<p>EU Charter of Fundamental Rights</p>	<p>The right of appeal against a decision on denial of stay: On 26 October 2022, the Supreme Administrative Court held that an administrative decision, by which a third-country national has been denied stay in the country after having received a negative asylum decision, can have an immediate effect on the protection of family life and the best interests of the child, as guaranteed in the ECHR and the Charter. The spouse and minor child of the third-country national to whom the decision on denial of stay is addressed should thus have right of appeal against that decision.</p>
<p>Equality and non-discrimination</p>	<p>Employers' obligation to promote equality clarified: The revised Non-Discrimination Act highlights that employers must consider different grounds for discrimination when assessing the realisation of equality. In addition, the assessment must be carried out in recruitment processes.</p>
<p>Racism, xenophobia & Roma Equality and Inclusion</p>	<p>Ruling on discriminatory ethnic profiling: On 8 September 2022, the Supreme Administrative Court issued a precedent decision to determine whether the police officers involved in the supervision of foreign nationals and street prostitution had legal grounds to stop two persons. The Court found a violation of the Non-Discrimination Act. Third National Roma Policy under preparation: Finland's National Roma Policy for 2023-2030 (ROMPO3) will be adopted early next year. Linked to that a new Programme for the Revival of the Finnish Romani language was launched on 30 November 2022.</p>
<p>Asylum & migration</p>	<p>New border procedure: On 22 June 2022, the government issued a proposal to the Parliament regarding a border procedure that could be introduced, for instance, if hybrid influence activities that exploit migration were directed against Finland. The procedure would allow rapid processing of asylum applications immediately at or near the border.</p>
<p>Data protection and digital society</p>	<p>Ruling on the fair balance between the right to privacy of telecom subscribers and the competing rights of copyright holders: The Supreme Court ruled that an internet service provider may need to disclose the personal information of its telecom subscribers who are suspected of copyright infringement. In its ruling the Court lowered the threshold for disclosure of personal information in the context of BitTorrent technology.</p>

Rights of the child	<p>National Action Plan for the European Child Guarantee adopted: The Action Plan is implemented within the framework of the National Child Strategy and its implementation plans. A new National Child Strategy Unit at the Ministry of Social Affairs and Health will coordinate the implementation of the Child Guarantee and Child Strategy.</p>
Access to justice, including victims of crime	<p>Second Action Plan for the Istanbul Convention adopted: The Action Plan aims to promote the national implementation of the Istanbul Convention. The main objectives are 1) strengthening the gender perspective and intersectionality, 2) reinforcing intersectoral and multi-professional cooperation and 3) combating domestic violence and violence against women.</p>
Convention on the Rights of Persons with Disability	<p>Parliament approves legislation to transpose European Accessibility Act: Legislative changes, approved on 7 December 2022, include a new Act on Accessibility Requirements of Certain Products and amendments to several existing laws, such as the Act on the Provision of Digital Services.</p>

1 Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

On 26 June 2022, Parliament adopted the Act on Parenthood which will replace the Act on Motherhood and the Act on Fatherhood.¹ The Act will enter into force on 1 January 2023. It provides that a child can have a maximum of two legal parents. Parenthood is recorded as either fatherhood or motherhood, but a child can have two mothers or two fathers. At the same time, the Act on Assisted Fertility Treatment was amended so that a female couple can use gametes from a donor who has consented to confirmation of paternity.² Under the previous legislation, this was possible only when a woman received fertility treatment on her own. Who can be confirmed as the child's second parent depends on what kind of gametes the female couple decides to use in the fertility treatment. If the donor of gametes cannot be confirmed as the father, the other party to the female couple can be confirmed as the child's mother. If, on the other hand, the donor can be confirmed as the child's father, the other party to the female couple cannot be confirmed as the child's mother.³

Parliament approved a reform of the Non-Discrimination Act on 30 November 2022. The new legislation will enter into force on 1 June 2023.⁴ The duties and powers of the authorities supervising the Non-Discrimination Act will be changed in terms of working life. In the future, the Ombudsman will have the authority to monitor compliance with the Non-Discrimination Act also in working life. Furthermore, the supervisory powers of the occupational safety and health

¹ Finland, Act on Parenthood ([vanhemmuuslaki/föräldraskapslag](#)), Act No. 775/2022, 26 August 2022.

² Finland, Act on Assisted Fertility Treatment ([laki hedelmöityshoidoista/lag om assisterad befruktning](#)), Act No. 1237/2006, 22 December 2006 as amended by Act No. 776/2022, 26 August 2022.

³ Finland, Government bill HE 132/2021 ([hallituksen esitys eduskunnalle vanhemmuuslaiksi ja siihen liittyviksi laeiksi/regeringens proposition till riksdagen med förslag till föräldraskapslag och till lagar som har samband med den](#)), 23 September 2021.

⁴ Finland, Act amending the Non-Discrimination Act ([laki yhdenvertaisuuslain muuttamisesta/ lag om ändring av diskrimineringslagen](#)), Act No. 1192/2022, 20 December 2022.

authority will be specified. The employer's obligation to promote equality will be clarified in terms of what the employer must take into account when assessing the equality situation at the workplace. The assessment must also be carried out

concerning recruitment, and the equality plan of the workplace must include the conclusions of the equality assessment. The definition of harassment will be changed so that, besides an individual, harassment can also be directed at a group of people. In addition, the responsibility of early childhood education and care providers, as well as education providers, to intervene in harassment that is known to them will be clarified. In the future, a case can be referred to the National Non-Discrimination and Equality Tribunal without a victim being named. Furthermore, the National Non-Discrimination and Equality Tribunal may recommend compensation to a person subjected to discrimination or countermeasures. Furthermore, the obligation of the authorities, the education provider, the employer and the provider of goods and services to make reasonable accommodations for a person with a disability will be specified. When assessing reasonable accommodations, the needs of the person with disabilities must be considered as a matter of priority.

The Non-Discrimination Ombudsman believes that the reform will significantly promote equality, prevent discrimination in different sectors of society and strengthen the legal protection of people exposed to discrimination. However, the Ombudsman considers that there are still shortcomings in the legislation, for example, concerning compensation and accessibility. The Non-Discrimination Act does not define the neglect of accessibility as discrimination, whereas the UN Convention on the Rights of Persons with Disabilities does. Furthermore, the Ombudsman considers it insufficient that the National Non-Discrimination and Equality Tribunal can only issue a recommendation on compensation and that the competence in working life matters is extended only concerning the Non-Discrimination Ombudsman. In its report on the reform of the Act, the Employment and Equality Committee proposed that the government examine the competence of the National Non-Discrimination and Equality Tribunal in matters related to working life within the scope of application of the Non-Discrimination Act by the end of 2024. The Non-Discrimination Ombudsman considers it essential that the work to further strengthen the legal protection of working life continues.⁵

⁵ Finland, Non-Discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*) (2022), '[Yhdenvertaisuuslaki uudistuu – uudistus edistää merkittävästi yhdenvertaisuutta](#)', press release, 30 November 2022.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance

LGBTIQ people

On 20 June 2022, the Ministry of Justice published a survey on hate speech and harassment experienced by people from various minority groups.⁶ The report explores how people belonging to different minority groups have experienced hate speech and harassment and its consequences. It also provides follow-up data to a survey conducted in 2015 by the Ministry of Justice.⁷ The target groups of the study were Roma people, Sámi people, persons with an immigrant background, foreign-language speakers, foreign nationals, persons racialised due to skin colour or presumed ethnic origin, Swedish-speaking Finns, persons with disabilities, persons belonging to sexual, gender minorities, persons belonging to religious minorities, and persons not belonging to any religious community. Data for the survey was collected between 1 March and 4 April 2022 using an online survey shared through social media and websites of various organisations and networks. The survey was conducted in Finnish, Swedish, English and Russian. It was possible to respond to it regardless of whether the person had experienced harassment or hate speech. A total of 2,758 people belonging to at least one of the target groups responded to the survey. In addition, 18 interviews with experts and 28 with members of the target groups were conducted in the spring of 2022.

Of 1,077 respondents belonging to sexual or gender minorities, 536 had been subjected to hate speech or harassment the previous year, most commonly online and in public places outdoors. Fairly common venues were also schools, educational institutions and workplaces. The majority (77%) of respondents said that harassment or hate speech had affected their mental health and a general sense of security. The share of these respondents has grown from the 2015 survey. Exposure to hostile behaviour had affected various areas of life, such as

⁶ Jauhola, L., Siltala, J., Nieminen, K. (2022), "Hoping for a Concrete Intervention": Follow-up survey on hate speech and harassment and their effects on different minority groups. (["Että puututtaisiin konkreettisesti": Seurantaselvitys vihapuheesta ja häirinnästä ja niiden vaikutuksista eri vähemmistöryhmiin](#)), Publications of the Ministry of Justice, Reports and guidelines 2022:10, Helsinki, 20 June 2022.

⁷ Korhonen, N., Jauhola, L., Oosi, O., Huttunen, H-P. (2016), "I often find myself thinking how I should be or where I shouldn't go": survey on hate speech and harassment and their influence on different minority groups (["Usein joutuu miettimään, miten pitäisi olla ja minne olla menemättä". Selvitys vihapuheesta ja häirinnästä ja niiden vaikutuksista eri vähemmistöryhmiin](#)), Ministry of Justice, Publications 7/2016, Helsinki, 3 March 2016.

the use of social media, participation in social debate, working, studying, family relationships, trust in the authorities, leisure activities and choice of residence. Most of those who had encountered hostile behaviour had avoided some places for fear of being subjected to such conduct again.

One-fifth of those who had encountered hate speech or harassment had reported the matter to someone, most commonly to a loved one. The parties to whom the targets had reported were most often the maintenance of social media or websites, the teacher, the principal and the police. Less than a third felt they had received sufficient support after reporting the matter. A good one-third of the respondents who had not faced hate speech or harassment during previous year knew who to turn to if they encountered hate speech or harassment. The share of those (19%) who would report to the Non-Discrimination Ombudsman had risen from the 2015 survey when the corresponding share was 11%.

The most common reason for not reporting hate speech or harassment was that the target did not believe anything would or could have been done about it. Many respondents did not know where to report the incident or thought that the incident was not severe enough. Some respondents had not reported the matter because they feared it would lead to adverse consequences or felt that they would not be believed. According to the respondents, information on how to report and for what reasons would help to report the matter. The threshold for reporting would also be lower if one knew that the party to whom it has been addressed would deal with the case. A support person's involvement could also encourage one to bring the matter further.

A research published on 15 September 2022 examines lived experiences of sexual and gender minorities (SGM) in the foreign-origin population in Finland.⁸ The study is based on focus group interviews (n=8) with representatives of relevant stakeholders (e.g. NGOs promoting the rights of SGM people, municipalities and churches) and interviews with people belonging to SGM (n=40). The data was collected between February and July 2021. The research shows that sexual and gender minorities with a foreign background experience challenges in Finnish society due to their migration status and queer identity. Those belonging to several marginalised identities (e.g. queer asylum seekers or refugees, racialised individuals) are in particularly vulnerable positions in Finnish society. They often experience overt and covert forms of discrimination, physically and verbally abusive behaviour and exclusion from both queer and diaspora communities.

⁸ Czimbalmos, M. and Rask, S. (2022), [*Sexual and Gender Minorities Among Foreign-Origin Populations in Finland: An intersectional analysis*](#) (Seksuaali- ja sukupuolivähemmistöt ulkomaalaistaustaisessa väestössä Suomessa. Intersektionaalinen analyysi/Sexuella och könsrelaterade minoriteter bland personer med utländsk bakgrund i Finland. Intersektionell analys), Finnish Institute for Health and Welfare (THL), Report 10/2022, Helsinki.

Challenges are experienced in different life domains, from employment and education to the service system and personal life.

The report includes recommendations for employers, healthcare and social service providers, the police, immigration services and religious communities for improving the situation of sexual and gender minorities with a foreign background. The recommendations involve measures for preventing discrimination and abusive behaviour against sexual and gender minorities, increasing knowledge of sexual and gender minorities and improving services for them. The report highlights that in communication with sexual and gender minorities, it is essential that professionals are aware of cultural differences regarding the use of vocabulary on sexual orientation and gender identity. Organisations working with sexual and gender minorities should provide easily accessible information on sexual orientation and gender identity issues in different languages and in plain language. In situations which require interpretation, preference should be given to professional interpreters, and specific attention should be paid to ethical challenges in small diaspora communities. The training of interpreters should provide knowledge of vocabulary on sexual orientation and gender identity. Moreover, access to support and information for SGM asylum seekers should be improved from the beginning of their stay in Finland. The report also highlights the need for legislative changes to strengthen the rights of transgender people.

On 13 October 2022, the Police University College (*Poliisiammattikorkeakoulu/Polisyreshögskolan*) published the annual report on suspected hate crimes reported to the police in 2021.⁹ The report is based on crime reports screened out from the information system of the police. The study classifies a case as a suspected hate crime if the crime report included indications that the act was motivated by prejudice or hostility towards the victim's actual or assumed reference group. As in previous years, most of the suspected hate crimes involved acts targeted at the ethnic or national origin of the victim (see chapter 2). Around one-tenth of the cases were related to the victim's sexual orientation (n=99) and less than three per cent (n=27) to gender identity or gender expression. Such cases increased by 85 % (from 68 to 126) from the previous year. The most common types of crime in these cases were defamation (n=52) and assault (n=35), which are about twice as many as in 2020. In almost two-fifths of the cases, the perpetrator was an acquaintance to the victim.

Health status

According to a report published by the Occupational Safety and Health (OSH) Administration,¹⁰ the state of health has been the most common ground for

⁹ Rauta, J. (2022), [Poliisin tietoon tullut viharikollisuus Suomessa 2021](#), Reports of the Police University College of Finland 27/2022, Tampere.

¹⁰ Finland, Occupational Safety and Health Administration (*työsuojeluhallinto/arbetarskyddsförvaltningen*) (2022), [Supervision of non-discrimination and](#)

discrimination reported to the OSH authorities in recent years. In 2021, the OSH authorities carried out 134 inspections based on enforcement requests related to discrimination experienced by an individual employee or a job seeker. In 46 of the inspections carried out, the OSH authorities considered that the employer had violated the prohibition of discrimination. The most common grounds for observed discrimination were the state of health (53%), other characteristics related to the person (35%) and the person's origin, nationality or language (21%). Discrimination was associated with the termination of employment in 44% of cases. The vast majority (75%) of such cases concerned discrimination based on the employee's state of health. Some cases involved multiple discrimination based on other grounds in addition to health status. Under the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (OSH Enforcement Act), the OSH authorities must submit a report to the police if there are probable grounds for suspecting a discrimination-related offence.¹¹ In 2021, the OSH authorities filed 32 police reports of work discrimination offences with the police. Health status was a ground for discrimination in 11 cases. Most of these cases related to a situation where the employer was suspected of having terminated the employment due to the employee's sick leave.¹²

[prohibition of discrimination in working life in 2021](#), Publications of the OSH Administration in Finland 1/2022.

¹¹ Finland, Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces ([laki työsuojelun valvonnasta ja työpaikan työsuojeluyhteistoiminnasta/lag om tillsynen över arbetskyddet och om arbetarskyddssamarbete på arbetsplatsen](#)), Act No. 44/2006, 20 January 2006.

¹² Finland, Occupational Safety and Health Administration (työsuojeluhallinto/arbetarskyddsförvaltningen) (2022), [Supervision of non-discrimination and prohibition of discrimination in working life in 2021](#), Publications of the OSH Administration in Finland 1/2022.

2 Racism, xenophobia and related intolerance

2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

Published on 26 May 2022, the article titled "Reproducing white normativity in parties' candidate recruitment: Evidence from the 2017 Finnish municipal elections" examines the underrepresentation of ethnic and migrant minorities (EMMs) in political assemblies from the perspective of candidate recruitment and examines how white normativity as an ideal shapes the recruitment process. The article draws on qualitative interview data of parties' recruiting agents (n = 24) and EMM candidates (n = 12). According to the article, the underrepresentation of EMM candidates speaks of a potentially severe democracy deficit. The article examines stereotyped attitudes towards EMMs as potential candidates. The article finds a tendency for the recruiting agents from parties center-to-right to find it easier to discard questions of diversity. The article also finds that whiteness as a norm shapes parties' perceptions across the political field. The article argues that reasoning that formally recognizes diversity as important but sees EMMs as lacking capacity for politics or EMMs as out-of-reach communities also exclude EMMs from the political community. In addition, candidate interviews suggest that the role of 'a diversity token' does not make candidacy attractive to EMMs.¹³

Published on 20 June 2022, the report titled "Hoping for a Concrete Intervention' Follow-up Survey on Hate Speech and Harassment and Their Effects on Different Minority Groups" ("*Että puututtaisiin konkreettisesti*" *Seurantaselvitys vihapuheesta ja häirinnästä ja niiden vaikutuksista eri vähemmistöryhmiin*/"*Att ingripa konkret*" *Uppföljande utredning om hatretorik och trakasserier*) examines how hate speech and harassment are perceived by different minority groups.¹⁴ The target groups of the survey were Roma people, Sámi people, persons with an immigrant background, foreign-language speakers, foreign nationals, persons racialised due to skin colour or presumed ethnic origin, Swedish-speaking Finns, persons with disabilities, persons belonging to sexual and gender minorities,

¹³ Sipinen, J. and Seikkula, M. (2022), [Reproducing white normativity in parties' candidate recruitment: Evidence from the 2017 Finnish municipal elections](#), *Scandinavian Political Studies* 45, 456–477.

¹⁴ Jauhola, L., Siltala, J. and Nieminen, K. (2022), ["Hoping for a Concrete Intervention" Follow-up Survey on Hate Speech and Harassment and Their Effects on Different Minority Groups](#), Publications of the Ministry of Justice, Reports and guidelines 2022:10, Helsinki.

persons belonging to religious minorities, and persons not belonging to any religious community. Data for the study was collected using an open questionnaire (n=2,758) and by interviewing experts (n=18) and members of the target groups selected (n=28). According to the study, two fifths of the questionnaire respondents did not know where to report harassment or hate speech and many were unsure what kind of harassment or hate speech is serious enough to warrant reporting. The participants often lacked trust that the police would properly investigate the reported crimes and that the case would proceed to court.

Published on 20 June 2022, the report titled "Online Hate: The networks, practices and motivations of the producers and distributors of hate speech" (*Verkkoviha: Vihapuheen tuottajien ja levittäjien verkostot, toimintamuodot ja motiivit/ Näthat: Nätverk av personer som producerar och sprider hatretorik, deras verksamhetsformer och motiv*) examined the producers and dissemination of hate speech quantitatively (network analysis, classification of messages) and qualitatively (rhetorical and content analysis). The study explored the practices and motives through analysing messages posted on social media and discussion forums between January 2015 and February 2022 (n=806,145), thematic interviews with experts and those producing hate speech online (n=7), internet ethnography and an online survey (number of respondents: 7). The study finds that while experiences of social marginalisation, exclusion and feeling unheard may prompt hate speech, people with no specific explanatory background factors (e.g., being actively involved in a hate group) have a major role in producing and spreading hate speech. According to the report, producing and spreading hate speech seem to be partly about seizing an opportunity, as there may not be significant consequences. Anonymity plays a crucial role, the report finds, since it obscures social connections and enables emotional distance.¹⁵

Published on 15 September 2022, the report titled "Sexual and Gender Minorities Among Foreign-Origin Populations in Finland: An intersectional analysis" (*Seksuaali- ja sukupuolivähemmistöt ulkomaalaistaustaisessa väestössä Suomessa. Intersektionaalinen analyysi/Sexuella och könsrelaterade minoriteter bland personer med utländsk bakgrund i Finland. Intersektionell analys*) focuses on the lived experiences of sexual and gender minorities in the foreign origin population in Finland. The report is based on qualitative data from focus group interviews (n=8) and individual semi-structured interviews (n=40). The data collection for the study was implemented using a participatory approach. According to the report, persons who fall onto the intersections of various

¹⁵ Saresma, T., Pöyhtäri, R., Knuutila, A., Kosonen, H., Juutinen, M., Haara, P., Tulonen, U., Nikunen, K. and Rauta, J. (2022). [Online Hate: The networks, practices and motivations of the producers and distributors of hate speech](#), Publications of the Government's analysis, assessment and research activities 2022:48, Helsinki.

marginalised identities, such as queer asylum seekers or refugees, or racialised individuals, often experience both overt and covert forms of discrimination, physically and verbally abusive behavior and exclusion in Finnish society. The individuals face challenges in different life domains from employment and education to the service system and personal life (see chapter 1).¹⁶

On 13 October 2022, the Police University College (*Poliisiammattikorkeakoulu/Polisyreshögskolan*) published a report analysing suspected hate crimes reported to the police in Finland in 2021. The observations are based on crime reports screened out from the National Police Information System. The report indicates that a total of 1,026 reports of offences classified as suspected hate crimes were filed in 2021. According to the report, the number of suspected hate crimes reported to the police in 2021 was 20 % higher than in the previous year. The number of these crime reports increased for the first time since 2017. The majority, 68.8 %, of the cases were incidents based on ethnic or national origin. Only 15 % of the cases were initially classified as suspected hate crimes by the police. Taking into consideration all the suspected hate crimes in 2021, most of them were verbal insults, unlawful threats and harassments. In 61 % of the cases, the victims of the crimes based on ethnic or national origin were males. The rest were females. Most common crimes against the males were assaults whereas majority of the crimes against females were defamations.¹⁷

According to statistics provided by the Non-Discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*), in 2021, a total of 203 complaints relating to experiences of ethnic and racial discrimination were made to the equality body.¹⁸ In 2022, the number of complaints filed decreased by 20 % (n=161).¹⁹

¹⁶ Czimbalmos, M. and Rask, S. (2022). [Sexual and Gender Minorities Among Foreign-Origin Populations in Finland: An intersectional analysis](#), Finnish Institute for Health and Welfare (THL) report 9/2022, Helsinki.

¹⁷ Rauta, J. (2022). [Poliisin tietoon tullut viharikollisuus Suomessa 2021](#) ("Hate crimes reported to the police in Finland in 2021" [unofficial translation]), Reports of the Police University College of Finland 27/2022, Tampere.

¹⁸ Finland, information obtained from the Non-Discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*) by email on 23 November 2022.

¹⁹ Finland, information obtained from the Non-Discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*) by email on 30 December 2022.

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

According to the 2019 government programme, the government will draw up an action plan against racism and discrimination.²⁰ In 2021, the Ministry of Justice (*oikeusministeriö/justitieministeriet*) published the action plan titled “An Equal Finland: Government Action Plan for Combating Racism and Promoting Good Relations between Population Groups” (*Yhdenvertainen Suomi: Valtioneuvoston toimintaohjelma rasismien torjumiseksi ja hyvien väestösuhteiden edistämiseksi / Ett jämlikt Finland: Statsrådets handlingsprogram mot rasism och för goda relationer*). The action plan includes eight key objectives and 52 measures to be carried out in different branches of government in 2021–2023. The action plan aims to dismantle structural inequalities in society, promote non-discrimination in the Finnish working life, strengthen the authorities’ equality competence, raise awareness of racism and its various forms, and develop research and data collection related to racism.²¹ Civil society or community-based organisations (CSOs) have been involved in planning the various measures. Furthermore, CSOs will be closely involved in the implementation of the action plan.²² The measures carried out during 2022 include an online training package on antiracism, scheduled to be published 19 December 2022. In late 2021 and early 2022, the Ministry of Justice organised trainings for police on non-discrimination and ethnic profiling to strengthen the trust of ethnic and religious minorities towards public authorities. Trainings were conducted in all 11 police stations with 152 participants. To reach more participants, one additional training was organised and it was attended by 68. The last training was recorded and it is available internally for the police officers. The Ministry of Justice, together with the National Police Board, organised a workshop for the members of local non-discrimination and gender equality police groups. In the workshop, participants discussed the major challenges regarding police’s work on non-discrimination and brainstormed ideas to promote equality. In addition, by the end of 2022, the Ministry of Justice

²⁰ Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2019), [Inclusive and competent Finland – a socially, economically and ecologically sustainable society](#), Government Programme, 6 June 2019, Publications of the Finnish Government 2019:25, Helsinki, p. 79.

²¹ Finland, Ministry of Justice (2021), [Yhdenvertainen Suomi: Valtioneuvoston toimintaohjelma rasismien torjumiseksi ja hyvien väestösuhteiden edistämiseksi](#) (“An Equal Finland: Government Action Plan for Combating Racism and Promoting Good Relations between Population Groups”), Publications of the Ministry of Justice, Memorandums and statements 2021:34, Helsinki.

²² Finland, information obtained from the Ministry of Justice (*oikeusministeriö/justitieministeriet*) by email on 27 September 2021.

issues training material on legislation regarding hate speech for the moderators of social media platforms in Finland.²³

In 2021, the Ministry of Justice launched a two-year project titled “Capable” (*Osaavat-hanke/Projektet Kompetenta*), which aims at strengthening work against hate crimes and harassment especially through developing the competence of professionals in various fields.²⁴ The project trains police officers and officials in the education sector. During 2022, the project trained 20 police officers in commanding positions. In addition, the project plans and tests the functions of a centre of excellence for work against hate crimes.²⁵ In 2022, the Ministry organised workshops and a round table discussion, for various actors (including CSOs), on the need for the centre of excellence and its future tasks. Furthermore, on 30 September 2022, the project issued a memorandum on centres of excellence and structures for work against hate crime and discrimination. The memorandum covers documents and development work addressing the need for coordination of work against hate crimes and the development of expertise (e.g., national development work, recommendations Finland has received from international human rights bodies). In addition, the memorandum presents findings from interviews conducted with national centres of excellence (n=7) and a survey of similar centres of excellence operating elsewhere in Europe.²⁶ The concept for the centre of excellence will be finalised in early 2023.²⁷ The project “Capable” is co-funded by the European Union’s Rights, Equality and Citizenship Programme.²⁸

Published on 15 June 2022, the report titled “Addressing the Democratic Deficit among Immigrants and Multilingual Finns: Working Group Report and Recommendations” (*Korjataan maahanmuuttaneiden ja monikielisten suomalaisten demokratiavaje: Työryhmän raportti ja suositukset / Åtgärda demokratiunderskottet hos invandrade personer och flerspråkiga finländare: Arbetsgruppens rapport och rekommendationer*) examines why immigrants and multilingual Finns are underrepresented in representative democracy, and why

²³ Finland, information obtained from the Ministry of Justice (*oikeusministeriö/justitieministeriet*) by email on 22 November 2022.

²⁴ Finland, Ministry of Justice (2021), [Capable project](#), government project register, 1 April 2021.

²⁵ Finland, Ministry of Justice (2021), [‘Osaamista viharikosten ja häirinnän vastaiseen työhön’](#) (“Competence in work against hate crime and discrimination” [unofficial translation]), press release, 27 April 2021.

²⁶ Finland, Ministry of Justice (2022), [‘Taustamuistio viharikosten ja syrjinnän vastaisen työn osaamiskeskuksista ja rakenteista’](#) (“Memorandum on the centres of excellence and structures for work against hate crime and discrimination” [unofficial translation]), memorandum, 30 September 2022, Helsinki.

²⁷ Finland, information obtained from the Ministry of Justice (*oikeusministeriö/justitieministeriet*) by email on 4 October 2022.

²⁸ Finland, Ministry of Justice (2021), [‘Osaamista viharikosten ja häirinnän vastaiseen työhön’](#) (“Competence in work against hate crime and discrimination” [unofficial translation]), press release, 27 April 2021.

they participate relatively less in the mechanisms of direct and participatory democracy than the rest of the population. Furthermore, the report identifies good practices and measures to reduce the democratic deficit. According to the report, examples of barriers to participation include the lack of accessible communication, repeated categorisation of immigrants and multilingual Finns as targets for measures, and open racism. The recommendations of the report include increasing multilingual and easy-to-understand communication, recognising the role of immigrants' and multilingual Finns' organisations, and equality-promoting official activities. In addition, the report recommends increasing diversity in public administration by tackling structural racism in recruitment and work communities. The report also assesses the obstacles of participation for young people: according to the report, seemingly neutral approaches actually exclude some young people from channels of societal participation – for instance, all young people are not equally encouraged to participate or there may be unreasonably high language skills requirements as a condition for participation.²⁹

In 2021, the European Commission initiated infringement procedures against Finland as regards the implementation of the Framework Decision on Racism. According to the Commission, the Finnish legislation incorrectly transposes hate speech inciting to violence and fails to criminalise hate speech when addressed to individual members of a group defined by reference to race, colour, religion, descent or national or ethnic origin. In addition, according to the Commission, Finland fails to criminalise the specific forms of hate speech, namely the public condoning, denial or gross trivialisation of international crimes and the Holocaust. The Commission finds that Finland has also failed to ensure that the criminal offences concerning racism and xenophobia can be investigated and prosecuted without a report or an accusation made by the victim.³⁰ According to the Ministry of Justice, no criminal law measures have been taken as of yet, because in Finland's response to the Commission it was considered that Finland already meets the requirements of the Framework Decision. The Ministry of Justice is waiting to see how the Commission views Finland's response.³¹

²⁹ Seikkula, M. and Maury, O. (eds., 2022). [Addressing the Democratic Deficit among Immigrants and Multilingual Finns: Working Group Report and Recommendations](#), Publications of the Ministry of Justice, Memorandums and statements 2022:27, Helsinki.

³⁰ European Commission (2021). '[February infringements package: key decisions](#)', press release, 18 February 2021.

³¹ Finland, information obtained from the Ministry of Justice (*oikeusministeriö/justitieministeriet*) by email on 23 November 2022.

3 Roma equality and inclusion

3.1 Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	Yes The work on the third National Roma Policy (ROMPO3) continued during the year. The draft policy was sent for online consultations on 13 October 2022. ³² By 31 October 2022, when the consultation ended, 43 statements had been submitted. The final policy will be published in 2023, most likely in January or February. ³³ ROMPO3 will correspond to the national strategic framework on Roma equality, inclusion and participation and will cover the period 2023-2030. Three action plans with links to ROMPO3 have so far been adopted. These are 1) An Equal Finland: Government action plan for combating racism and promoting good relations between population groups , 2) National Child Strategy and Implementation plan , and 3) Programme for the Revival of the Finnish Romani language . In addition, a separate action plan for the National Roma Policy 2023-2030 will be developed. ³⁴
How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent	The drafting of ROMPO3 started in 2021 with the arrangement of four thematic open working groups. In total 105 persons attended the groups, the majority representing Roma organisations and actors working in the field. ³⁵ In the online consultation of the draft

³² Finland, lausuntopalvelu.fi, [Suomen romanipoliittinen ohjelma 2023-2030](#), VN/27397/2022, 13 October 2022.

³³ Information obtained from the Ministry of Social Affairs and Health via email on 13 December 2022.

³⁴ Finland, lausuntopalvelu.fi, [Suomen romanipoliittinen ohjelma 2023-2030](#), VN/27397/2022, 13 October 2022, p. 47.

³⁵ Finland, Finnish Institute for Health and Welfare (*Terveysten ja hyvinvoinninlaitos/Institutet för hälsa och välfärd*) (2022), Suomen romanipoliittinen ohjelma 2023-2030. Luonnos, p. 8

<p>national authorities and the most significant Roma organizations)?</p>	<p>ROMPO3 programme, the Finnish Roma Association (<i>Suomen Romaniyhdistys ry/Finlands Romaniförening rf</i>) participated.³⁶</p> <p>As to the national action plans, the Advisory Board on Romani Affairs, including members from four regional Advisory Boards on Romani Affairs and five Romani organisations, was represented in the working-group preparing the anti-racism programme. The draft implementation plan for the national child strategy was published for consultations on 20 May 2021 in the government’s online consultation platform, no Romani organisation submitted views on the proposal.³⁷ The draft revival programme of the Romani language was published for consultation on 5 August 2022 in the government’s consultation platform. Information about the consultation was sent separately to four Roma organisations. The Finnish Roma Association (<i>Suomen Romaniyhdistys ry/Finlands Romaniförening rf</i>) submitted a statement on the draft proposal on 8 September 2022.³⁸</p>
<p>Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?</p>	<p>The Parliamentary Ombudsman, the Non-Discrimination Ombudsman, the Ombudsman for Children and the Human Rights Center have all submitted statements on the draft ROMPO3 in the government’s online consultation platform.³⁹ No statements by the above bodies have been submitted in the consultation platform on the draft revival programme of the Romani language.</p>

³⁶ Finland, lausuntopalvelu.fi, [Suomen romanipoliittinen ohjelma 2023-2030](#), VN/27397/2022, 13 October 2022.

³⁷ Finland, lausuntopalvelu.fi, [Kansallisen lapsistrategian toimeenpanosuunnitelma](#), VN/13922/2021, 20 May 2021.

³⁸ Finland, lausuntopalvelu.fi, [Lausuntopyyntö romanikielen elvytysohjelman luonnoksesta](#), OPH-3457-2022, 5 August 2022.

³⁹ Finland, lausuntopalvelu.fi, [Suomen romanipoliittinen ohjelma 2023-2030](#), VN/27397/2022, 13 October 2022.

<p>Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.</p>	<p>Yes/No/Other (please specify) The draft ROMPO3 includes a midterm review, which may lead to revisions and additions of the policy, if necessary. Furthermore, the draft policy includes an action on the development of a unified reporting practice for Roma policy actions.⁴⁰ The Programme for the Revival of the Finnish Romani language includes indicators that facilitate the monitoring. The steering group for Romani education appointed by the Finnish National Agency for Education is in charge of monitoring the programme actions. Actions that are integrated in the National Roma Policy (ROMPO3) will be monitored via ROMPO3.⁴¹</p>
<p>Implications of the war in Ukraine on the situation of Roma</p>	
<p>Have Roma from Ukraine entered your country?</p>	<p>Yes/No The Finnish Immigration Service does not maintain statistical information on the ethnical background of persons from Ukraine.⁴²</p>
<p>If Roma from Ukraine entered your country how was this communicated in the media?</p>	<p>Yes/No The reporting in Finnish media on Roma in the context of the Ukraine war has first and foremost dealt with Roma fleeing Ukraine in the beginning of the war.⁴³ With reference to media reporting concerning the Ukraine war, the Advisory Board for Romani Affairs published on 11 March 2022 a press release emphasising the need</p>

⁴⁰ Stenroos, M., Finnish Institute for Health and Welfare (2022), [Suomen romanipoliittinen ohjelma 2023-2030. Luonnos](#) [Finland's Draft Roma policy programme 2023-2030], Terveystieteiden tutkimuskeskus, 13 October 2022, p. 6-7 and 48.

⁴¹ Finland, Finnish National Agency for Education (*opetushallitus/utbildningsstyrelsen*) (2022), [Suomen romanikielen elvytysohjelma toimenpite-esityksineen](#), Raportit ja selvitykset 2022:6, 30 November 2022, p. 78.

⁴² Finland, Finnish Immigration Service (*maahanmuuttovirasto/migrationsverket*), information received via email on 18 August 2022.

⁴³ Media: Maaailma.net (2022), ['Pakolaisuuden kaksi kastia – Ukrainasta pakenevat romanit kohtaavat syrjintää naapurimaissakin'](#), 22 March 2022, ISO NRO (2022), ['Ukrainan romanivähemmistö sodan keskellä'](#), 6 April 2022, Kirkko ja kaupunki (2022), ['Kaikki haluavat nyt auttaa ukrainalaisia, mutta Ukrainan romanit kohtaavat syrjintää myös sotaa paetessaan – ihmisten hyvinvointi antaa kuitenkin toivoa Suomessa vierailleille romaniaktivisteille'](#), 8 April 2022.

	to provide equal assistance to all fleeing the war, irrespective of background. ⁴⁴
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food or energy prices etc.) on Roma? If yes, provide reference	Yes/No So far no studies have been identified on this topic.

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

For the protection of the autochthonous languages of Finland, the government adopted the first comprehensive language policy programme on 16 June 2022.⁴⁵ The programme covers other languages than the national languages (Finnish and Swedish), such as the Sámi languages, the Romani language, the Karelian language and sign languages. The programme includes actions on the revitalization of autochthonous languages.⁴⁶ To implement this in the context of the Romani language, an expert group appointed by the Finnish National Agency for Education (*opetushallitus/utbildningsstyrelsen*) has drafted a Finnish revival programme (see 3.1).⁴⁷ The programme was launched on 30 November 2022.⁴⁸ It includes actions on the training of language

⁴⁴ Finland, Advisory Board for Romani Affairs (2022), '[Suomen romanit ovat huolissaan Ukrainan romanien tilanteesta](#)', press release, 11 March 2022.

⁴⁵ Finland, Finnish Government (2022), '[Kielipoliittinen ohjelma. Valtioneuvoston periaatepäätös](#)', Publications of the Finnish Government 2022:51, Helsinki, 16 June 2022.

⁴⁶ Finland, Finnish Government (2022), '[Kielipoliittinen ohjelma. Valtioneuvoston periaatepäätös](#)', Publications of the Finnish Government 2022:51, Helsinki, 16 June 2022, p. 72-74.

⁴⁷ Finland, lausuntopalvelu.fi, '[Lausuntopyyntö romanikielen elvytysohjelman luonnoksesta](#)', OPH-3457-2022, 5 August 2022, p. 55-57.

⁴⁸ Finland, Finnish National Agency for Education (*opetushallitus/utbildningsstyrelsen*) (2022), '[Suomen uhanalaisen romanikielen elvytysohjelma turvaa romanikielen siirtymistä sukupolvelta toiselle](#)', press release, 30 November 2022.

teachers, the provision of national distance education, the development of training material, and the increase of TV programmes and social media in Romani language also for children.⁴⁹

In accordance with the National Child Strategy, the Ombudsman for Children is in charge of conducting a study on the wellbeing and the implementation of rights of Roma children in Finland.⁵⁰ The study is carried out in collaboration with the Advisory Board on Romani Affairs. An online survey among 11-17 year old Roma children and youth has been carried out in 2022. The report will be published in the beginning of next year.⁵¹ This work is linked also to the above new language policies. With reference to international human rights obligations, it is noted in the Implementation plan for the National Child Strategy that Finland has received recommendations to improve children's right to the provision of education and services in their own language.⁵² Further, the programme for the autochthonous languages is explicitly mentioned in the implementation plan as an ongoing measure related to education and early childhood education and care.⁵³

The Ministry of Social Affairs and Health published on 9 December 2022 the monitoring report of the second National Roma Policy (ROMPO2), implemented between 2018 and 2022. Out of 82 actions listed in ROMPO2, 34 have been implemented, 33 are on-going and 15 have been cancelled.⁵⁴ With respect to future actions, the report includes recommendations on the improvement of the harmonization of the national Roma policy and other national policies as well as the EU framework, the strengthening of the systematic approach to funding and coordination of the policy implementation and the recognition of the

⁴⁹ Finland, Finnish National Agency for Education (*opetushallitus/utbildningsstyrelsen*) (2022), [Suomen romanikielen elvytysohjelma toimenpide-esityksineen](#), Raportit ja selvitykset 2022:6, 30 November 2022.

⁵⁰ Finland, Ombudsman for Children (*lapsiasiavaltuutettu/barnombudsman*), '[Kansallisen lapsistrategian hankkeet](#)', webpage, 23 September 2022.

⁵¹ Finland, Ombudsman for Children (*lapsiasiavaltuutettu/barnombudsman*) (2022), '[Uusi selvitys romanilasten ja -nuorten hyvinvoinnista ja oikeuksien toteutumisesta](#)', press release, 17 February 2022.

⁵² Finland, Finnish Government (2022), *Implementation plan for the National Child Strategy*, Publications of the Finnish Government 2022:38, Helsinki, pp. 18-19.

⁵³ Finland, Finnish Government (2022), *Implementation plan for the National Child Strategy*, Publications of the Finnish Government 2022:38, Helsinki, p. 72.

⁵⁴ Stenroos, M. (2022), [Romanipoliittinen ohjelma 2018-2022. Toimeenpanon ohjaus ja seuranta](#), Reports and Memorandums of the Ministry of Social Affairs and Health 2022:27, Helsinki, 9 December 2022, p. 56-66.

diversity and participation of the Roma population. Further, as to future policy programmes, it is held that the use of research data, for example, in connection with the monitoring of policy implementation and the overall knowledge-based approach to the policy work should be strengthened.⁵⁵

Within the framework of the international project 'Roma Civil Monitoring – Capacity building for Roma civil society and strengthening its involvement in the monitoring of national Roma integration strategies', the Finnish Roma Association (*Suomen Romaniyhdistys ry/Finland Romaniförening ry*) coordinated a civil society monitoring report on the lessons learnt from the National Roma Policy 2018-2022 (ROMPO2).⁵⁶ The report concludes that the participatory process applied in ROMPO2 was its major strength. However, among the main weaknesses the report identifies 'the insufficient links to the other national policies, the large number of activities, the lack of adequate funding for implementation, the lack of relevant monitoring indicators, and the limited number of participants in the preparation, implementation, and monitoring' of the policy.⁵⁷ Further, with respect to resident and non-resident migrant Roma it is noted that while these groups are mentioned in ROMPO2 as having right to humanitarian services and basic rights such as shelter, they are not mentioned in all policy areas. For example, the Roma policy does not include information on how migrant Roma could benefit from social security and social protection.⁵⁸

⁵⁵ Stenroos, M. (2022), [Romanipoliittinen ohjelma 2018-2022. Toimeenpanon ohjaus ja seuranta](#), Reports and Memorandums of the Ministry of Social Affairs and Health 2022:27, Helsinki, 9 December 2022, p. 5.

⁵⁶ Elenius, K., Enache, A., Choi, Y.-H., Majaniemi, P., Finnish Roma Association (*Suomen Romaniyhdistys ry/Finland Romaniförening ry*) (2022), *Civil society monitoring report: Lessons learnt from the National Roma Policy 2018-2022, and recommendations for the new national strategic framework for Roma equality, inclusion, and participation 2023-2030 in Finland*, European Commission, Directorate-General for Justice and Consumers, May 2022.

⁵⁷ Elenius, K., Enache, A., Choi, Y.-H., Majaniemi, P., Finnish Roma Association (*Suomen Romaniyhdistys ry/Finland Romaniförening ry*) (2022), *Civil society monitoring report: Lessons learnt from the National Roma Policy 2018-2022, and recommendations for the new national strategic framework for Roma equality, inclusion, and participation 2023-2030 in Finland*, European Commission, Directorate-General for Justice and Consumers, May 2022, p. 33.

⁵⁸ Elenius, K., Enache, A., Choi, Y.-H., Majaniemi, P., Finnish Roma Association (*Suomen Romaniyhdistys ry/Finland Romaniförening ry*) (2022), *Civil society monitoring report: Lessons learnt from the National Roma Policy 2018-2022, and recommendations for the new national strategic framework for Roma equality, inclusion, and participation 2023-2030 in Finland*, European Commission, Directorate-General for Justice and Consumers, May 2022, p. 32.

As a response to the Non-Discrimination Ombudsman's statement on 21 December 2021 concerning the police surveillance and control operation KURI1, which was directed at Roma and carried out by the Helsinki Police Department 2013-2015, the National Police Board of Finland reported on 16 February 2022 of measures that have or will be adopted to rectify the revealed problems. These include an inspection of the legality of records made within the KURI1 operation, investigation of possible similar operations within other police departments, improvement of the dialogue with the Roma community, increased training on ethical issues and development of equality plans at each police department.⁵⁹ In addition, the Ministry of the Interior reports on 17 February 2022 that the Ministry will intensify its dialogue with the National Police Board on anti-discrimination work. To this effect the Ministry plans to organize a discussion with representatives of the National Police Board among others, where the recommendations of the United Nations Committee on the Elimination of Racial Discrimination will be addressed.⁶⁰ The National Police Board reports that a discussion event with Roma representatives concerning the matter has been arranged during the spring. Further, the topic will be addressed also in the Advisory Board on Romani Affairs during the autumn.⁶¹

⁵⁹ Finland, National Police Board (*poliisihallitus/polisstyrelsen*), Report 16 February 2022, POL-2021-166946, not available online.

⁶⁰ Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*), Communication 17 February 2022, VN/33714/2021-SM-2, not available online.

⁶¹ Information obtained from the National Police Board (*poliisihallitus/polisstyrelsen*) via email on 28 September 2022.

4 Asylum, borders, visas, migration and integration

4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

EUMS	Implementation of Article 3 of Directive 2002/90/EC	
	How has your EUMS implemented Article 3 of Directive 2002/90/EU	Hyperlinked legal provision in EN and national language Chapter 17, Sections 8 and 8a of the Criminal Code of Finland (unofficial translation in English ; rikoslaki/strafflag , Act No. 39/1889, 1 January 1891)
	Cases [incident numbers] of criminalisation of humanitarian assistance	
	Number of cases recorded by the police in 2022	Number and details of cases (if available) N/A
	Number of investigations initiated in 2022	Number and details of cases (if available) N/A
	Number of court decisions taken in 2022	Number and type of court decisions, information if decision is final. N/A Type of penalties imposed according to Article 1 2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence N/A

		Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available) N/A
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4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

On 24 February 2022, the Ministry of the Interior issued a report assessing needs to amend the legislation from the perspective of preparedness for hybrid influence activities that instrumentalise migration. The focus was on the Aliens Act,⁶² the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings⁶³ and the Border Guard Act.⁶⁴ The report notes that section 31 of the Border Guard Act provides for the use of image and sound collected during technical surveillance for automatic identification, and the processing of technical surveillance data is otherwise regulated in the Act on the Processing of Personal Data by the Border Guard.⁶⁵ According to the report, in connection with possible future amendments to the regulation of technical supervision, it is necessary to ensure that this regulation is up-to-date.⁶⁶ The working group also suggests investigating the prospects for enacting new powers of

⁶² Finland, Aliens Act ([unofficial translation in English](#); [ulkomaalaislaki/utlänningslag](#)), Act No. 301/2004, 1 May 2004.

⁶³ Finland, Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings ([laki kansainvälistä suojelua hakevan vastaanotosta sekä ihmiskaupan uhrin tunnistamisesta ja auttamisesta/lag om mottagande av personer som söker internationellt skydd och om identifiering av och hjälp till offer för människohandel](#)), Act No. 746/2011, 1 September 2011.

⁶⁴ Finland, Border Guard Act ([unofficial translation in English](#); [rajavartiolaitos/gränsbevakningslag](#)), Act No. 578/2005, 1 September 2005.

⁶⁵ Finland, Act on the Processing of Personal Data by the Border Guard ([unofficial translation in English](#); [laki henkilötietojen käsittelystä Rajavartiolaitoksessa/lag om behandling av personuppgifter vid Gränsbevakningsväsendet](#)), Act No. 639/2019, 1 June 2019.

⁶⁶ Finland, Ministry of the Interior (2022), [Preparedness for Use of Migration as a Form of Hybrid Influence Activities: Report on Needs for Legislative Amendments](#) ('Varautuminen muuttoliikettä hyväksikäyttävään hybridivaikuttamiseen: Selvitys lainsäädännön muutostarpeista')/Beredskap för

radiotechnical surveillance. This would mean a right to detect and locate devices that emit electromagnetic waves, such as mobile phones. It would nevertheless not authorise such measures as identifying the owner of the device or the contents of a communication.⁶⁷

On 17 November 2022, the government issued a proposal to the parliament for amendments to the special legislation on migration. The purpose is to enable automated decision-making in the activities of the Finnish Immigration Service. Currently, legislation does not yet enable fully automated decision-making. In order for automated decision-making to be introduced at the Finnish Immigration Service (*Maahanmuuttovirasto/Migrationsverket*), the government proposes that the agency's clients could request an administrative review of an automated decision concerning them free of charge.⁶⁸ According to the proposal, automated decision-making and the administrative review of automated decisions is restricted to specific subject groups where many similar cases are routinely resolved, where the reasoning given for the decisions is limited, where the vast majority of applicants are granted a positive decision, and where the number of rectification requests received by the Finnish Immigration Service is also expected to be small in relation to the number of automatically resolved decisions. The administrative review system would, however, exclude matters that involve demanding legal consideration where it is particularly significant, from the point of view of the legal protection of the parties involved, to have the matter resolved quickly by the court.⁶⁹

situationer där migration utnyttjas som ett verktyg för hybridpåverkan: Utredning om behoven att ändra lagstiftningen'), Publications of the Ministry of the Interior 2022:20, Helsinki.

⁶⁷ Finland, Ministry of the Interior (2022), '[Legislative amendments could strengthen preparedness for hybrid influencing that exploits migration](#)', press release, 24 February 2022.

⁶⁸ Finland, Ministry of the Interior (2022), '[Proposal for introducing possibility of requesting administrative review of automatic decisions by the Finnish Immigration Service sent out for comments](#)', press release, 5 August 2022.

⁶⁹ Finland, Government bill HE 276/2022 on the administrative review of automated decision-making of the Finnish Immigration Service, ([hallituksen esitys eduskunnalle Maahanmuuttoviraston automaattisen päätöksenteon oikaisuvaatimusta koskevaksi lainsäädännöksi/regeringens proposition till riksdagen med förslag till lagstiftning om begäran om omprövning som gäller automatiserat beslutsfattande vid Migrationsverket](#)), 17 November 2022, p. 9.

5 Information society, privacy and data protection

5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government/Parliamentary	National policy communication	Follow-up Union communication from the Government to Parliament on the proposal for a regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act). On 25 October 2022, the Finnish Government submitted a follow-up Union communication to Parliament concerning the proposal for Artificial	Yes (good governance, equality, prohibition of discrimination, proportionality) Finland highlighted that testing of AI systems in real-life conditions should enable genuine testing, support innovation and should not create disproportionate barriers to the market entry for AI systems. When testing high-risk AI systems in real-life conditions, requirements of good governance and equality should be ensured if such systems are tested in public administrations. Furthermore, due to the burdensome nature of the obligations arising from the regulation and the significant sanctions for non-compliance, Finland proposed that the obligations of the regulation should not be imposed on AI systems privately used by non-professional operators and households. ⁷⁰	Finland, Follow-up Union communication from the Government to Parliament concerning the Proposal for a regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) (<i>U-jatkokirje; komission ehdotus Euroopan parlamentin ja neuvoston asetukseksi tekoälyn harmonisoiduksi sääntelyksi (Artificial Intelligence Act) UJ 29/2022 vp/Kompletterande U-skrivelse;</i>

⁷⁰ For English summary, see the press release about the follow-up union communication: Finland, Ministry of Economic Affairs and Employment (2022), '[Amendments to EU's proposed AI regulation – Parliament to be informed by a follow-up Union communication](#)', press release, 27 October 2022.

		Intelligence Act amended by the Council of the European Union. Finland was in favour of the narrowed definition of artificial intelligence and highlighted that the regulation should not extend to rules-based automation.		<i>Europaparlamentets och Rådets förordning om harmoniserade regler för artificiell intelligens (Artificial Intelligence Act) UK 29/2022 rd)), Ministry of Economic Affairs and Employment of Finland (työ- ja elinkeinoministeriö/arbets- och näringsministeriet), 25 October 2022.</i>
Equality body	Report	The report of the Non-Discrimination Ombudsman to Parliament. The report addresses the impact of AI in terms of fulfilling the objectives of equality and non-discrimination.	<p>Yes (Prohibition of discrimination, equality, right to an effective remedy)</p> <p>In its report to Parliament, the Non-Discrimination Ombudsman addressed the impact of AI on fulfilling the objectives of equality and non-discrimination. According to the Non-Discrimination Ombudsman, the current regulatory framework both nationally and EU-wide do not sufficiently address the equality challenges associated with the use of AI. The draft AI Regulation should put more emphasis on promoting equality rather than merely preventing discrimination. Impact assessment and transparency obligations should be developed from this perspective.</p> <p>The regulation should also include effective monitoring mechanisms and ensure legal remedies for consumers and victims of</p>	Finland, The report of the Non-Discrimination Ombudsman to Parliament (<i>Yhdenvertaisuusvaltuutetun kertomus eduskunnalle 2022 Kertomus K 7/2022 vp/Diskrimineringsombudsmannens berättelse till riksdagen 2022 Berättelse B 7/2022 rd</i>), Helsinki, 31 March 2022.

			discrimination. Furthermore, the report underlined the importance of raising public awareness about the fundamental right risks of AI systems and adequacy of resources for monitoring fundamental rights.	
Government/Parliamentary	National Draft Acts	Government bill to Parliament proposing legislation on automated decision-making in public administration. The bill aims to enable automated decision-making in public administration. It provides for a national legal basis for automated individual decisions, as required by the GDPR. Similarly, it proposes to provide for an exception to the prohibition of automated individual decisions in	<p>Yes (data protection, right to good governance, principle of legality, child rights, protection under the law)</p> <p>Risks to the fundamental rights have been assessed throughout the legislative drafting process in various stages.⁷¹</p>	Finland, Government bill to Parliament proposing legislation on automated decision-making in public administration (<i>Hallituksen esitys eduskunnalle julkisen hallinnon automaattista päätöksentekoa koskevaksi lainsäädännöksi HE 145/2022 vp/Regeringens proposition till riksdagen med förslag till lagstiftning om automatiserat beslutsfattande inom den offentliga förvaltningen RP 145/2022 rd</i>), 19 September 2022.

⁷¹ For the evaluation during the preliminary stage, see e.g. Vainio, N., Tarkka, V. and Jaatinen, T. (2020) [Assessment memorandum on the need to regulate automated decision-making within public administration in general legislation](#) (*Arviomuistio hallinnon automaattiseen päätöksentekoon liittyvistä yleislainsäädännön sääntelytarpeista/Bedömningspromemoria om behovet av att reglera den allmänna lagstiftningen i anslutning till automatiserat beslutsfattande inom förvaltningen*), Publications of the Ministry of Justice, Reports and guidelines 2020:14, Helsinki, 6 July 2020. For the assessment at later stage, the impact assessment section of the bill refers to the report on "Algorithmic discrimination and the promotion of equality: Assessment framework for non-discriminatory AI", which is included further down in this table.

		<p>administrative matters under the Criminal Data Protection Directive. The bill has been prepared by the Ministry of Justice (<i>oikeusministeriö/justitieministeriet</i>) in cooperation with a working group from the Ministry of Finance (<i>valtiovarainministeriö/finansministeriet</i>).</p>		
Government/Parliamentary	National Draft Acts	<p>Government bill to Parliament proposing laws to amend the Copyright Act and the Electronic Communications Services Act. In 2022, the Finnish Government was still implementing Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (DSM</p>	<p>Yes (right to property, freedom of expression, freedom to conduct business, right to an effective remedy and to a fair trial, freedom of the arts and sciences, right to privacy and data protection)</p> <p>While the subject-matter of the bill concerns copyright and related rights, it also involves sections on automated content filtering with potentially significant implications for the freedom of expression. The relevant section requires larger online platforms, that allow users to upload and communicate content to the public on their service, to either conclude licenses with the copyright holders or prevent uploads of copyright infringing content. In practice, this has generally been understood to require the use of content</p>	<p>Finland, Government bill to Parliament proposing laws to amend the Copyright Act and the Electronic Communications Services Act (<i>Hallituksen esitys eduskunnalle laeiksi tekijänoikeuslain ja sähköisen viestinnän palveluista annetun lain muuttamisesta HE 43/2022 vp/Regeringens proposition till riksdagen med förslag till lagar om ändring av upphovsrättslagen och lagen om tjänster inom elektronisk kommunikation RP 43/2022 rd</i>), 13 April 2022.</p>

		<p>directive) and Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, and amending Council Directive 93/83/EEC (Online broadcasting directive).</p> <p>The ministry presented the bill to the Parliament in April 2022. At the moment, it is being processed in the parliamentary committees.</p>	<p>filtering technologies involving decision making by algorithms.⁷²</p> <p>The process of drafting the implementing national legislation was controversial towards the end of the process. After highly critical stakeholder consultations in the autumn 2021, the Ministry of Education and Culture (<i>opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet</i>), responsible for drafting the bill, amended it significantly in relevant parts. Regardless, the ministry did not arrange another round of stakeholder consultations after the amendments. The ministry had also hired a private consultant with connections to the rightholder side to assist the ministry with the legislative drafting, which raised concerns among CSOs and some other stakeholders. For these reasons, a national CSO Effi and ICT industry lobbying group FiCom lodged complaints to the national supreme guardian of the law Chancellor of Justice (<i>oikeuskansleri/justitiekanslern</i>) inquiring whether the ministry had acted in accordance with the principle of good governance during the legislative drafting process.⁷³</p> <p>The Constitutional Law Committee of Parliament (<i>perustuslakikomitea/grundlagsutskottet</i>) criticised the implementation of Article 17 mechanisms to block copyright infringing content</p>	
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⁷² For instance, see the judgment of the CJEU in C-401/19, Poland v Parliament and Council, ECLI:EU:C:2022:297.

⁷³ Finland, Effi (2022), '[Lehdistötidote: Effi kanteli oikeuskanslerille](#)', press release, 15 February 2022; Finland, FiCom (2022), '[FiCom täydensi kanteluaan lainvalmistelun puolueellisuudesta](#)', press release, 26 April 2022.

			in the proposal. The proposed section would have allowed using automated decision-making to block user-uploaded content in situations where there is a high probability that the communication to the public of a protected work infringes copyright. The committee considered that the questions whether content is infringing copyright involves a difficult legal assessment – often in context, and should not be delegated to automated decision making technologies. ⁷⁴	
Academia	Research report	The potential of AI in the public sector: legal constraints and international comparison.	Yes (prohibition of discrimination, equality, good governance, protection under the law, data retention)	Paasikivi, O., Tuohino, J., Mansnérus, J. and Lång, J. (2022), The potential of AI in the public sector: legal constraints and international comparison (<i>Tekoälyn käyttömahdollisuudet julkisella sektorilla: Oikeudelliset reunaehdot ja kansainvälinen vertailu/Möjligheterna att använda artificiell intelligens inom den offentliga sektorn: rättsliga begränsningar och internationella jämförelser</i>) Sitra studies 206, Helsinki, Sitra, March 2022.

⁷⁴ Finland, Constitutional Law Committee of Parliament, [Statement of the committee PeVL 58/2022 vp– HE 43/2022 vp](#) (*Valiokunnan lausunto PeVL 58/2022 vp– HE 43/2022 vp/Utlåtande GrUU 58/2022 rd– RP 43/2022 rd*), 27 October 2022.

Academia	Research report	<p>Algorithmic discrimination and the promotion of equality: Assessment framework for non-discriminatory AI.</p> <p>The project explored AI systems from the perspective of discrimination. It studied different types of machine learning-based AI systems used in Finland and their related impact assessment practices to determine possible discriminatory risks and fundamental rights impacts.</p>	<p>Yes (prohibition of discrimination, data protection, right to privacy, right to good governance, right to an effective remedy and to a fair trial)</p> <p>Based on the study, the project produced an assessment framework to identify and avoid discriminatory features in the AI systems and to promote equality. In addition, three main policy recommendations were made for integrating the assessment framework into the public sector governance and responsible AI development:</p> <ol style="list-style-type: none"> 1. Raising the public awareness of algorithmic discrimination, 2. Increasing cooperation between different stakeholders in the responsible development of AI systems, and 3. Promoting equality in the use of AI through proactive regulation and tools. 	<p>Ojanen, A., Sahlgren, O., Vaiste, J., Björk, A., Mikkonen, J., Kimppa, K., Laitinen, A., and Oljakka, N. (2022), Algorithmic discrimination and the promotion of equality: Assessment framework for non-discriminatory AI (<i>Algoritminen syrjintä ja yhdenvertaisuuden edistäminen: Arviointikehikko syrjimättömälle tekoälylle/ Algoritmisk diskriminering och främjande av jämlikhet Bedömningsram för icke-diskriminerande AI</i>), Publications of the Government's analysis, assessment and research activities 2022:54, Helsinki, 23 August 2022.</p>
Public-private	Collaborative network	<p>Sotebotti-network (<i>Sotebottiverkosto/Nätverket för robotik och AI</i>).</p> <p>Sotebotti-network is a public-private collaborative</p>	<p>Yes (Prohibition of discrimination, data protection and right to privacy)</p> <p>Fundamental right considerations are included among the topics of the network. In the final report of the Hyteairo program, upon which the network was founded, it is acknowledged that</p>	<p>Finland, Sotebotti-network (<i>Sotebottiverkosto/Nätverket för robotik och AI</i>).</p>

	<p>information sharing and development network for the use of AI and robotics in social service and healthcare sectors. Sotebotti-network was initiated in 2021 as a part of the Well-being and Health Sector's Artificial Intelligence and Robotics Programme (Hyteairo) (<i>Hyvinvoinnin tekoäly ja robotiikka -ohjelma/ Programmet för artificiell intelligens och robotik i välfärden</i>) in collaboration with the National Artificial Intelligence Programme AuroraAI (<i>kansallinen tekoälyohjelma AuroraAI/nationella AI-programmet AuroraAI</i>). After the Hyteairo programme was concluded, the Sotebotti-network continued operating and</p>	<p>there are certain risks that may lead to AI systems to function in a discriminatory and unfair manner if due care is not taken during their planning and development stages. These risks are biased data, conscious or unconscious biases among AI developers and issues in the use of the AI.</p> <p>Even the best sources of information can contain biases e.g. by age, gender or ethnicity, which may lead to AI making discriminatory and unethical decisions. To ensure fairness of data, it is necessary to actively identify blind spots in data sources and correct distortions.</p> <p>Without careful evaluation, the assumptions made by AI developers can lead to unjust biases that are transmitted to the models on which the AI makes decisions. Prejudices must be identified, recognised and taken into account when developing AI solutions.⁷⁵</p>	
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⁷⁵ Finland, Accenture (2020), [Keskustelevan tekoälyn rooli sosiaali- ja terveydenhuollossa - Loppuraportti](#), Ministry of Social Affairs and Health, April 2020, pp. 27–28.

		<p>its coordination was shifted from the Finnish Institute for Health and Welfare (<i>terveyden ja hyvinvoinnin laitos/institutet för hälsa och välfärd, THL</i>) to the Finnish Social Insurance Institution (<i>kansaneläkelaitos, KELA/folkpensionsanstalten, FPA</i>) for the year 2022.</p> <p>The purpose of the Sotebotti-network is to support communication specifically on AI and its role in the provision of services as well as to promote the use of bots in the field of social and healthcare services. While the main focus of the communication concerns the exchange and dissemination of information on the current state of conversational AI, the participants have also been utilising it for other related and</p>		
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		relevant topics such as robotic process automation.		
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5.2 Legal and policy initiatives on data protection and private life

Following the EU regulations on the Border Crossing Information System and the European Travel Information and Authorisation System,⁷⁶ the government introduced a bill to make the necessary amendments to national legislation.⁷⁷ Parliament adopted the amendments on 18 November 2022. The reform involved fundamental rights sensitive matters, in

⁷⁶ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011, *OJ L 327, 9.12.2017, p. 20–82*; Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226, PE/21/2018/REV/1, *OJ L 236, 19.9.2018, p. 1–71*.

⁷⁷ Finland, Government bill HE 173/2021 on supplementary legislation regarding the Border Crossing Information System and the European Travel Information and Authorisation System ([hallituksen esitys eduskunnalle rajanylitystietojärjestelmää ja Euroopan matkustustieto- ja -lupajärjestelmää koskevaksi täydentäväksi lainsäädännöksi/regeringens proposition till riksdagen med förslag till kompletterande lagstiftning om EU:s in- och utresesystem och EU-systemet för reseuppgifter och resetillstånd RP](#)), 14 October 2021.

particular with regard to the proposed competence of the Finnish Security and Intelligence Service (*Suojelupoliisi/Skyddspolisen*), which would entitle them to obtain biometric data collected in the context of border control, border security and border management necessary for the purpose of the protection of national security. In this context, the Constitutional Law Committee of the Parliament (*perustuslakivaliokunta/grundlagsutskottet*) stressed in its opinion on the draft that the provision on this should be clarified so as to make it clearer that the processing of biometric data obtained on the basis of the provision should be limited to the processing of data by the Finnish Security and Intelligence Service only in the context of a specific official task, under the conditions already laid down in the law.⁷⁸ These standpoints are reflected in the final adopted act.⁷⁹

During the parliamentary committee hearings, the DPA was also critical, in its expert testimony to the Administration Committee of Parliament, towards the suggested special competences of the Security and Intelligence Service. The right of the Security and Intelligence Service to collect biometric data of data subjects on a regular basis was justified in the bill by the fact that the EES Regulation would no longer allow storing these data in the national border crossing system. However, as the possibility to take facial images, as enabled by the prior national border control laws, had not been used regularly in the past, the argument of reduced access as a justification for this biometric data collection was questionable. Furthermore, as the bill had a very broad definition of national security, covering a wide range of activities, there is a risk that data could be processed even where it was not proportionate nor actually necessary for the intended purpose.⁸⁰

The Ministry of Justice finished drafting the bill⁸¹ amending the Act on Joint Investigation Teams (*laki yhteisistä tutkintaryhmistä/lag om gemensamma utredningsgrupper*) in order to implement Directive (EU) 2022/211 of the European

⁷⁸ Finland, Parliament, Statement of the Constitutional Law Committee ([Valiokunnan lausunto PeVL 48/2022 vp – HE 173/2021 vp /Utlåtande GrUU 48/2021 rd – RP 173/2021 rd](#)), 6 October 2022.

⁷⁹ Finland, Act on the amendment of the processing of personal data in police activities ([laki henkilötietojen käsittelystä poliisitoimessa annetun lain muuttamisesta/lag om ändring av lagen om behandling av personuppgifter i polisens verksamhet](#)), Act No. 1207/2022, 20 December 2022, section 52.

⁸⁰ Finland, [Expert testimony for the Administrative Committee of the Parliament from the Office of the Data Protection Ombudsman on the Government bill HE 173/2021](#), 26 September 2022.

⁸¹ Finland, [Draft Government bill proposing an act amending section 6 of the Act on Joint Investigation Teams](#) (*hallituksen esitys eduskunnalle laiksi yhteisistä tutkintaryhmistä annetun lain 6 §:n muuttamisesta/regeringens proposition till riksdagen med förslag till lag om ändring av 6 § i lagen om gemensamma utredningsgrupper*), OM059:00/2022, Helsinki, Ministry of Justice.

Parliament and of the Council of 16 February 2022 amending Council Framework Decision 2002/465/JHA.⁸² The aim of the bill is to bring existing national legislation into line with these new EU rules on the protection of personal data. The bill was tabled in Parliament on 10 November 2022 and is presently processed by parliamentary committees.⁸³ The amendment is expected to come into force on 1 March 2023.

In regard to cyber incidents, in 2022, the Ministry for Foreign Affairs informed that it had concluded investigations on the cyber espionage spyware Pegasus. The investigations were carried out together with various public authorities and stakeholders in autumn and winter 2021–2022. According to the ministry, the spyware was used in 2021 targeting Finnish diplomats working abroad. In early 2022, the espionage was no longer active.⁸⁴

The National DPA also started investigating a system failure in a bank's online banking authentication from 20 April to 5 August 2022, during which a small number of its customers were able to log in to the online bank with another customer's ID in certain situations. According to the bank, a few hundred customers were affected by the breach. Abuses such as unauthorised payments and logging into third-party online services were reported. The DPA started investigating, among other things, whether data protection was properly ensured and how the bank reacted to the breach.⁸⁵

The DPA also reprimanded the Finnish Tax Administration for excessive information requests. An investigation by the DPA revealed that between 2015 and 2021, the Tax Administration had requested information from all banks operating in Finland on all their cross-border transfers including purchases made by debit card in foreign shops and online stores. According to the DPA, the Tax Administration had not for instance limited information requests based on the size of transactions nor considered children as a group in need of special protection. The Tax Administration justified the scope of its information requests on the basis of, inter alia, section 10 of the Act on the Disclosure and Confidentiality of Tax Information. The section allows the Tax

⁸² Directive (EU) 2022/211 of the European Parliament and of the Council of 16 February 2022 amending Council Framework Decision 2002/465/JHA, as regards its alignment with Union rules on the protection of personal data, OJ L 37, 18.2.2022, p. 0001-0003.

⁸³ Finland, Government bill HE 253/2022 on the amendment of section 6 of the Act on Joint Investigation Teams ([hallituksen esitys eduskunnalle laiksi yhteisistä tutkintaryhmistä annetun lain 6 §:n muuttamisesta/regeringens proposition till riksdagen med förslag till lag om ändring av 6 § i lagen om gemensamma utredningsgrupper](#)), 11 November 2022.

⁸⁴ Finland, Ministry of Foreign Affairs (2022), '[Ministry for Foreign Affairs has solved suspected espionage case](#)', press release, 28 January 2022.

⁸⁵ Finland, The Office of Data Protection Ombudsman (*Tietosuojavaltuutetun toimisto/Dataombudsmannens byrå*) (2022), '[Tietosuojavaltuutettu selvittää S-Pankin järjestelmähäiriötä – S-Pankki on ilmoittanut olleensa yhteydessä tietoturvaloukkauksen kohteeksi joutuneisiin asiakkaisiin](#)', press release, 15 September 2022.

Administration to process tax information it has received and compiled for a specific tax purpose also for the performance of other lawful tasks, without prejudice to the national data protection laws. The DPA considered the approach of the Tax Administration as well as the national law it had used to justify its activities to be in conflict with the GDPR. In addition to the reprimand, the DPA ordered the Tax Administration to delete the personal data processed in violation of the GDPR and to stop making excessive requests to banks.⁸⁶

⁸⁶ Finland, The Office of Data Protection Ombudsman (2022), [‘Tietosuojavaltuutettu antoi Verohallinnolle huomautuksen liian laajoista tietopyynnöistä’](#), press release, 15 November 2022.

6 Rights of the child

6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

Legislative changes	<p><i>e.g., any legislative development having an impact on children accessing health, education, social protection or other services</i></p> <p>The reformed Act on Early Childhood Education and Care (<i>varhaiskasvatuslaki/lag om småbarnspedagogik</i>, Act No. 540/2018) entered into force on 1 August 2022.⁸⁷ With the aim of ensuring equality for all children everywhere in Finland, the reform specifies the levels and forms of support to be given to each child (chapter 3 a). Section 15 b introduces a three-tiered model, which classifies support tiers into general, intensified and special support. The reform introduces the right of the child to aids necessary to participate in early childhood education.⁸⁸</p> <p>An amendment of the Youth Act (<i>nuorisolaki/ungdomslagen</i>)⁸⁹ introducing new provisions on leisure activities for children in basic education was adopted on 25 November 2022.⁹⁰ Section 12a defines the Finnish model for leisure activities, the aim of which is to increase the wellbeing of children and young people by enabling every child and young person to have a leisure activity in</p>
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⁸⁷ Finland, Act on Early Childhood Education and Care (*varhaiskasvatuslaki/lag om småbarnspedagogik*), Act No. 30/2022 amending Act No. 540/2018, 14 January 2022. See also Finnish Government (2022), *National Action Plan of Finland. European Child Guarantee*, 25 April 2022, p. 27.

⁸⁸ Finland, Government bill HE 148/2021 on the amendment of the Act on Early Childhood Education and Care (*hallituksen esitys eduskunnalle laiksi varhaiskasvatuslain muuttamisesta/regeringens proposition till riksdagen med förslag till lag om ändring av lagen om småbarnspedagogik*), 27 September 2021.

⁸⁹ Finland, Youth Act (*nuorisolaki/ungdomslagen*), Act No. 1285/2016, 21 December 2016.

⁹⁰ Finland, Amendment of Youth Act (*laki nuorisolain muuttamisesta/lag om ändring av ungdomslag*), Act No. 955/2022, 25 November 2022.

connection with the school day that they enjoy and that is free of charge. The Finnish model for leisure activities emphasizes the hearing of children and young people on their preferences regarding leisure activities, coordination of good practices and working methods, and collaboration between schools and organisers of leisure activities (for more information, see promising practice).⁹¹ The Ministry of Education and Culture opened on 15 February 2022 a call for financial support of leisure activities during the school year 2022-2023.⁹² The call was directed at municipalities. Arrangement of leisure activities based on the Finnish model as well as participation in such activities is voluntary.

The Non-Discrimination Act (*yhdenvertaisuuslaki/diskrimineringslagen*) was amended on 20 December 2022 by the adoption of a new provision on the obligation of organizers of early childhood education to promote equality in their activities.⁹³ According to section 6a of the Act, this entails the adoption of an equality plan at each unit offering early childhood education. The plan shall be developed in collaboration with the staff and the children and their guardians shall be given opportunity to express their views on the promotional activities. In addition, section 14 of the Non-Discrimination Act was revised with the inclusion of a new provision on harassment in early childhood education. A procedure whereby an organiser of early childhood education, after getting information on the harassment of a child fails to take action to address the harassment, shall be considered discriminatory.⁹⁴

⁹¹ Finland, Government bill HE 107/2022 on the amendment of the Youth Act ([hallituksen esitys eduskunnalle laiksi nuorisolain muuttamisesta/regeringens proposition till riksdagen med förslag till lag om ändring av ungdomslagen](#)), p. 11

⁹² Finland, Ministry of Education and Culture (2022), '[Harrastamisen Suomen mallin avustushaku käynnistyy](#)', press release, 7 February 2022.

⁹³ Finland, Amendment of the Non-Discrimination Act ([laki yhdenvertaisuuslain muuttamisesta/lag om ändring av diskrimineringslagen](#)), Act No. 1192/2022, 20 December 2022, section 6a.

⁹⁴ Finland, Amendment of the Non-Discrimination Act ([laki yhdenvertaisuuslain muuttamisesta/lag om ändring av diskrimineringslagen](#)), Act No. 1192/2022, 20 December 2022, section 14.

<p>Policy changes</p>	<p><i>e.g., development of national action plan for the Child Guarantee, appointment of National Coordinator, etc</i></p> <p>The government adopted the National Action Plan for the European Child Guarantee on 22 April 2022.⁹⁵ The European Child Guarantee is implemented within the framework of the National Child Strategy and its implementation plans.⁹⁶ The National Child Strategy⁹⁷ was published on 23 February 2021 and the first implementation plan⁹⁸ on 7 October 2021. The key target groups of the National Action Plan for the European Child Guarantee are 1) Families in a weak socio-economic position, 2) Children, young people, and families who need support in everyday life, 3) Groups of children and young people vulnerable to discrimination and other harm, and 4) Other groups of children and young people (e.g. Roma, Sami, LGBTIQ, victims of violence, intoxicants abusers). The main themes addressed in the action plan are early childhood education and schooling as well as the resilience of services for children, young people, and families in crises and emergencies (including Covid aftercare). According to the National Action Plan for the Child Guarantee, many of the actions taken under the National Child Strategy are integral also to the European Child Guarantee.⁹⁹</p> <p>On 12 October 2022, the government adopted the Action Plan for Reducing Poverty and Social Exclusion by 2030.¹⁰⁰ The Action Plan aims at reducing the number of people living at risk of poverty and social exclusion by 100,000, out of which one third should, according to the Plan, be</p>
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⁹⁵ Finland, Finnish Government (2022), [National Action Plan of Finland. European Child Guarantee](#), 25 April 2022.

⁹⁶ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2022), '[European Child Guarantee implemented as part of the National Child Strategy in Finland](#)', press release, 25 April 2022.

⁹⁷ Finland, Finnish Government (2022), [National Child Strategy: Committee report](#), Publications of the Finnish Government 2022:16, Helsinki, 5 April 2022.

⁹⁸ Finland, Finnish Government (2022), [Implementation plan for the National Child Strategy](#), Publications of the Finnish Government 2022:38, Helsinki, 29 April 2022.

⁹⁹ Finland, Finnish Government (2022), [National Action Plan of Finland. European Child Guarantee](#), 25 April 2022, p. 23.

¹⁰⁰ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2022), [Toimintasuunnitelma köyhyyden ja syrjäytymisen vähentämiseksi vuoteen 2030 mennessä](#), Publications of the Ministry of Social Affairs and Health 2022:15, Helsinki, 12 October 2022.

	<p>children.¹⁰¹ To measure the development of poverty and social exclusion, the Ministry of Social Affairs and Health has compiled national indicators that will be used in parallel with the AROPE indicators designed at EU level. The Action Plan covers measures that already have been adopted or are under preparation as well as recommendations for future action. As to the former measures, the Action Plan lists the development of income and services for families with children, including increases in social benefit levels, reduction of customer fees in the context of early childhood education, and the strengthening of multiprofessional cooperation between child protection services, mental health and substance abuse services and schools.¹⁰² As to future measures, the Action Plan recommends that a child and family perspective, in line with the UN Child Rights Convention, is integrated in the whole reform and development of the benefit and service systems.¹⁰³</p>
<p>Other measures or initiatives</p>	<p><i>e.g., income support to single-headed families or based on number of children in the household; meals for children provided for free; other actions or measures linked to the implementation of the EU Child Guarantee.</i></p> <p>With reference to increased energy prices and inflation, the Parliament adopted on 23 November 2022 the government proposal to pay an extra one-off child benefit to all families with children on</p>

¹⁰¹ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*) (2022), [Toimintasuunnitelma köyhyyden ja syrjäytymisen vähentämiseksi vuoteen 2030 mennessä](#), Publications of the Ministry of Social Affairs and Health 2022:15, Helsinki, 12 October 2022, p. 7.

¹⁰² Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*) (2022), [Toimintasuunnitelma köyhyyden ja syrjäytymisen vähentämiseksi vuoteen 2030 mennessä](#), Publications of the Ministry of Social Affairs and Health 2022:15, Helsinki, 12 October 2022, pp. 33-36.

¹⁰³ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*) (2022), [Toimintasuunnitelma köyhyyden ja syrjäytymisen vähentämiseksi vuoteen 2030 mennessä](#), Publications of the Ministry of Social Affairs and Health 2022:15, Helsinki, 12 October 2022, pp. 49.

23 December 2022.¹⁰⁴ This means for the first child € 94.88, the second child € 104.84, the third child € 133.79, the fourth child € 163.24 and for all following children € 182.69.¹⁰⁵ The extra income will not be taken into account when possible need for basic social assistance is assessed.¹⁰⁶ This means that families who receive basic social assistance may benefit fully from the extra child benefit.¹⁰⁷ In addition, during 2023, temporary child-related increases will be paid in connection with unemployment benefits, basic social assistance, and study grants. For example, the child supplement to unemployment benefits will increase by 20%. Also, an increase of the supplement to the child benefit paid to single carers has been approved. Thus, single carers will during 2023 receive a supplement of € 68.30 per month for each child, which is an increase of € 5 compared to the supplement in 2022.¹⁰⁸

A National Child Strategy Unit (*kansallinen lapsistrategiayksikkö/nationell barnstrategienhet*) is set up at the Ministry of Social Affairs and Health with the aim of promoting a child- and family-friendly society and of coordinating the implementation of the key policies of the Child Strategy, including the European Child Guarantee. The reform safeguards the continuity of the work related to the National Child Strategy from one government term to the other.¹⁰⁹

¹⁰⁴ Finland, Parliament (2022), '[Eduskunta hyväksyi lain ylimääräisestä lapsilisästä joulukuussa](#)', press release, 23 November 2022. See also Act temporary amending section 7 of the Child Benefit Act ([laki lapsilisälain 7 §:n väliaikaisesta muuttamisesta/lag om temporär ändring av 7 § i barnbidragslagen](#)), Act No. 983/2022, 9 December 2022.

¹⁰⁵ Finland, Finnish Social Insurance Institution (*kansaneläkelaitos/folkpensionsanstalten*), '[Sähkön hinnannousun ja inflaation vaikutukset tukiin](#)', webpage, 21 September 2022.

¹⁰⁶ Finland, Act temporary amending section 11 of the Basic Social Assistance Act ([laki toimeentulotuesta annetun lain 11 §:n väliaikaisesta muuttamisesta/lag om temporär ändring av 11 § i lagen om utkomststöd](#)), Act No 984/2022, 9 December 2022.

¹⁰⁷ Finland, Government bill HE 235/2022 ([hallituksen esitys eduskunnalle laeiksi lapsilisälain 7 §:n ja toimeentulotuesta annetun lain 11 §:n väliaikaisesta muuttamisesta/regeringens proposition till riksdagen med förslag till lagar om temporär ändring av 7 § i barnbidragslagen och 11 § i lagen om utkomststöd](#)), 20 October 2022, pp. 8 and 11.

¹⁰⁸ Finland, Government bill HE 236/2022 ([hallituksen esitys eduskunnalle ostovoiman vahvistamista vuonna 2023 koskevaksi lainsäädännöksi sekä laiksi lasten kotihoidon ja yksityisen hoidon tuesta annetun lain muuttamisesta/regeringens proposition till riksdagen med förslag till lagstiftning om stärkande av köpkraft 2023 och till lag om ändring av lagen om stöd för hemvård och privat vård av barn](#)), 20 October 2022, p. 10.

¹⁰⁹ Finland, Finnish Government (2022), '[National Child Strategy Unit to be established in Finland](#)', press release, 2 September 2022.

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6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

<p>Legislative changes</p>	<p><i>e.g., reform of the criminal code, new law on violence against children with procedural safeguards.</i></p> <p>Chapter 20 of the Criminal Code (<i>rikoslaki/strafflag</i>) regulating sexual offences has been reformed during the year.¹¹⁰ Since the focus of the reform has been on updating the offences, including offences against children, rather than on the procedural safeguards, a closer description of the reform is presented in chapter 7.1.</p> <p>A working-group, appointed by the Ministry of Justice, presented on 18 March 2022 its report on how to make the criminal procedure more effective.¹¹¹ With respect to children, the report includes proposals on the need to treat offences against children urgently and to ensure that the head of investigations has enough skills to handle criminal cases involving children. Further, whenever an examinee asks for the recording of the hearing, this should be carried out, and the possibility to use recorded material from the criminal investigation in court should be broadened. Based on these proposals a draft government bill amending the Criminal Investigation Act¹¹² and the Criminal Procedure Act¹¹³ was sent for commenting in the</p>
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¹¹⁰ Finland, Act on the Amendment of the Criminal Code ([laki rikoslain muuttamisesta/lag om ändring av strafflagen](#)), Act No. 723/2022, 8 July 2022.

¹¹¹ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2022), [Rikosprosessin tehostaminen. Työryhmän mietintö](#), Publications of the Ministry of Justice 2022:14, Helsinki, 18 March 2022.

¹¹² Finland, Criminal Investigation Act ([esitutkintalaki/förundersökningslagen](#)), Act No. 805/2011, 22 July 2011.

¹¹³ Finland, Criminal Procedure Act ([laki oikeudenkäynnistä rikosasioissa/lag om rättegång i brottmåll](#)), Act No. 689/1997, 11 July 1997.

	<p>government's consultation platform on 17 March 2022.¹¹⁴ The proposal on speeding up the criminal procedure in case of suspicion of a sexual offence against a child or suspicion of an offence against a child's life, health, freedom, integrity, peace or honour was tabled in Parliament on 19 September 2022.¹¹⁵ It was approved by Parliament on 2 December 2022.¹¹⁶ According to the amendment, the criminal investigation, the consideration of charges and the court proceedings shall be concluded urgently when the injured party is below 18 and the suspected offence involves a sexual crime or a crime against the injured party's life, health, freedom, integrity, peace or honour. This means that the main hearing shall take place within 30 days of the commencement of the proceedings.¹¹⁷ In addition, in case of a suspect below 18, the main hearing shall take place within 30 days when the crime can lead to imprisonment of at least six months.¹¹⁸ The ratification of the approved amendments is still pending. According to the Government bill, the amendments are planned to enter into force in October 2023.</p>
<p>Policy developments</p>	<p><i>e.g., guidance or training for law enforcement officers on the treatment of child suspects or victims; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection.</i></p> <p>Finland's first Action Plan for the Lanzarote Convention to prevent sexual violence against children and young people was launched on 26 April 2022.¹¹⁹ The Action Plan includes 33</p>

¹¹⁴ Finland, lausuntopalvelu.fi, [Rikosprosessin tehostaminen](#), VN/9791/2020, 17 March 2022.

¹¹⁵ Finland, Government bill HE 144/2022 ([hallituksen esitys eduskunnalle laeiksi esitutkintalain 3 luvun 11 §:n ja oikeudenkäynnistä rikosasioissa annetun lain 1 luvun 8 a §:n ja 5 luvun 13 §:n muuttamisesta/regeringens proposition till riksdagen med förslag till lagar om ändring av 3 kap. 11 § i förundersökningslagen och 1 kap. 8 a § och 5 kap. 13 § i lagen om rättegång i brottmål](#)), 19 September 2022.

¹¹⁶ Finland, Parliament (*eduskunta/riksdagen*), [Eduskunnan vastaus EV 192/2022 vp – HE 144/2022 vp](#), 19 December 2022.

¹¹⁷ Finland, Criminal Investigation Act ([esitutkintalaki/förundersökningslag](#)), Act No. 805/2011, chapter 3, section 11, and Criminal Procedure Act (*laki oikeudenkäynnistä rikosasioissa/lag om rättegång i brottmål*), Act No. 689/1997, chapter 1, section 8a and 13.

¹¹⁸ Finland, Criminal Procedure Act ([laki oikeudenkäynnistä rikosasioissa/lag om rättegång i brottmål](#)), Act No. 689/1997, section 13.

¹¹⁹ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2022), [Lanzaroten sopimus. Kansallinen toimeenpanosuunnitelma vuosille 2022-2025](#), Publications of the Ministry of Social Affairs and Health 2022:8, Helsinki, 26 April 2022.

	<p>measures covering the prevention of violence, the protection of children against violence; and the promotion of national and international cooperation against sexual exploitation and sexual violence. With respect to the protection of children against violence, the knowledge base within the police will be enhanced. This will be achieved by concentrating the investigation of offences against children regionally or to units with enough capacity (measure 27), by establishing the specialized skills required from the leader of criminal investigations (measure 28) and by developing training on internet-based sexual offences against children (measure 29).</p> <p>The Deputy Chancellor of Justice (<i>apulaisoikeuskansleri/biträdande justitiekansler</i>) conducted on own initiative an investigation into delays in the criminal investigation of cases concerning domestic violence and sexual crimes.¹²⁰ The Deputy Chancellor examined 77 open cases at police departments where the criminal investigation had started before 1 January 2019. In many of these cases the victims were children. In the decision of 23 November 2022, the Deputy Chancellor of Justice ordered a pre-trial investigation concerning the reasons behind the delays in two police departments, in eight cases a reprimand was given for unmotivated delays and in three cases the Deputy Chancellor presented views on the requirements of law.</p>
<p>Other measures or initiatives</p>	<p><i>e.g., relevant activities to promote alternatives to detention; set-up of Barnahus houses or other specific programmes for children in the criminal system.</i></p> <p>Within the framework of the Barnahus project in Finland,¹²¹ handbooks on violence and sexual violence against children have been published during the year. The National Police Board launched a comprehensive handbook on the investigation of violent and sexual crimes against</p>

¹²⁰ Finland, Deputy Chancellor of Justice (*apulaisoikeuskansleri/biträdande justitiekansler*) (2022), [Poliisin menettely lähisuuhdeväkivallan ja seksuaalirikosten esitutkinnassa](#), OKV/325/70/2022, 23 November 2022.

¹²¹ Finland, '[Barnahus](#)', webpage, accessed on 27 September 2022.

	<p>children on 13 January 2022.¹²² It includes 31 chapters by various experts on a wide range of topics under the headings early stages of the criminal investigation, criminal investigation, sexual violence against children in digital contexts, hearing of children, multiprofessional collaboration and vulnerable groups. In addition, the Finnish Institute for Health and Welfare (<i>terveyden ja hyvinvoinnin laitos/institutet för hälsa och välfärd</i>) published a handbook on recommended terminology to be used when referring to sexual offences against children.¹²³ The focus of the handbook is on establishing a language use that pays respect to the rights of children.¹²⁴</p> <p>Within the Barnahus project, the Finnish Institute for Health and Welfare has published a development plan for the guardianship of children in criminal proceedings and in the child protection procedures on 15 August 2022.¹²⁵ The plan includes guidelines for guardians in criminal procedures.</p> <p>Commissioned research on the effectiveness of the multi-professional Anchor work was published on 20 May 2022.¹²⁶ The Anchor work aims to prevent criminal behaviour and promote well-being among young people under the age of 18 as well as to prevent radicalization into violent extremism (without age restrictions). The study shows that individuals, who have taken part in Anchor activities, are considerably less likely to end up as a suspect during the following</p>
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¹²² Lehtinen, M., Rossi, M. (eds) (2022), [Käsikirja lapsiin kohdistuvien väkivalta- ja seksuaalirikosten tutkintaan](#), Publication of the National Police Board, Helsinki, 13 January 2022.

¹²³ Rossi, M., Pietilä, M., Oinas, M.-M. (2022), [Sanoilla on merkitystä: Termikäsikirja lapsiin kohdistuvan seksuaaliväkivallan sanoittamiseen](#), Publication of the Finnish Institute for Health and Welfare, Helsinki.

¹²⁴ Rossi, M., Pietilä, M., Oinas, M.-M. (2022), [Sanoilla on merkitystä: Termikäsikirja lapsiin kohdistuvan seksuaaliväkivallan sanoittamiseen](#), Publication of the Finnish Institute for Health and Welfare, Helsinki, p. 4.

¹²⁵ Heikkilä, M., Rantaeskola, S. (2022), [Suunnitelma lapsen edunvalvonnan kehittämisestä valtakunnallisesti rikosasioissa ja lastensuojeluasioissa](#), Finnish Institute for Health and Welfare (*terveyden ja hyvinvoinnin laitos/institutet för hälsa och välfärd*), working paper 19/2022, Helsinki.

¹²⁶ Kaakinen, M., Vauhkonen, T., Tanskanen, M., Hoikkala, T. (2022), [Ankkuritoiminnan vaikuttavuus](#), Publications of the Government's analysis, assessment and research activities 2022:40, Helsinki, 20 May 2022.

	year, compared to others. However, at the municipality level, the introduction of Anchor activities does not show a systematic effect on the development of juvenile delinquency. ¹²⁷
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¹²⁷ Kaakinen, M., Vauhkonen, T., Tanskanen, M., Hoikkala, T. (2022), [Ankkuritoiminnan vaikuttavuus](#), Publications of the Government's analysis, assessment and research activities 2022:40, Helsinki, 20 May 2022, p. 43 and 46.

7 Access to justice – Victims’ Rights and Judicial Independence

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

On 10 March 2022, the National Police Board issued a handbook on addressing and combating domestic violence (DV).¹²⁸ The handbook, which is intended for police officers working with DV, includes information on the different forms of DV, the responsibilities of the police, the range of means, risk assessment and the roles of policing in combating DV. Besides information exchange and cooperation between police functions, the handbook highlights the importance of multi-professional collaboration and expertise in addressing DV. The handbook can also be used for basic and further training of police officers.

Parliament approved a law reform on identifying and assisting victims of human trafficking on 13 December 2022.¹²⁹ The legislation entered into force on 1 January 2023. In the future, assistance to victims of human trafficking will be more strongly linked to the need for assistance arising from victimisation than to decisions made in criminal proceedings. The right to services for victims of human trafficking will improve as the help provided through the Assistance System for Victims of Human Trafficking will no longer depend on the progress of the criminal proceedings related to human trafficking. Provisions on the

¹²⁸ Liimatainen M., Rantaeskola S. (2022), [Toiminnallinen käsikirja lähisuhdeväkivaltaan puuttumiseksi ja ennalta estämiseksi](#), Publication of the National Police Board, Helsinki, 10 March 2022.

¹²⁹ Finland, Government bill HE 220/2022 on the reception of applicants for international protection and on identifying and assisting victims of human trafficking ([Hallituksen esitys eduskunnalle laiksi kansainvälistä suojelua hakevan vastaanotosta sekä ihmiskaupan uhrin tunnistamisesta ja auttamisesta annetun lain muuttamisesta sekä siihen liittyviksi laeiksi](#)/Regeringens proposition till riksdagen med förslag till lag om ändring av lagen om mottagande av personer som söker internationellt skydd och om identifiering av och hjälp till offer för människohandel och till vissa lagar som har samband med den), 20 October 2022.

identification of a victim of human trafficking are simplified so that identification will only mean the admittance of the victim to the Assistance System, which is crucial for the realisation of the victim's rights. Besides providing practical assistance, the tasks of the Assistance System will include serving as the national expert authority in matters related to human trafficking and the efforts to combat it. The preconditions for admittance to the Assistance System will not change, and the threshold for admitting victims will continue to be low. Moreover, victims have the right to access healthcare and social welfare services. The amended Social Welfare Act (*sosiaalihuoltolaki/socialvårdslagen*) emphasises the obligation of the wellbeing services counties to provide social services that meet the needs of victims of human trafficking.

The status of victims of human trafficking will be improved by strengthening the victim-centred approach to assistance and, in particular, its continuation. The continuation of assistance provided through the Assistance System will primarily be based on an assessment of the victim's situation, not on decisions made in criminal proceedings. In other words, the victim will have the right to receive assistance regardless of the initiation, continuation and outcome of the criminal proceedings insofar as the victim is considered to need assistance. A more predictable assistance system, with a particular emphasis on the victim's need for assistance, will promote the detection of human trafficking and the referral of victims to help and thus also contribute to the realisation of criminal liability.

The Supreme Court referred to Article 22 of the Victims' Directive in the reasoning of the decision concerning the duty of the Court of Appeal to carry out an assessment of the specific protection needs of the injured party during court proceedings.¹³⁰ In a case involving, among other things, assault in a close relationship, a video-recorded questioning of the injured party under 15 during the pre-trial investigation was used in the District Court as evidence. The Court of Appeal ordered the injured party, who had reached the age of 15, to appear at the main hearing in person under threat of a fine. The Court did not consider the specific protection needs of the injured party since the question of the protection needs had not been presented to the Court for consideration. The injured party appealed against the decision to the Supreme Court.

¹³⁰ Finland, Supreme Court (*Korkein oikeus/Högsta domstolen*), [KKO:2022:66](#), 29 November 2022.

The Supreme Court concluded that due to the nature of the alleged offence, the circumstances related to the case and the age of the injured party, they was in a particularly vulnerable position and, therefore, needed specific protection during court proceedings. Furthermore, the Supreme Court held that considering the age and particular vulnerability of the injured party, the Court of Appeal, when deciding whether the video recording could be used as evidence in the court, should have considered, on its own initiative, whether the injured party needed specific protection. The Supreme Court notes that the Victims' Directive provides the backdrop to the national legislation on the assessment of the specific protection needs of the injured party. Furthermore, the Supreme Court points out that to comply with the requirements laid down in the Victims' Directive, the national provisions must be interpreted as far as possible following the wording and purpose of the Directive. The decision is significant for implementing the Victims' Directive, as it highlights that the national legislation on assessing the specific protection needs of the injured party shall apply at all stages of criminal proceedings, including courts.¹³¹

7.2 Measures addressing violence against women

The Ministry of Social Affairs and Health (*sosiaali- ja terveystministeriö/social- och hälsovårdsministeriet*) published the second Action Plan for the Istanbul Convention for 2022-2025 on 17 June 2022.¹³² The purpose of the Action Plan is to promote the national implementation of the Istanbul Convention. The preparatory work of the Action Plan, carried out by the Committee for combating violence against women and domestic violence (*naisiin kohdistuvan väkivallan ja perheväkivallan torjunnan toimikunta/kommissionen för bekämpning av våld mot kvinnor och av våld i hemmet*) (NAPE), took into account the ongoing

¹³¹ The decision is described in more detail in the Annex 2 under Rights of the child.

¹³² Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystministeriö/social- och hälsovårdsministeriet*) (2022), [Action Plan for the Istanbul Convention for 2022-2025](#), Publications of the Ministry of Social Affairs and Health 2022:10, Helsinki, 17 June 2022.

work for addressing violence, such as the Action Plan for Combating Violence Against Women¹³³ and the National Action Plan for the Lanzarote Convention¹³⁴ and other measures based on the government programme. The Action Plan includes long-term objectives and 36 measures based mainly on the recommendations issued by GREVIO.

The Action Plan has three cross-cutting goals with the aim to strengthen: 1) the gender perspective and intersectionality in the implementation of the Istanbul Convention to prevent and combat violence against women; 2) intersectoral and multi-professional cooperation in preventing and combating violence against women and domestic violence; and 3) the identification of and intervention in violence against women and domestic violence. In its evaluation report on Finland, GREVIO considers that Finland's gender-neutral approach to preventing domestic violence fails to pay sufficient attention to the gendered nature of violence against women and the particular experiences of women as victims of domestic violence. Accordingly, GREVIO encourages Finnish authorities to enhance the application of a gendered perspective in implementing the Istanbul Convention, including its provisions concerning domestic violence. Therefore, the Action Plan aims to focus on the specific characteristics of violence against women in implementing measures to prevent violence and provide support services to the victims of domestic violence.¹³⁵

A reform of the Criminal Code covering sexual offences was adopted on 8 July 2022.¹³⁶ The Act will enter into force on 1 January 2023. The reform aims to strengthen the protection of sexual self-determination and personal integrity. The purpose is also to harmonise and clarify the provisions on sexual offences in the Criminal Code. The reform expands the scope of sexual

¹³³ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2020), [Action Plan for Combating Violence against Women for 2020–2023](#). ([Naisiin kohdistuvan väkivallan torjuntaohjelma vuosille 2020–2023/Programmet för bekämpning av våld mot kvinnor 2020–2023](#)), Publications of the Ministry of Justice, Memorandums and statements 2020:15, Helsinki, 22 October 2020.

¹³⁴ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2022), [Lanzaroten sopimus. Kansallinen toimeenpanosuunnitelma vuosille 2022–2025](#), Publications of the Ministry of Social Affairs and Health 2022:8, Helsinki, 26 April 2022.

¹³⁵ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2022), [Action Plan for the Istanbul Convention for 2022–2025](#), Publications of the Ministry of Social Affairs and Health 2022:10, Helsinki, 17 June 2022, pp. 10–11.

¹³⁶ Finland, Act Amending the Criminal Code ([laki rikoslain muuttamisesta/lag om ändring av strafflagen](#)), Act No. 723/2022, 8 July 2022.

crimes by amending provisions on sexual crimes and introducing new titles of offences. The penalty scales will also become stricter, particularly for offences against children.¹³⁷

The key amendment is that the definition of rape is changed to a consent-based one. Under the reformed legislation, rape is defined as sexual intercourse with a person who does not participate in it voluntarily. Besides rape provision, definitions of other sexual offences will also be based on a lack of consent. Consequently, coercion into a sexual act has been replaced by a provision on sexual assault (*seksuaalinen kajoaminen/sexuellt övergrepp*) which applies to sexual acts other than sexual intercourse. Furthermore, the non-consensual dissemination of sexual images will be punishable as a sexual offence. Such acts have previously been assessed as defamation or the dissemination of information infringing on private life. Moreover, the criminalisation of sexual harassment is extended to acts that do not involve physical contact.

To strengthen the protection of children's integrity and undisturbed development, the provisions on sexual offences against children under the age of 16 are separated from those against adults. For example, a new crime of 'child rape' was enacted. The definition of child rape is not based on a lack of consent but only requires sexual intercourse with a person under the age of 16. Moreover, the minimum sentence will be increased from one to two years imprisonment. Special provisions also protect children 16-17 years old more extensively than adults.

Parliament approved a law reform on enhancing the effectiveness of restraining orders on 7 December 2022.¹³⁸ The reform is expected to enter into force approximately one year after its adoption. The aim of the reform is to improve the effectiveness of a restraining order and increase the safety of victims of domestic violence. The key starting point is to amend the legislation

¹³⁷ Finland, Government bill HE 13/2022 on sexual offences ([hallituksen esitys eduskunnalle seksuaalirikoksia koskevaksi lainsäädännöksi/regeringens proposition till riksdagen med förslag till lagstiftning om sexualbrott](#)), 17 February 2022.

¹³⁸ Finland, Government bill HE 143/2022 on enhancing the effectiveness of restraining order ([hallituksen esitys eduskunnalle lähestymiskiellon tehostamista koskevaksi lainsäädännöksi/regeringens proposition till riksdagen med förslag till lagstiftning för effektivisering av besöksförbudet](#)), 19 September 2022.

on restraining orders to satisfy the requirements of the Istanbul Convention by taking into account recommendations set out in GREVIO's (Group of Experts on Action against Violence against Women and Domestic Violence) evaluation report on the implementation of the Istanbul Convention in Finland.¹³⁹

Besides longer-term protection orders, the Act on Restraining Orders provides for temporary restraining orders as an emergency measure set out in Article 52 of the Istanbul Convention. In the evaluation report on Finland, GREVIO calls on the Finnish authorities to intensify their efforts to increase the use of temporary restraining orders. GREVIO points out that, under Article 52 of the Istanbul Convention, a temporary restraining order must be imposed in situations of immediate danger. As the purpose of the temporary restraining order is to ensure physical distancing between the victim and the perpetrator, GREVIO considers it an essential factor in preventing and combating violence against women. Thus, to comply with the requirements of the Convention, the provision on the temporary restraining order was amended so that an official entitled to make an arrest must issue a temporary restraining order ex officio if the apparent need for protection of the person at risk requires immediate issuance of the restraining order. Under the amended provision, the imposition of a temporary restraining order no longer requires that the person at risk is unable to apply for the restraining order themselves. The provision also takes into account GREVIO's view that as a measure of protection, issuance of emergency barring must not depend on the will of the victim but must be ordered ex officio as part of the state obligation to prevent any act of violence covered by the Istanbul Convention (see Article 5(2)).

Furthermore, under the amended legislation, the court can appoint a counsel for the applicant for a restraining order if the application is based on an offence against the applicant's life, health or liberty and is justified by the seriousness of the offence and the applicant's circumstances. Applying for a restraining order will become free of charge in all situations, even if the

¹³⁹ Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2019), [*GREVIO's \(Baseline\) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\) Finland*](#), Strasbourg, Council of Europe, 2 September 2019, pp. 52-54.

application is rejected. Referrals to support services will be made more efficient by obliging the authorities to refer the person protected by a temporary restraining order and the person subject to a restraining order to support services. As a new means of protecting a person at risk of life or health, the new legislation introduces electronic surveillance, which will accompany extended restraining orders. To improve the effectiveness of a restraining order, a case concerning a violation of a restraining order must be dealt with as a matter of urgency.

On 17 November 2022, Parliament approved amendments to the Criminal Code, which added gender-based motive for committing a crime to the criteria for increasing the punishment. The amendments entered into force on 1 January 2023.¹⁴⁰

¹⁴⁰ Finland, Act amending the Criminal Code (*laki rikoslain muuttamisesta/lag om ändring av strafflagen*), Act No. 1129/2022, 20 December 2022.

8 Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1 CRPD policy and legal developments & implementation of the European Accessibility Act

In Finland, the Parliament approved the government bill to transpose the [Directive \(EU\) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services](#) on 7 December 2022.¹⁴¹ The bill includes a new Act on Accessibility Requirements of Certain Products (*laki eräiden tuotteiden esteettömyysvaatimuksista/lag om tillgänglighetskrav för vissa produkter*) and amendments to several existing laws, such as the Act on the Provision of Digital Services.¹⁴²

In Finland, the government bill on disability services (HE 191/2022 vp) was submitted to Parliament on 22 September 2022.¹⁴³ The bill concerns special services which persons with disabilities are entitled to, and which complement the general social and health care services. The key principle of this long-awaited reform is to promote the inclusion and equality of persons with

¹⁴¹ Finland, Government bill HE 41/2022 on national legislation implementing the directive on the accessibility requirements for products and services ([hallituksen esitys eduskunnalle tuotteiden ja palvelujen esteettömyysvaatimuksia koskevan direktiivin täytäntöönpanoa koskevaksi lainsäädännöksi/regeringens proposition till riksdagen med förslag till lagstiftning om genomförande av direktivet om tillgänglighetskrav för produkter och tjänster](#)), 7 April 2022.

¹⁴² Finland, Act on the Provision of Digital Services ([Laki digitaalisten palvelujen tarjoamisesta/Lag om tillhandahållande av digitala tjänster](#)), Act No. 306/2019.

¹⁴³ Finland, Government bill HE 191/2022 on disability services ([hallituksen esitys eduskunnalle vammaispalvelulaiksi ja siihen liittyviksi laeiksi/regeringens proposition till riksdagen med förslag till lag om funktionshinderservice och till vissa lagar som har samband med den](#)), 22 September 2022.

disabilities and to reinforce decision-making genuinely based on the needs of a person with a disability.¹⁴⁴ It aims to support disabled persons' independence and right to self-determination, equality, participation and inclusivity and to secure adequate, good quality services according to individual needs. Almost all services would be subjective rights, defined on the basis of individual needs, not on the basis of a diagnosis. The bill emphasizes disabled persons' participation in the design and choice of the services, which requires that disabled persons are provided adequate information and support to enable them to communicate and express their views. Special support to enable participation at all stages of the process will be made available. The aim is that the new act would enter into force on 1 January 2023, simultaneously with the social and health care reform (SOTE-uudistus) which transfers the responsibility for organising the services from municipalities to new wellbeing services counties. The bill envisages a three-year transition period to secure the continuity of the services.

In a decision published on 7 April 2022, the CRPD Committee found Finland in violation of its obligations under article 19 (b) and article 5 (1) and (2), read alone and in conjunction with article 19, of the Convention. The case concerned the so called "resources criterion" included in Section 8(c)(2) of the Finnish Disability Services Act (Act No. 380/1987). This criterion requires that in order to receive personal assistance, persons with severe disabilities must have the capacity to define the content of the personal assistance and the modalities for providing it. The applicant had been refused his request for in-home personal assistance based on this criterion. The Committee considered that the rejection based on the resources criterion deprived the applicant of access to a practical option that could support his living and inclusion in the community, and concluded that the author's rights under article 19 (b) of the Convention had been violated. It also found that the rejection constituted indirect discrimination against persons with intellectual disabilities, as it had the effect of impairing or nullifying the author's enjoyment and exercise, on an equal basis with others, of the right to live independently and to be included in the community, in violation of his rights under article 5 (1) and (2), read alone and in conjunction with article 19, of the Convention. The Committee recommended Finland to provide the applicant with an effective remedy, including by reconsidering his application for personal assistance, and to pay him compensation. Furthermore, in order to prevent similar violations in the future, the Committee

¹⁴⁴ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2022), '[Hallitus esittää uutta vammaispalvelulakia](#)', press release, 22 September 2022.

recommended Finland to make the necessary changes in the Disability Services Act. In the new bill, described above, such changes have been taken into consideration. The criterion has been relaxed and new services added to the bill.¹⁴⁵

8.2 CRPD monitoring at national level

In Finland, the Human Rights Centre (Ihmisoikeuskeskus/Människorättscentret) and the Disability Rights Committee (Vammaisten henkilöiden ihmisoikeuskomitea/Människorättskommittén för personer med funktionsnedsättning, VIOK) have focused on developing a more systematised approach to their monitoring activities during the recent years.¹⁴⁶ The new monitoring system is expected to be finalised in 2023. In December 2022, the Human Rights Centre is organising a symposium on persons' with disabilities access to rights and on persons with disabilities in crisis situations. In the context of its inspections to care units for people with disabilities the Parliamentary Ombudsman (oikeusasiamies/justitieombudsmannen) made a recommendation concerning the importance of regular collection and careful analysis of feed-back from the residents as an essential part of self-monitoring.¹⁴⁷

¹⁴⁵ Finland, Government bill HE 191/2022 on disability services ([hallituksen esitys eduskunnalle vammaispalvelulaiksi ja siihen liittyviksi laeiksi/regeringens proposition till riksdagen med förslag till lag om funktionshinderservice och till vissa lagar som har samband med den](#)), p. 133.

¹⁴⁶ Finland, information obtained from the Finnish Human Rights Centre (Ihmisoikeuskeskus/Människorättscentret) via e-mail on 25 November 2022.

¹⁴⁷ Finland, Office of the Parliamentary Ombudsman (oikeusasiamies/justitieombudsmannen), Decision, EOAK/4128/2021, 25 January 2022.

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
Title (original language)	No promising practice has been identified for this thematic area

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.
Title (original language)	Osaavat-hanke / Projektet Kompetenta
Title (EN)	Capable project
Organisation (original language)	Oikeusministeriö
Organisation (EN)	Ministry of Justice
Government / Civil society	Government and civil society
Funding body	Ministry of Justice and the European Union's Rights, Equality and Citizenship Programme

Reference (incl. URL, where available)	https://oikeusministerio.fi/en/project?tunnus=OM023:00/2021
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 April 2021 – 31 March 2023
Type of initiative	Competence development
Main target group	Police and education sector
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Project aims at strengthening work against hate crimes and harassment especially through developing the competence of professionals in various fields.
Highlight any element of the actions that is transferable (max. 500 chars)	By contextualizing, several project functions are transferable. For example, training for the police and the education sector could be implemented elsewhere. In the production of the material, efforts have been made to make the material available in several languages so that it can be used (e.g., theme publications). The mapping of the use of restorative justice methods in addressing hate crimes is intended to serve international discussion as well, and an international webinar was also organized in connection with it, the report of which was published in Finnish and English. It would also be possible to carry out research on the perpetrators of hate crimes in other countries. In addition, it would be possible to conceptualize and pilot the centre of excellence in other countries, and for this purpose the process is well documented in various publications.
Give reasons why you consider the practice as sustainable (as	The aim of the project is to develop a more systematic approach to the coordination of work against hate crimes and discrimination and the development of expertise. For instance, the project published a report on making police training more established. The aim was not only to train, but also to give a proposal as to how training related to hate crimes will be implemented in the future as part of the continuing education for police.

<p>opposed to 'one off activities')</p>	<p>The aim with the conceptualization and piloting of the centre of excellence was also to develop structures that support the work in the future.</p> <p>The idea of the Anti-Racist Forum's part of the project (development of a reporting platform) has also been to develop reporting related to hate crimes in the long term.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The project is still in progress, so it is still too early to assess the final impact. The project has collected feedback on the training sessions, and the feedback can be used to evaluate the impact of the training sessions on the development of competence. As regards the training organised for mediators, the majority of all those who gave feedback said that they gained knowledge or skills from the training that they can use in their work.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Please see the above section on transferable elements.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The project partners include the Non-Discrimination Ombudsman and one non-governmental organisation (Anti-Racist Forum ry), and they have participated in the planning, implementation and evaluation of the project. In addition, the project's network includes the Ombudsman for Equality, the Ombudsman for Children and several non-governmental organizations. Non-governmental organizations and actors have also participated in planning and carrying out training sessions for mediators.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The project's results are evaluated in the project's steering group and in two workshops. In addition to the project partners, key stakeholders participate in the workshops (Police University College, Institute of Criminology and Legal Policy – Krime, Victim Support Finland and Suomen Muslimifoorumi ry). The first workshop was organized in February 2022, and the second workshop will be organized in February 2023. Indicators have already been set for the project in the application phase and the results of the project will be monitored using them.</p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
Title (original language)	Suomen romanikielen elvytysohjelma toimenpide-esityksineen/ Revitaliseringsprogrammet för finländsk romani med åtgärdsförslag
Title (EN)	Programme for the Revival of the Finnish Romani language and proposals for measures
Organisation (original language)	Opetushallitus/Utbildningsstyrelsen
Organisation (EN)	Finnish National Agency for Education
Government / Civil society	Government and civil society
Funding body	The programme will require funding from multiple sources. In connection with the launch of the programme, the Finnish Cultural Foundation (<i>Suomen Kulttuurirahasto</i>) informed that it will support the programme with € 1 million between 2023 and 2030. ¹⁴⁸
Reference (incl. URL, where available)	https://www.oph.fi/fi/tilastot-ja-julkaisut/julkaisut/suomen-romanikielen-elvytysohjelma-toimenpide-esityksineen
Indicate the start date of the promising practice and the finishing	The programme was launched on 30 November 2022. ¹⁴⁹ It covers the period 2023-2030.

¹⁴⁸ Finnish Cultural Foundation (*Suomen Kulttuurirahasto*) (2022), '[One million euros to support Romani language and culture](#)', press release, 15 December 2022.

¹⁴⁹ Finland, Finnish National Agency for Education (2022), '[Suomen uhanalaisen romanikielen elvytysohjelma turvaa romanikielen siirtymistä sukupolvesta toiselle](#)', press release, 30 November 2022.

date if it has ceased to exist	
Type of initiative	Language revival
Main target group	Romani children, youth, and language teachers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Finland's National Roma Policy 2018-2022 includes the task of developing a programme for the revival of the Romani language in Finland. The programme was developed by an expert group appointed by the Finnish National Agency for Education. The programme contains 11 proposals for measures, including training of language teachers, the provision of national distance education, the development of training material, and the increase of TV programmes and social media in Romani language also for children.
Highlight any element of the actions that is transferable (max. 500 chars)	The adoption of a programme on the revival of the Romani language is in itself a measure that is transferable. The content of the programme cannot as such be transferred but needs to be developed in collaboration with the Roma community. The collaborative manner in which the programme was developed in Finland with open discussions, an expert working-group and general consultation could be transferred also to other locations.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	As stated in the programme 'commitment, coordination of cooperation and the necessary financing' are essential for the successful implementation of the programme. The fact that it forms part of the first comprehensive language policy programme in Finland, ¹⁵⁰ launched on 16 June 2022, can be expected to assist in keeping the attention on the Romani language. Furthermore, the inclusion of some of the actions in the new National Roma Policy 2023-2030, which will be published in 2023, may also strengthen the implementation of the programme actions. Some of the proposals have the potential of becoming long-lasting, such as a pilot on including the Romani language in the bachelor degree of social services of Diaconia University of Applied Sciences. Further, the Romani language programme has indirect links to the National Child Strategy and its implementation plan. At present a study is carried out on the wellbeing and the implementation of rights of Roma children in Finland. In this context reference is made to improving the

¹⁵⁰ Finland, Finnish Government (2022), [Kielipoliittinen ohjelma. Valtioneuvoston periaatepäätös](#), Publications of the Finnish Government 2022:51, Helsinki, 16 June 2022.

	children’s right to the provision of education and services in their own language. ¹⁵¹ Notwithstanding this explicit reference to language rights in the Implementaion plan for the National Child Strategy, there is no reference to these in the Roma language programme.
Give reasons why you consider the practice as having concrete measurable impact	The responsible actors are listed in connection with each action together with indicators for their monitoring.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	See above
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The topic of the programme has been considered in the Advisory Board on Romani Affairs and in the Romani Board of the Institute for Languages of Finland (<i>Kotimaisten kielen keskuksen romanikielenlautakunta</i>) prior to the appointment of the working group, which drafted the programme. All these bodies have Roma representation. Further, the draft programme was published in the government consultation platform on 5 August 2022. It has also been presented and discussed at events directed at Roma organisations and in news media.
Explain, if applicable, how the practice provides	The measures that are going to be integrated in the new National Roma Policy 2023-2030 will be reviewed through that policy. According to the draft National Roma Policy a midterm review will be conducted. In addition, one of the actions in the draft National Roma Policy provides for the development of a unified reporting practice for Roma policy actions. ¹⁵²

¹⁵¹ Finland, Finnish Government (2022), *Implementation plan for the National Child Strategy*, Publications of the Finnish Government 2022:38, Helsinki, pp. 18-19.

¹⁵² Stenroos, M., Finnish Institute for Health and Welfare (2022), [Suomen romanipoliittinen ohjelma 2023-2030. Luonnos](#) [Finland’s Draft Roma policy programme 2023-2030], Terveysten ja hyvinvoinnin laitos, 13 October 2022, p. 6-7 and 48.

for review and assessment.	
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Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.
Title (original language)	Sotebotti-verkosto
Title (EN)	Sotebotti-network ¹⁵³
Organisation (original language)	-2021: THL (terveyden ja hyvinvoinnin laitos/institutet för hälsa och välfärd) 2022: Kela (Kansaneläkelaitos) / FPA (Folkpensionsanstalten)
Organisation (EN)	Finnish institute for health and welfare The Social Insurance Institution
Government / Civil society	Public-private collaboration
Funding body	Mixed public and private
Reference (incl. URL, where available)	Sotebotti: A peer network for social service and healthcare professionals - Kela
Indicate the start date of the promising practice and the finishing	2021-

¹⁵³ "Sotebotti" is composed of the abbreviation "sote", which stands for "sosiaali ja terveydenhuolto" (social and healthcare) and colloquism "botti", which means "bot".

date if it has ceased to exist	
Type of initiative	Coordinated information sharing and development network for the use of AI and robotics in social service and healthcare sectors.
Main target group	Social services and healthcare sectors broadly
Indicate level of implementation: Local/Regional/National	Multilayer (nation-wide)
Brief description (max. 1000 chars)	<p>Sotebotti-network is a public-private collaborative information sharing and development network for the use of AI and robotics in social service and healthcare sectors. Sotebotti-network was initiated in 2021 as a part of the Well-being and Health Sector's Artificial Intelligence and Robotics Programme (Hyteairo) (<i>Hyvinvoinnin tekoäly ja robotiikka -ohjelma/Programmet för artificiell intelligens och robotik i välfärden</i>) in collaboration with the National Artificial Intelligence Programme AuroraAI (<i>kansallinen tekoälyohjelma AuroraAI/nationella AI-programmet AuroraAI</i>). After Hyteairo programme was concluded, Sotebotti-network continued operating and its coordination was shifted from THL to Kela for the year 2022.</p> <p>The purpose of the Sotebotti-network is to support communication specifically on AI and its role in the provision of services as well as to promote the use of bots in the field of social and healthcare services. While the main focus of the communication concerns the exchange and dissemination of information on the current state of conversational AI, the participants have also been utilising it for other related and relevant topics such as robotic process automation.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	The practice and its various elements appear to be largely transferable. Public-private network is a voluntary model to promote the use of AI and robotics and harmonise these practices, which aligns well with the objectives of EU Better Regulation agenda. Coordination can also be carried out by either public or private actors. The approach can be transferred to other subject-matters beyond social service and health care. Likewise, it can be transferred from national to transnational level.
Give reasons why you consider the practice as sustainable (as	The governance structure along the sufficiently focused subject-matter and objectives are the main reasons to consider this practice sustainable. The network structure can facilitate continuity by incentivising new actors to join the network and provide more information. At the same time, there are relatively few reasons for the participants to leave the network. Especially as the information, technology and its related issues

opposed to 'one off activities')	evolves all the time, making the participants of the network better off than those outside it. This all reduces the likelihood of fadeout from stagnation.
Give reasons why you consider the practice as having concrete measurable impact	The practice can speed up the implementation of AI and robotics technologies in the social service and healthcare sectors as well as harmonise these practices. It can also promote innovation and creation of new knowledge by expanding the use of the technologies in question to new context and by bringing various actors together. Furthermore, this also facilitates dialogue between these different actors such as public and private health care service providers, technology providers and civil society organisations. Participation in the network can provide a channel for its participants to influence the legislative drafting. On the grass-root level, the results of the network can improve the quality of the services to their users. User feedback can be collected and revised in subsequent review assessments.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The model is largely relying on its model of governance and mutual benefit of its participants. These do not require large legislative amendments and can generally be established within existing competences. Each network can be tailored to suit its respective context such as specific subject-matter and/or jurisdiction. The AI and robotics related issues in question generally apply to most other Member States as such.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The practice is effectively built on the interests, practices and interactions of its participants. Stakeholders have been also interviewed and heard through questionnaires and workshops in the preliminary stages of the Hyteairo programme.
Explain, if applicable, how the practice provides for review and assessment.	Mainly internally within the communication platform of the network among its participants.

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).
Title (original language)	Harrastamisen Suomen malli (in Finnish) Finlandsmodellen för hobbyverksamhet (in Swedish)
Title (EN)	The Finnish model for leisure activities
Organisation (original language)	Opetus- ja kulttuuriministeriö (in Finnish) Undervisnings- och kulturministeriet (in Swedish)
Organisation (EN)	Ministry of Education and Culture
Government / Civil society	Government at central and local levels
Funding body	Ministry of Education and Culture
Reference (incl. URL, where available)	https://harrastamisensuomenmalli.fi
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The project started on 1 January 2021 with a pilot phase ending on 5 June 2021 in 117 municipalities. In the school year of 2021-22 the model was applied in 235 municipalities and in 2022-2023 it will be applied in 249 municipalities.
Type of initiative	Development project
Main target group	Children in basic education (grades 1-9)
Indicate level of implementation: Local/Regional/National	Local and National
Brief description (max. 1000 chars)	The main objective of the Finnish model is to increase the wellbeing of children and young people. The aim is to enable every child and young person to have a leisure activity in connection with the school day that they

	<p>enjoy and one that is free of charge. To help children to find a leisure activity the municipalities are encouraged to organise, in collaboration with organisations providing leisure activities, so called annual leisure weeks (<i>harrasteviikot</i>),¹⁵⁴ where children and youth are given opportunities to familiarize themselves with various activities. In addition, children and youth can get to know leisure activities online through the webpage of the leisure weeks. A coordination unit has been established at the Finnish National Agency for Education (<i>opetushallitus/utbildningsstyrelsen</i>) with the task to coordinate the activities and maintain the webpage of the model. The Ministry of Education and Culture has provided funding annually for the implementation of the Finnish model in the municipalities between 2021 and 2023. The leisure activities are organized by the municipalities and organisations.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The basic components, that is, the hearing of children and youth on their preferences regarding leisure activities, coordination of good practices and working methods, and collaboration between schools and organisers of leisure activities, can be transferred to other locations. Also the material developed and displayed at the webpage of the model can be translated to other languages.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The model has been established in the Youth Act (<i>nuorisolaki/ungdomslagen</i>) by way of a legislative amendment adopted on 11 October 2022. The amendment will enter into force on 1 January 2023.¹⁵⁵ It can be expected that this will motivate municipalities to implement the model, even if it is voluntary. However, ultimately the success of the model will most likely depend on the availability of funding.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The reform enables children also from poorer families to be engaged in leisure activities of their own preference. The fact that the activities are coordinated by the municipalities and organised in connection with the school day allows monitoring of the outcome of the model.</p>
<p>Give reasons why you consider the practice as transferable to other settings</p>	<p>As indicated above, most components of the Finnish model for leisure activities can be transferred to other countries. However, it can be expected that adjustments to local conditions would have to be made. Also the regulatory framework might differ.</p>

¹⁵⁴ Finland, harrastusviikko.fi, webpage.

¹⁵⁵ Finland, Parliament answer 109/2022 concerning the Government bill HE 107/2022 (*eduskunnan vastaus EV 109/2022 vp – HE 107/2022 vp/riksdagens svar RSv 109/2022 rd – RP 107/2022 rd*), 11 October 2022

and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	A key component of the Finnish model for leisure activities is the hearing of children and young persons about their preferences when it comes to such activities. The involvement of the beneficiaries is in other words an integral part of the model. This is reflected in the leisure weeks, which were proposed by the children and youth themselves. In order to assess whether the Finnish model has achieved its objectives, the Ministry of Education and Culture has commissioned an evaluation of the Finnish model for leisure activities to be carried out during the period 1 September 2022 to 30 March 2023. ¹⁵⁶ During this period a survey among school children and youth on their preferences will be carried out starting in October 2022.
Explain, if applicable, how the practice provides for review and assessment.	See above

Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.
Title (original language)	No promising practice has been identified for this thematic area

¹⁵⁶ Finland, Ministry of Education and Culture (2022), '[Harrastamisen Suomen mallista arviointi](#)', press release, 5 September 2022.

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
Title (original language)	Vammaisneuvostopäivä (2021, 2022)
Title (EN)	Disability Councils' Day
Organisation (original language)	Valtiovarainministeriön avoimen hallinnon hanke ja vammaisten henkilöiden oikeuksien neuvottelukunta (VANE)
Organisation (EN)	The Open Government Project at the Ministry of Finance (<i>valtiovarainministeriö/finansministeriet</i>) and the Advisory Board for the Rights of Persons with Disabilities (VANE) at the Ministry of Social Affairs and Health (<i>sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet</i>)
Government / Civil society	Government (both)
Funding body	Ministry of Finance
Reference (incl. URL, where available)	https://avoinhallinto.fi/verkostot/vammaisneuvostopaiva/ https://avoinhallinto.fi/assets/files/2021/12/Avoin-hallinto_IV_toimintaohjelma_2021.pdf (Open government action plan 2019–2023) https://vane.to/en/frontpage
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The Disability Councils' Day is organised on an annual basis as a part of the Open Government Project and the Open Government Action Plan 2019–2023 (Avoin hallinto, toimintaohjelma 2019–2023). Thus far, it has been organised twice, in 2021 and 2022.

Type of initiative	An annual event to enhance participation, networking and joint development work, part of the open government action plan 2019–2023.
Main target group	Municipal disability councils (established in accordance with Section 28 of the Local Government Act , Act No. 410/2015) and their members
Indicate level of implementation: Local/Regional/National	Local and national
Brief description (max. 1000 chars)	The Disability Councils' Day is organised on an annual basis by the Open Government Project of the Finnish Ministry of Finance in cooperation with the Advisory Board for the Rights of Persons with Disabilities (VANE), which is the national coordinating mechanism for the UN Convention on the Rights of Persons with Disabilities. The aim of the event is to increase the opportunities for the members of the local disability councils for national exchange of experiences and information and joint development work.
Highlight any element of the actions that is transferable (max. 500 chars)	The entire action is easily transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Sustainability is one of the key commitments in the Open Government Action Plan. The event strengthens networking between the councils, which should contribute to sustainability even after the project is completed. The current open government action plan is already the fourth successive four-year action plan.
Give reasons why you consider the practice as having concrete measurable impact	Strengthened networking and participation as well as shared best practices, established by means of surveys among the councils and/or through specific studies could be used as methods to measure the desired impact.
Give reasons why you consider the practice as	This practice is transfereable to any member state with similar structures for local participation. The Open Government Project is part of the international Open government partnership programme (OGP).

transferable to other settings and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	<p>The event is organised in co-operation with the Advisory Board for Rights of Persons with Disabilities (VANE), and the themes are chosen on the basis of a survey among the local councils to reflect their wishes and preferences. Feedback is collected from the participants.</p>
Explain, if applicable, how the practice provides for review and assessment.	<p>Monitoring and assessment is included in the Open Government Actions Plan. For example, the action plan interim report published in 2021 includes a chapter on the Disability Councils' Day organised in 2021. (https://avoinhallinto.fi/assets/files/2021/12/Avoin-hallinto_valiarviointi_2021.pdf)</p>

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	No case law has been identified for this thematic area

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
Decision date	8 September 2022
Reference details	Supreme Administrative Court (<i>Korkein hallinto-oikeus/Högsta förvaltningsdomstolen</i>) KHO:2022:106
Key facts of the case (max. 500 chars)	<p>In the case, it was to be determined whether the action of the plainclothes police patrol of the Helsinki Police Department was based on discriminatory ethnic profiling after it stopped, for control measures, the appellants walking on the street. According to the police department, the stopping of the appellants was a matter of monitoring of street prostitution, and the stopping was based on the police's findings as well as analysis and tip-off information.</p> <p>According to the appellants' account, they were spending the evening in a restaurant in the centre of Helsinki together with their male friend and left the restaurant together with him.</p> <p>From the statement, which the police department had given to the National Non-Discrimination and Equality Tribunal on 16 December 2018, it appears that the plainclothes police officers who, among other things, were monitoring street prostitution based on tip-off had noticed "a white-</p>

	<p>skinned, tall man talking to two dark-skinned women" while walking on the street. According to the statement, this had caught the patrol's attention, which is why they had decided to stay and monitor the situation, and after the man left the group of women, they had checked the women's IDs.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The events under consideration took place in the centre of Helsinki in an area where, based on the general knowledge of the police, street prostitution occurs, and at a time of night, which is usual for the practice of street prostitution.</p> <p>The police have claimed that the plainclothes patrol had received a tip-off about street prostitution in the area during their work shift. No explanation has been presented about the more detailed content of the hint information.</p> <p>According to the police, the vast majority of street prostitutes in Helsinki are foreigners and especially women of African origin. Similarly, the typical buyer of sex services has been found to be a white-skinned man.</p> <p>The Supreme Administrative Court states that, due to the above-mentioned facts, it can be considered acceptable that the police patrol paid attention to the appellants after spotting them in the company of a white-skinned male person on the street at night. Based on the background information available to the police, the situation may have appeared to be related to street prostitution, and the police thus had a justified reason to observe the actions of the appellants and the person accompanying them as part of their supervision of street prostitution.</p> <p>According to the report received, after the man accompanying the appellants left the place in a taxi alone, the police patrol had immediately stopped the appellants in order to check their identity. However, the police have not pointed out that any other features related to the practice of street prostitution had been observed in the actions or behavior of the appellants other than the fact that they had been talking on the street in the company of a white-skinned male person at night in an area where street prostitution is known to occur, especially by dark-skinned women, and where, based on the information received, street prostitution was also practiced in that area at the time of the event.</p> <p>The Supreme Administrative Court noted that the event took place in the center of Helsinki where a lot of people other than sex sellers and buyers move around even at night, especially on</p>

	<p>weekends. The police have not established that the tip-off about street prostitution that they received that evening was in any way connected to the applicants or to persons who resembled them other than in terms of skin color, or that they had other reasons based on their own observations to suspect the applicants of engaging in street prostitution after the male person interpreted as a potential customer contact had left the place and the suspicion of street prostitution in relation to this situation had thus proved to be unwarranted.</p> <p>Based on the above-mentioned grounds, the Supreme Administrative Court considered that the police had not presented such a report, on the basis of which it would be possible to state that the control measure aimed at the appellants was not based solely or to a decisive extent on the persons' real or assumed ethnic origin. The Supreme Administrative Court finds that stopping the appellants cannot be considered a proportionate means of carrying out the control of street prostitution, and thus the police have not rebutted the presumption of discrimination that arose in the case. The Supreme Administrative Court finds that the appellants have thus been discriminated against by the supervisory measure in violation of Section 8 of the Equality Act.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Supreme Administrative Court was to determine whether the police officers involved in the supervision of foreign nationals and street prostitution had legal grounds to stop the appellants in order to carry out supervision measures. More specifically, the issue was whether the supervision measure was based on discriminatory ethnic profiling.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>In its decision of 19 December 2018 (registered as case no. 337/2017), the National Non-Discrimination and Equality Tribunal has considered that the conduct of the Helsinki Police Department in connection with stopping the appellants on the night of 9 July 2016 in the centre of Helsinki was direct discrimination against the appellants based on their origin. The Tribunal prohibited the police department from repeating the conduct, which they had directed against the applicants, that was in violation of Section 8 of the Non-Discrimination Act.¹⁵⁷ The Tribunal also imposed a penalty of 10,000 euros on breach of the prohibition and ordered that the police department comply with the prohibition immediately after receiving the decision.</p> <p>According to the decision of the Supreme Administrative Court, the decision of the Administrative Court is annulled and the decision of the National Non-Discrimination and Equality Tribunal is enforced.</p>

¹⁵⁷ Finland, Non-Discrimination Act ([unofficial translation in English](#); [yhdenvertaisuuslaki/diskrimineringslag](#)), Act No. 1325/2014, 30 December 2014.

	<p>The Helsinki Police Department/the State of Finland is obliged to compensate the legal costs of the appellants with the 1,909.60 euros demanded in the administrative court, including default interest.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Key quotation in Finnish:</p> <p>Asiassa oli ratkaistavana, oliko Helsingin poliisilaitoksen siviiliasuisen poliisipartion toiminta perustunut syrjivään etniseen profilointiin sen pysäytettyä kadulla kävelleet muutoksenhakijat valvontatoimenpiteitä varten. Poliisilaitoksen mukaan kysymys oli katuprostituutioon kohdistuvasta valvonnasta, ja muutoksenhakijoiden pysäyttäminen perustui poliisin havaintoihin sekä analyysi- ja vihjetietoihin.</p> <p>Korkein hallinto-oikeus totesi, että poliisin suorittamalla katuprostituutiovalvonnalla oli ollut yhdenvertaisuuslain 11 §:n 1 momentissa edellytetty lakiin perustuva hyväksyttävä tavoite. Saadun selvityksen perusteella poliisilla oli myös ollut hyväksyttävä syy kiinnittää huomiota muutoksenhakijoihin ja heidän seurassaan olleeseen mieshenkilöön sekä tarkkailla heidän toimintaansa.</p> <p>Korkein hallinto-oikeus katsoi kuitenkin, että potentiaalisiksi asiakaskontaktiksi tulkitun miehen poistuttua muutoksenhakijoiden seurasta poliisi ei ollut enää voinut päätellä tilanteen liittyneen seksin myymiseen. Poliisi ei ollut myöskään selvittänyt, että sen saama vihjetieto katuprostituutiosta olisi liittynyt muutoksenhakijoihin tai heitä muutoin kuin ihonvärin puolesta muistuttaviin henkilöihin tai että sillä olisi ollut muita omiin havaintoihin perustuvia syitä epäillä muutoksenhakijoita katuprostituution harjoittamisesta. Muutoksenhakijoiden pysäyttämistä valvontatoimenpiteitä varten ei siten asian olosuhteissa voitu pitää oikeasuhtaisena keinona katuprostituutiovalvonnan suorittamiselle.</p> <p>Key quotation translated into English:</p> <p>In the case, it was to be determined whether the action of the plainclothes police patrol of the Helsinki Police Department was based on discriminatory ethnic profiling after it stopped, for control measures, the appellants walking on the street. According to the police department, the stopping of the appellants was a matter of monitoring of street prostitution, and the stopping was based on the police's findings as well as analysis and tip-off information.</p>

	<p>The Supreme Administrative Court stated that the police's supervision of street prostitution had an acceptable objective based on the law as required in section 11 subsection 1 of the Equality Act. Based on the report received, the police also had an acceptable reason to pay attention to the appellants and the male person accompanying them, and to observe their activities.</p> <p>However, the Supreme Administrative Court considered that after the man interpreted to be a potential client left the company of the appellants, the police could no longer conclude that the situation was related to selling sex. The police had also not established that the tip-off about street prostitution that it had received was related to the appellants or persons who resembled them in ways other than their skin color, or that it had other reasons based on its own observations to suspect the appellants of engaging in street prostitution. Therefore, in the circumstances of the case, stopping the appellants for control measures could not be considered a proportionate means of carrying out street prostitution control.</p> <p>https://www.kho.fi/fi/index/paatokset/vuosikirjapaatokset/1662440009521.html</p>
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Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	No case law has been identified for this thematic area

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
Decision date	14 June 2022

Reference details	Supreme Administrative Court (<i>Korkein hallinto-oikeus/Högsta förvaltningsdomstolen</i>) KHO:2022:69
Key facts of the case (max. 500 chars)	<p>A's residence permit application based on family ties was rejected on the basis of evasion of the immigration regulations. The Supreme Administrative Court found that A had appeared in several countries with different identities, arrived in Finland without a valid document and stayed in the country illegally. They had also tried to hide their previous asylum applications and provided false information about their arrival in Finland. In the case, there were reasonable grounds to suspect that A's purpose was to evade the regulations on entry into the country.</p> <p>Although there was a reason for the rejection of the residence permit application referred to in Section 36 Subsection 2 of the Aliens Act¹⁵⁸, it still had to be assessed whether the refusal of the residence permit was to be considered proportionate.</p> <p>A's family ties to Finland could be considered solid, and it had been established that they had participated in the family's everyday life and their child's upbringing. However, A's activity showing evasion of the entry regulations had been long-lasting and had continued at the point when they had applied for the residence permit in question. A had given contradictory statements about their personal information, which continued to raise doubts about their identity.</p> <p>The Supreme Administrative Court concluded that the reasons for rejecting the residence permit application were more weighty than the reasons for the protection of family life and the best interests of the child.</p>
Main reasoning/argumentation (max. 500 chars)	Before arriving in Finland, the appellant had stayed in Germany and Italy in 2014 and 2015, applied for asylum in both countries and escaped from the German authorities by leaving the country. The appellant has appeared in both countries with several different identities and dates of birth. During their stay in Finland, the appellant had said that they had not previously applied for asylum in another country and that they had arrived in Finland directly from Nigeria with a tourist visa in

¹⁵⁸ Finland, Aliens Act ([unofficial translation in English](#); [ulkomaalaislaki/utlänningslag](#)), Act No. 301/2004, 1 May 2004.

	<p>2017. The appellant's account is in conflict with information obtained about the appellant through various registers and Eurodac, which gives reason to suspect that the appellant has misled the authorities and knowingly hid their application history.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The applicant is a family member of a Finnish citizen living in Finland, and they could therefore be granted a residence permit, as referred to in Section 50 Subsection 1 of the Aliens Act,¹⁵⁹ on the basis of family ties, if the other conditions for granting a residence permit are met.</p> <p>The question is whether a residence permit based on family ties could have been refused pursuant to Section 36 Subsection 2 of the Aliens Act.¹⁶⁰ According to the provision, a residence permit may not be issued if there is reasonable cause to suspect that the foreigner's intention is to evade the provisions on entry into or residence in the country.</p> <p>If the appellant's actions are to be considered an evasion of the immigration regulations, the Supreme Administrative Court notes that it remains to be assessed whether the refusal of the residence permit is to be considered proportionate, taking into account the protection of family life and the best interests of the child as stated in Section 66a of the Aliens Act.¹⁶¹</p> <p>When evaluating the protection of family life and the best interests of the child in relation to the general interest related to immigration control, it must be taken into account that the appellant's actions showing the evasion of the immigration regulations have been long-lasting and continued even at the stage when they applied for the residence permit based on family ties in question. The Supreme Administrative Court finds that the appellant's actions as a whole must be regarded as highly reprehensible, especially when it is taken into account that the appellant had presented such contradictory statements about their personal information, which continues to raise doubts about their identity. The considerations regarding immigration control and the public interest are so weighty that they can be considered an obstacle to the granting of a residence permit, despite the</p>

¹⁵⁹ Finland, Aliens Act ([unofficial translation in English; ulkomaalaislaki/utlänningslag](#)), Act No. 301/2004, 1 May 2004.

¹⁶⁰ Finland, Aliens Act ([unofficial translation in English; ulkomaalaislaki/utlänningslag](#)), Act No. 301/2004, 1 May 2004.

¹⁶¹ Finland, Aliens Act ([unofficial translation in English; ulkomaalaislaki/utlänningslag](#)), Act No. 301/2004, 1 May 2004.

	<p>appellant's family ties to Finland. In the case, no individual facts related to the best interests of the child have been brought up that would require the granting of a residence permit to the appellant.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Supreme Administrative Court finds that there are no grounds for changing the final result of the administrative court's decision.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Key quotation in Finnish:</p> <p>A:n perhesideperusteinen oleskelulupahakemus oli hylätty maahantulosäännösten kiertämisen perusteella. Korkein hallinto-oikeus totesi, että A oli esiintynyt useilla toisistaan poikkeavilla henkilötiedoilla useassa maassa, saapunut Suomeen ilman siihen oikeuttavaa asiakirjaa ja oleskellut maassa laittomasti. Hän oli myös pyrkinyt salaamaan aikaisemmat turvapaikkahakemuksensa ja antanut vääriä tietoja Suomeen tulostaan. Asiassa oli perusteltua aihetta epäillä A:n tarkoituksena olleen maahantuloa koskevien säännösten kiertäminen.</p> <p>Vaikka oleskelulupahakemuksen hylkäämiselle oli ulkomaalaislain 36 §:n 2 momentissa tarkoitettu peruste, oli vielä arvioitava, oliko oleskeluluvan epäämistä pidettävä oikeasuhtaisena.</p> <p>A:n perhesiteitä Suomeen voitiin pitää kiinteinä, ja hänen oli selvitetty osallistuvan perheen arkeen ja lapsen kasvatukseen. A:n maahantulosäännösten kiertämistä osoittava toiminta oli kuitenkin ollut pitkäkestoista ja jatkunut edelleen siinä vaiheessa, kun hän oli hakenut nyt kyseessä olevaa oleskelulupaa. A oli esittänyt henkilöllisyydestään sellaista ristiriitaista selvitystä, joka edelleen herätti epäilyksiä hänen henkilöllisyydestään.</p> <p>Korkein hallinto-oikeus päätyi punninnassa siihen, että oleskelulupahakemuksen hylkäämistä puoltavat seikat olivat painavampia kuin perhe-elämän suojasta ja lapsen edusta esitetyt seikat.</p> <p>Key quotation translated into English:</p> <p>A's residence permit application based on family ties was rejected on the basis of evasion of the immigration regulations. The Supreme Administrative Court found that A had appeared in several countries with different identities, arrived in Finland without a valid document and stayed in the country illegally. They had also tried to hide their previous asylum applications and provided false</p>

	<p>information about their arrival in Finland. In the case, there were reasonable grounds to suspect that A's purpose was to evade the regulations on entry into the country.</p> <p>Although there was a reason for the rejection of the residence permit application referred to in Section 36 Subsection 2 of the Aliens Act¹⁶², it still had to be assessed whether the refusal of the residence permit was to be considered proportionate.</p> <p>A's family ties to Finland could be considered solid, and it had been established that they had participated in the family's everyday life and their child's upbringing. However, A's activity showing evasion of the entry regulations had been long-lasting and had continued at the point when they had applied for the residence permit in question. A had given contradictory statements about their personal information, which continued to raise doubts about their identity.</p> <p>The Supreme Administrative Court concluded that the reasons for rejecting the residence permit application were more weighty than the reasons for the protection of family life and the best interests of the child.</p> <p>https://www.kho.fi/fi/index/paatokset/vuosikirjapaatokset/1654852820556.html</p>
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Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
Decision date	5 July 2022
Reference details	Supreme Court (<i>Korkein oikeus/Högsta domstolen</i>) KKO:2022:47

¹⁶² Finland, Aliens Act ([unofficial translation in English](#); [ulkomaalaislaki/utlänningslag](#)), Act No. 301/2004, 1 May 2004.

Key facts of the case (max. 500 chars)	<p>A company had monitored a peer-to-peer filesharing network to collect evidence for copyright infringements of their works and requested a telecoms operator to disclose contact details of 34 subscribers who had allegedly made copyright infringements to a significant extent. The operator rebutted that none of the subscribers met the significance threshold required. The court ordered the operator to disclose contact details of 5 subscribers, but dismissed the application as for the remainder for a failure to demonstrate the significance. Both appealed to the Supreme Court.</p>
Main reasoning/argumentation (max. 500 chars)	<p>The Supreme Court considered that it is not necessary to demonstrate any de minimis amount of unauthorized sharing from a single BitTorrent user. Instead, weight should be given to the awareness of the users of how BitTorrent networks function, the high number of potential recipients connected to them, and the inability of the BitTorrent users to affect the subsequent dissemination of the files. Therefore, disclosure of the contact details of users was not considered as an excessive interference when measured against the rights of the copyright holders.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>Whether the material had been made available to the public to a significant extent to allow the court to order disclosure of contact details to other private party; how to balance right to privacy of telecom subscribers with the protection of property of copyright holders.</p>
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The telecom operator was ordered to disclose the contact details of all 34 subscribers to the company. As a legal consequence, the ruling of the case may revitalize the so-called copyright infringement letter practices that were until now hindered by the previous case law.</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>[L]uovutuksen kohteena ovat pelkästään IP-osoitteiden haltijoiden ja käyttäjien yhteystiedot, joiden perusteella ei ainakaan yleensä ole tehtävissä tarkkoja päätelmiä käyttäjän yksityiselämästä siitäkään huolimatta, että tekijänoikeuden haltijan tiedossa on luovuttamismääräyksen perusteena olevien viestintätapahtumien sisältö. KKO:2022:47</p> <p>[T]he subject matter of the disclosure comprises merely of the contact details of the IP address holders and users, which, at least generally, do not allow for any precise conclusions to be drawn about the private life of the user, even if the copyright holder is aware of the content of the communications which are the subject of the order to supply information</p>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision for the related topics addressed in the chapter.
Decision date	29 November 2022
Reference details	Supreme Court (<i>Korkein oikeus/Högsta domstolen</i>) KKO:2022:66
Key facts of the case (max. 500 chars)	The case concerned, primarily, child sexual abuse, assault and illegal threat in a close relationship. In the District Court, the testimony of the injured party, who was a minor, was given through a video recording that had been made in connection with the criminal investigation. The defendant had had an opportunity to ask questions of the injured party during that hearing. Pursuant to the Code of Judicial Procedure (Act No. 4/1734), a hearing recorded in a video is admissible as evidence, when the person heard is below 15 years of age. In the Court of Appeal, the defendant requested that the injured party, who had reached the age of 15 years after the district court proceedings, is heard in person. The injured party objected to this. In a separate procedural decision, the Court of Appeal accepted that the hearing is conducted in person, but only concerning the charges of assault and illegal threat, not child sexual abuse. The Code of Judicial Procedure allows testimony through video recording in a sexual offence, when the injured party is between the ages of 15 to 17 years and does not want to attend the proceedings to be heard. The Court of Appeal also ordered the injured party, under threat of a fine, to appear at the main hearing in person. The Court did not address the issue of special protection of the child, on grounds that the question of special protection had not been presented to the court for consideration. The Court of Appeal did not order that a request for a review of the decision on hearing the injured party in person could be made separately, while this could be addressed in conjunction with an appeal concerning the principal issue. Nevertheless, the injured party appealed against the decisions to the Supreme Court.
Main reasoning/argumentation (max. 500 chars)	According to Chapter 17, section 68, of the Code of Judicial Procedure, a decision concerning evidence can as a rule be appealed in conjunction with the principal issue. Only exceptionally can a separate appeal be provided. The Supreme Court considered that there were such exceptional circumstances

	<p>in the present case due to the young age of the injured party, the close relationship to the defendant and the nature of the offences. Considering the legal safeguards of the injured party, a request for a review in connection with the principal issue would be too late and thus insufficient.</p> <p>When assessing the request to conduct the hearing in person, the Supreme Court made reference to the Victims' Rights Directive 2012/29/EU and the Council Framework Decision 2001/220/JHA and the need to carry out an assessment of the victim's personal circumstances throughout the criminal proceeding. According to Chapter 17, section 24, of the Code of Judicial Procedure, a video-recorded hearing of an injured party aged between 15 to 17 years may be used as evidence, if the defendant has been reserved an appropriate opportunity to ask questions of the person being heard and if the injured party is in need of special protection taking into consideration his or her personal circumstances and the nature of the offence. The Supreme Court concluded that the Court of Appeal should have assessed, on its own initiative, whether the injured party was in need of special protection. This is particularly the case when the injured party is underage and the offence involves violence in a close relationship. Finally, the Supreme Court confirmed that the injured party was in circumstances which warranted special protection and that hearing in person should not have been provided.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Criminal Investigation Act (Act No. 805/2011) stipulates in Chapter 11, section 9a(1), that the assessment of the need for special protection shall be carried out by pre-trial investigation authorities. No separate provision regulates the responsibility of the courts to assess the need for special protection of the injured party. The need for a separate provision on the duty of courts in this regard was addressed when the Criminal Investigation Act was amended in order to incorporate the Victims' Rights Directive into national law. The Law Committee of Parliament concluded that no separate provision is needed and that the approach taken should be the most appropriate in practice. Accordingly, the court should pay attention to Chapter 11, section 9a, of the Criminal Investigation Act when it applies the Code of Judicial Procedure (Act No. 4/1734) and the Act on the Publicity of Court Proceedings in General Courts (Act No. 370/2007).</p>

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The Supreme Court notes in the judgment that the decision to assess whether the video recording can be used as evidence in the court, should be returned to the Court of Appeal for a new consideration. However, due to the urgency of the matter, the Supreme Court considered that the matter could be taken up in the Supreme Court immediately. The decision of the Court of Appeal to accept hearing in person was repealed.</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>”Korkein oikeus toteaa, että useissa rikosasioissa on jo alkuvaiheessa selvää, että asiaan ei liity sellaisia seikkoja, joiden vuoksi asianomistaja voisi olla erityisen suojelun tarpeessa. Tällöin tuomioistuimella ei ole yleensä tarvetta ryhtyä enempiin toimenpiteisiin suojelun tarpeen selvittämiseksi. Sen sijaan esimerkiksi silloin, kun kyse on alaikäisestä asianomistajasta ja arvioitavana on läheissuhteessa tapahtuneeksi väitetty väkivaltarikos, korostuu tuomioistuimen velvollisuus selvittää tarkemmin asinomitajan suojelutarvetta”.</p> <p>”The Supreme Court notes that in many criminal cases it is clear from the outset that there are no circumstances in the case that could cause the injured party to be in need of special protection. In such cases, there is usually no need for the court to take further action to determine the need for protection. On the other hand, when a minor injured party is involved and the case concern the assessment of a violent crime allegedly committed in a close relationship, the court's obligation to investigate in more detail the injured party’s need for protection is emphasised.”</p>

Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).
Decision date	29 November 2022

Reference details	Supreme Court (<i>Korkein oikeus/Högsta domstolen</i>) KKO:2022:66
Key facts of the case (max. 500 chars)	The decision is described under Rights of the child.
Main reasoning/argumentation (max. 500 chars)	
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	
Key quotation in original language and translated into English with reference details (max. 500 chars)	

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	14 January 2022
Reference details	Supreme Administrative Court (<i>Korkein hallinto-oikeus/Högsta förvaltningsdomstolen</i>) KHO:2022:6 ECLI:FI:KHO:2022:6

Key facts of the case (max. 500 chars)	<p>The guardian of a 4-years old child with mental impairment had applied for reimbursement of costs effectuated by building a higher fence around the family courtyard. At issue was whether building the fence was necessary for the child to be able to conduct ordinary life, with due consideration to the child's age, and whether, consequently, the municipality was under an obligation to reimburse the costs of the modification work in accordance with Section 9(2)the Disabled Services Act.</p>
Main reasoning/argumentation (max. 500 chars)	<p>The Court found that the child, due to the impairment, had difficulties in conducting ordinary life, including outdoors activities. He could be considered as having a severe impairment in this respect. Building the fence could also be seen useful for both the child and the parents. Considering the nature of the child's disability and the overall circumstances, however, the Court found that a higher fence was <i>not necessary</i> from the perspective of the child being able to live at home and to exercise outdoors. The municipality thus had no obligation to reimburse the costs of the modification work. No such obligation could be derived from the CRPD (articles 7,9, 14 and 20), either.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>At issue was whether the modification work was necessary in order for the disabled child to be able to excersice outdoors. In ligt of the national law, in the first hand, and relevant articles of CRPD this was not found to be the case.</p>
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>There were no consequences since the Court found that the municipality did not have an obligation to reimburse the costs in question.</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>Kun otettiin huomioon lapsen vamman laadusta ja olosuhteista saatu selvitys kokonaisuutena, haettu korkeampi piha-aita ei ollut lapsen kotona asumisen ja hänen ulkoilusta suoriutumisensa kannalta välttämätöntä. Kunnalla ei ollut velvollisuutta korvata vaadittuja kustannuksia asunnon muutostöinä.</p> <p>Considering the nature of the child's disability and an overall assessment of the circumstances, a higher courtyard fence was not necessary to enable the child to live at home and to conduct outdoors activities. The municipality had no obligation to reimburse the modification work.</p>