PARLIAMENTARY OMBUDSMAN OF FINLAND

SUMMARY OF THE ANNUAL REPORT 2024

PARLIAMENTARY OMBUDSMAN OF FINLAND

PARLIAMENTARY OMBUDSMAN OF FINLAND

SUMMARY OF THE ANNUAL REPORT 2024

ISSN 0784–5677
Printing: PunaMusta Oy, Turenki 2025
Format and graphs: Virpi Salminen
Translation: Lingsoft Language Services Oy

To the reader

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

The undersigned Mr Petri Jääskeläinen, Doctor of Laws and LL.M. with Court Training, served as Parliamentary Ombudsman throughout the year under review 2024. My term of office is from 1 January 2022 to 31 December 2025. Those who have served as Deputy Ombudsmen are Licentiate in Laws Ms Maija Sakslin (from 1 April 2022 to 31 March 2026) and Licentiate in Laws and LL.M. with Court Training Mr Mikko Sarja (from 1 June 2023 to 31 May 2027).

Doctor of Laws, Secretary General Mr Jari Råman was selected to serve as the Substitute for a Deputy Ombudsman for the period 16 June 2023 to 15 June 2027. He performed the tasks of a Deputy Ombudsman for a total of 67 working days during the year under review.

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

The original annual report is about 300 pages long. This brief summary in English has been prepared for the benefit of foreign readers. The longest section of the original report, a review of oversight of legality and decisions by the Ombudsman by sector of administration, has been omitted from it.

The Ombudsman has two special duties based on international conventions. The Ombudsman is the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and the Ombudsman is part of the national structure in accordance with the UN Convention on the Rights of Persons with Disabilities. Information on the Ombudsman's activities performing these special duties can be found in the section of the annual report concerning fundamental and human rights.

I hope the summary will provide the reader with an overview of the Parliamentary Ombudsman's work in 2024.

Petri Jääskeläinen
Parliamentary Ombudsman of Finland

Contents

Photos

The photographs on the front pages of the sections feature shots of the steel statue deplating giant strawberries called "Oma maa mansikka" (2007) by sculptor Jukka Lehtinen, located at the front of the Finnish Parliament Annex. Photos: Office of the Parliamentary Ombudsman photo archive (p. 7, 32, 51, 122).

Photo archive of the Parliament of Finland p. 8, 24, 45 (top image), 48
Mikko Mäntyniemi p. 19
Laura Karlin p. 45 (bottom image)
Photo archive of the Parliamentary Ombudsman of Finland p. 49, 86.

1 General comments

Parliamentary Ombudsman
Mr Petri Jääskeläinen

Ensuring the constitutional status and independence of the Ombudsman

In this general comment, I will discuss safeguarding the status and independence of the Parliamentary Ombudsman from certain limited perspectives.

Firstly, I will address situations where an authority seeks to impose oversight measures on the Ombudsman or where there is an attempt to empower some authority with right to oversee the Ombudsman.

Secondly, I will address situations where a party, that, according to constitution, is subject to the Ombudsman's oversight is at risk of becoming excluded from the Ombudsman's oversight powers.

Thirdly, I will present situations where there is an attempt to issue the Ombudsman new tasks that are not suitable for the Ombudsman as the supreme overseer of legality.

As a rule, the statements concerning the Parliamentary Ombudsman presented in this general comment are also applicable to the other supreme overseer of legality, the Chancellor of Justice of the Government.

1 OVERSIGHT DIRECTED AT THE OMBUDSMAN

1.1 Supervision of occupational safety and health at the Office of the Parliamentary Ombudsman

During my terms of office, the issue of oversight targeted at the Ombudsman was first raised in 2011 when the Occupational Safety and Health Division of the Regional State Administrative Agency for Southern Finland announced that it would perform an inspection at the Office of the Parliamentary Ombudsman. I found this very problematic. The Ombudsman's independence from the administration that is under his or her supervision is one of the cornerstones of the supreme oversight of legality. I considered it my duty to protect the Ombudsman institution in this respect and took the matter up as an own initiative (Record no 1722/2/11). In my request for a statement from the Ministry of Social Affairs and Health and the Regional State Administrative Agency, I included the following statements.

The Parliamentary Ombudsman is an organ of Parliament – the highest organ of state – whose constitutional task is to oversee all public administration on behalf of Parliament. One of the basic principles of the Constitution is the division of duties between Parliament and the Government. From the perspective of the division of state tasks and the relationship of powers between inter-state bodies, it would be inappropriate for any authority under the administration of the Government to be able to supervise the activities of the Parliamentary Ombudsman – to oversee its overseer.

One of the basic prerequisites for the proper performance of the Ombudsman's oversight duties is that the Ombudsman is independent of all the public authorities that come under his oversight. This independence of the Ombudsman would be encroached on if an authority under the Ombudsman's oversight was able to impose oversight and inspection measures on the Ombudsman. Although something like an occupational safety and health inspection does not directly concern the Ombudsman's task of overseeing legality, the inspection would have an indirect impact on it. An inspection would violate the Ombudsman's independence in general, but also, especially in relation to the public authority that would be exercising oversight over the Ombudsman. In that case, the Ombudsman would not be able to independently investigate complaints concerning this authority or otherwise oversee and inspect its activities.

The Office of the Parliamentary Ombudsman is continuously addressing complaints concerning the occupational safety and health authorities. Even at the time of the proposed inspection, there was a complaint pending that had led to Ombudsman's investigation of the Occupational Safety and Health Division of the Regional State Administrative Agency for Southern Finland. I also noted that, as the general overseer of legality and as the overseer of the occupational safety and health authorities, the Ombudsman himself is part of the oversight system that ensures the supervision of occupational safety and health.

I also referred to the then-recent statement by the Constitutional Law Committee (PeVL 46/2010 vp), in which the Committee had found a legislative proposal to be unconstitutional because it would have given the Ministry of Finance the power to steer the information management of parliamentary agencies. The Constitutional Law Committee stated that the Parliamentary Ombudsman, acting as the supreme overseer of legality, is independent of external steering due to the very nature of his duties. Ultimately, the legislative proposal concerned the principles of government established in section 2 of the Constitution and the subsequent institutional arrangement whereby the Parliament as the supreme governing body is separated from the Government exercising governmental powers.

Examination and oversight of the legality of the Parliamentary Ombudsman's official acts are enshrined in constitutional provisions which state that the oversight of the Parliamentary Ombudsman's activities is the sole responsibility of Parliament and its Constitutional Law Committee.

Despite the concerns set out in my request for a statement, the occupational safety and health department of the Ministry of Social Affairs and Health took the view that the Parliamentary Ombudsman is subject to the supervision and powers of the occupational safety and health authorities in the same way as any other employer. For this reason, I considered it necessary to obtain statements from external experts on the Constitution. I requested statements from Professor Emeritus Mikael Hidén and Professor Veli-Pekka Viljanen.

Professor Viljanen considered that the occupational safety and health authorities do not have the power to carry out inspections at the Office of the Parliamentary Ombudsman or otherwise oversee the activities of the Parliamentary Ombudsman. This results from the Parliamentary Ombudsman's constitutional status as the supreme overseer of legality, whose scope of oversight also includes the occupational safety and health authorities, as well as from the fact that the Ombudsman's legal responsibility and the mechanism for fulfilling this responsibility are laid down exhaustively in the Constitution. Viljanen stated that this conclusion can also be generalised to other special supervisory authorities, which are all among the public authorities overseen by the Ombudsman according to section 109 of the Constitution.

Professor Hidén was more cautious in his statement, saying that persons working at the Office of the Parliamentary Ombudsman must have the same rights to the safety and benefits referred to in the provisions on occupational safety and health as all other employees have under those provisions. However, Hidén considered that the above-mentioned statement by the Constitutional Law Committee (PeVL 46/2010 vp) on the independence of the activities of parliamentary agencies from governmental bodies merits having at least some reservations towards issuing instructions intended to be legally binding on the Ombudsman, on the basis of occupational safety and health inspections carried out at the Office of the Parliamentary Ombudsman.

On the basis of the aforementioned and the broadly stated grounds in my decision, I concluded that the occupational safety and health authorities do not have the power to carry out inspections at the Office of the Parliamentary Ombudsman or otherwise oversee or steer the activities of the Ombudsman.

In my decision, I stated that I would include my opinion in the Ombudsman's report from 2014 (pp. 295-303), so the Constitutional Law Committee would have the opportunity to comment on the matter. The Committee offered no statement on the matter.

1.2 Oversight powers of the Data Protection Ombudsman

A similar question was also raised in connection with the enactment of national legislation supplementing the EU General Data Protection Regulation. The competence of the supervisory authority referred to in the GDPR extends to all processing of personal data within the territory of a Member State covered by the GDPR. However, according to Article 55(3) of the GDPR, the supervisory authority is not competent to supervise processing operations of courts acting in their judicial capacity. This is the only exception explicitly mentioned in the regulation.

In my statement to the Ministry of Justice (EOAK/4185/2017) on the draft government proposal for the new Data Protection Act, I considered that "In view of the independence of the Ombudsman and, in particular, the independence of the Ombudsman's oversight of the data protection agency [in line with the draft proposal], I do not deem it possible for the data protection agency to investigate the Ombudsman or to issue reprimands, warnings or orders to the Ombudsman (or the Chancellor of Justice), let alone issue an administrative fine."

However, in the Government proposal (HE 9/2028 vp), the matter was ignored without even a mention. For this reason, I appealed to the Constitutional Law Committee and referred to similar grounds in my statement (EOAK/1877/2018), under which the occupational safety and health authorities do not have the power to oversee the Ombudsman. Although the Ombudsman is not a supervisory authority specified in the GDPR, under the Constitution, the Ombudsman directly oversees compliance with the GDPR in all authorities and parties performing a public task, including the activities of the Data Protection Ombudsman.

I also drew attention to the fact that the Ombudsman's competence in Finland also includes the oversight of courts, which is almost unique on an international scale. In Finland, the Ombudsman is precisely the "specific body within the judicial system of the Member State" referred to in recital 20 of the GDPR, entrusted with the supervision of courts' data processing activities. One of the basic conditions for a court-supervising body is that the supervisory body itself is independent of all public bodies and other bodies. The Ombudsman's independence thus also safeguards the independence of the courts. This independence would be infringed if the Data Protection Ombudsman – who, under the GDPR, is not allowed to supervise the courts – were to supervise the body overseeing the courts, i.e. the Ombudsman.

In addition, it had to be taken into account that excluding the Ombudsman – the body overseeing compliance with the General Data Protection Regulation – from the powers of the Data Protection Ombudsman would not jeopardise the implementation of the protection of personal data under the General Data Protection Regulation; rather, it would even comply with the premises and principles of the regulation, at least partly.

The Constitutional Law Committee addressed the issue I raised and organised a further hearing on the theme, to which several constitutional experts were invited. In my follow-up statement (EOAK/1931/2018), I continued to emphasise, in particular, safeguarding the independence of the courts. It would be entirely possible for an issue concerning the application of the GDPR, having been the grounds for a supervisory measure taken by the data protection authority against the Ombudsman, to arise in the Ombudsman's oversight of the courts.

It is clear that, in such a situation, the Ombudsman's oversight of the courts would not be independent in the manner required, but the oversight of the Ombudsman by the Data Protection Ombudsman could be reflected on the oversight of the court. This would be clearly contrary to the premise of the GDPR.

In a statement (PeVL 14/2018, pp. 11-15), the Constitutional Law Committee stated the following, among other things.

In the future, the GDPR and the proposed Data Protection Act will be part of the legal order whose compliance is overseen by the supreme overseers of legality. The constitutional duties of the overseers of legality also include supervising the implementation of fundamental and human rights concerning the protection of private life and personal data. Examining the legality of official acts taken by the supreme overseers of legality and overseeing their activities are directly laid down in the Constitution as the task of Parliament and its Constitutional Law Committee. In the view of the Constitutional Law Committee, this provision of the Constitution is intended to be exhaustive, and it highlights the independence of the activities of the supreme overseers of legality, especially in relation to the overseen authorities. The powers of the supreme overseers of legality extend to all official activities, with the exception of each other's official duties. This is in line with the constitutional principle that there is a hierarchical structure between the supervisory authorities, in which the Chancellor of Justice and the Ombudsman are the supreme overseers of legality. Therefore, the scope of the oversight of legality by these bodies also includes special supervisory authorities such as the Data Protection Ombudsman, the Non-Discrimination Ombudsman and the Ombudsman for Equality.

In the opinion of the Constitutional Law Committee, the constitutional status and duties of the supreme overseers of legality and the constitutional totality of the oversight of legality do not allow for oversight of the supreme overseers of legality by a lower-level Data Protection Ombudsman. This restriction must also be expressly reflected in the provisions of the Data Protection Act.

Nevertheless, the Constitutional Law Committee stated that it is clear that, according to the established case law of the Court of Justice of the European Union, EU legislation takes precedence over national provisions in accordance with the conditions set down in such case law, and there is no reason to seek solutions in Finnish legislation that conflict with EU law. In the opinion of the Committee, it is also clear that the wording of the GDPR would not seem to allow for such a restriction to be laid down.

Still, the Constitutional Law Committee drew attention firstly to the fact that, according to a report received by the Committee, the constitutional status of the supreme overseers of legality does not correspond to the arrangements for overseeing legality laid down in the legislation of other Member States, and no attention was paid to the special features of the Finnish constitutional system in the drafting of the GDPR. In the opinion of the Committee, the independence of the courts would be jeopardised in a manner that would also be contrary to the purpose of Article 55 of the GDPR if the constitutional supreme oversight of legality directed at the courts were laid down to also be subject to the supervisory powers of an administrative authority which is within the scope of the supreme oversight of legality.

The Constitutional Law Committee also drew attention to the fact that, according to Article 4(2) of the Treaty on European Union (TEU), the Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional. In the view of the Committee, the provision reflects the premise that the substantive law of the EU cannot be considered to call into question the institutional structure of the Member States' constitutional exercise of public power. With reference to the case law of the European Court of Justice, the Constitutional Law Committee stated that the respect for national constitutional identity referred to in Article 4(2) of the TEU should be examined specifically from the perspective of proportionality.

In the view of the Constitutional Law Committee, it is essential for the proportionality assessment that the situation at hand is not a material conflict between the content of the Constitution and EU law. Instead, the issue is that EU law leads to a conflict with the institutional solutions of the Finnish Constitution that the GDPR does not specifically seek. In the Committee's opinion, it is essential that limitations on the scope of the Data Protection Ombudsman's oversight concerning the supreme overseers of legality do not jeopardise the objectives of legal protection and effective supervision in line with the recital of the GDPR or the ultimate objectives of the data protection authorities as stated in the case law of the Court of Justice of the European Union.

For these reasons, the proposal for the Data Protection Act had to be amended so that the oversight of legality by the supreme overseers of legality would not be subject to the supervisory authority referred to in the Data Protection Act. The Constitutional Law Committee considered this an issue of the order of enactment (i.e. for ordinary law or an exception to the Constitution).

I consider the opinion of the Constitutional Law Committee to be well-founded and very important for the Ombudsman institution. It puts a seal of approval on my statement on the competence of the occupational safety and health authority and unambiguously confirms that the constitutional status and duties of the Ombudsman and the constitutional totality of oversight of legality do not enable the oversight of the Ombudsman by any other supervisory authorities.

It should be noted that, on 16 January 2024, the Court of Justice of the European Union ruled on a request for a preliminary ruling from the Austrian Administrative Court (C-33/22), which concerned the competence of a supervisory authority under the GDPR to investigate the processing of personal data by a committee of inquiry set up for a specific task by the Austrian Parliament. The judgment considered that the supervisory authority has this competence directly on the basis of the provisions of the GDPR, as the Member State had established a single supervisory authority without however conferring powers on it to monitor the application of the GDPR by said committee.

In my view, this case differs from the situation in Finland in at least two legally relevant respects. Firstly, the role of the committee of inquiry established by the Austrian Parliament has not been to supervise compliance with the GDPR, contrary to Finland's supreme overseers of legality (although they are not the supervisory authorities referred to in the GDPR). Secondly, the said committee of inquiry has not been a "specific body within the judicial system of the Member State" entrusted with the supervision of the courts' data processing activities, contrary to our supreme overseers of legality.

1.3 Competence of the State Treasury in state indemnity operations

Differing somewhat from the cases addressed in the previous sections, a question of competence concerning the Ombudsman emerged when the Act on State Indemnity Operations, which entered into force on 1 January 2015, was enacted. Under that Act, the processing of claims for damages based on an error or negligence by a central government authority has mainly been centralised to the State Treasury.

In my statement to the Ministry of Finance at the drafting stage of the Act, I drew attention to the fact that the Ombudsman's constitutional status as the supreme overseer of legality does not allow the State Treasury, which is a body overseen by the Ombudsman, to assess from the perspective of the right to compensation for damages whether there has been an error or negligence in the activities of the supreme overseer of legality.

In the Government proposal (HE 159/2014 vp), this was taken into account, and the Act explicitly stipulated that it does not apply to claims for damages against the Office of the Parliamentary Ombudsman. A similar exception for the Office of the Chancellor of Justice was added to the Act in the parliamentary procedure, which I proposed in my statement to the Finance Committee.

It should be noted that the Act still includes the problem that the State Treasury processes claims for damages based on errors in court proceedings.

2 RESTRICTING THE OMBUDSMAN'S POWERS OF OVERSIGHT

According to section 109 of the Constitution, the Ombudsman shall ensure that the courts of law, the other authorities and civil servants, public employees and other persons, when the latter are performing a public task, obey the law and fulfil their obligations. In the performance of his or her duties, the Ombudsman monitors the implementation of basic rights and liberties and human rights.

The concept of a public task, definitive for the Ombudsman's competence, is a broad one. All tasks involving the exercise of public powers, and public administrative tasks referred to in section 124 of the Constitution, are also public tasks referred to in section 109 of the Constitution.

In some situations, a party that is constitutionally subject to the Ombudsman's oversight has been at risk of being excluded from the Ombudsman's oversight powers.

2.1 Activities of the European Public Prosecutor's Office (EPPO)

Such a situation emerged when processing the Government proposal (HE 184/2020 vp) for an act on Finland's participation in the operation of the European Public Prosecutor's Office (EPPO) based on a Council Regulation (EU 2017/1939) issued in 2017.

EPPO has the competence to investigate crimes against the EU budget and to prosecute suspects of crimes before national courts. The agency is composed of a central office in Luxembourg and European Delegated Prosecutors in the Member States who are not national civil servants but officials of EPPO, i.e. of the Union.

In my statement to the Constitutional Law Committee (EOAK/7418/2020), I drew attention to the questions raised by the Regulation and the Government proposal on the oversight of legality concerning EPPO prosecutors under section 109 of the Constitution of Finland and the Ombudsman's right to prosecution laid down in section 110 of the Constitution. I expressed the opinion that the activities of an EPPO prosecutor who uses significant public powers in Finland should have an unequivocally clear position in terms of the oversight of legality. Based on the Government proposal, this did not seem to be the case.

Pursuant to the EPPO Regulation, EPPO and its staff are subject to the Protocol on the privileges and immunities of the European Union, on the basis of which, in the performance of their duties under the Regulation, EPPO prosecutors would be outside the scope of national criminal liability and thus also outside the constitutional civil service liability and the powers of prosecution of the Ombudsman, unless EPPO waives the integrity of their official in an individual case. I found this very problematic in terms of sections 110 and 118 of the Constitution. I was not aware of any other situation where a party exercising public powers in Finland could be excluded from criminal liability for acts in office.

In my opinion, the EPPO Regulation and the proposed act seemed in many respects to lead to a similar conflict – in terms of the institutional solutions and constitutional identity of the Finnish Constitution – as referred to by the Constitutional Law Committee in the above-mentioned statement on the supervisory powers of the Data Protection Ombudsman.

In its statement, (PeVL 39/2020 vp), the Constitutional Law Committee noted that the proposal was significant from the point of view of the Constitution's provisions on the position of the supreme overseers of legality and their prosecution activities, especially from the point of view of sections 108–110 and 115.

The EPPO Regulation includes provisions on the independence of EPPO. In the view of the Constitutional Law Committee, taking into account the purpose and objective of the regulation, the term refers, above all, to judicial independence in this regulation. The Committee also drew attention to the fact that the provisions in the EPPO Regulation require EPPO to comply with the national legislation of the Member State in their investigations and prosecution activities.

According to the Committee's view, the independence secured by the EPPO Regulation does not therefore mean that the EPPO prosecutors must have immunity from the oversight of legality practised by the supreme overseers of legality.

In the view of the Constitutional Law Committee, such a premise should also be reflected in legislation, for the sake of clarity. This addition was a prerequisite for the legislative proposal to be processed in the normal order of enacting laws.

Under the EPPO Regulation, Member States are required to determine the national authority that decides on the allocation of competences in situations where there is a disagreement between the national prosecution service and EPPO as to which jurisdiction the offence in question would fall under in Finland. According to the draft government proposal, this national authority would be the Prosecutor General in Finland.

In my statement on the draft government proposal (EOAK/3745/2019), I found it inappropriate for the Ombudsman's constitutional status that the Prosecutor General, which falls under the Ombudsman's oversight, would also resolve the conflict of jurisdiction in a situation where an offence falling within the scope of the Regulation would be addressed by the Ombudsman. In fact, the Government's final proposal stated that the provisions on the decision-making powers of the Prosecutor General would not apply if the Chancellor of Justice or the Ombudsman acted as the national prosecution authority in the case.

The Constitutional Law Committee stressed the importance of this proposed exception. According to this provision, when the Chancellor of Justice or the Parliamentary Ombudsman acts as the national prosecutor in a case, they must submit questions of jurisdiction to the Helsinki District Court for decision. District court decisions may not be appealed. In the Committee's opinion, however, the factual significance of the decision required at least the removal of the proposed prohibition of appeal.

In my statement to the Constitutional Law Committee, I also drew attention to the constitutional problems related to sections 114 and 115 of the Constitution in a situation where EPPO would consider a case that is nationally a matter of ministerial responsibility.

Article 29 of the EPPO Regulation contains provisions on situations where the national privilege or immunity of a person presents an obstacle to the conduct of an investigation. In such a situation, EPPO makes a request for the lifting of that privilege or immunity. In the view of the Constitutional Law Committee, it can be deduced from this Article that the relevant institutional arrangements of the Member States were meant to be respected, and thus EPPO was not required to provide for more extensive prosecution possibilities than national prosecutors. In the opinion of the Committee, the special course of procedure for ministerial responsibility laid down in the Constitution and the increased threshold for prosecution are identical to that referred to in Article 29 of the Regulation.

In the view of the Constitutional Law Committee, the legislative proposal had to be clarified so that the EPPO prosecutor would submit the request referred to in the Article to the supreme overseer of legality, who, at his discretion, may take the measures on initiating a ministerial responsibility matter laid down in section 115 of the Constitution. In my view, the Committee intended for this addition to reflect the fact that the special provisions concerning the legal responsibility of a Minister must also otherwise be complied with.

2.2. Nato SOFA and DCA

The matter of the oversight of public powers exercised in Finland was also raised in the context of the approval of the Nato Status of Forces Agreement (Nato SOFA) and the Defence Cooperation Agreement (DCA) between Finland and the United States.

In the draft of the Government proposal for the adoption of the Nato SOFA and the Paris Protocol, it was considered that the oversight of activities by the so-called sending State specified in the agreements would not fall within the duties of the supreme overseers of legality. In my statement on the draft proposal to the Ministry for Foreign Affairs (EOAK/6618/2023), I disagreed on this point, as the official activities of the sending State clearly involved in some points the exercise of public powers in Finland, which is a core area of the Ombudsman's oversight competence. Contrary to what was stated in the draft proposal, I believed that, from the perspective of the Ombudsman's oversight of legality, the Nato SOFA concerned a situation comparable to the activities of EPPO prosecutors.

If the oversight of the exercise of public powers by the authorities of the sending State in the territory of Finland was not considered to fall within the competence of the supreme overseers of legality, I was of the opinion that the agreements would concern the Constitution as referred to in section 94(2) and section 95(2) of the Constitution (i.e. be in conflict with the Constitution). However, the Government proposal (HE 90/2023 vp) still considered that this would not be the case. For this reason, in my statement (EOAK/629/2024), I asked the Constitutional Law Committee to take a position on the matter.

In its statement (PeVL 2/2024 vp), the Constitutional Law Committee stated that the proposal did not contain specific contractual provisions or regulatory proposals on separately restricting the powers of the supreme overseers of legality. For this reason, the Committee did not consider it necessary to address the powers of the supreme overseers of legality in advance with categorical definitions. The Committee considered that the relationship between the Nato SOFA or the activities of a sending State under the Paris Protocol and the performance of a public task under sections 108(1) and 109(1) of the Constitution should be assessed on a case-by-case basis in the activities of the overseers of legality. The scope of oversight of legality is determined by interpreting the provisions of the Constitution in each specific situation of application, taking into account the special features of the said situation.

At the same time, the Constitutional Law Committee drew more general attention to the need to interpret and apply the provisions of the agreements and the provisions issued to implement them, respecting the Constitution of Finland and observing the principle of interpreting the law in a way that upholds fundamental and human rights.

Similarly, the adoption of the Defence Cooperation Agreement (DCA) between Finland and the United States (HE 58/2024 vp) involved a question of, on the one hand, a foreign state exercising public powers in Finland, and the Ombudsman's powers to oversee it on the other hand. In its statement (PeVL 28/2024 vp), the Constitutional Law Committee reiterated its position it had expressed with regard to the approval of the Nato SOFA.

I consider it valuable that, even in such a regulatory context, the Constitutional Law Committee did not want to exclude the constitutional oversight of the supreme overseers of legality, leaving it to be assessed by the latter on a case-by-case basis. It is another matter how, for example, the oversight of the legality of United States troops' operations will be managed in practice.

3 TASKS INAPPROPRIATE FOR THE OMBUDSMAN

As the supreme overseer of legality, the Ombudsman should not be the only or even the primary overseer of any activities within the scope of oversight of legality. Instead, the supreme overseer of legality is responsible for overseeing other supervisory authorities.

In addition, the supreme overseer of legality is not suited for the "operational" oversight of any activity, by which I mean continuous and detailed oversight, or the oversight of ongoing activities. The Ombudsman's oversight of legality is retrospective, even though the oversight also has a strong proactive perspective.

The problematic nature of operative oversight is linked to an established practice in the oversight of legality where the Ombudsman does not intervene in pending matters (unless, for example, the matter concerns delays in processing). If the Ombudsman were to intervene in a pending matter or ongoing activities, the Ombudsman could no longer independently and objectively assess the same matter in ex-post oversight of legality. The Ombudsman must be external in relation to a matter which is the subject of the oversight of legality (in the same way as a judge).

3.1 Oversight of the enforcement of removal from the country

A good example of the oversight of ongoing activities, inappropriate for the Ombudsman, is overseeing the enforcement of forced removal from the country (e.g. supervising return flights), which was offered to the Ombudsman. For the above reasons, I rejected this task, which was then given to the Non-Discrimination Ombudsman.

This solution has proven to be well-justified. Now, the Ombudsman can not only supervise the Non-Discrimination Ombudsman in this task (which has not actualised so far), but also objectively investigate matters such as events that may occur on return flights, in his oversight of legality.

In fact, there has been one case where the Non-Discrimination Ombudsman submitted a complaint to the Parliamentary Ombudsman about police actions in connection with a return flight. The complaint resulted in me ordering a pre-trial investigation into the matter, after which I also carried out the consideration of charges. In the consideration of charges, it was essential to assess, on the one hand, the evidence based on the report by an official of the Office of the Non-Discrimination Ombudsman who had overseen the return flight, and on the other hand, the reports of flight attendants and other evidence obtained in the pre-trial investigation. I concluded that there was no probable cause to prosecute the police officers for violating their official duties. If the Ombudsman had been responsible for overseeing return flights and if a public servant of the Office of the Parliamentary Ombudsman had been on the flight, I would not have been able to act as a prosecutor in the matter independently and objectively from an external perspective.

3.2 Oversight of intelligence operations

A good example of continuous and detailed oversight is the oversight of intelligence operations. In a legislative draft process concerning this topic, it was brought up that this task could be given to the Ombudsman, but for the reasons mentioned above, I rejected the idea. The Government proposal on the oversight of intelligence operations stated the following (HE 199/2017 vp p. 33–34):

"As a result of the Ombudsman's oversight of legality tasks and powers, the oversight of legality of expanding intelligence powers could also be organised within the framework of the Ombudsman's activities. However, intelligence operations and its need for oversight involve a number of special features, which make it inappropriate to entrust the Ombudsman with new tasks in the oversight of the legality of intelligence operations. Enforcement of the legality of intelligence operations should be continuous, detailed and operative. Such oversight would differ from the nature of the oversight of legality exercised by the Ombudsman. Since the oversight of intelligence operations requires robust powers, there is also a need for the oversight of this oversight. It is also reasoned to maintain the position of the supreme overseers of legality as a kind of overseers of oversight in relation to the special ombudsmen. Such oversight of the oversight of intelligence operations by the Parliamentary Ombudsman would be impartial and credible, especially if the Ombudsman's duties did not include new oversight powers of intelligence operations. - - - The Ombudsman has also rejected the task of supervising return flights organised for the implementation of removal decisions, largely for the same reasons (see the 2015 report of the Parliamentary Ombudsman, K 11/2016 vp). These grounds are even more weighty in organising the oversight of the legality of intelligence operations."

3.3 Oversight mechanisms required by EU law

The European Union is constantly adopting new legislation requiring Member States to establish different kinds of oversight mechanisms. For example, the EU AI Regulation requires Member States to identify public authorities that protect fundamental rights in the context of the use of high-risk AI systems by 2 November 2024. The tasks and powers of these authorities as defined in Article 77 of the Regulation did not seem particularly problematic in terms of the constitutional status of the Ombudsman, so the Ombudsman has been designated to be one of the public authorities referred to in the Article.

Conversely, I have found the Ombudsman's participation in the independent screening mechanism under the EU's so-called Screening Regulation (EU 2024/1356) problematic. According to Article 10 of the Regulation, its tasks would include monitoring compliance with Union and international law during screening of third-country nationals at the external border, in particular as regards access to the asylum procedure, non-refoulement, the best interests of the child and the rules on detention. The monitoring mechanism must carry out its tasks on the basis of on-the-spot checks. A similar mechanism is also required in Article 43 of Regulation (EU) 2024/1348 to monitor the so-called border procedure.

The purpose of the monitoring mechanism is, as I referred to above, operational in nature, which means that it includes continuous and detailed oversight or oversight of ongoing activities, which are not suitable for the Ombudsman. The task is also problematic in that, under the Regulation, the EU Agency for Fundamental Rights (FRA) provides general guidance on the functioning of the monitoring mechanism.

However, Article 10 of the Screening Regulation states that national ombudsmen and human rights institutions and NPMs under OPCAT are required to participate in the operation of the independent monitoring mechanism, and they may be designated to carry out all or part of the tasks of the monitoring mechanism. Independent organisations and public bodies may also participate in the monitoring mechanism. If one or more of those institutions, organisations or bodies are not directly involved in the independent monitoring mechanism, it must establish and maintain close cooperation with them.

I find it very problematic and worrying if the EU's directly applicable regulations start to assign various tasks directly to national ombudsmen. In my opinion, it must be possible to establish oversight mechanisms nationally in accordance with the special features of the constitutional system of each Member State and the structures of public authority, but in a manner that meets the criteria laid down in each regulation. According to my observations, Article 10 of the Screening Regulation is the first perilous example in this respect. I think it is very important that the Article still allows the Ombudsman to participate in the monitoring mechanism through "close cooperation" without being "directly involved".

The Ministry of the Interior, which is preparing the national implementation of the EU Immigration Pact, has been in contact with the Ombudsman on the establishment of a monitoring mechanism. I have considered (EOAK/450/2025) that the Ombudsman's direct participation in the monitoring mechanism would not be appropriate, stating the following:

"Still, the Ombudsman oversees the activities of the authorities involved in screening and border procedures as the supreme overseer of legality directly under the Constitution of Finland and may, in individual cases, examine their conduct. The monitoring mechanism may also refer a matter to the Ombudsman.

As the supreme overseer of legality, the Ombudsman also oversees the operation of the monitoring mechanism. Another reason why the Ombudsman himself cannot be part of the monitoring mechanism is the independence and credibility of this oversight.

In addition, the Ombudsman carries out the tasks of the National Preventive Mechanism (NPM) related to screening (e.g. oversight of the detention of a person subjected to screening).

As the Ombudsman would not be directly involved in the independent monitoring mechanism, the monitoring mechanism would have to engage in close cooperation with the Ombudsman according to the Screening Regulation. This cooperation must be such that it does not jeopardise the Ombudsman's independence vis-à-vis the authorities within the monitoring mechanism."

4 CONCLUSION

The constitutional status of the Parliamentary Ombudsman and, correspondingly, the Chancellor of Justice of the Government and the related requirements discussed in this general comment are already taken fairly well into account in national legislative drafting.

However, especially older legislation may still include shortcomings where the supreme overseers of legality have not been explicitly excluded from the powers of a supervisory authority. In my view, even those laws are not in any real conflict with the Constitution; instead, those provisions on powers must be interpreted as required by the constitutional status of the supreme overseers of legality.

I believe that the greatest threats to the constitutional status and independence of the supreme overseers of legality come from directly applicable legislation of the European Union and possibly from certain international agreements. This is because no other EU Member States – or any other states as far as I know – have overseers of legality whose constitutional status and powers are comparable to the Finnish Ombudsman and the Chancellor of Justice.

When it comes to the scope of this oversight, to my knowledge, it is unique that the oversight by our Ombudsman and the Chancellor of Justice encompasses all public bodies at all levels of government and also all private bodies performing public tasks. Only Parliament and Members of Parliament fall outside this oversight. It is particularly noteworthy that the courts of law are also within the scope of the powers of the supreme overseers of legality – as far as I know, this is the case only in Sweden in addition to Finland.

To my knowledge, Finland and Sweden are also unique in terms of powers in the fact that the supreme overseers of legality are also special prosecutors whose right to prosecute encompasses in Finland all offences committed under their oversight and the exclusive right to prosecute against judges and prosecutors for offences in office. Only with regard to criminal liability of the President of the Republic and members of the Government are these powers limited to initiating legal action.

For these reasons, when drafting EU legislation, it is perhaps not always understood or convenient to take into account the fact that one Member State has two supervisors of legality who are unique in their constitutional status and powers, and which the Constitutional Law Committee considers belong to Finland's constitutional identity.

In my opinion, it is important to be aware of this and to be particularly vigilant when there is EU legislation being drafted that may lead to the oversight of the supreme overseers of legality or to the possibility that a party exercising public powers or performing a public task in Finland could be excluded from the supreme oversight of legality. Another risk is that national ombudsmen are directly in EU legislation assigned tasks that are not suitable for the Finnish Parliamentary Ombudsman institution.

So far, such threats have been well combated. However, it has required a bold approach and strong support from Parliament and its Constitutional Law Committee to defend the constitutional status of the Parliamentary Ombudsman institution and the supreme oversight of legality. I hope and believe that this will persist in the future as well.

Deputy-Ombudsman
Ms Maija Sakslin

Ombudsman's role in the ex-post supervision of the constitutionality of laws

FROM EX-ANTE SUPERVISION TO EX POST SUPERVISION

In the Finnish constitutional tradition, the Constitutional Law Committee has had a central role in the supervision of the constitutionality of laws. The Constitutional Law Committee has been responsible for the constitutionality of the legal order as an authoritative interpreter of the Constitution. Its role is based on the primacy of the principle of democracy, on the idea that the constitutionality of a legislative proposal is assessed by the legislator.

The Constitution enacted in 2000 combined abstract parliamentary ex ante supervision with the limited ex post supervision by courts. The preparatory documents on the amendment to the Constitution emphasised the primacy of the ex ante supervision by the Constitutional Law Committee. Under section 106 of the Constitution, the court of law has the right and obligation to give primacy to the provision in the Constitution and not to apply a provision in an ordinary law if its application would be in evident conflict with the Constitution. This power of the courts is limited, and they cannot declare a law invalid or annul a provision that contradicts the Constitution. The court can only assess the constitutionality of a legislative provision in an individual, concrete situation where the law is being applied. The requirement that the conflict is evident necessitates that the Constitutional Law Committee has not assessed the question at all, or that a long time has passed since the Constitutional Law Committee's statement.

The courts' ex post powers to supervise constitutionality are significantly more limited than the Constitutional Law Committee's ex ante, abstract and general supervision. This underlines the fact that courts' ex post supervision of the constitutionality of laws is secondary to legislators' legislative powers. On the other hand, courts are considered competent to assess a possible conflict with the Constitution as a whole, not only with an individual provision of the Constitution.

It has been estimated that the amendment to the Constitution has strengthened judical power at the expense of legislative power and subjugated questions that are in their nature political to the process of juridification. On the other hand, it has been estimated that the possibility of ex post supervision has strengthened the ex ante supervision carried out in the Constitutional Law Committee.

Over the past year, there has been particularly lively discourse on the supervision of the constitutionality of laws. The ex ante supervision by the Constitutional Law Committee was subject to more serious criticism than before, and several experts stated that they had switched to supporting the strengthening of ex post supervision of the constitutionality of laws. The criticism focused on laws aimed at savings and, in particular, on the statement of the Constitutional Law Committee (PeVL 26/2024) on the Government proposal (HE 53/2024) to Parliament for an act on temporary measures to combat instrumentalised immigration. Above all, the criticism was based on the fact that the Constitutional Law Committee considered it possible to adopt the act as an exception to basic rights despite the fact that the legislative proposal violated Finland's human rights obligations.

The Committee leaned on statements by the Parliamentary Ombudsman and the Chancellor of Justice. Other experts heard by the Committee considered the proposal to be contrary to the Constitution, human rights treaties and EU legislation and did not consider it possible to adopt the act even under the legislative procedure for an exceptive act.

The discourse on the ex post supervision of constitutionality has somewhat touched on whether it would be justified to establish a constitutional court in Finland or whether it would be justified to change the role of the two Supreme Courts in Finland (the Supreme Court and the Supreme Administrative Court) in ex post supervision. However, there has been less attention paid to how cases concerning the constitutionality of laws would be initiated in ex post supervision.

In my general comment, I will examine the possible role of the Ombudsman in the ex post supervision of the constitutionality of laws. This examination does not address the question of which institution should be appointed the task of the ex post supervision of the constitutionality of laws.

MULTIDIMENSIONAL EX ANTE SUPERVISION

Several actors participate in the ex ante assessment of the constitutionality of legislative proposals even before they arrive at the Constitutional Law Committee.

In its broader advance supervision of Government sessions and list inspections of legislative drafting, the Chancellor of Justice oversees compliance with the Constitution and international human rights obligations in particular. In recent times, the Chancellor of Justice has lowered his threshold of intervention and especially emphasised that government proposals should identify issues relevant to the Constitution, explain the relevant key opinions of the Constitutional Law Committee and openly bring up any new or open-to-interpretation issues concerning the Constitution that should be submitted to the Constitutional Law Committee for assessment. The supervision by the Chancellor of Justice being focused on issues concerning legislative proposals' order of enactment supports the ex-ante supervision of the Constitutional Law Committee by influencing the number and quality of cases submitted to the Committee. This is apt to strengthen the ex ante supervision of the constitutionality of laws in the Constitutional Law Committee.

The oversight of legality by the Chancellor of Justice aims to ensure that the Constitutional Law Committee will only assess legislative proposals whose constitutionality or relationship with human rights treaties is unclear. In fact, the Constitutional Law Committee has repeatedly emphasised that it is not justified to include a statement in the government proposal on referring a legislative proposal to the Constitutional Law Committee unless it is genuinely necessary due to a problem of interpretation (see e.g. PeVL 9/2023 vp, PeVL 46/2024 vp, paragraph 6 and the statements mentioned therein).

Once a Government proposal has arrived at Parliament, the Secretary-General submits the proposal to the Speaker's Council, which submits a suggestion to the plenary session on which committee the proposal should be referred to for preparation and which committees should issue their opinions. If necessary, the Secretary-General can ask a committee counsellor of the Constitutional Law Committee for an assessment of the need for a statement from the Constitutional Law Committee. A committee can also ask the Constitutional Law Committee for a statement if there is any doubt as to the constitutionality or human rights aspects of the legislative proposal before it. It is also up to the Speaker to assess the constitutionality of a proposal and to refuse to take it on for processing or to put it to the vote if he considers it to be contrary to the Constitution.

OMBUDSMAN'S PARTICIPATION IN EX-POST SUPERVISION

The ex post supervision of the constitutionality of laws, which revolves around supervising the implementation of fundamental and human rights, has become more common in Europe since the Second World War. In many countries, a constitutional court has been established for this purpose.

The jurisdiction of the court may be limited so that the assessment of the constitutionality of a law can only concern an individual case before the court. The court may also have the right to an abstract assessment with an impact on the future and the power to declare a law invalid, sometimes even with retroactive effects.

The content and extensiveness of ex post control is varied. In some countries, ex post constitutionality assessments are carried out often, while in some countries only rarely. In some countries, supervising the constitutionality of laws falls within the jurisdiction of the court, while in others, the court is only responsible for assessing whether laws respect fundamental rights or human rights.

In countries with a constitutional court or courts that have jurisdiction to examine the constitutionality of laws, it is often an Ombudsman who has the power to bring the constitutionality of provisions to be examined by the courts. Still, powers concerning the constitutionality of laws are usually limited to ombudsmen whose duties include the protection of fundamental and human rights. It is also within the competence of some ombudsmen to ask the court to confirm whether laws meet the requirements of international human rights treaties that are binding on the state.

The power to bring the constitutionality of an act of Parliament before the court may have been limited so that the Ombudsman has the right to bring proceedings only when a matter has come before him in the context of a concrete complaint. Such jurisdiction, limited to individual complaints, would be comparable to the power of the courts, based on section 106 of the Constitution of Finland, to assess the constitutionality of a legislative provision only in its application in a specific concrete case. The Ombudsman's competence in initiating proceedings may have also been limited so that they can only submit a proposal to a party who has the right to initiate the matter. These restrictions on initiating the supervision of constitutionality emphasise the primacy of the legislator as interpreter of the constitution, and the secondary nature of the court in this context.

However, Ombudsmen's powers are often not limited to concrete cases, meaning that assessments can also be requested in abstract situations. In this case, the Ombudsman's consideration of bringing a case to court is comparable to an abstract assessment by the Constitutional Law Committee on the constitutionality of a legislative proposal. In some countries, in order to protect fundamental rights, the Ombudsman also has the power to refer an individual administrative decision or court judgment to the constitutional court for assessment (recurso de amparo). The Ombudsman may also have the power to request the constitutional court to interpret provisions of the constitution, although usually only ones concerning the Ombudsman's powers or activities.

The Ombudsman's powers may be limited temporally so that the assessments of the constitutionality of laws must be requested within a specified time after the adoption of an act or before the entry into force of an act. The powers may also be unlimited in terms of time, in which case the constitutionality of a law may come under assessment even a long time after its entry into force.

ELEMENTS OF NEW EX POST SUPERVISION

There has been some very general discourse on supervising the constitutionality of laws in Finland. No outlines have yet been presented on what the supervision of the constitutionality of laws could be like in Finland in the future and to what extent ex post supervision should be stengthened, or how much the emphasis should be shifted from ex ante to ex post supervision.

If the jurisdiction of the courts were to be extended or a separate constitutional court would be established, on the one hand, how would it be ensured that the courts would not resolve issues that belong to the legislator, and, on the other hand, how could it be guaranteed that the courts would be able to act effectively as guardians of fundamental and human rights?

For targeting the content of ex ante supervision and with regard to possibly overloading the system, the key question is whether all individuals would have the right to refer the constitutionality of a law for assessment by the court. Would this right be based on the section 106 of the Constitution, so only for a specific matter in a concrete situation of applying a law where the court can refrain from applying an unconstitutional provision, or would everyone also have the right to bring a case before the constitutional court as a general abstract question and the court have jurisdiction to annul the law? And would a court decision only have a binding effect on those applying the law, or would it also have binding dimensions on legislator?

Could Finland also have a model where the Parliamentary Ombudsman would be assigned a key role in the ex post supervision of Constitutionality?

Under section 109 of the Constitution, in the performance of his or her duties, the Parliamentary Ombudsman monitors the implementation of basic rights and liberties and human rights. The Parliamentary Ombudsman participates in ex ante supervision when assessing a legislative proposal at the request of the Constitutional Law Committee. In the written opinions and oral statements, the Parliamentary Ombudsman must stay within the constitutional duties and powers of the supreme overseer of legality. The competence of the Parliamentary Ombudsman does not include the assessment of Parliament's legislative activities, instead, Ombudsman's own activities must be based on the laws enacted by the democratically elected legislator. From the perspective of the ex post supervision of the constitutionality of laws, it is important that the Parliamentary Ombudsman can make proposals to amend or supplement a piece of legislation after observing shortcomings in it to ensure the protection of fundamental and human rights. The Parliamentary Ombudsman's powers also include reporting to Parliament deficiencies and any unclear or conflicting provisions found in acts and decrees. Under the current Parliamentary Ombudsman Act, if the observed deficiency is related to a matter that is being discussed in Parliament, the Ombudsman may also bring his observations to the attention of the relevant institution within Parliament in other ways. Especially from the point of view of the constitutionality of laws, it is significant that this competence has been traditionally interpreted to give the Parliamentary Ombudsman the right to report the non-constitutionality of the provisions of an act to Parliament regardless of whether the conflict is linked to restrictions on fundamental rights of an individual person in an individual case. This procedure is similar to the first step in a procedure in some countries whereby the Ombudsman informs Parliament of his views on the unconstitutionality of an act of Parliament and makes a proposal to amend it. If Parliament does not approve the proposal within the deadline, the Ombudsman may refer the question of the constitutionality of the law and the request for its repeal to the court.

The oversight of legality can only address legal issues. In practice, however, it can be difficult to draw the line between law and politics, or between lawfulness and expediency. In order to promote fundamental and human rights in particular, the oversight of legality must also continuously assess content-related questions, in which case there is a risk that the boundary between politics and legislation becomes diluted, and the overseer of legality will also be at risk of slipping from legal assessment to political assessment. On the other hand, in countries where the Ombudsman participates as a legislative actor in the ex post supervision of laws to promote the implementation and enforcement of fundamental and human rights, there are cases of the Ombudsman having been subjected to pressure and efforts to undermine their independence. In extreme cases, an Ombudsman's activities have been intervened in by releasing them of their duties after a decision to annul a law by the Constitutional Court. An Ombudsman's criticism of legislator may attract strong political criticism, which is why constant attention should be paid to strengthening the ombudsman's autonomous and independent position.

Furthermore, should the division of labour between the Chancellor of Justice and the Parliamentary Ombudsman be further developed so that the supervision of the Chancellor of Justice would focus on ex ante supervision and only the Parliamentary Ombudsman would be responsible for taking initiative in possible new ex post constitutionality control?

It is evident that the Chancellor of Justice's task as the overseer of legality of the Government and the emphasis on ensuring the constitutionality of legislative proposals will strengthen the ex ante supervision of the Constitutional Law Committee, while at the same time, it will strengthen the role of the Chancellor of Justice in ensuring the efficiency and quality of ex ante supervision. The Chancellor of Justice has a close and intensive role in statements, ex ante inspections and list inspections during legislative drafting, which may affect the Chancellor's objectivity with regard to the ex post assessment of the legislator's decision. There have already been doubts as to whether it is appropriate for the Chancellor to comment on the constitutionality of a legislative proposal in his opinions to the Constitutional Law Committee during the parliamentary procedure. On the other hand, the Parliamentary Ombudsman's new role in ex post supervision would change the relationship between the courts and the Ombudsman. This could affect the Ombudsman's role as the supreme overseer of legality in supervising the courts so that the oversight of the courts would have to be centralised to the Chancellor of Justice.

Could the first step from the Parliamentary Ombudsman's extended powers of ex post supervision of the constitutionality of laws be that, when the Ombudsman is processing a complaint and discovers a question of the constitutionality of a provision in a relevant law, the Ombudsman would be able to refer the matter to be decided by a court (mainly the Supreme Court or the Supreme Administrative Court)?

Currently, the Parliamentary Ombudsman can only advise the complainant on the content of Article 106 of the Constitution if the complainant had the possibility to bring their case before a court. If the reform of the Constitution concerning the abolishment of the requirement of evident conflict were to move forward, that context would also allow assessing whether the Parliamentary Ombudsman should have the right to initiate matters based on received complaints. The primacy of Parliament's legislative powers would be emphasised by a model in which the Parliamentary Ombudsman could only ask the court to assess the constitutionality of a law in a specific, concrete case of application, based on a complaint addressed to the Ombudsman. Currently, in the event of an evident conflict between a provision of law and the Constitution, a court of law may decide on a matter either by interpreting the provision based on fundamental rights or by disregarding the provision in question. The difference from the current procedure would be that the (Constitutional) Court would in the future have the power to repeal the provision on the Parliamentary Ombudsman's initiative.

The Venice Commission of the Council of Europe has repeatedly recommended that an Ombudsman whose competence includes the protection of fundamental and human rights should be given jurisdiction to request an abstract statement from a constitutional court on the constitutionality of a law affecting fundamental rights. The Ombudsman should have this possibility on his own initiative or on the basis of an individual complaint. If the constitutional court were to also address individual concrete cases, the individual's access to the court should be the primary procedure.

If the Parliamentary Ombudsman in Finland had the power to bring the assessment of the constitutionality of laws before a court, more attention should be paid to safeguarding the strong and independent status of the Ombudsman and to promote the implementation of recommendations of the Venice Commission and recommendations arising from the accreditation procedure in accordance with the UN's Paris Principles. These include, in particular, recommendations on the independence of the Ombudsman, their appointment procedure and the length of their term in office.

There are countries in Europe where the ombudsman's request to declare a law unconstitutional and to repeal it is followed almost without exception, while there are other countries where such requests have only been accepted on a very exceptional basis. Our national judicial culture will shape the interaction between the Parliamentary Ombudsman and the courts in ex post supervision, if the ex post supervision of the constitutionality of laws were to be strengthened in future. Our constitutional tradition emphasises the primacy of democratic decision-making, which is why strengthening the role of the courts in the supervision of the constitutionality of laws is unlikely to progress very soon, despite criticism of the current system. However, I consider it important to add elements to this discourse on the potentially changing role of the Parliamentary Ombudsman in the promotion and protection of fundamental and human rights.

Deputy-Ombudsman
Mr Mikko Sarja

Reflections about general acts applicable to public administration

1 INTRODUCTION

The Ombudsman traditionally oversees procedures, and in this work, general acts applicable to public administration play a central role. For a fairly long time, the acts mainly included the Administrative Procedure Act, the Language Act and the Act on the Openness of Government Activities. Today, at least the following are also considered to be general acts: the Archives Act, the Sámi Language Act, the Sign Language Act, the Data Protection Act, the Act on Electronic Services and Communication in the Public Sector, the Act on the Provision of Digital Services and the Act on Information Management in Public Administration. Their objective is largely the same: to ensure that everyone's right to have their case dealt with appropriately and the guarantees of good governance are implemented in accordance with section 21 of the Constitution.

I discuss some issues that are associated with general acts and that are often addressed in the Parliamentary Ombudsman's oversight of legality.

2 OBLIGATION TO ISSUE A DECISION AND RIGHT TO REQUEST A REVIEW

Fairly often, it emerges that the authority has not issued a decision but has replied to the client or informed the client of something instead. For example, a conditional decision may have expired when the time limit set for meeting the conditions has been exceeded (5060/2022), the applicant may have cancelled their application (5942/2022), a pupil may have been denied the right to receive instruction in a free-choice optional foreign language (1044/2024), or the matter may have been initiated with a notification that does not concern the person who submitted the notification (974/2023). A reminder letter may also have been sent to the client by virtue of office under the law, but the letter has from the legal point of view been about providing advice (911/2025). It may also have been separately provided that the authority has an obligation to record its actions in documents concerning the client or in its information systems even if there is no explicit obligation to make a decision.

The Constitution secures the right to have a decision pertaining to one's rights or obligations reviewed by a court, and the right to receive a reasoned decision and the right to appeal are more closely secured by an act. An authority does not have an obligation to issue a decision – let alone one that can be appealed – on whatever claim is presented to it. The right to request a review does also not directly follow from the obligation to issue a decision. On the other hand, the prohibition of appeal or ineligibility for appeal does not as such affect the obligation to make a decision.

In an administrative procedure, decisions include all decisions issued in an administrative matter that have a terminating effect on the matter, and the decision may also concern inadmissibility (HE 72/2002 vp, p. 98). Under the Administrative Procedure Act, a document drawn up in the form of a decision is the only procedure terminating the processing of a matter. No provisions on responses sent in a letter or on notifications of terminating the processing of a matter are laid down in the Act. However, even these have not been categorically rejected in the oversight of legality. They can be regarded as expressions of the outcome of the authority's consideration of measures when there is no obligation to issue a decision. It is also good governance to provide the client with an answer to a matter that the client has submitted to the authority for processing.

In addition to the obligation to issue a decision, the eligibility for appeal of the decision may be open to interpretation. According to the principal rule in the administrative judicial procedure, an individual may appeal against a decision by which the authority has resolved an administrative matter or has deemed it inadmissible, but not against an internal administrative order concerning the preparation, implementation or performance of a task or other measure. Knowledge of the decision-making practice of administrative courts plays an essential role in the identification of eligibility for appeal.

From a point of view favourable to fundamental rights, it may be justified to issue a decision in a situation that is open to interpretation to enable the party concerned to appeal against it and the court to issue a decision on whether the authority's measure is eligible for a request for review. However, it is not without problems if the authority issues the decision just to be on the safe side and attaches instructions for appeal to it because this may cause both unnecessary trouble and costs to the client.

The Act on the Openness of Government Activities also includes elements that are ambiguous from the point of view of the obligation to issue a decision. Parliamentary Ombudsman Petri Jääskeläinen discussed these situations in his general comments to the annual report in 2017. In the end, I highlight some additional points of view in the form of questions.

Is it possible to appeal against a decision in which a request for a document is transferred to another authority when the transfer decision does not yet solve the principal issue, which is the right of the person requesting the document to have access to the information? Eligibility for appeal is indirectly indicated by the decision KHO: 2024:98 of the Supreme Administrative Court. The Administrative Court investigated an appeal against a transfer decision and rejected it. The Supreme Administrative Court in turn considered that the transfer decision did not indicate in the manner required by the Administrative Procedure Act how the matters related to the transfer had been solved, in other words, to which specific authority the request had been transferred and which specific documents the transfer concerned. The matter was referred back to the authority for processing.

When requesting a review, is it possible to have it reviewed that the authority refuses to keep the information in the document confidential in spite of the concerned party's request? This is not about assessing the confidentiality related to the request for information, either. According to the Supreme Administrative Court (KHO: 2022:122), the university's decision not to remove or keep confidential the information contained in the final report of the investigation of a violation of good scientific practice was eligible for appeal and the Administrative Court should have investigated the appeal against the decision. The decision immediately affected the right or interest of the person who had been subject to the investigation of the suspected violation and who had expressed their stand on the matter concerning the publicity and confidentiality of the final report. Does the Supreme Administrative Court's decision provide help for interpretation in a situation where a party already requests in advance that their name be kept secret in a public matter or that their contact details be kept secret on the basis of a so-called authority-specific non-disclosure under the Act on the Openness of Government Activities (5154/2024)?

3 STATING REASONS FOR THE DECISION

According to the main rule in the Administrative Procedure Act, the reasons for a decision must be stated. On the other hand, the Act makes it possible not to state the reasons, for example, when a claim is approved that does not concern any other party and others do not have the right to request a review of the decision. To support their application (claim), the applicant may present several alternative reasons (such as the length of the journey and the associated strain/hazards in matters concerning school transport subsidy) that may contribute to reaching the same outcome (being granted the school transport subsidy). I have considered it to be open to interpretation whether the authority must take a reasoned stand to all the alternative reasons presented by the applicant if the decision is favourable on any of the presented reasons (409/2024).

The requirements of the Administrative Procedure Act for stating the reasons for a decision do not necessarily meet the special needs of all administrative branches. However, they apply unless provisions have been laid down on derogations. I have assessed the way in which the Matriculation Examination Board has justified the decisions (notifications) it has issued on requests for an administrative review concerning the assessment of the tests taken as part of matriculation examination. The Board's general notification concerning the request for an administrative review did not meet the case-specific requirement for stating the reasons for the decision. Because the requirements of the Administrative Procedure Act were in practice difficult to reconcile with the special features of the assessment of the test, I proposed to the Ministry of Education and Culture that separate provisions on the procedure for requesting an administrative review and the obligation to state the reasons related to it should be laid down in the act concerning the matriculation examination if the general premise of the Administrative Procedure Act is not considered to be easily applicable to the procedure (2193/2023).

4 NOTIFYING THE DECISION-MAKER'S NAME IN THE DECISION AND SIGNING

It sometimes emerges that the client has received a decision or a letter from a public authority in which only the authority is stated as the sender. The Administrative Procedure Act lays down provisions on matters that must be indicated in the decision. However, there are not any provisions on an obligation to mention the name of the person who drew up the document in decisions, let alone in letters, nor are there provisions on signing the document. General provisions on the possibility to sign a decision electronically are laid down in the Act on Electronic Services and Communication in the Public Sector, and authority-specific special legislation may have provisions on a mechanical signature.

Unlike in the administrative procedure, a decision issued in the administrative judicial procedure must state the names of the persons who participated in the decision-making. Over the years, the supreme overseers of legality have advocated indicating the name of the decision-maker or the author of the document not only in decisions but also in other documents (e.g., 6205/2016), even though this is not required by law. Interpretations of good governance have therefore effectively brought the administrative procedure and the administrative judicial procedure closer to each other in this respect.

5 OBTAINING INFORMATION FROM AN AUTHORITY

There are various ways of obtaining information from a public authority. Under the Administrative Procedure Act, an enquiry can be made, and under the Act on the Openness of Government Activities, a request for access to information or an information service request. Within the limits of the regulations concerning the processing of personal data, the data subject can request access to their own personal data. However, the boundaries between these methods of obtaining information are not always clear.

When the party concerned wants to know the name of the person who made the decision they received, is it an enquiry referred to in the Administrative Procedure Act or a request for access referred to in the Act on the Openness of Government Activities? As far as I can see, this can be interpreted either way. However, the procedures and legal remedies differ. Enquiries must be responded to without undue delay, whereas more detailed time limits apply to the processing of requests for information. The legal remedy in cases where enquiries have not been responded to or the response has been delayed and in situations concerning the content of the answer is an administrative complaint, whereas there is additionally and above all the possibility to request a review of a negative decision in requests for information. In a situation that is open to interpretation, it is justified to choose the procedure that best implements the client's legal protection. For example, if the requested name information is exceptionally not given, it is justified to process the matter as a request for information, which opens up the possibility to appeal against the decision to a court.

The ambiguity between a request for information referred to in the Act on the Openness of Government Activities and a request for access to information referred to in provisions on the processing of personal data has often been addressed in the oversight of legality. It is essential that the request is processed as one or the other and that the selected procedure is followed systematically and not by mixing mutually differing elements from different procedures to the processing of the matter.

The difference between implementing a request for information and producing data is also ambiguous. A request for information must be implemented in accordance with the conditions and procedures laid down in the Act, but the authority is not obliged to draw up a new document because of this. On the other hand, an authority may on request produce and disclose for different purposes data consisting of characters recorded in one or several information systems maintained by it by means of automated data processing. The production of data is therefore discretionary and the time limits in the Act do not apply to it.

I have assessed where the line should be drawn here. A complainant had requested statistical data on how pupils in certain grades in the municipality had chosen the subjects in religion and worldview studies in a certain school year. According to the complainant, the data should have been delivered within the time limits set in the Act on the Openness of Government Activities. The local authority had accepted the request for processing, but the processing had taken longer than the time limits set in the Act. The essential question was whether the documents or the data requested had already been available or to what extent this information had had to be requested from different schools in order to produce the requested statistics, as well as to what extent the production of statistics of this kind was part of the obligation to produce and disseminate information referred to in the Act of the Openness of Government Activities. I considered that the request could be interpreted as a request to produce data and if the request was accepted, it had to be processed in accordance with the Administrative Procedure Act without undue delay (3315/2023). Whether a decision eligible for appeal must be issued when the production of discretionary data is refused or whether a written reply is sufficient is a separate question.

6 SPECIFICALLY ABOUT RESPONDING TO ENQUIRIES

Responding to an enquiry is one of the most common topics of complaints related to the Administrative Procedure Act. The authority must, within the scope of its competence, respond to questions and enquiries concerning the use of its services. It is not always clear whether the contact request requires a response. The starting point in the oversight of legality has been that good governance includes the right to receive without undue delay a response to appropriate letters, enquiries and requests sent to an authority when the writer is clearly expecting to get a response to them. The obligation to respond is not unlimited. It is good governance to notify the client if the authority for its part intends to terminate correspondence with the client when the correspondence repeatedly concerns the same matter, to which the authority can no longer add anything.

The use of electronic services brings challenges of its own. Because it is easy to send an email message to the authorities with extensive distribution, it may be unclear what the client aims at with the contact request and who, if anyone, has the primary obligation to respond to it (359/2018). It may also be unclear whether or not the email is a document submitted to the authority for information within the scope of the recoding obligations referred to in the Act on Information Management in Public Administration (see 7975/2023).

The national work queues, which have become increasingly common in public authorities' services, should be mentioned in this context. I have considered it important that the division of responsibilities related to work queues are clear and that the person responsible for the work queue is aware of the situation in their work queue and ultimately responds to enquiries concerning the matters in the queue (3050/2024). The work queue procedure may lead to a violation of the Administrative Procedure Act if an enquiry concerning the processing stage of the matter is not responded to until in connection with the decision on the principal issue. In this case, the purpose of responding to enquiries becomes meaningless (740/2023).

7 NAMES, PARALLEL NAMES AND LOGOS

The Parliamentary Ombudsman has in the past few years assessed the authorities' use of parallel and additional names from the point of view of the Administrative Procedure Act and the Language Act. It is a question of whether legislation prevents their use and if it does not, are there any criteria in legislation that these additional names must meet. It is also a question of how the authority uses its additional name in relation to its official name.

By interpreting the requirement of appropriate language laid down in the Administrative Procedure Act, it has been considered possible to set criteria for the official names of the authorities. The name must be such that it is identified as the name of the authority and can be distinguished from, for example, the name of a commercial operator. Insofar as there are provisions on the name of an authority or a company performing a public administrative duty in legislation, the Ombudsman cannot intervene in it, even if the name itself could be questionable from the point of view of the Administrative Procedure Act and the Language Act.[1)] If the name is not one that provisions have been laid down on in an act, the Ombudsman has considered that, when an entirely new company is established for the performance of public administrative duties, there are strong grounds for forming the name of the company by taking into account the requirements of the Language Act and the Administrative Procedure Act in the same way as with the authorities' official names.[2)]

1 For example, the Act on Innovation Funding Agency Business Finland and the limited liability Company called Business Finland.

2 Case Traffic Management Finland Oy (6513/2018).

The use of an abbreviation of the name or some other parallel name has not been considered to be in violation of the law, if it occurs in connection with the official name and there is no uncertainty or confusion about the authority.[3] The authority cannot use only its unofficial name in external contexts. When formulating the possible abbreviation of the name, the same principles must be observed in both national languages: if the abbreviation in Finnish is formed using the official name of the authority, the name in Swedish must also be formed using the name in Swedish.[4] The Parliamentary Ombudsman has questioned the case in which an authority, whose official name laid down in an act is fairly long as such but for which also an shorter name has been explicitly laid down in the act, still adopts into use a parallel name it has itself invented.[5]

8 ISSUES RELATED TO LINGUISTIC RIGHTS

The emphasis in complaints concerning language has shifted from language issues in the use of the authorities' traditional services to assessing the authorities' websites, social media use, individual and sometimes fairly specific linguistic issues, and the use of foreign languages.[6]

In matters concerning the communication of information online, the authority has often been reprimanded for providing essentially more extensive communication in Finnish than in Swedish or that the website in Finnish has been implemented before the one in Swedish so that no information at all has been available in the other national language (e.g., 1520/2018 and the decisions mentioned in it). It has also been debated what kind of obligations the authorities have with regard to publishing information in the Sámi languages and in the Finnish and Finland-Swedish sign language (see e.g., 359/2018) on their websites, and what kind of obligations the local authorities in the Sámi Homeland have to arrange interpretation and in social media communications (7627/2023).

The social media differ from the traditional information channels that existed during the adoption of the Language Act, such as municipal newsletters or the authorities' official websites, which did not often change. A question concerning linguistic obligations in the social media (Facebook) was commented on for the first time about ten years ago (3746/2013). Since then, the question in its different forms has often been asked again. The provisions on communications in the Language Act are partly outdated and open to interpretation in today's changed operating environment. The question is whether the linguistic obligations concerning the authority's communications are as such applicable in the social media. According to the Ombudsman, it would be difficult to justify why the national languages should not be treated equally also in the social media.

3 The Ombudsman did not have grounds for intervening in the name Carea adopted by a joint municipal authority for health and social services (2745/4/10 and 3581/4/10) or in the name TraFi of the Finnish Transport Safety Agency (2995/4/10 and 3706/4/10).

4 Decision 4925/4/12 concerned the Swedish-language abbreviation ELY-central for the Finnish Centre for Economic Development, Transport and the Environment, decision (5513/2016) the abbreviation Supo for the Finnish Security and Intelligence Service, and decision 6513/2018 etc. the name Väylä for the Finnish Transport Infrastructure Agency.

5 Decision 333/2020 concerned the name Findata of the Social and Health Data Permit Authority. The shorter name Tietolupaviranomainen ('Data Permit Authority') has been specifically laid down for the authority in an act.

6 The electronic operating environment has also otherwise been discussed in contexts such as an electronic procedure for aid applications (212/2008), documents produced in automatic camera surveillance (2523/2008), a request for opinion published in the electronic service for requesting for opinions (3445/2022), an authority's mobile applications and blog posts published by public officials (1549/2017), public officials' out-of-office notifications (e.g., 2575/2006), as well as the names in authorities' email addresses (5889/2021) and internet addresses (3802/2007).

The use of foreign languages has increasingly been highlighted in language complaints. In the past few years, it has often led to a reprimand if an authority has, without support from legislation, used only a foreign language, displacing the national languages.[7)]

The language of signs is a traditional subject of language complaints, and fairly unambiguous with regard to its legal starting points. However, the case concerning the signs at Helsinki Airport, which I resolved during the year under review, was ambiguous. At the airport, a variety of signs are displayed in the same facilities. There are signs that have been set up by different actors and signs that are directing people to the services provided by these actors and some of them were either only or primarily in English. Of them, the Parliamentary Ombudsman can assess only the signs related to the tasks of the public authorities operating at the airport (Customs and Border Guard) and to the public administrative duties performed by Finavia (mainly the security control). The signs related to Finavia's business activities and the signs of private entrepreneurs are not within the scope of the Ombudsman's competence (6060/2023).

9 CONCLUSION

Good governance, concretised by the key general acts governing public administration, is at the heart of the Parliamentary Ombudsman's task of overseeing fundamental rights. Furthermore, linguistic rights have a special role in that the Parliamentary Ombudsman's annual report has since 1998 included a section on observations made in the oversight of legality with regard to linguistic rights, these matters have mainly been concentrated to one of the decision-makers, and a presenting officer has been designated for the cases in this category. This has partly been in response to the discussion that took place at the time about whether a separate post of a language ombudsman should have been established in Finland.

Compared to acts such as the Administrative Procedure Act and the Act on the Openness of Government Activities, the Language Act is special as its scope is broader than the competence of the Parliamentary Ombudsman when the matter concerns state-owned companies that provide services (section 24). The Parliamentary Ombudsman's oversight of linguistic rights is at its broadest when the company performs public administrative duties, in which case the linguistic obligations are the same as those of public authorities. If the company's service meets the criteria laid down for a public duty in the provision on the Parliamentary Ombudsman's competence (Constitution of Finland, section 109) without being a public administrative duty (e.g., the universal service obligation of Posti), the Ombudsman may assess the matter in accordance with the principle of proportionality referred to in section 24 of the Language Act, which as such is open to interpretation. If the service provided by the company cannot be interpreted even as a public duty, the Parliamentary Ombudsman cannot assess the matter at all (e.g., VR, Finnair).

7 This has occurred in job advertisements (6227/2022), public authorities' names/services and signs, and in the naming of events and a legislative project (1167/2019). The following have been among those subject to an assessment: the names Stroke Unit (4032/2008) and No-Harm Center (5003/2019), the signs Safety Zone (3449/2023) and No Drone Zone (4345/2017), as well as the events Helsinki Education Week (6847/2021) and EasySport and FunAction (386/2023). The languages of the COVID-19 certificate have also been assessed (6660/2022).

The oldest general acts have already been in force almost in their current forms for a long time, approximately between 20 and 25 years, and they do not always provide unambiguous answers. On the other hand, the broad nature of the general acts makes interpretation possible, reducing the need for changes. It is still advisable to review these acts periodically, as well. It is important that together, they form a clear whole. A reform of the Act on the Openness of Government Activities was indeed pending in the Ministry of Justice between 2021 and 2023, and the aim is to continue work on it. There is also a need to review the Language Act, the Sámi Language Act and the Administrative Procedure Act. On an inspection that I conducted at the Ministry of Justice towards the end of the year under review (6875/2024), it was discovered that this need has already been discussed at least with respect to the Language Act and the Sámi Language Act. I would also like to see the Administrative Procedure Act on this list.

2 The Finnish Ombudsman institution in 2024

2.1
Review of the institution

The year 2024 was the Finnish Ombudsman institution's 105th year of operation. The Parliamentary Ombudsman began his work in 1920, making Finland the second country in the world to adopt the institution. The Ombudsman institution originated in Sweden, where the office of Parliamentary Ombudsman was established in 1809. After Finland, the next country to adopt the institution was Denmark in 1955, followed by Norway in 1962.

The International Ombudsman Institute (IOI) currently has over 200 members, in around 100 countries. Some Ombudsmen are regional or local. For example, Germany and Italy do not have a Parliamentary Ombudsman. The post of European Ombudsman was established in 1995.

The Ombudsman is the supreme overseer of legality, elected by the Parliament of Finland (Eduskunta). According to the Constitution of Finland, "Ombudsman shall ensure that the courts of law, the other authorities and civil servants, public employees and other persons, when the latter are performing a public task, obey the law and fulfil their obligations. In the performance of his or her duties, the Ombudsman monitors the implementation of basic rights and liberties and human rights." (section 109, subsection 1)

In other words, the scope of the Ombudsman's extensive oversight includes all public administration bodies but also private persons and organisations performing public tasks, such as social welfare and health care providers. However, the Ombudsman does not oversee Parliament's legislative work, the activities of Members of Parliament or the official duties of the Chancellor of Justice.

The Ombudsman is independent and acts outside the traditional tripartite division of the powers of state – legislative, executive, and judicial. In a well-functioning state governed by the rule of law, one of the key tasks of the supreme oversight of legality is to monitor that the primary systems of oversight and regulatory legal remedies are working appropriately. The Ombudsman has the right to obtain all information required to oversee legality from the authorities and persons in public office.

The Ombudsman submits an annual report to the Parliament of Finland in which the Ombudsman evaluates, on the basis of his or her observations, the state of administration of the law and any shortcomings the Ombudsman has discovered in legislation.

The election, powers and tasks of the Parliamentary Ombudsman are regulated by the Constitution of Finland and the Finnish Parliamentary Ombudsman Act. These statutes can be found in Appendix 1.

In addition to the Parliamentary Ombudsman, Parliament elects two Deputy-Ombudsmen; their term of office is four years. The Ombudsman decides on the division of labour between the three. The Deputy-Ombudsmen decide on the matters they are given responsibility for independently and with the same powers as the Ombudsman (unless the matter pertains to what is provided for under Section 14 (3) of the Finnish Parliamentary Ombudsman Act).

In the year under review, **Parliamentary Ombudsman Jääskeläinen** made decisions on cases involving questions of principle, the Government, and other highest organs of state. His responsibilities also included matters concerning the courts, justice administration and legal assistance, the prosecution service, the police, the Emergency Response Centre Administration, rescue services, military matters, the defence administration and the Border Guard, Customs, covert intelligence gathering and freedom of expression. He was also responsible for handling matters concerning the coordination of tasks and reporting in the National Preventive Mechanism against Torture.

Deputy-Ombudsman Sakslin addressed matters such as economic activities, late payments and distraint, health care, social welfare, the rights of older persons and persons with disabilities, regional and local government, taxation, the autonomy of Åland, and religious communities. In addition, she assumed responsibility for matters relating to the environment, agriculture and forestry, traffic and communications as well as Sámi affairs.

Deputy-Ombudsman Sarja was responsible, among other things, for matters relating to the criminal sanctions sector, including the treatment of prisoners, the execution of punishments and the correctional service. He also resolved matters concerning foreigners, the rights of the child, public guardianship, social insurance, social assistance, early childhood education and care services, education, science and culture, labour force and unemployment security, and matters concerning language.

The Parliamentary Ombudsman changed the division of duties so that, as of 18 October 2024, Deputy-Ombudsman Sakslin was responsible for conscripts' health care and prisoner health care, and Deputy-Ombudsman Sarja was responsible for matters concerning freedom of expression. A detailed division of labour is provided in Annex 2.

If a Deputy-Ombudsman is prevented from performing their tasks, the Ombudsman can invite a Substitute for the Deputy-Ombudsman to stand in. The substitute for the Deputy-Ombudsman in 2024 was Secretary General Jari Råman, who served as a substitute during the year under review for a total of 67 working days.

2.1.1 THE SPECIAL DUTIES OF THE OMBUDSMAN DERIVED FROM UN CONVENTIONS AND RESOLUTIONS

The Parliamentary Ombudsman is part of the National Human Rights Institution of Finland as set forth in the so-called Paris Principles defined by the UN (A/RES/48/134) together with the Human Rights Centre established in 2012 and its Delegation (see Sections 3.3 and 3.2 for the Human Rights Centre and the National Human Rights Institution of Finland).

Under the amendment to the Parliamentary Ombudsman Act, which came into force on 7 November 2014 (new Chapter 1(a), sections 11(a) – (h)), the Parliamentary Ombudsman was appointed as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The NPM's duties are described in more detail in section 3.5.

An amendment to the Parliamentary Ombudsman Act entered into force on 10 June 2016, whereby the tasks under Article 33(2) of the Convention on the Rights of Persons with Disabilities of 2006 would fall legally within the competence of the Ombudsman and the Human Rights Centre and its Delegation. The structure, which must be independent, is tasked with the promotion, protection and monitoring of the Convention's implementation. The duties of the national structure are described in more detail in section 3.4.

2.1.2 DIVISION OF TASKS BETWEEN THE PARLIAMENTARY OMBUDSMAN AND THE CHANCELLOR OF JUSTICE

The two supreme overseers of legality, the Ombudsman and the Chancellor of Justice, have virtually identical powers. The only exception is the oversight of advocates and licenced legal counsels, which falls exclusively within the scope of the Chancellor of Justice.

Despite having mostly similar powers, there are differences in the duties of overseers of legality. The new Act on the Distribution of Duties, which entered into force on 1 October 2022, reformed the division of duties between the supreme overseers of legality to correspond to the special tasks laid down in the legislation on the overseers of legality and the specialisation that has been established in practice.

The Parliamentary Ombudsman oversaw more extensively the implementation of fundamental and human rights at the individual level and, in particular, the implementation of the rights and treatment of vulnerable persons. Matters that were centralised to the Ombudsman included ones concerning the rights of the individual in social and health care and social insurance, as well as the oversight of the rights of children, older people and persons with disabilities. Matters concerning pre-trial investigation authorities and security authorities were centralised to the Parliamentary Ombudsman in addition to matters concerning prisons and other closed institutions to which a person was taken against their will that have been centralised already earlier. The act on the division of tasks between the Parliamentary Ombudsman and the Chancellor of Justice can be found in Appendix 1.

Parliamentary Ombudsman Jääskeläinen discussed the new Act on the Distribution of Duties in more detail in his speech to the 2021 report.

2.1.3 THE VALUES AND OBJECTIVES OF THE OFFICE OF THE PARLIAMENTARY OMBUDSMAN

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

Today, the Ombudsman's tasks also include overseeing and actively promoting the implementation of fundamental and human rights. This has somewhat altered views of the authorities' obligations in the implementation of people's rights. Fundamental and human rights are relevant to virtually all cases referred to the Ombudsman. The evaluation of the implementation of fundamental rights means weighing contradictory principles against each other and paying attention to aspects that promote the implementation of fundamental rights. In his evaluations, the Ombudsman stresses the importance of arriving at a legal interpretation that is amenable to fundamental rights.

The establishment of the Finnish National Human Rights Institution supports and highlights the aims of the Ombudsman in the oversight and promotion of fundamental and human rights. Section 3 of this report contains a more detailed discussion on fundamental and human rights.

The statutory duties of the Ombudsman form the foundation on which the values and objectives for the oversight of legality, as well as the other responsibilities of the Office, are based. The core values of the Office of the Parliamentary Ombudsman were created from the perspectives of clients, authorities, Parliament, the personnel and management.

The following page is a summary of the values and objectives of the Ombudsman's Office.

2.1.4 OPERATIONS AND PRIORITIES

The Ombudsman's primary task is to investigate complaints. The Parliamentary Ombudsman will investigate a complaint, if the concerned matter falls within the scope of his or her oversight of legality, and where there is reason to suspect unlawful conduct or neglect of duty, or if the Ombudsman otherwise deems it necessary. The Parliamentary Ombudsman has discretionary powers in the examination of complaints. Arising from a complaint, the Ombudsman shall take the measures that he or she deems necessary from the perspective of compliance with the law, protection under the law or implementation of fundamental and human rights. In addition to complaints, the Ombudsman can also choose on his own initiative to investigate issues that he or she has observed.

The values and objectives of the Office of the Parliamentary Ombudsman

Values

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

Objectives

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

Tasks

The Ombudsman's core task is to oversee and promote legality and implementation of fundamental and human rights. In this capacity, the Ombudsman investigates complaints and his own initiatives, conducts inspection visits and issues statements related to legislation. The special tasks of the Ombudsman include monitoring the conditions and treatment of persons deprived of their liberty, the monitoring and promotion of the rights of persons with disabilities and children, and the supervision of covert intelligence gathering.

Emphases

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

Operating principles

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

Operating principles especially in complaint cases

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

The importance of achieving objectives

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

By law, the Ombudsman is required to conduct inspections of public agencies and institutions. He has a special duty to oversee the treatment of persons detained in prisons and other closed institutions, as well as the treatment of conscripts in garrisons. In his capacity as the National Preventive Mechanism against Torture (NPM), the Ombudsman also makes visits to places and facilities where individuals deprived of their liberty are or may be detained (see Section 3.5 for the tasks of the NPM). One of the priorities within the Parliamentary Ombudsman's remit is to monitor the implementation of the rights of persons with disabilities, older people and children.

The Ombudsman's special task is to oversee the covert intelligence gathering and intelligence activities of security authorities (the police, the Customs, the Finnish Border Guard and the Finnish Defence Forces). For this purpose, the ministries concerned report annually to the Ombudsman on the use of covert intelligence gathering and intelligence methods.

Fundamental and human rights are relevant to the oversight of legality not only when individual cases are being investigated, but also in conjunction with inspections and when deciding on the focus of own-initiative investigations. Emphasising and promoting fundamental rights guides the thrust of the Ombudsman's activities. In connection with this, the Ombudsman engages with various bodies, including the main NGOs. The Ombudsman addresses issues in connection with the inspections, as well as on his own initiative, that are sensitive from the perspective of fundamental rights and that have broader significance than individual cases as such. In 2024, the special theme for the supervision of fundamental and human rights was digitalising public administration and fundamental rights. The content of the theme is outlined in section 3.8.

The general strategic starting point for the Ombudsman's activities is to implement the constitutional task of the Parliamentary Ombudsman so that its impact is as extensive as possible.

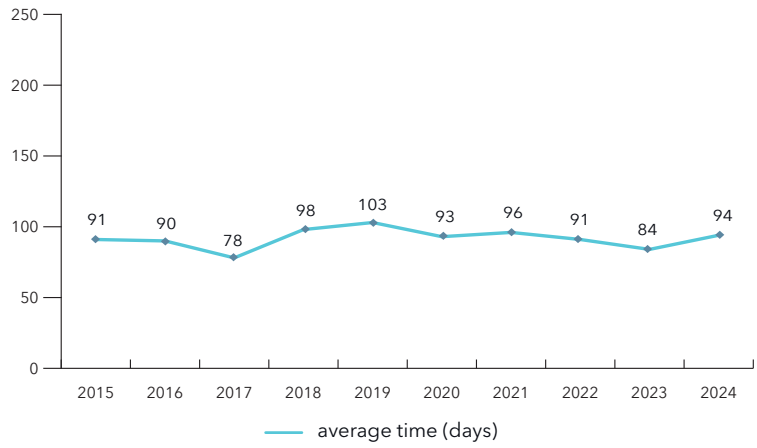
2.1.5 OPERATION IN THE REPORTING YEAR

Complaints are processed within one year

With the amendment to the Parliamentary Ombudsman Act, which entered into force in 2011, the oversight of legality was increased by giving the Ombudsman greater discretionary powers and a wider range of operational alternatives, and by a greater focus on the perspective of the citizen. The period within which complaints can be made was reduced from five to two years. The Parliamentary Ombudsman was granted the possibility of referring a complaint to another competent authority. The amendment of the Act also enables the Parliamentary Ombudsman to invite a Substitute Deputy-Ombudsman to discharge the duties of the Deputy-Ombudsman as and when required.

The legal reform made it possible to allocate resources more appropriately to matters in which the Ombudsman could assist the complainant or otherwise take action. The aim is to assist the complainant, where possible, by recommending that an error that has been made be rectified, or that compensation be paid for an infringement of the complainant's rights.

The Office of the Parliamentary Ombudsman has had the target of processing all complaints within a maximum of one year. This target was reached already in 2013, after which no complaints pending for more than one year have been transferred to the following year at the turn of the year. The average time taken to process complaints was 94 days at the end of 2024, compared to 84 days at the end of 2023.



Average time taken to deal with complaints in 2015–2024.

Complaints and other oversight of legality matters

In 2024, there were a total of 6,088 complaints (7,124 in 2023). This is just over 1,000 (14.5%) fewer than the previous year. The largest number of complaints concerned social welfare 1,233 (1,136), the police 699 (855), healthcare 675 (803) and criminal sanctions 577 (591). In the reporting year, 6,286 complaints were resolved. The corresponding figure in 2023 was 6,876.

The number of complaints submitted by letter or fax or delivered in person has decreased in recent years, and the number of complaints sent by email has stabilised. In 2024, the majority of complaints, 81% (83% in 2023), were submitted electronically. The complainant also receives an immediate notification of the receipt of the email.

Some complaints are handled through an accelerated procedure. In 2024, slightly over half (52%) (57% in 2023) of all complaints were processed with the accelerated procedure. The purpose of the procedure is to identify immediately on receipt the complaints that require no further investigation. The accelerated procedure is especially suitable for complaints concerning matters that fall outside the Ombudsman's remit or are over two years old, non-specific, pending or repeat complaints. If a complaint proves to not be suitable for the accelerated procedure, the matter is referred back for the normal distribution of complaints. In the accelerated procedure, a draft response is given within one week to the party deciding on the case in accordance with the instructions of the Office. The complainant is sent a reply signed by the legal adviser taking care of the matter.

In December of the year under review, a change was introduced where a legal adviser could respond to complaints after a review by the head of division. A total of 130 such responses were sent during December. This change applies to matters referred to in section 3, subsections 3 and 4 of the Parliamentary Ombudsman Act, wherein the Ombudsman must inform the complainant without delay if no action will be taken in a matter. Under section 17 of the Office's rules of procedure (EOAK/3866/2024, entered into force on 1 October 2024), a legal adviser can respond to a complaint if, based on established oversight of legality, there are no prerequisites for the admissibility of the complaint because

1) the matter does not fall within the Ombudsman's remit;
2) the complaint is non-specific or unfounded;
3) the complaint concerns a matter that is more than two years old and there is no specific reason for investigating the complaint;
4) the processing of the matter is pending before a competent authority or may be appealed against by regular means of appeal.

Complaints received and resolved in 2015–2024.

The responses are reviewed by the head of department or, on the Ombudsman's order, by the presenting officer for cases in this category if necessary.

The accelerated procedure is also used to process complaints that are so-called other communications, such as letters from citizens containing enquiries, letters that are clearly unfounded or fall outside the Ombudsman's remit, and communications whose content is unclear or that are clearly non-specific. As a rule, the Substitute Deputy-Ombudsman or the Secretary General refer these communications to notaries or investigating officers for processing. The responses are reviewed by the Substitute Deputy-Ombudsman or the Secretary General or their deputy. In 2024, approximately 16% of complaints in the accelerated procedure were other communications.

Anonymous messages are not treated as complaints, but the Ombudsman takes the initiative in assessing the need to investigate them.

Communications and messages that were submitted for information only, that are not considered to have been sent for the purpose of initiating action and that are in no way related to any other matter under process, are not recorded. However, they are checked by an administrative assessor. Communications sent using the feedback form on the Office website are dealt with in accordance with the principles described above. In 2024, 11,063 written communications that had arrived for information were received (12,933 in 2023).

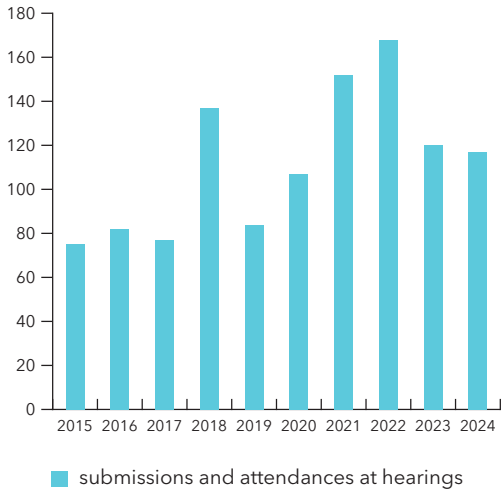
Received oversight of legality matters	**2024**	**2023**
Complaints - of which, complaints referred by the Chancellor of Justice	6,088 359	7,124 281
Own-initiative investigations	67	54
Requests for statements and hearings	156	133
Total	6,311	7,311

Resolved oversight of legality matters	**2024**	**2023**
Complaints - of which, complaints referred to the Chancellor of Justice	6,286 16	6,876 36
Own-initiative investigations	72	39
Requests for statements and hearings	117	120
Total	6,475	7,035

In addition, the oversight of legality extends to opinions and consultations on various parliamentary committees, for example. Compared to the previous year, almost the same number of statements and hearings were resolved. The number of received cases rose to the level of the year before last.

In 2024, 75% (74% in 2023) of all the complaints that arrived were related to the ten largest categories. Figures for the case categories are in Appendix 4.

In 2024, a total of 72 (39 in 2023) matters investigated on the Ombudsman's own initiative were resolved. Of these, 42 (26) led to action on the part of the Ombudsman, meaning 58% (67%) of matters.



Resolved requests for statements and hearings between 2015 and 2024.

Measures

The most relevant decisions taken in the Ombudsman's work are those that lead to him or her taking measures. These measures include prosecution for breach of official duty, a reprimand, the expression of an opinion and a recommendation. A matter may also result in some other measure being taken by the Ombudsman, such as ordering a pre-trial investigation or bringing the Ombudsman's earlier expression of opinion to the attention of an authority. A matter may also be rectified while the investigation is still ongoing.

A prosecution for breach of official duty is the most severe sanction available to the Ombudsman. This requires a pre-trial investigation and the processing of the matter in criminal proceedings. At the end of the proceedings, the Ombudsman may also make a reasoned reprimand of a criminal offence, the recipient of which has the right to bring a decision on guilt before a court (section 10(3) of the Parliamentary Ombudsman Act). In the complaint procedure, the Ombudsman may issue a so-called administrative notice if the supervised party has acted unlawfully or failed to fulfil their obligations. He or she may also express an opinion as to what would have been a lawful course of action or draw the attention of the oversight subject to the principles of good administrative practice, or to aspects that are conducive to the implementation of fundamental and human rights. The opinion expressed may be formulated as a rebuke or intended for guidance.

In addition, the Ombudsman may recommend the rectification of an error or draw the attention of the Government or other body responsible for legislative drafting to shortcomings that he has observed in legal provisions or regulations. The Ombudsman may also suggest compensation for an infringement that has been committed or make a proposal for an amicable solution on a matter. Sometimes an authority may pre-emptively rectify an error at a stage when the Ombudsman has already intervened with a request for a report.

In 2024, decisions on complaints and investigations at the Ombudsman's own initiative that led to measures totalled 911 or 14% of all decisions (925, i.e. 14% in 2023). Approximately a quarter of complaints and investigations at the Ombudsman's own initiative were subject to a full investigation, meaning that at least one report and/or statement was obtained.

Since 2007, the number of measures taken as a result of complaints has increased from 600 up to over 1,000. The number of resolved complaints within the same period increased from approximately 3,500 up to nearly 8,000. The relative proportion of complaints leading to measures (measure %) has remained more or less unchanged.

In about 42% of complaints (2,669), there were no grounds to suspect erroneous or unlawful action, or there was no reason for the Ombudsman to take action. A total of 119 cases (approximately 2%) were found not to involve erroneous action. No investigation was conducted in 42% of the cases (2,629).

In most cases, the complaint was not investigated because the matter was already pending with a competent authority. An overseer of legality usually refrains from intervening in a case that is being dealt with at the appeal stage or by another authority. Matters pending with other authorities, and therefore not investigated, accounted for 13.7% (859) of all complaints dealt with. Other matters not investigated include those that fall outside the Ombudsman's remit and, as a rule, cases that are more than two years old.

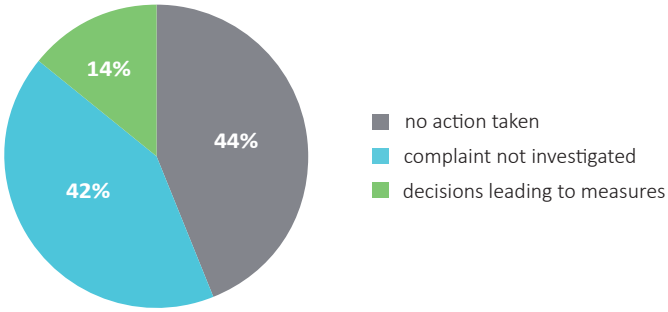
The proportion of all investigated complaints that led to measures, when cases not investigated are excluded, was 23.8%. For complaints that are investigated in full, the percentage of cases where measures are taken reaches about 50%.

None of the matters handled in the year under review were brought to prosecution for breach of official duty. There were three complaints that merited pre-trial investigation by the police. A total of 26 reprimands were given, and 620 opinions were expressed. Rectifications were made in 22 cases while under investigation. Decisions classed as recommendations numbered 26, although opinions regarding the development of governance that count as recommendations were also included in other types of decisions. Other measures were recorded in 172 cases. In reality, the number of other measures that the decisions lead to is greater than the figure shown above, because only one measure is recorded under each case, even though several measures may have been taken.

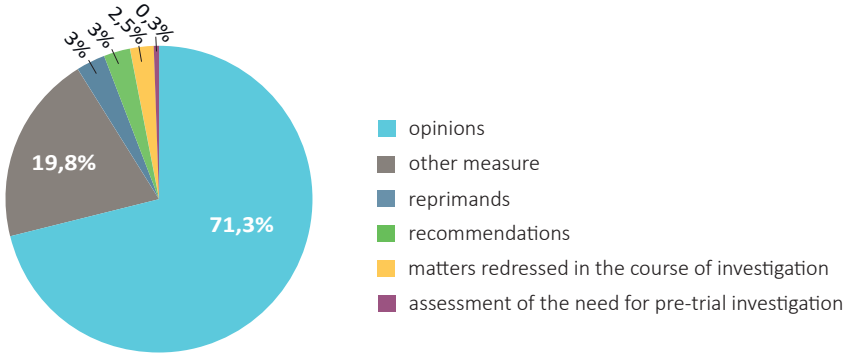
Statistics on the Ombudsman's activities are provided in Appendix 4.

MEASURES TAKEN BY PUBLIC AUTHORITIES	Prosecution	Assessment of the need for pre-trial investigation	Reprimand	Opinion	Recommendation	Rectiication	Other measure	TOTAL	Total number of decisions	Percentages*
Social welfare	0	0	9	165	8	4	37	223	1,198	18,6
Criminal Sanctions field	0	1	1	107	5	3	78	195	658	29,6
Healthcare	0	0	4	105	3	5	20	137	675	20,3
Police	0	2	3	59	10	0	5	79	701	11,3
Administrative branch of the Ministry of Education and Culture	0	0	0	33	3	1	5	42	231	18,2
Social insurance	0	0	1	35	0	4	0	40	322	12,4
Courts and judicial administration	0	0	3	14	0	2	18	37	338	11,0
Regional and local government	0	0	2	33	1	0	0	36	187	19,3
Distraint, bankruptcy and debt arrangements	0	0	1	21	1	2	5	30	218	13,7
Labour force and unemployment security	0	0	0	24	2	0	0	26	263	9,9
Administrative branch of the Ministry of the Environment	0	0	1	11	0	0	3	15	133	11,3
Public guardianship	0	0	1	8	0	0	2	11	152	7,2
Administrative branch of the Ministry of Transport and Communications	0	0	0	4	0	1	3	8	97	8,3
Taxation	0	0	0	7	0	1	0	8	115	7,0
Military matters, Defence administration and Border Guard	0	0	0	5	1	0	0	6	81	7,4
Aliens affairs and citizenship	0	0	2	2	1	1	0	6	99	6,1
Other administrative branches	0	0	0	4	0	0	0	4	630	0,6
Prosecutors	0	0	0	4	0	0	0	4	51	7,8
Administrative branch of the Ministry of Agriculture and Forestry	0	0	0	2	0	0	0	2	48	4,2
Religious communities	0	0	0	2	0	0	0	2	10	20,0
Highest organs of government	0	0	0	0	0	0	0	0	130	0,0
Customs	0	0	0	0	0	0	0	0	16	0,0
Covert intelligence gathering and freedom of expression	0	0	0	0	0	0	0	0	5	0,0
Total	0	3	28	645	35	24	176	911	6,358	14,3

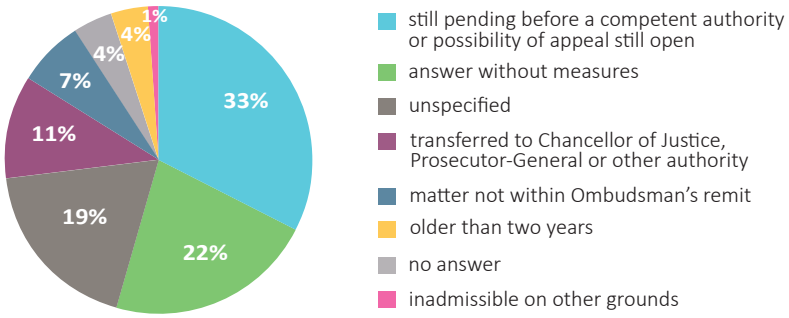
* Percentage share of measures in decisions on complaints and own initiatives in a category of cases.



All cases resolved in 2024.



Decisions involving measures in 2024.



Complaints not investigated in 2024.

Inspection visits

The number of inspections was still below the pre-pandemic level. In 2024, 77 inspections were carried out (83 in 2023). The inspections are described in more detail in connection with the respective topic.

Of the inspections, 40% (24% in 2023) were conducted under the leadership of the Ombudsman or the Deputy-Ombudsmen and 60% (76%) were carried out by legal advisers. A total of 26 (39) visits were made to places and facilities where individuals are or may be kept while deprived of their liberty; 12 (19) of these visits were unannounced. These visits were made in the capacity of the National Prevention Mechanism against Torture (NPM).

The number of inspections between 2015 and 2024.

The NPM visits are made, in particular, in prisons and other detention facilities for persons deprived of their liberty, police detention facilities, social welfare and healthcare units, child welfare institutions including youth homes, and residential units of intellectually or physically disabled people. Both the individuals placed in these facilities and the staff are given the opportunity to discuss issues in confidentiality with the Ombudsman or the Ombudsman's assistant. An opportunity for a discussion is also given to conscripts during the Ombudsman's visit.

The annual report of the NPM details the observations listed in Section 3.5 and recommendations given and measures taken by authorities as a result. Shortcomings, which are often observed in the course of inspections, are subsequently investigated on the Ombudsman's own initiative. Inspection visits also fulfil a preventive function.

2.1.6 COOPERATION IN FINLAND AND INTERNATIONALLY

Events in Finland

Parliamentary Ombudsman Jääskeläinen attended the only parliamentary debate on the Parliamentary Ombudsman's report for 2022 at the plenary session on 14 March 2024. Ombudsman Jääskeläinen and Deputy-Ombudsmen Sakslin and Sarja submitted the Parliamentary Ombudsman's annual report 2023 to Speaker of Parliament Jussi Halla-aho on 25 June 2024. Ombudsman Jääskeläinen attended a preliminary debate on the report at a plenary session of Parliament on 3 September 2024. At the end of the reporting year, the committee reading of the 2023 report is still under way.

Several Finnish authorities and other guests visited the Ombudsman's office, and topical issues and the work of the Ombudsman were discussed with them. Visitors to the Office included Secretary-General of Parliament Antti Pelttari on 23 January and jury members of the Helsinki District Court on 22 April.

During the year, the Ombudsman, Deputy-Ombudsmen and members of the Office paid visits to familiarise themselves with the activities of other authorities, gave presentations and participated in hearings, consultations and other events.

On 20 September, Parliamentary Ombudsman Jääskeläinen gave a speech at the seminar for the senior command of the Finnish Defence Forces and on 26 September at a hearing organised by the Ministry of Justice titled "Independent judiciary as a guardian of the rule of law" on the theme of "Supervision of the judiciary".

Parliamentary Ombudsman Petri Jääskeläinen, pictured on the right, submitted the annual report to Speaker of Parliament Jussi Halla-aho. Next to the Ombudsman are Deputy-Ombudsmen Maija Sakslin and Mikko Sarja.

On 26 February, Parliamentary Ombudsman Jääskeläinen and Deputy-Ombudsman Sakslin attended an event organised by the Human Rights Centre and the Faculty of Law of the University of Helsinki entitled "Fundamental and human rights – natural allies of the rule of law". At the event, Parliamentary Ombudsman Jääskeläinen gave a speech on "Ombudsman as guardian of the rule of law", and Deputy-Ombudsman Sakslin gave the closing speech of the event.

The celebratory seminar culminated with Parliamentary Ombudsman Petri Jääskeläinen handing over a sculpture titled "Kaikki" ("All") designed by sculptor Hannu Siren to the Director of the Human Rights Centre Sirpa Rautio. Rautio had acted as the Director of the Human Rights Centre since its establishment in 2012.

Deputy-Ombudsman Sakslin gave a presentation titled "How does the supreme judicial supervision guide health care practices?" at the Medical Conference on 24 January and attended a meeting of the advisory board of the "Older Persons and Crises" conference on 21 October.

The Office's legal advisers participated in several cooperation and development events, including:

- Deputy-Ombudsman Sarja and the legal advisers of the Office's criminal sanctions division visited the Life without crime foundation (RETS) on 8 February.
- Minister of Education Henriksson's round table discussion on 5 April on the topic of "Development programme for equality and non-discrimination in education". Senior Legal Adviser Piatta Skottman-Kivelä gave a speech at the event.

– Meeting of the working group on demographic development on 13 June on the theme of "Children's rights, cultural rights and linguistic rights". Senior Legal Adviser Piatta Skottman-Kivelä gave a speech on the topic of "Decision policies of complaints submitted to the Ombudsman".
– 10th anniversary seminar of the Council for Choices in Health Care in Finland (COHERE Finland) on 17 September titled "Prioritisation and service range 2030".

During the year under review, several of the Office's legal advisers gave speeches and presentations on various topics on many other occasions.

Deputy-Ombudsman Sakslin has been a member of the Human Rights Delegation since the first term of the delegation and also during the period 2020-2024. In addition, the Office of the Parliamentary Ombudsman has expert representation in many working groups of ministries.

International cooperation

In recent years, the Office of the Parliamentary Ombudsman has engaged in an increasing number of various international activities due, to duties related to the UN Conventions, among others.

The Ombudsman has traditionally participated as a member of the **International Ombudsman Institute (IOI)** in the events of the institute and attended the related conferences and seminars, as well as those organised by the IOI's European chapter, IOI Europe. During the year under review, the IOI organised a World Conference in the Hague on 13–17 May, attended by Parliamentary Ombudsman Jääskeläinen, Deputy-Ombudsman Sakslin and Deputy-Ombudsman Sarja.

The Estonian Chancellor of Justice organised an "AI and decision-making processes, compliance with the rights of individuals" seminar in Tallinn between 15 and 16 October. It was attended by Senior Legal Adviser Sanna Hyttinen.

The Parliamentary Ombudsman is a member of the **European Network of Ombudsmen ENO**. ENO members exchange information on EU legislation and good practices at seminars and other gatherings as well as through a regular newsletter, an electronic discussion forum and daily electronic news services. Seminars intended for ombudsmen and other stakeholders of the network are organised every year. During the year under review, ENO did not organise any events.

The Office did not attend the events organised by the **European NPM Forum** during the year under review.

The **Nordic NPMs** meet regularly. During the year under review, the meeting was held in Helsinki on 20 September with a focus on the health care of prisoners and related challenges. The event was attended by Principal Legal Advisers Jari Pirjola and Iisa Suhonen and Senior Legal Advisers Anne Ilkka, Leena-Maija Vitie and Pia Wirta.

The Nordic parliamentary ombudsmen have convened on a regular basis every two years, at a meeting held in one of the Nordic countries. The Nordic cooperation meeting was held in Stavanger, Norway, from 19 to 21 August, attended by Parliamentary Ombudsman Jääskeläinen, Deputy-Ombudsman Sarja, Substitute Deputy-Ombudsman, Secretary General Jari Råman and Administrative Assessor Astrid Geisor-Goman.

For several years, the Finnish Parliamentary Ombudsman has also engaged in dialogue with the Baltic ombudsmen. The meeting of Ombudsmen for **Nordic and Baltic cooperation** was held 10–11 June in Helsinki. The meeting was attended by Parliamentary Ombudsman Jääskeläinen, Deputy-Ombudsman Sakslin, Deputy-Ombudsman Sarja, Administrative Assessor Astrid Geisor-Goman, and Information Officer Citha Dahl.

Other international events
- Deputy-Ombudsman Sakslin and Senior Legal Adviser Riikka Jackson participated in the Fundamental Rights Forum of the EU Fundamental Rights Agency FRA on 10–12 March.
- Principal Legal Adviser Jari Pirjola attended the "Foundational Workshop on Human Rights Monitoring of Forced Return" on 16 April.
- Principal Legal Advisers Jari Pirjola and Iisa Suhonen were heard by the UN Committee against Torture on Finland's 8th periodic report on 30 April.
- Senior Legal Adviser Riikka Jackson participated in the "14th Meeting of the COE-FRA-ENNHRI-EQUINET Collaborative Platform on Social and Economic Rights" on 1 July 2024. The theme of the event was "Young people's access to social and economic rights: Addressing the impact of the cost-of-living crisis".
- Senior Legal Adviser Riikka Jackson attended and spoke at the "Locking up children and young people in the Nordic countries" seminar on 12–13 September.
- Principal Legal Adviser Kirsti Kurki-Suonio attended the "ENOC 28th Annual Conference" by the European Network of Ombudspersons for Children on 18–19 September.
- Principal Legal Adviser Jari Pirjola attended the "Detention and Alternatives to Detention of Migrants, Asylum-Seekers and People in Need of International Protection" event on 19–20 November.
- Principal Legal Adviser Jari Pirjola attended the "11 Annual Conference on European Asylum and Migration Law" on 2–3 December.
- Principal Legal Adviser Iisa Suhonen and Senior Legal Adviser Elina Castrén attended the publication event of recommendations concerning Finland on the Istanbul Convention on 3 December.

The international networks in which Finland's National Human Rights Institution participates are introduced in section 3.2.1.

International visitors

The Office receives visitors and delegations from other countries, who come to familiarise themselves with the Ombudsman's activities. One of the reasons for which the Finnish Parliamentary Ombudsman institution and its activities attract international interest lies in the fact that the Finnish institution is the second oldest of its kind in the world.

Visitors to the Office included:
- Central Asian Ombudsmen on 18 April
- Frontex fundamental rights officers on 23 April
- Swedish Ombudsman Erik Nymansson and Secretary General Maria Hellberg on 20 November
- Delegation from Uzbekistan on 16 December

During the visit of the Swedish Ombudsman, attendees learned about the history of the oldest ombudsman institution in the world and discussed the similarities and differences between the activities of the ombudsmen in Finland and Sweden.

2.1.7 SERVICE FUNCTIONS

Client service

The objective of the Office of the Ombudsman is to make it as easy as possible to turn to the Ombudsman. Information on the Ombudsman's tasks and instructions on how to make a complaint can be found on the website of the Office and in a leaflet entitled "Can the Parliamentary Ombudsman help?", which contains a complaint form. A complaint may be sent by post, email or fax or by completing the online form. The Office provides clients with services by phone, on its own premises and by email.

Clients are always offered advice in line with the Administrative Procedure Act in a manner that is appropriate for each situation. Such advice includes, for example, visiting the Office of the Parliamentary Ombudsman, opening hours, filing a complaint and handling a complaint. The Office does not provide legislative or legal advice on any individual case. Advice by telephone at the Office is mainly provided by a team consisting of an on-duty lawyer, notaries and inspectors. Calls to the telephone system are recorded.

The Office's Registry receives and logs arriving complaints and responds to related enquiries, as well as documents requests and provides general advice on the activities of the Office of the Parliamentary Ombudsman. With the improved efficiency of client service, the number of calls decreased again. The Registry received around 1,260 (1,800) calls during the year. There were still a few client visits, approximately 30 (20). There were approximately 790 (760) orders for documents/requests for information.

Communications

Information on the Ombudsman's special tasks is available in both text and video format on the website of the Office of the Parliamentary Ombudsman.

In 2024, the Office published 16 (10) press releases on the Ombudsman's decisions, inspections and statements, if they were of particular legal or general interest. In addition, information was actively provided on the special tasks of the Office. The press releases are drawn up in Finnish and Swedish, and they are also posted online in English. The Office also used messaging service X for sharing information.

The Office commissioned an analysis of its media visibility, which showed that the Ombudsman had been visible in the online media in the context of 1,662 (1,359) news items or articles during 2024. A total of 8,297 (12,917) posts linked to the Ombudsman were published on social media.

A total of 290 (296) anonymous decisions were posted online. The website includes decisions that are of legal or general interest as well as statements and inspection records.

The Ombudsman's website is in English at www.oikeusasiamies.fi/en, in Finnish at www.oikeusasiamies.fi and in Swedish at www.ombudsman.fi. At the Office, information is provided by the information officers as well as the Registry and legal advisers.

The Finnish Parliament Annex.

The Office and its personnel

The role of the Office of the Parliamentary Ombudsman, headed by the Ombudsman, is to prepare issues for the Ombudsman's resolution and manage other relevant duties and the tasks of the Human Rights Centre. The Office is located in the Parliament Annex at Arkadiankatu 3.

The Office has four sections. The Ombudsman and the Deputy-Ombudsmen each lead their own section. During the year under review, each decision-maker was supported in the leadership of their section by principal legal advisers who, in addition to managing their own duties, review the legal adviser's responses to complaints that do not meet the prerequisites for admissibility according to established oversight of legality. The administrative section, which is headed by the Secretary General, is responsible for general administration. The Human Rights Centre at the Ombudsman's Office is headed by the Director of the Human Rights Centre. The HRC is located at Aurorankatu 6.

At the end of 2024, the number of personnel in the Office was 85 (83), including the Parliamentary Ombudsman and two Deputy Ombudsmen. At the end of the year under review, the share of women on the staff was 70,6% (69.6%), including the personnel of the Human Rights Centre.

There were 79 permanent positions at the end of 2024. There was 1 vacant post at the end of 2024. In addition to the Parliamentary Ombudsman and Deputy-Ombudsmen, the permanent staff at the Office comprised the Secretary General, Administrative Assessor, 17 principal legal advisers (3 of whom were appointed as head of division), 23 senior legal advisers and one on-duty lawyer. The Office also had an information officer, a data management specialist, an information management specialist, two investigating officers, five notaries, one personnel secretary, two administrative secretaries, a filing clerk, an assistant filing clerk, three communications secretaries, five records management secretaries, an assistant for international affairs and one office secretary. In addition to the Director, the Human Rights Centre had 5 experts, a communications expert and an assistant.

During a part of the year or the whole year, there were 13 persons working in the Office in fixed-term positions, including the fixed-term positions in the Human Rights Centre. A list of the personnel is provided in Appendix 3.

At the end of the year, the share of personnel at least 45 years of age was 81.2% (77.8%). The personnel's education level index was 6.7 (6.5). The share of personnel with a university-level degree was 88.2% (85.2%). Of this, the share of personnel with a Master's level university degree was 78.8% (75.3%) and the share of those who have completed research training was 10.6% (9.9%).

In accordance with its rules of procedure, the Office has a Management Group that includes the Parliamentary Ombudsman, the Deputy-Ombudsmen, the Secretary General, the administrative assessor, the Director of the Human Rights Centre and three staff representatives. The heads of division joined the efforts of the Management Group at the end of the year under review. The Management Group discusses in its meetings matters relating to, among others, the personnel policy and the development of the Office. The Management Group convened seven times in the reporting year. A cooperation meeting for the entire staff of the Office was held on five occasions.

The Office had permanent working groups in the areas of education, wellbeing at work, and equitable treatment and equality. The Office also has a job evaluation working group, as required under the collective agreement for parliamentary officials. The Office's Occupational Safety and Health Committee met four times during the year under review.

The electronic case management system introduced in 2016 allows for the electronic handling and archiving of matters related to the oversight of legality and administration. This has significantly shortened handling times and the manual handling of papers at the Office. With the new system, no documents have been archived in paper format.

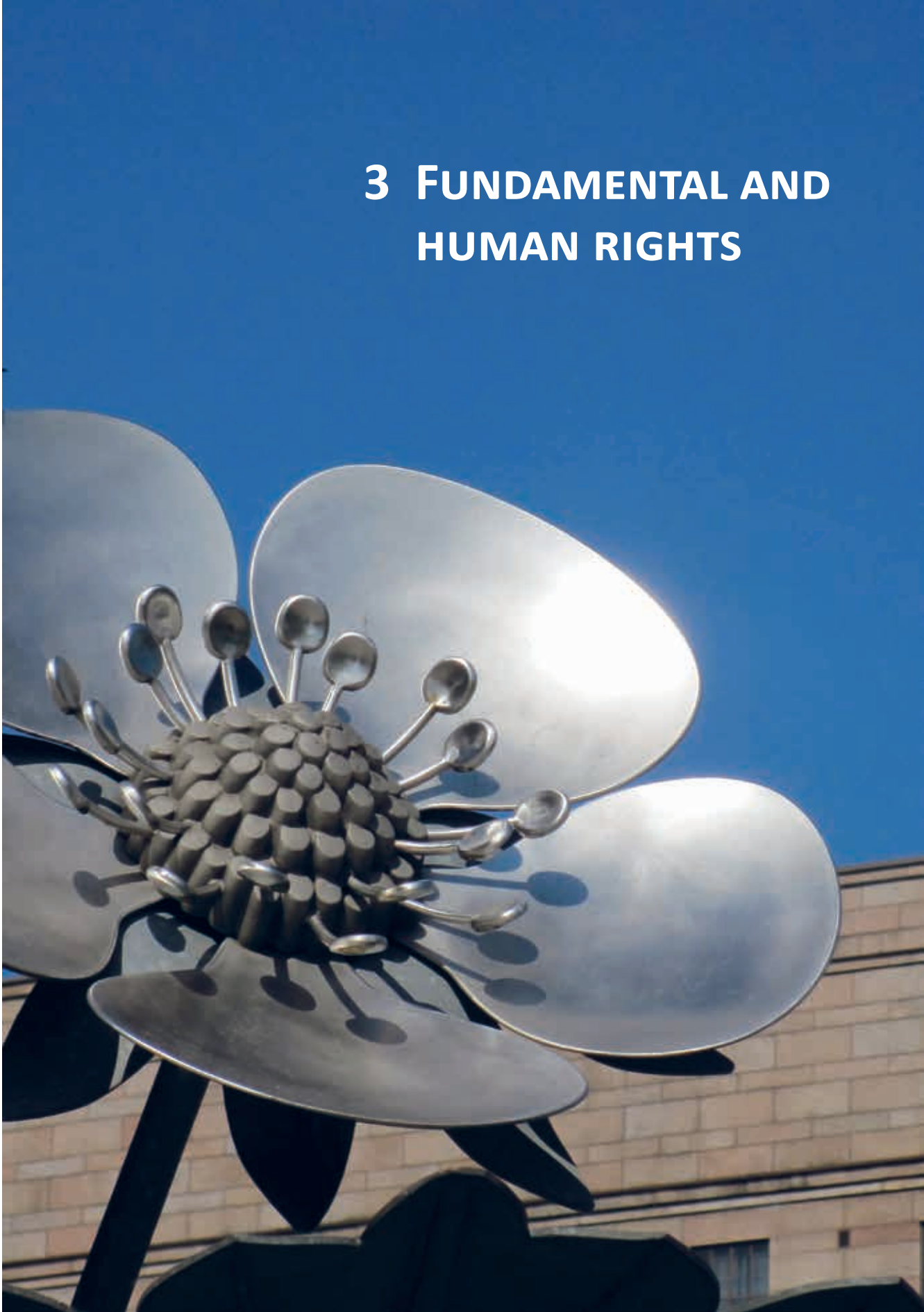
Office finances

The activities of the Office are financed through a budget appropriation each year. Rents, security services and some of the information management costs are paid by Parliament, and these expenditure items are therefore not included in the Ombudsman's annual budget.

The Office was given an appropriation totalling 8,284,000 euros for 2024. A total of EUR 7,940,753.88 of this appropriation was spent in 2024, or 95.86% of the appropriation.

The Human Rights Centre drew up its own action and financial plan and its own draft budget.

3 Fundamental and human rights



3.1 The Ombudsman's fundamental and human rights mandate

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

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

For example, this is provided for in the provision on the investigation of a complaint in the Parliamentary Ombudsman Act. Section 3 of the Act states that the Ombudsman shall take the measures arising from the complaint made that they deem necessary from the perspective of compliance with the law, protection under the law or the implementation of fundamental and human rights. It does not only involve monitoring the implementation of fundamental and human rights, but also promoting them. Similarly, section 10 of the Parliamentary Ombudsman Act states that the Ombudsman can, among other things, draw the attention of a subject of oversight to the requirements of good administration or to considerations of implementation of fundamental and human rights.

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

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

Both the Constitution and the Parliamentary Ombudsman Act state that the Ombudsman must give the Parliament an Annual Report on their activities as well as on the state of exercise of law, public administration and the performance of public tasks, in addition to which they must mention any flaws or shortcomings they have observed in legislation, "with special attention to implementation of fundamental and human rights".

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

3.2
The National Human Rights Institution of Finland

3.2.1 COMPOSITION, DUTIES AND POSITION OF THE HUMAN RIGHTS INSTITUTION

The National Human Rights Institution of Finland consists of the Parliamentary Ombudsman and the Human Rights Centre along with its Human Rights Delegation.

National human rights institutions are independent and autonomous bodies established by law that promote and safeguard human rights. Their position, duties and composition are defined by the set of criteria approved by the UN in 1993, the so-called Paris Principles.

The tasks of the National Human Rights Institutions consist of diverse expert, advisory and investigation tasks related to the promotion and protection of human rights. The institutions must promote education, training and information related to human rights as well as the implementation of international human rights commitments. Institutions can also process complaints. Institutions must be independent of governments and be pluralistic, i.e. broadly representative of societal actors.

The Human Rights Centre and its Delegation were established under the aegis of the Ombudsman's Office with the aim of creating a structure which would meet the requirements of the Paris Principles to the best possible extent.

3.2.2 RENEWAL OF THE A STATUS

National human rights institutions must apply to the UN international coordinating committee for human rights institutions (the Global Alliance of National Human Rights Institutions or GANHRI) for accreditation. The accreditation status shows how well the relevant institution meets the requirements of the Paris Principles. The A status indicates that the institution fully meets the requirements. The accreditation status is re-evaluated every five years.

The A status not only has intrinsic and symbolic value but it also has legal relevance: a national institution with A status has, for example, the right to take the floor in the sessions of the UN Human Rights Council and to vote at GANHRI meetings.

Finland's National Human Rights Institution has been accredited with the A status twice already: between 2014–2019 and 2020–2025.

The granting of an A status may be accompanied by recommendations on how to improve the institution. The recommendations given to Finland stressed, among other things, the need to safeguard the resources necessary to ensure that the tasks of the National Human Rights Institution are effectively discharged and that it is able to make its own decisions concerning the focal points of its activities. In addition, GANHRI emphasised the importance of submitting the Human Rights Centre's annual report to the Parliament in addition to the Parliamentary Ombudsman's report.

The Finnish Human Rights Institution has also joined the European Network of National Human Rights Institutions (ENNHRI). The previous director of the Human Rights Centre was the Chair of ENNHRI and a member of GANHRI until the end of February 2024.

3.2.3 THE HUMAN RIGHTS INSTITUTION'S OPERATIVE STRATEGY

The different sections of the Finnish National Human Rights Institution have their own functions and ways of working. The Institution's first joint long-term operative strategy was drawn up in 2014. It defined common objectives and specified the means by which the Ombudsman and the Human Rights Centre would individually endeavour to accomplish them. The strategy successfully depicts how the various tasks of the functionally independent yet inter-related sections of the Institution are mutually supportive with the aim of achieving shared objectives.

The strategy outlined the following main objectives for the Institution:

1 General awareness, understanding and knowledge of fundamental and human rights is increased, and respect for these rights is strengthened.
2 Shortcomings in the implementation of fundamental and human rights are recognised and addressed.
3 The implementation of fundamental and human rights is effectively guaranteed through national legislation and other norms, as well as through their application in practice.
4 International human rights conventions and instruments should be ratified or adopted promptly and implemented effectively.
5 The rule of law is implemented.

3.3
Human Rights Centre and Human Rights Delegation

3.3.1 THE HUMAN RIGHTS CENTRE'S MANDATE

The Human Rights Centre's (HRC) statutory tasks are:
- to promote information, education, training and research associated with fundamental and human rights
- to draft reports on implementation of fundamental and human rights
- to present initiatives and issue statements in order to promote and implement fundamental and human rights
- to participate in European and international cooperation associated with promoting and safeguarding fundamental and human rights
- to perform other comparable tasks associated with the promotion and implementation of fundamental and human rights and
- to promote, protect and monitor the implementation of the UN Convention on the Rights of Persons with Disabilities.

The HRC does not handle complaints or other individual cases.

The HRC's budget proposal for 2024 stated a budget of EUR 1,171,000 for operational costs, of which EUR 950,000 was for personnel costs and EUR 221,000 for consumption expenses.

At the end of 2024, the HRC had eight permanent posts (the director, six expert officials (of which one post was vacant) and an administrative assistant) and two fixed-term employment relationships for young experts under the Young Expert Programme. In addition, the HRC employed two experts with a fixed-term employment relationship, one of whom developed the HRC's foresight and preparedness capacity and the other served as an international affairs advisor due to the ENNHRI presidency. There were also fixed-term experts involved in the HRC's various development projects.

3.3.2 THE HUMAN RIGHTS CENTRE'S OPERATION

The Human Rights Delegation adopted the Human Rights Centre's Action Plan for 2024 in December 2023. The HRC has achieved the objectives set in the Action Plan rather well. The Human Rights Delegation is tasked with the final assessment on the implementation of the Action Plan.

Monitoring fundamental and human rights

Monitoring fundamental and human rights means collecting information on the implementation of fundamental and human rights, analysing the data and maintaining up-to-date knowledge of the situation. Monitoring data helps estimate how the rights of different persons and groups are respected formally and in practice. It also enables identifying information gaps.

The aim of monitoring is to ensure that the HRC has a comprehensive understanding of the fundamental and human rights situation in Finland on the selected themes and that promotional work can be targeted correctly. Systematic monitoring also makes it possible to compile information into a report that the HRC could submit to Parliament on the implementation of rights, for example once every four years.

During the year under review, the HRC monitored the implementation of the Government's action plan for combating racism and promoting equality, the climate trials of the European Court of Human Rights, domestic climate trials concerning the adequacy of the Government's climate measures and questions related to media freedom as part of its rule of law work.

Monitoring is based on existing reliable information and, where necessary, reports and reviews produced or ordered by the HRC.

In February, the HRC published a review on climate change as a human rights issue. The review examines climate justice and climate vulnerability and addresses the impacts of climate change, especially on the culture and rights of indigenous peoples. The publication also includes climate change-related opinions and solutions by human rights actors and monitoring bodies and offers an overview of climate change as a fundamental and human rights issue in Finland.

In May, the HRC and the Ministry of Justice published a report that surveyed the experiences and views of self-identified Jews on anti-Semitism in Finland. The report provides important information on the state of anti-Semitism in Finland and also offers recommendations for combating anti-Semitism and promoting the human rights and equality of Jewish communities.

In November, the HRC published a report on the social welfare and health care sector, examining the realisation of the human rights responsibility of the largest companies providing housing services in Finland from the perspective of the UN Guiding Principles on Business and Human Rights. The report highlights specific features of the social and health care sector that are relevant to the examination and practical implementation of corporate human rights responsibility in the sector.

Human Rights Centre regularly reports to international and European human rights actors based on its monitoring data. The HRC participates independently in the periodic reporting procedures for international human rights treaties by issuing statements and attending consultation events. It also provides information about the recommendations of the treaty bodies and monitors the implementation of these recommendations. The HRC also promotes the NGOs' participation in reporting in different ways.

The HRC's tasks also include promoting fundamental and human rights in the private sector. The Corporate Sustainability Due Diligence Directive officially entered into force in July 2024, and member states have two years to transpose the Directive into national legislation. The HRC participates in a monitoring group where its aim is to ensure the human rights foundation of the implementation in general and, in particular, that the future supervisory authority becomes as competent and strong an actor as possible.

The Border Security Act entered into force in July 2024. The changed security environment requires preparedness and responding to new types of threats. However, the HRC has repeatedly pointed out that the regulation on combating instrumentalised immigration is in conflict with Finland's international human rights obligations and EU legislation and problematic from the perspective of the Constitution of Finland.

The promotion of fundamental and human rights

One task of the Human Rights Centre is to promote the implementation of fundamental and human rights through initiatives and statements. The HRC issues statements either on the basis of a request for a statement or on its own initiative on themes related to its activities and structural fundamental and human rights issues. A total of 14 statements were issued in 2024. The HRC was also heard on several occasions in various parliamentary committees.

In 2024, the most important focus areas of advocacy included strengthening the fundamental and human rights perspective in the implementation of the Government Programme and legislative projects, influencing the implementation of the action plan concerning the Government's statement on equality, gender equality and non-discrimination, influencing the content of the future action plan on fundamental and human rights, and promoting the implementation of recommendations received by Finland from international treaty monitoring bodies.

As part of the work to promote fundamental and human rights, the HRC also organises human rights education and training. During 2024, HRC staff members were active in giving lectures in national and international contexts and organised several events on various human rights topics. Various events for the public and specialists are important for the HRC as a means of providing information related to topical fundamental and human rights themes.

Events organised by the HRC in 2024:
- Fundamental and human rights – natural allies of the rule of law: seminar in cooperation with the Faculty of Law at the University of Helsinki on 26 February
- Publication event of the anti-Semitism study in cooperation with the Ministry of Justice on 22 May
- Council of Europe's Human Rights Day in cooperation with the Ministry for Foreign Affairs, the Association of Finnish Local and Regional Authorities and Demo Finland on 28 May
- Implementation of human rights in Finland: webinar (publication event and expert discussion) on 19 September
- Climate change as a human rights issue: seminar on 13 November
- The human rights responsibility of businesses in the social welfare and health care sector: webinar (publication event of the report) on 21 November
- Kalle Könkkölä symposium on 2 December
- MakeSomeNoise event in cooperation with the Deaconess Institute on 3 December
- Human Rights Week in Parliament 3–10 December

Young Experts Programme

The second programme term of the Human Rights Centre's Young Experts Programme launched on 1 December 2023. The purpose of the two-year programme is to strengthen the perspective of young people in the promotion of fundamental and human rights and in the HRC's work and to offer the experts selected for the programme an opportunity to develop their competence extensively.

In 2024, focus areas of the programme included young people's inclusion, equality and opportunities for participation in society, for example in statements issued by the Human Rights Centre. Young people's inclusion and topical human rights issues affecting young people were also addressed in events organised by the Human Rights Centre in 2024.

During the year under review, other focus areas of the programme included economic and social rights and, among other things, the impacts of the ongoing cost-of-living crisis on the realisation of young people's rights.

Monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD)

The HRC's work with persons with disabilities focuses on increasing awareness of the rights of persons with disabilities, monitoring the implementation of the rights of persons with disabilities and promoting the social inclusion of persons with disabilities.

The HRC regularly emphasises the importance and content of the Convention on the Rights of Persons with Disabilities in its statements and speeches in various contexts.

For more information on the special task of the rights of persons with disabilities together with the Ombudsman, see section 3.4 Rights of persons with disabilities.

Promoting and monitoring the rights of older persons

The objectives of the HRC's work to promote the rights of older people include:
– strengthening a rights-based perspective in services for older people
– influencing values and attitudes
– influencing knowledge and understanding of the rights of older people and
– influencing the quality and content of legislative drafting related to the rights of older people.

When giving statements, speeches and training on the topic of the status of older people, the HRC highlights the legislative dimension of the status of older people and the delicate nature of fundamental and human rights in this regard. For its part, the HRC acts as a focal point between the international and national development of the rights of older people, for example by raising awareness of international discourse on the rights of older people in Finland.

During the year under review, the HRC participated in an expert role in the monitoring group for strengthening the client's and patient's right to self-determination, the Advisory Board for the Rights of Persons with Disabilities (VANE) and the Advisory Board on the Rights of Persons with Speech Impairments, and in the work of the monitoring committee for the EU structural funds programme Innovation and Skills in Finland 2021–2027.

The HRC promotes the research and knowledge base on the rights of older people in cooperation with different research institutes and researchers. In 2024, the HRC participated in the steering groups of the University of Eastern Finland SOLDEX project on the exclusion of older people in home care and the "Access to justice for marginalized groups of older people in aging society (AMIS)" project funded by the Research Council of Finland.

International and European cooperation

As a rule, the HRC represents the Finnish National Human Rights Institution in cooperation between national and European human rights institutions. The impact of changes in the security environment on human rights and the rule of law remained a prevalent topic in the HRC's international cooperation. In 2024, the HRC exchanged information on the situation at the eastern border and the related exceptional act with FRA, Frontex fundamental rights office, the Council of Europe Commissioner for Human Rights and ODIHR.

During the year under review, the HRC continued its active participation in the activities of the European Network of National Human Rights Institutions (ENNHRI) and its Global Network (GANHRI). During the year under review, there were three ENNHRI general meetings and one GANHRI general meeting where the HRC participated as a representative of the Finnish National Human Rights Institution. The previous Director of the Human Rights Centre was the Chair of ENNHRI and a member of GANHRI until the end of February 2024.

The Centre's expert chaired the ENNHRI Legal Working Group. During 2024, the working group continued to focus on promoting the implementation of the decisions of the European Court of Human Rights (ECtHR) and participating in the implementation enforcement process (Rule 9) and the utilisation of opportunities for third-party intervention. For the first time, ENNHRI carried out a third-party intervention at the European Committee of Social Rights (International Federation of Human Rights (FIDH) and International Movement ATD – Fourth World v. Belgium). ENNHRI called for begging to be recognised as a right protected by the European Social Charter and should be restricted only in certain cases.

The HRC also continued to operate in several other ENNHRI working groups. The working groups addressed economic and social rights, the rights of older persons and persons with disabilities, corporate human rights responsibility, artificial intelligence, immigration and standards concerning national human rights institutions.

3.3.3 THE HUMAN RIGHTS DELEGATION'S OPERATION

The HRC has a Human Rights Delegation, which the Ombudsman, having heard the view of the Director of the HRC, appoints for a four-year term. The Human Rights Delegation serves as a national cooperative body for actors in the sector of fundamental and human rights. It deals with fundamental and human rights issues of far-reaching and significant importance and approves the HRC's action plan and annual report every year (see www.humanrightscentre.fi). The report of the Parliamentary Ombudsman contains a summary of the HRC's report.

The Human Rights Delegation is part of the National Human Rights Institution and is the HRC's most important channel for cooperation, advocacy and communication. The fourth Human Rights Delegation began its four-year term on 1 April 2024. The fourth Delegation has 39 members, including special ombudsmen as well as representatives from the supreme overseers of legality and the Sámi Parliament of Finland.

The permanent divisions under the Delegation include the division for the rights of persons with disabilities, i.e., the Disability Rights Committee (VIOK), a working committee, and the division on the rights of older people. The working committee participates in preparing the Delegation's meetings.

The Human Rights Delegation and its working committee are chaired by the director of the HRC. The deputy chair was Esa Iivonen from the previous Delegation until the end of March, and Niina Laajapuro as of 1 April.

The Human Rights Delegation met four times in 2024. Discussed themes included the preparation of the Government's fourth Fundamental and Human Rights Action Plan, the state of the rule of law, the effects of anti-gender movements, racism and hate speech, the consequences of the cost-of-living crisis, corporate responsibility and human rights, and topical issues related to the periodic reporting of international human rights treaties.

The Government Programme objectives formulated by the Delegation in 2023 will continue to guide the work of the new Delegation. The goals are safeguarding and promoting fundamental and human rights, finding solutions to serious, recurring and long-term problems related to the implementation of fundamental and human rights, intensifying the assessment of fundamental and human rights impacts, strengthening the structures and funding of the rule of law, and an annual recommendation to the Government to examine the state of fundamental and human rights.

3.4 Rights of persons with disabilities

Under the Parliamentary Ombudsman Act, the Ombudsman, together with the Human Rights Centre and its Human Rights Delegation, is responsible for promoting, protecting and monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities. These aforementioned actors of the independent national mechanism constitute the Finnish National Human Rights Institute. The content of the first special task jointly assigned to the Institute was described more extensively in the report for 2022.

During the year under review, decisions on the oversight of legality were made by Deputy-Ombudsman Maija Sakslin, with Principal Legal Adviser Minna Verronen (presenting officer) acting as head of division and Senior Legal Adviser Juha-Pekka Konttinen and Notary Sofie Roininen acting as legal advisers.

As agreed with the Director of the Human Rights Centre, the Parliamentary Ombudsman has appointed an internal Disability Team which includes, in addition to the above-mentioned legal advisers, Principal Legal Adviser Tapio Räty and HRC experts Sanna Ahola and Mikko Joronen. Two members of the Disability Team were expert members of the Disability Rights Committee (VIOK).

3.4.1 ACTIVITIES OF THE NATIONAL HUMAN RIGHTS INSTITUTION

Human Rights Centre

The Parliamentary Ombudsman appointed a new Human Rights Delegation in early 2024. The permanent division, the Disability Rights Committee (VIOK), was organised in the same instance. The Committee's first meetings involved selecting expert members on the rights of persons with disabilities and preparing an action plan for 2025.

The HRC promotes disability research and data collection in cooperation with different research institutes and individual researchers. The HRC also promotes awareness of the Convention on the Rights of Persons with Disabilities and its obligations by translating general comments issued by the Committee on the Rights of Persons with Disabilities (CRPD Committee) on individual articles of the Convention. During the year under review, the HRC published translations of a general comment on the right of persons with disabilities to work and employment (Article 27) in Finnish and Swedish.

During the year under review, the HRC issued a statement on the Government proposal for the Disability Services Act and its links to the obligations of the Convention on the Rights of Persons with Disabilities EOAK/2200/2024. The HRC launched a project on the use of legal remedies for persons with disabilities. The project examines the extent to which persons with disabilities have to resort to legal remedies in order to obtain the services to which they consider themselves entitled. The results of the project will be published in 2025.

The Disability Team updated its self-assessment tool that supports the right to self-determination in special care for persons with intellectual disabilities. The tool consists of the case law and decision-making practices of the courts and the overseers of legality as well as questions that guide special care organisers to self-assess how well the activities of residential units and the operating methods adopted by them support and strengthen clients' right to self-determination. The tool is available on the HRC's website. Also in the oversight of legality, the Deputy-Ombudsman has recommended that the organisers and providers of housing services for persons with intellectual disabilities use the self-assessment tool to support their self-monitoring. The Disability Team also updated the inspection form used in all inspections of the Parliamentary Ombudsman related to accessibility.

In December 2024, the HRC worked with Kynnys ry to organise the third Kalle Könkkölä symposium, the theme of which was based on Article 4.3 of the Convention on the Rights of Persons with Disabilities and the related general comment by the UN Committee on the Rights of Persons with Disabilities. The event addressed the actual opportunities of disability organisations and disability councils to exert influence in wellbeing services counties and the opportunities of persons with disabilities to engage in politics.

National cooperation

The Disability Team's cooperation with other authorities encompassed Valvira, Regional State Administrative Agencies, the Office of the Non-Discrimination Ombudsman, the Ombudsman for Children, the National Non-Discrimination and Equality Tribunal, the Finnish Institute for Health and Welfare and various stakeholders. Cooperation with Valvira and regional state administrative agencies included inspections and the selection of inspection sites.

Members of the Disability Team gave lectures and expert presentations on the rights of persons with disabilities at various training and expert events. The HRC also trained the administrative authority of the EU Home Affairs Fund on the obligations of the Convention on the Rights of Persons with Disabilities.

The HRC participated in an expert role in the monitoring group for strengthening the client's and patient's right to self-determination, the Advisory Board for the Rights of Persons with Disabilities (VANE) and the Advisory Board on the Rights of Persons with Speech Impairments, and in the work of the monitoring committee for the EU structural funds programme Innovation and Skills in Finland 2021–2027.

The Disability Team monitors the activities and communications of the parliamentary group on disability matters (VAMYT) and participated in events organised by VAMYT.

International cooperation

The HRC participated in the work of the ENNHRI working group focusing on the Convention on the Rights of Persons with Disabilities. The topics addressed by the working group included the EU's activities as a party to the UN Convention on the Rights of Persons with Disabilities, the work of human rights institutions and the impacts of artificial intelligence on the rights of persons with disabilities. The HRC also cooperated with the Nordic Welfare Centre under the Nordic Council of Ministers.

3.4.2 OVERSIGHT OF LEGALITY

The Ombudsman oversees the realisation of the rights of persons with disabilities concerning all authorities and private bodies performing public tasks, regardless of the administrative sector of the authority. Statistics on all complaint cases are primarily compiled into categories based on the authority and administrative branch (social welfare, social insurance, healthcare, education and culture authorities, etc.) reviewed in the case in question, and the oversight of legality matters concerning the rights of persons with disabilities are not presented as a separate category in the statistics of the Parliamentary Ombudsman. Some decisions taken in the course of the oversight of legality relating to the rights of persons with disabilities involved several different administrative branches. This section deals with areas that are vital for the implementation of the rights of persons with disabilities regardless of which administrative branch the matter involved. The oversight of the legality of the rights of persons with disabilities has been examined in its own section as of 2014.

The UN Convention on the Rights of Persons with Disabilities (CRPD) defines persons with disabilities as those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others. For example, persons with memory disorders and psychiatric patients are therefore covered by the Convention.

The oversight of legality related to the rights of persons with disabilities focuses particularly on fundamental rights, such as necessary care, access to adequate social welfare and healthcare services, and equality, legal protection and accessibility, as well as individual autonomy and inclusion in society. As specified by the Constitution, public authorities must secure adequate social welfare and healthcare services for everyone and promote the health of the population.

Disability services provided by wellbeing services counties (social welfare) are an important area from the perspective of the oversight of legality. Many complaints relate to shortcomings in service plans and special care programmes, the advice and guidance given in relation to services, as well as delays and procedural errors in decision-making, and the implementation of decisions and other aspects of case management.

Inspections are vital for the oversight of legality, as persons with disabilities are not always able to file complaints themselves. Inspections are often carried out unannounced in advance. On inspection visits to housing and institutional services, supervisory measures are targeted at public and private actors providing disability services and their self-monitoring systems, and the wellbeing services counties responsible for the provision and supervision of services. A private service provider is considered to perform a public task when it provides its services under an authority's order either as a purchased service or for a service voucher. The Ombudsman also oversees other special supervisory authorities, such as Valvira and the Regional State Administrative Agencies.

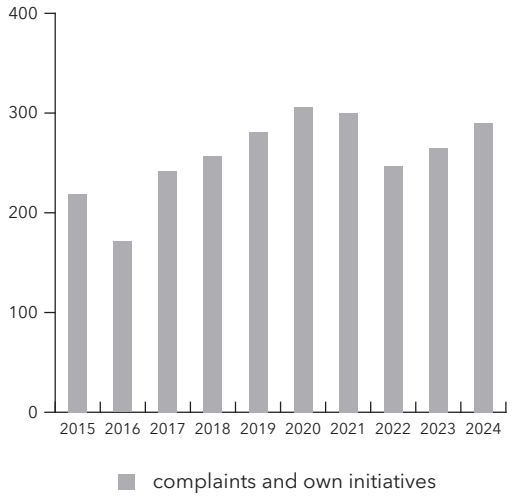
The Ombudsman, in his capacity as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT), may rely on the assistance of experts appointed by the Ombudsman, who have expertise significant for the NPM mandate. These experts include, among others, healthcare specialists, including two physicians who specialise in intellectual disabilities. The Ombudsman also receives assistance from experts who are disabled themselves. After training, the Ombudsman may invite them to participate in the inspection visits of OPCAT sites in an expert capacity.

Complaints and own-initiative investigations

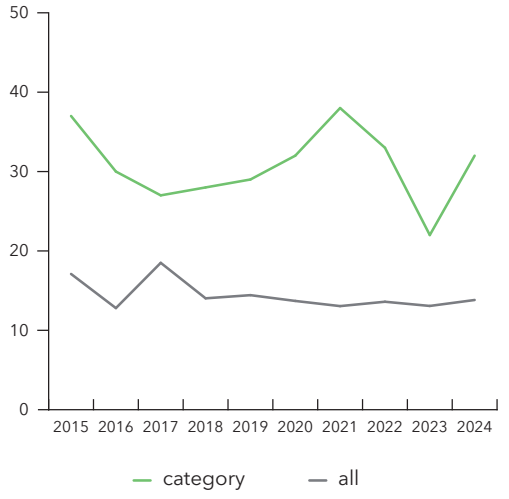
The number of complaints and own-initiative investigations falling into this category on which decisions were issued in different administrative branches was 289 (265 in 2023), of which 88 cases (30.4%) led to action. The percentage of cases warranting further action was higher than in the previous year (22%) and, as in previous years, significantly higher than the average of the Office of the Parliamentary Ombudsman (13.8%). The majority of the Deputy-Ombudsman's decisions leading to measures were expressed views at 74 (50 in 2023), and 6 (5) cases led to other measures. Three decisions involved issuing a reprimand (in the administrative branches of social insurance and social welfare).

As in previous years, the administrative branch of social welfare had the highest number (200) of decisions concerning persons with disabilities (170 in 2023). Since 1 January 2023, wellbeing services counties have been responsible for the provision of social services, such as special care for persons with intellectual disabilities, services and support measures provided on the basis of disability, and services for persons with memory disorders.

Of the services provided under the Disability Services Act (139 decisions, 121 in 2023), 14 decisions concerned personal assistance (29 in 2023) and 37 cases concerned transport services (29 in 2023).



Resolved complaints and own initiatives between 2015 and 2024.



Percentage of measures between 2015 and 2024.

Moreover, 24 decisions concerned the rights of persons with intellectual disabilities (13 in 2023) and 27 decisions concerned the rights of older persons with disabilities (memory disorders) (13 in 2023). Interpreting services for persons with disabilities were also included in the social welfare category, in which Kela, the Social Insurance Institution of Finland, serves as the service provider. The monitoring and promotion of the rights of older people with memory disorders or other disabilities are described also in section 4.13 of this report.

During the reporting year, 28 decisions were made related to social insurance (24 in 2023), 37 decisions related to healthcare (37 in 2023) and 15 decisions related to education (15 in 2023).

Complaints relating to service provision under the Disability Services Act concerned issues such as decision-making related to services and client charges, multisectoral and professional cooperation, opportunities for people with disabilities to participate in the planning and preparation of service reforms, guidance and advice related to services, complainant's treatment in a client service situation or residential unit, assessment of service needs, delayed processing of an application or a complaint, and wellbeing services counties' service provision and application directives. The practices of the Social Insurance Institution (Kela) were assessed as a body granting benefits, such as disability and rehabilitation allowances, and as an organiser of interpreting services and demanding medical rehabilitation.

In the administrative branch of education, frequent complaints in the Ombudsman's oversight of legality include shortcomings in support for learning and school attendance as well as related administrative procedures and decision-making (469/2023).

Inspection visits

Practically all visits to psychiatric hospitals and residential and institutional units for persons with disabilities, such as persons with intellectual disabilities, severe disabilities and memory disorders, combine the two special mandates that the Ombudsman has under international conventions (CRPD and OPCAT). A total of 10 such visits were carried out during the year under review. The visits focused on housing units (2), around-the-clock service housing units for older people (with memory disorders) (5) and operating units providing psychiatric hospital care (3).

During the year under review, the following housing and institutional units for persons with disabilities were inspected on the order of the Deputy-Ombudsman:

– Attendo Oy's Attendo Muurain, housing unit for individual housing and around-the clock service housing for persons with intellectual disabilities, Salo 2641/2023
– Omenatarha Housing Unit of the Eastern Uusimaa Wellbeing Services County, Porvoo 3126/2024

For details of the inspection observations made by the Ombudsman in his role as the National Preventive Mechanism, see section 3.5 of this Annual Report.

Statements

The Deputy-Ombudsman issued a statement to the Ministry of Social Affairs and Health on the draft government proposal to Parliament amending the Disability Services Act and section 4 of the Social Welfare Act (2180/2024).

The Deputy-Ombudsman submitted a statement to the Social Affairs and Health Committee on the Government proposal to Parliament (HE 122/2024 vp) for acts amending the Disability Services Act and section 4 of the Social Welfare Act 5892/2024.

The Deputy-Ombudsman issued a statement to the Social Affairs and Health Committee on the Parliamentary Ombudsman's 2023 annual report K 15/2024 vp 478/2024.

3.4.3 OBSERVATIONS ON ACCESSIBILITY

Promoting accessibility and inclusion are cross-cutting themes of the UN Convention on the Rights of Persons with Disabilities, which are taken into account especially in the Ombudsman's inspection activities but also in other oversight of legality. An accessible, unimpeded environment and the accessibility of information for people with disabilities are an absolute requirement if they are to lead an independent life and enjoy equal status. The Convention on the Rights of Persons with Disabilities is based on the notion that all activity must take account of the demands of accessibility across society, because this is often a requirement for the implementation of other rights. For this reason, inspections carried out in different administrative branches have regularly addressed accessibility issues.

The Disability Team has prepared a questionnaire for examining the accessibility situation of targets of inspection (e.g. inspections of the operating unit of the National Enforcement Authority 1451/2024 and the Digital and Population Data Services Agency's Guardianship Services Unit 3050/2024).

Inspections of prisons and police departments generally address whether detention facilities have an accessible cell that is suitable for persons with reduced mobility and functional capacity. For example, in inspection 3108/2024 of a police department, the Ombudsman recommended for the police department to commission an accessibility survey and take the necessary measures to improve the level of equipment of the accessible cell (e.g. support rails and alarm system). At prison inspection 1492/2024, it was considered positive that, after the previous inspection, the threshold to the accessible cell had been lowered, the hose of the bidet had been extended and the alarm button had been replaced with an alarm string hanging from the ceiling.

During inspection 1939/2024 at Kela, the Deputy-Ombudsman considered it appropriate that the Social Insurance Institution of Finland (Kela) investigate without delay the need for an induction loop at a service point and, if the need arises, procure one to ensure easy access to services for people with hearing impairments. At inspection 1452/2024 of a legal aid office, attention was drawn to the fact that the old premises were partly inaccessible (e.g. a heavy door). The legal aid office was moving to new premises where, based on what was reported, accessibility issues had been better taken into account.

Inspections of social welfare and health care units (e.g. housing units for persons with disabilities) pay particular attention to the accessibility of entrances and the functionality and accessibility of indoor spaces. The examinations also focus on units' outdoor areas, the accessibility of the nearby environment and parking spaces, and the possibilities of using public transport. The above-mentioned issues were assessed at inspection 2641/2024 of a housing unit for persons with intellectual disabilities, but no notable related shortcomings were observed. The accessibility of the premises of another housing unit for people with intellectual disabilities had been inspected by an accessibility expert of the wellbeing services county, and the premises mainly met the accessibility criteria. A few development targets related to accessibility had been planned to be implemented as change work in facility services 3126/2024.

Accessibility at the psychiatric ward of a hospital had been taken into account reasonably well in connection with ward renovations. However, in one washroom connected to an accessible toilet, items had to be moved around to make it possible for a wheelchair user to wash up. The facilities in all the wards of geriatric psychiatry unit were not suitable for elderly patients. For example, the ward did not have railings in all places, and the beds were not suitable for older people 342/2024. various accessibility problems were observed in accessing the psychosis ward of another hospital 6721/2024.

Unannounced in advance inspections 8012/2023 of special advance polling stations in the presidential election were carried out in social welfare and health care units, which were accessible as a rule. The voting facilities had been selected so that people using different mobility aids could access them. The lighting of the polling station and any necessary magnifying glasses had also been taken care of.

Some decisions on complaints also assessed the realisation of accessibility. For example, the Deputy-Ombudsman considered that a city's arrangements at an advance polling station at the main library had not met the statutory requirements for equal treatment of people, as the ramp leading to the main library was not accessible due to weather conditions. Efforts must be made to ensure unhindered access to the polling station for all voters 516/2024. A police department's attention was drawn to issues such as shortcomings in the accessibility of police prison facilities and reasonable accommodation. The Ombudsman considered it evident that the police prison facilities were not accessible, and for persons with impaired mobility, they did not comply with the requirements laid down in the Police Custody Act 151/2023.

3.4.4 DECISIONS IN THE SOCIAL WELFARE SECTOR

Preparation for strike of personal assistants

The Deputy-Ombudsman investigated on her own initiative 3782/2023 how wellbeing services counties had prepared for securing the necessary assistance for persons with severe disabilities in the event of a disruption to personal assistance caused by a national strike of personal assistants. The Deputy-Ombudsman considered that, under the leadership of the Ministry of Social Affairs and Health, the authorities responsible for the oversight and guidance of social welfare and health care had taken appropriate measures to prepare for the strike of personal assistants and to ensure that personal assistance services can also be secured in the wellbeing services counties during a disruption.

The Deputy-Ombudsman emphasised in general that the wellbeing services county must acknowledge the individual needs and life situation of a person with severe disabilities, taking into account that the services granted for a disabled person will also be arranged in the event of an interruption or disruption of the service. This means that, during disruptions, the wellbeing services county must constantly assess that the right of a disabled client to adequate services is realised in compliance with the law.

Responses from wellbeing services counties revealed that there had been variation between wellbeing services counties in the communication and information-sharing methods concerning the personal assistants' strike. In the Deputy-Ombudsman's view, an active and personal communication method can be considered more efficient in the event of disruptions concerning disability services and in preparing for such a disruption.

In communications concerning disruptions, particular attention must be paid to the client's individual situation and, for example, the preparedness plans mentioned in an official decision and client plan as well as any client-specific wishes concerning communications and reasonable adjustments. In individual (client-specific) preparedness and related plans, special attention should therefore be paid to persons with disabilities who need support in accessing information and communicating during disruptions.

Negligence and shortcomings in the organisation and implementation of services and the realisation of legal protection

Three decisions leading to measures concerned the lawfulness of the most demanding disability services for children and young people, such as daytime activity services and the implementation and organisation of temporary care periods. In the first case 1148/2023, the Deputy-Ombudsman considered that the wellbeing services county had neglected to arrange temporary care for the complainant's son after an external service provider had interrupted the provision of the service. The Deputy-Ombudsman considered the conduct of the service provider to be reprehensible because the disability service had failed to fully implement the benefit-granting decision on special care, and the service (temporary care) had not been organised in full in accordance with the official decision and to the extent required by individual needs. In the case of a statutory task, the service provider must ensure that a person with disabilities receives services to the extent and in the forms specified in the assessment of service needs and the service decisions concerning the person.

It is particularly important that, when a suitable place for temporary care is pending, the necessary services are added to the home of the person with disabilities and, if necessary, the arrangement of other alternative service forms and support measures is considered. A decision eligible for a claim for a revised decision must be issued on the prevention (cessation) of the service if implementing the special care service granted to the client is deemed to be impossible for some reason.

In the second case 872/2023, the Deputy-Ombudsman assessed a wellbeing services county's procedure from the perspective of the statutory responsibility for organising social and disability services and the implementation of fundamental and human rights. The Deputy-Ombudsman brought to the attention of the wellbeing services county her view of the county's unlawful negligence in organising temporary care and informal carers' leave in a situation where no suitable place for the complainant's daughter had been found from external service providers. The wellbeing services county had neglected the full implementation of benefit-granting decisions concerning temporary care services and informal carers' leave. The Deputy-Ombudsman took into account the fact that the family had not always contributed to the implementation of the service by refusing to accept some offered services.

The activities of a wellbeing services county must not cause the rights of a person with severe disabilities to be reduced or their realisation to be prevented. The authority responsible for organising a service must take appropriate measures without delay if there are deficiencies in the availability or quality of the service provided or if the provision of the service compromises the individual interest of the client.

If the situation with regard to the most demanding disability services becomes significantly more exacerbated, the wellbeing services county should seriously consider developing internal service provision so that the services of the most vulnerable persons with disabilities can be organised and implemented in full and equally.

The Deputy-Ombudsman asked the wellbeing services county to report what the availability of demanding disability services looks like for 2024 and what measures her decision may have given rise to.

In May 2024, the wellbeing services county reported that there were still challenges in the availability of demanding disability services, but the wellbeing services county is determined to improve the situation in different ways (the service strategy mentions increasing the production of particularly demanding supported housing services as internal service production, the investment plan for 2025–2028 allocates funding for a housing unit for demanding disability services, and the aim is to change internal service activities to meet more demanding client needs).

In the third case 1149/2023, the complainant had been forced to resort to secondary legal remedies (complaint) because an authority had not issued an appealable decision on the termination of an outsourced service (daytime activities) that would have revealed the reasons for terminating the service. The Deputy-Ombudsman criticised the procedure of the external service provider to discontinue/terminate the client's service (daytime activities), because the client (or the parents) had not been heard in the matter before the decision was made on the termination of the service. The termination of the service had come as a surprise to the complainant and the service purchaser, and the decision had not been made in mutual understanding between the parties; instead, it was made unilaterally and unexpectedly by the service provider. The service provider should have worked more closely with the joint municipal authority for social welfare and health care services and the client (and their representatives).

The implementation of high-quality social welfare requires cooperation and interaction with the client and the purchaser and provider of the social welfare services. When the termination of a service comes at short notice and is unexpected by the parties involved (including the service purchaser), it is not high-quality social welfare services.

Decision-making in social welfare services must always be based on an individual assessment of the functional capacity and circumstances of a person with disabilities. In decision 7267/2023, the Substitute Deputy-Ombudsman emphasised that, in order to ensure the continuity of arrangements, any review of a special care plan must be initiated well in advance before the planned deadline and whenever the service package changes. Merely transferring the responsibility for organising a service (such as afternoon care) from the social services of a wellbeing services county to municipal education services is not an acceptable reason for not granting the service as special care.

During the year under review, the Deputy-Ombudsman drew the attention of a wellbeing services county to shortcomings in its decision-making. In the first case, in her decision 1239/2024, the Deputy-Ombudsman drew the attention of the disability services of a wellbeing services county to the fact that, in order to realise a client's legal protection, it is important that the client receives an appealable decision on their application to social welfare. If a client does not wish to accept a certain service provided by an authority, the authority must still assess the client's ability to manage essential daily activities without compromising their important personal interests. If the authority and the client disagree on the amount of services, the manner in which services are organised or the implementation of a decision, the authority must primarily resolve the matter in a manner that accounts for and aligns with the client's interests.

In the second case 7826/2023, the Deputy-Ombudsman drew a wellbeing services county's attention to the fact that issuing a decision cannot be omitted on the grounds that the authority did not have all the information it needed due to the client's passiveness. No matter what, the client has the right to have their case processed and to receive an appealable decision, even if the client does not contribute to the investigation of their case.

In the third case 505/2024, the Deputy-Ombudsman criticised the decision of a wellbeing services county because a positive decision had been issued to the complainant even though the complainant had not been granted the personal assistance they had applied for as around-the-clock service, and this fact had not been reflected in the decision where the service had only been granted for certain times of day. In fact, the client's application for personal assistance had not been resolved with regard to night-time assistance.

The Deputy-Ombudsman brought to the attention of the wellbeing services county her view of the incorrect procedure in the decision-making. The wellbeing services county had neglected the appropriate processing of the client's application, and its actions may have jeopardised the client's legal protection. The wellbeing services county should have issued a decision eligible for a claim for a revised decision on night-time personal assistance based on the information available to social welfare services. The decision did not indicate which service applied for by the client could not be granted and why the service could not be granted. A justified decision safeguards the client's constitutional right to legal protection.

In the same decision, the Deputy-Ombudsman stated on a general level that the wellbeing services county must ensure (responsibility for organising) that a person with disabilities has an actual opportunity to receive services to the extent specified in the decision concerning them. The wellbeing services county can organise personal assistance services as part of the service housing provided for persons with severe disabilities under the Disability Services Act. Services related to service housing can also be organised as a service under primary legislation (such as home care under the Social Welfare Act), as long as a service determined by legislation to be free of charge does not become subject to a charge. Service housing can be arranged at home, for example with personal assistance, home care and a safety phone service.

In case 5643/2023, the Deputy-Ombudsman considered that, in an unclear situation, it would have been pertinent for the official responsible for disability services to advice the client to specify their application on what apartment alterations they wished to apply for and how they would like said alterations to be carried out. This procedure would also have promoted the realisation of the client's legal protection.

In her decision 4592/2023, the Deputy-Ombudsman emphasised that granting personal assistance cannot be dependent on whether a private service provider manages to recruit personal assistants. In the Ombudsman's decision-making practice, it has been considered that an authority should consider using other means of organising a service if the prerequisites for receiving the service have been assessed to be met but the service cannot be provided in a certain manner. From the perspective of a social welfare client's legal protection, it is particularly important that they receive an appealable decision of their application without undue delay, no later than the statutory deadline.

Processing times of cases – negligence of authorities' duties

Case 4592/2023 concerned a delay in the assessment of a client's service needs at a health centre's inpatient ward, which the Deputy-Ombudsman considered to have lasted unreasonably long in its entirety. The authority is obliged to complete the assessment of service needs without undue delay, and the client's service needs should subsequently be monitored with a client plan prepared for the client. A wellbeing services county had acted unlawfully by not preparing a client plan for a disabled person in need of special support for the implementation of the client's services and the monitoring of said services.

In case 896/2023, a wellbeing services county acted as the substitute payer for a personal assistant, and the payment of the assistant's wages was delayed after the wellbeing services county replaced the municipality as the substitute payer. According to the complainant, there was a risk that the assistant would quit the job due to not being paid on time. The Deputy-Ombudsman found the delay in the payment of wages by the wellbeing services county reprehensible. In the assessment of reprehensibility, the Deputy-Ombudsman had taken into account the special responsibility of the wellbeing services county for organising personal assistance for persons with severe disabilities. In this case, the wellbeing services county acting as the substitute payer must ensure that the delay in the payment of wages does not endanger or prevent the use of personal assistance services. A person with severe disabilities must have a real possibility to use the personal assistance service granted to them as a subjective right, and the activities of the wellbeing services county, such as shortcomings in the internal flow of information, must not cause the rights of the person with severe disabilities to be reduced or their realisation to be prevented.

In case 2244/2024, the Deputy-Ombudsman brought to the attention of the Regional State Administrative Agency her view of an unlawful delay in the processing of a claim for a revised decision concerning special care for persons with intellectual disabilities (afternoon care). The Deputy-Ombudsman considered that the time taken by the Regional State Administrative Agency to process the claim for a revised decision (10 months) was unreasonably long, while the Regional State Administrative Agency stated that the long processing time had been caused by them not having enough personnel with sufficient competence to process matters concerning special care. This statement did not present acceptable grounds for the delayed processing of the claim for a revised decision. In her assessment of the urgency of processing the claim for a revised decision and the reprehensibility of the procedure by the Regional State Administrative Agency, the Deputy-Ombudsman also took into account that the claim for a revised decision had concerned the provision of care to a vulnerable child.

In decision 1699/2024, the Deputy-Ombudsman drew a wellbeing services county's attention to the appropriate handling of objections and providing a written response within a reasonable time. The wellbeing services county had not acted lawfully when responding to an objection concerning the invoicing of services to support mobility and the payment of a deductible.

Other decisions

Mapping out personal assistance during a home visit

In case 1905/2023, the Deputy-Ombudsman expressed the view that a mapping-out process falling within the constitutional framework of domiciliary peace must always be interrupted if the client asks to stop it, even if the client has previously agreed to the process. A client's genuine consent is an absolute prerequisite for mapping out the client's ability to perform tasks and function at their home. A social worker had prepared a service need assessment and a service plan for the complainant, which had been supported by an assessment of the need for help carried out by a practical nurse during a home visit.

The personal assistance assessment period (days and content) must be agreed with the client. The process of assessing or mapping out service needs should not become unreasonably burdensome or otherwise impossible for the social welfare client. For this reason, the authority must, when planning services, negotiate with the client in advance and investigate their views on the methods and various options for carrying out the assessment of service needs or functional capacity.

In decisions 3193/2024 and 5639/2024, the Deputy-Ombudsman considered it generally justified and appropriate to draw up implementation plans (such as a plan for the implementation of a work-related service) in social welfare service providers' services for organising individual and systematic services for clients that are in their best interests. In these decided cases, the complainants had been dissatisfied with the actions of counsellors at a work activity centre.

Procedure of a housing unit in supporting decision-making

In case 1208/2023, the Deputy-Ombudsman stated that it is essential for the realisation of the right to self-determination of a person with disabilities that the person providing support (e.g. a housing unit counsellor, assistant or relative) does not decide on important matters concerning the person with disabilities on behalf of that person, and that the assisting person does not express opinions in a manner that makes the person with disabilities think that they must comply with them. Of course, this interpretation does not preclude discussing the matter at hand with the person with disabilities (with their consent and contribution) and also bringing up alternative solutions and their impacts. The more important a matter is for the life of the person with disabilities, the more caution there should be about influencing the personal opinion and will of the person with disabilities. The aim must be for the person with disabilities to genuinely be able to form their own opinion of the matter.

The application of the above in the complaint in question, where a bailiff had submitted documents to the complainant's intellectually disabled daughter, would have required for a counsellor or other staff member of the housing unit to discuss the document issued by the bailiff and its purpose with the complainant's daughter as well as alternative measures and their possible consequences. In this context, it would have been justified to ask whether the complainant's daughter would like the bailiff's visit to be communicated to the mother or some other person. In general, the Deputy-Ombudsman considered it important that the providers of housing services for persons with intellectual disabilities in particular have sufficient information on matters concerning the right of persons with disabilities to self-determination and supported decision-making.

Respecting the right of a person with disabilities to self-determination and taking their personal wishes into account is the premise of the legislation on social welfare services. However, some everyday situations, such as relating to the interests of a person with intellectual disabilities, may require that a difficult-to-understand situation is discussed together with the client and, if necessary, the client is supported in making their own decision. Article 12 of the UN Convention on the Rights of Persons with Disabilities requires providing persons with disabilities the support they may require in exercising their legal capacity. As part of the normal everyday life of housing services for persons with disabilities, this may mean, for example, supporting a person with disabilities in understanding things, forming and expressing their own opinions, assessing the consequences of decisions and carrying out decisions.

Realisation of the right to self-determination of a person with intellectual disabilities in a housing group

A client's opinion had not been sufficiently investigated in the implementation of personal assistance also on Sundays. The Deputy-Ombudsman considered it an incorrect procedure from the perspective of the client's right to self-determination that the client's individual wishes and needs had not been clearly assessed – with support if necessary – in their normal everyday life. The premise of assistance must be the needs and wishes of the person with severe disabilities in terms of what and they want to do in their free time and when.

Counsellors have a duty to respect the client's wishes (self-determination). The Deputy-Ombudsman found it inappropriate for the senior counsellor of the housing unit to have commented that, based on the resources available in society, the housing group questioned the client's outing on Sunday. The task of the service provider is to ensure that the client's right to personal assistance is realised in accordance with the relevant official decision and not to assess societal resources in a matter that has already been decided. The client must have the opportunity to influence how their services are implemented within the framework of decisions that have been made for them, to ensure that the services meet their needs in the best possible way and support their resources. In practice, this can mean supporting a person with disabilities in forming and expressing their opinion.

The Deputy-Ombudsman urged the social welfare, healthcare and rescue services of the City of Helsinki to ensure, going forward, that especially the organisers and service providers of housing services for persons with intellectual disabilities have sufficient competence and knowledge of the right of persons with disabilities to self-determination and of the matters concerning supported decision-making when preparing client plans for persons with disabilities and implementing housing services 6756/2023.

Restricting mobile phone use in institutional rehabilitation

In decision 1315/2023, the Deputy-Ombudsman considered that the residential unit of around-the-clock institutional rehabilitation had acted incorrectly when the complainant had not been allowed to call for help in the manner they wanted. The Deputy-Ombudsman drew the housing unit's attention to the fact that restricting the client's use of a mobile phone verbally may, in practice, constitute to restricting contact. The Intellectual Disabilities Act does not contain provisions on restricting contact, and consequently, as a rule, restricting the use of a mobile phone is not permitted under the Intellectual Disabilities Act. However, if a client's contact is otherwise restricted without justification and no appealable decision has been issued on the matter, the client has the right to submit the legality of the record or instruction (document) related to the restriction of contact for investigation by the competent administrative court.

Social counsellor's actions in disclosing a client's personal information to an educational institution

The Substitute Deputy-Ombudsman considered that a wellbeing services county had acted unlawfully because the disclosure of the complainant's information could not be verified from the client records as required by law. For example, the client record did not indicate what information about the complainant had been disclosed to the educational institution in a telephone conversation, and the information on consent had also been inadequately recorded.

In a situation where a client is asked for explicit consent to the disclosure of health data and other information concerning them, it is important that the client understands unambiguously what information is being provided about them and how when giving their consent. This protects clients' privacy and ensures that data is processed lawfully. Based on the investigation, in this case, it had remained unclear whether the complainant had been sufficiently informed of their rights in a manner they would understand and, on the other hand, of the obligations of the authority.

Explicit consent would have required that the complainant had been asked separately whether they agreed to information about their mental health being disclosed to the educational institution and informing the complainant about the significance of disclosing said information, so that the complainant would have been aware of the factors affecting their legal status.

The Substitute Deputy-Ombudsman also drew attention to the fact that consent must be given clearly and voluntarily, with the person giving consent having all the relevant information when giving their consent. It must be possible to verify a client's explicit consent afterwards. These prerequisites ensure that focus stays on the client's data protection and rights and that the processing of data is lawful 7218/2023.

Decision 1905/2023 was also related to the recording of information. Feedback given by a client is necessary for monitoring and overseeing a service, and such information must be recorded. The Deputy-Ombudsman considered that the authority had neglected to record necessary information in this respect. Due to what had transpired, the Deputy-Ombudsman drew the wellbeing services county's attention to the importance of appropriate records. Recording information is also important for the legal protection of personnel. The wellbeing services county is responsible for ensuring that its personnel have lawful guidelines for their employees and that record-keeping by employees is done appropriately.

3.4.5 DECISIONS IN THE SOCIAL INSURANCE SECTOR

During the year under review, there were several complaints (12) in which Kela had granted a complainant demanding medical rehabilitation, but Kela had either rejected the complainant's direct procurement claim after the competitive tendering of service providers, or the complainant had not found an available or suitable service provider in their area from Kela's service provider lists.

The Deputy-Ombudsman did not initiate a simultaneous investigation with the appellate authority in cases where a complaint was pending against a rejection by Kela to a direct procurement claim.

Interruption of demanding medical rehabilitation due to the termination of a direct procurement agreement

In case 2970/2023, the Deputy-Ombudsman issued a reprimand to Kela for its unlawful and incorrect conduct, as Kela had issued the complainant new decisions concerning demanding medical rehabilitation (psychotherapy) even though a previous decision issued by Kela had gained legal force. Kela cannot change an earlier decision made by Kela to the detriment of the client without the consent of the client or other party concerned if the decision has gained legal force. In the same instance, the Deputy-Ombudsman drew Kela's attention to diligence in the decision-making on demanding medical rehabilitation and in securing the client's and the service provider's access to information.

The Deputy-Ombudsman considered it a serious deficiency that, in its new decision, Kela had not taken into account section 110 of the Procurements Act, which contains provisions on the prerequisites for direct procurement in individual cases, and thus the client's potential need to safeguard a significant care or client relationship. In addition, the Deputy-Ombudsman considered it a deficiency that the decision by Kela did not indicate the legal provision on the basis of which the client's case had been reopened, even though the decision had been justified to some extent in this respect. The Deputy-Ombudsman considered that the justifications for the decision in question were incomplete insofar as the decision did not provide detailed information on when the client had been granted rehabilitation and which decision had now been terminated, or in fact suspended, with the new decision. The Deputy-Ombudsman asked Kela to report any measures taken in the matter by 8 November 2024.

On 1 November 2024, Kela reported that it would take the measure of improving the understandability and clarity of benefit decisions. In addition, Kela reported that it had taken into account the observations made by the Deputy-Ombudsman regarding the continuity of clients' rehabilitation in its activities and in the development of procurement procedures. The continuity of clients' rehabilitation will be examined as one of the key aspects of the future procurement process. In addition, particular attention will be paid to the comprehensibility of decisions.

In her second decision 2225/2023, the Deputy-Ombudsman considered that, in Kela's further decision on demanding medical rehabilitation (psychotherapy), Kela had neglected to notify the complainant that Kela's contract period with the service provider would end during the validity of the decision, which could lead to a change in service providers. The decision also misleadingly stated that the service provider (therapist) would continue providing the service throughout the period of validity of the decision. This negligence, found to be human error in the investigation, had contributed to the client and the therapist being blindsided by the interruption of the therapy.

The Deputy-Ombudsman drew Kela's attention to diligence in decision-making on rehabilitation and securing clients' access to information. The Deputy-Ombudsman also drew Kela's attention to diligence in securing clients' access to information when information is sent with an automated system, because according to Kela's report, the client had not received an automated information letter because they did not have a valid decision on individual therapy when data was retrieved for sending out the letter.

In the third case, 4419/2023 the Deputy-Ombudsman found the delay in the start of demanding medical rehabilitation (speech therapy) particularly reprehensible, considering that the matter concerned a 4-year-old child. The provision of the service, or the child's right to speech therapy, was not realised until nearly 10 months after the start date stated in the decision. The Deputy-Ombudsman brought to Kela's attention her view of the reprehensible nature of Kela's unlawful conduct in organising the child's speech therapy.

The Deputy-Ombudsman found it problematic that Kela had encouraged the complainant to continue searching for a service provider in their insurance district (although the complainant had reported that no therapist had been found in the district in question), and Kela had been aware that the competitive tendering in this insurance district had fallen short of the targeted number of clients. The Deputy-Ombudsman emphasised that Kela is also obliged to monitor how therapy services are implemented in different insurance districts. The Deputy-Ombudsman considered that this investigated case demonstrated that the monitoring has not been up-to-date and comprehensive.

In the organisation of children's rehabilitation, Kela must ensure the realisation of children's fundamental and human rights. Under section 6, subsection 3 of the Constitution of Finland, children must be treated equally as individuals. This provision allows so-called positive discrimination. In the Deputy-Ombudsman's view, Kela could have better considered the possibility of positive discrimination of the child in organising the speech therapy so that the child's fundamental human rights would have been realised considerably faster than what had taken place. The child's constitutional right to adequate social and health care services must be implemented even in the application of competition laws. The Deputy-Ombudsman stated that the problems related to the availability of speech therapists are due to factors that can only be influenced to a limited extent or not at all by the Ombudsman's measures.

3.4.6 DECISIONS IN THE HEALTHCARE SECTOR

Denial of homeopathic treatment

In decision 5837/2023, the Deputy-Ombudsman stated that, as a rule, anyone, including residents of around-the-clock housing services for persons with intellectual disabilities, have the option to use homeopathic products or products sold without a prescription. Merely the fact that a person with disabilities lives in a housing service unit does not justify restricting their rights. Respecting the right to self-determination of a person with disabilities is one of the leading principles of the UN Convention on the Rights of Persons with Disabilities. The policy, according to which the staff of the housing service unit would not give the client homeopathic products, had been drawn up to be unconditional without the possibility of case-by-case consideration.

The complainant's daughter's opinion had not been adequately investigated, or the report on the matter had at least been lacking in this respect. From the perspective of the right to self-determination of a person with intellectual disabilities, the Deputy-Ombudsman considered it an incorrect procedure that the complainant's daughter's individual wishes and needs or possible alternative methods had not been assessed at all. Even the pharmacotherapy plan should take into account the right of a person with disabilities to self-determination and the individual consideration of their situation.

The Deputy-Ombudsman recommended that the housing unit investigate the complainant's daughter's opinion on the matter, if possible. She also recommended that the representatives of the unit further assess, together with the complainant's daughter, the complainant and the treating physician, whether there was a way in which the homeopathic product could be safely administered to the complainant's daughter if she wished so.

Other decisions

In case 3022/2023, the Deputy-Ombudsman considered that the processing of a rehabilitation matter (speech therapy) had taken an unreasonably long time, as the investigation of a child's need for rehabilitation had been pending for more than six months. The party responsible for organising the service should have had access to the client data maintained by Kårkulla joint municipal authority even before the abolishment of the joint authority, since the city had purchased the service from Kårkulla.

In her decision 4592/2023, the Deputy-Ombudsman drew the attention of a wellbeing services county to diligence in the flow of information between health care units so that the correct information concerning a patient is appropriately transferred to the other operating unit, which contributes to ensuring the continuity of the patient's appropriate care. In this case, the lack in the flow of information may have seriously endangered the patient's safety during the transition from the central hospital to the inpatient ward of the health centre, which the Deputy-Ombudsman considered particularly reprehensible, considering that the client did not have any means of calling for necessary help due to severe disability. The Deputy-Ombudsman considered it good and appropriate that the wellbeing services county had introduced weekly situation meetings to improve the functionality of care chains and to avoid delays in transfers.

The Deputy-Ombudsman found a city's guidelines on the distribution of care supplies unlawful to the extent that the guidelines restricted the distribution of diapers as self-care equipment to situations where the rate of consumption was a minimum of three diaper products per day, and the number of diapers to be distributed was reported as 3 to 5 per day. The Deputy-Ombudsman emphasised that the distribution of care supplies must always be based on the individual need determined by a physician, without categorical restrictions to the quantity of the supplies (3321/2023).

The complainant's minor child had received access to assistive devices from assistive equipment services within the six-month period of access to specialised medical care laid down in the Health Care Act. However, the Deputy-Ombudsman emphasised that the deadlines for accessing care are maximum limits, and care must be arranged within a reasonable period, taking into account the urgency of the care. Considering that the case concerned aids needed by a growing child in their daily activities, the Deputy-Ombudsman considered that the nearly six-month wait was fairly long. Good care of the complainant's child would have been better achieved if the aids had been made available faster than what had transpired (522/2024).

3.4.7 Decision in the police sector

Human dignity of a disabled person was violated in police prison

In case 151/2023, it emerged that a person with paraplegia had been transported without their wheelchair to a police prison, where the facilities were not accessible for the complainant who had reduced mobility. Among other things, the complainant had been forced to defecate at different sides of the cell while lying on their side. The Ombudsman considered that the complainant's dignity and the rights guaranteed by the Constitution of Finland and international treaties had been violated.

The Ombudsman drew the attention of the police department to, among other things, shortcomings in the accessibility of the facilities, and the Ombudsman issued a reprimand to the police department for future reference for the procedure violating the principle of respecting fundamental and human rights, lack of access to the toilet, having meals on the floor, insufficient supervision and the refusal of reasonable accommodation. The Ombudsman proposed that the State of Finland compensate the complainant for any violations committed against them.

The Ombudsman also drew the serious attention of the National Police Board and the Ministry of the Interior to the deficiencies of the police prison in question. The facilities were meant to be temporary, but they have been in use for years. The Ombudsman also requested the National Police Board to obtain a report on how the police prisons in Finland have accommodated for people with disabilities and reduced mobility and prepared for arranging reasonable accommodation. In addition, he proposed that the National Police Board consider whether training on the rights of persons with disabilities should be organised and whether related general guidance should be issued. The Ombudsman took up the investigation of the transport safety of police vehicles on his own initiative. In this case, the complainant had been transported to a police prison on the floor of the back of the police vehicle on road sections with speed limits of up to 100 km/h.

The State Treasury paid the complainant EUR 3,000 in compensation for these violations of fundamental and human rights.

In May 2024, the Oulu Police Department announced that an accessible toilet had been installed in the detention facility and a wheelchair had been procured. The detention facility in question will be decommissioned in early 2025 when a new central police station is opened.

In October 2024, the National Police Board reported that the requirements for the detention of persons with disabilities and persons with reduced mobility have been taken into account to very varying extents in different police detention facilities. Not all detention facilities are accessible or able to provide necessary reasonable accommodations. The treatment of persons with disabilities will be taken into account in guidelines.

In September 2024, the Ministry of the Interior reported agreeing with the Ombudsman's views and expressed its support for the immediate action taken by the National Police Board to remedy the unsatisfactory situation in order to guarantee the accessibility of the facilities and the necessary accommodations.

Based on the received reports, the Ombudsman took his own initiative to investigate the accessibility of police detention facilities 6945/2024.

3.5
National Preventive Mechanism against Torture

3.5.1 THE OMBUDSMAN'S TASK AS A NATIONAL PREVENTIVE MECHANISM

Since 7 November 2014, the Parliamentary Ombudsman has been serving as the Finnish National Preventive Mechanism (NPM) under the Optional Protocol of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The Human Rights Centre (HRC) at the Office of the Parliamentary Ombudsman, and its Human Rights delegation, fulfil the requirements laid down for the National Preventive Mechanism in the Optional Protocol, which refers to the 'Paris Principles'.

The NPM is responsible for conducting inspection visits to places where persons are or may be deprived of their liberty. The scope of application of the OPCAT has been intentionally made as broad as possible. The scope also includes places where people's freedom of movement is restricted, such as housing units for people with memory disorders. The competence of the NPM also extends to private operators, such as entities in charge of places where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence.

The tasks of the National Preventive Mechanism have been organised without setting up a separate NPM unit in the Office of the Parliamentary Ombudsman. Principal Legal Adviser Iisa Suhonen acts as presenting officer and full-time coordinator for the NPM. She is supported by Principal Legal Adviser Jari Pirjola and Senior Legal Adviser Pia Wirta, who coordinate the NPM's activities alongside their other duties. The NPM has provided induction training for external experts, so they can participate in the inspection activities of the NPM. During the year under review, the NPM had a total of 24 external specialists available.

You can read more about the role and operating model of the NPM on the website of the Parliamentary Ombudsman of Finland (www.oikeusasiamies.fi/en/opcat-the-national-preventive-mechanism).

A separate induction into the NPM's mandate and duties is always organised to new employees of the Office of the Parliamentary Ombudsman. New employees are also informed about the rights of persons with disabilities and taking these into account on inspection visits. An induction with the same content is also arranged for new external experts before their first inspection visit.

3.5.2 INTERNATIONAL COOPERATION

The NPM's report is submitted every year for information to the UN Subcommittee on Prevention of Torture (SPT). In addition, the delegation of the Finnish NPM met the UN Committee against Torture (CAT) in a private meeting held in Geneva in April 2024. The meeting concerned Finland's eighth periodic report. The report discusses how the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has been implemented in Finland.

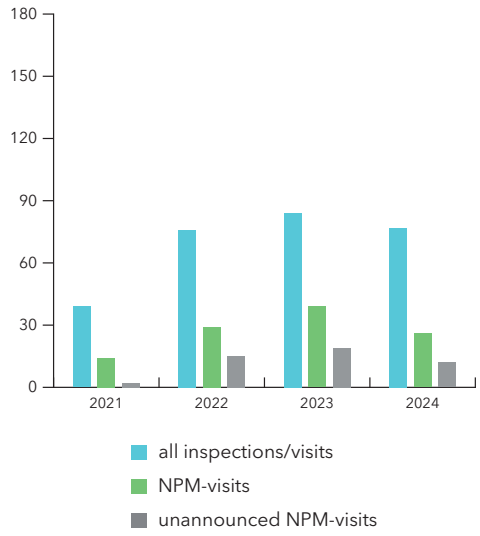
The NPMs of the Nordic countries meet regularly every year. Themes topical at the time have been discussed in each meeting. One of the themes of the meeting held in Helsinki in September 2024 was the organisation of health care for prisoners in different Nordic countries and the related challenges.

3.5.3 VISITS

Visits by the NPM in 2024

The NPM conducted 26 visits in the year under review (39 in the previous year). In addition, three of the Parliamentary Ombudsman's visits were related to the task of the NPM. The total number of inspection visits carried out by the Office of the Parliamentary Ombudsman was 77 (83 in the previous year).

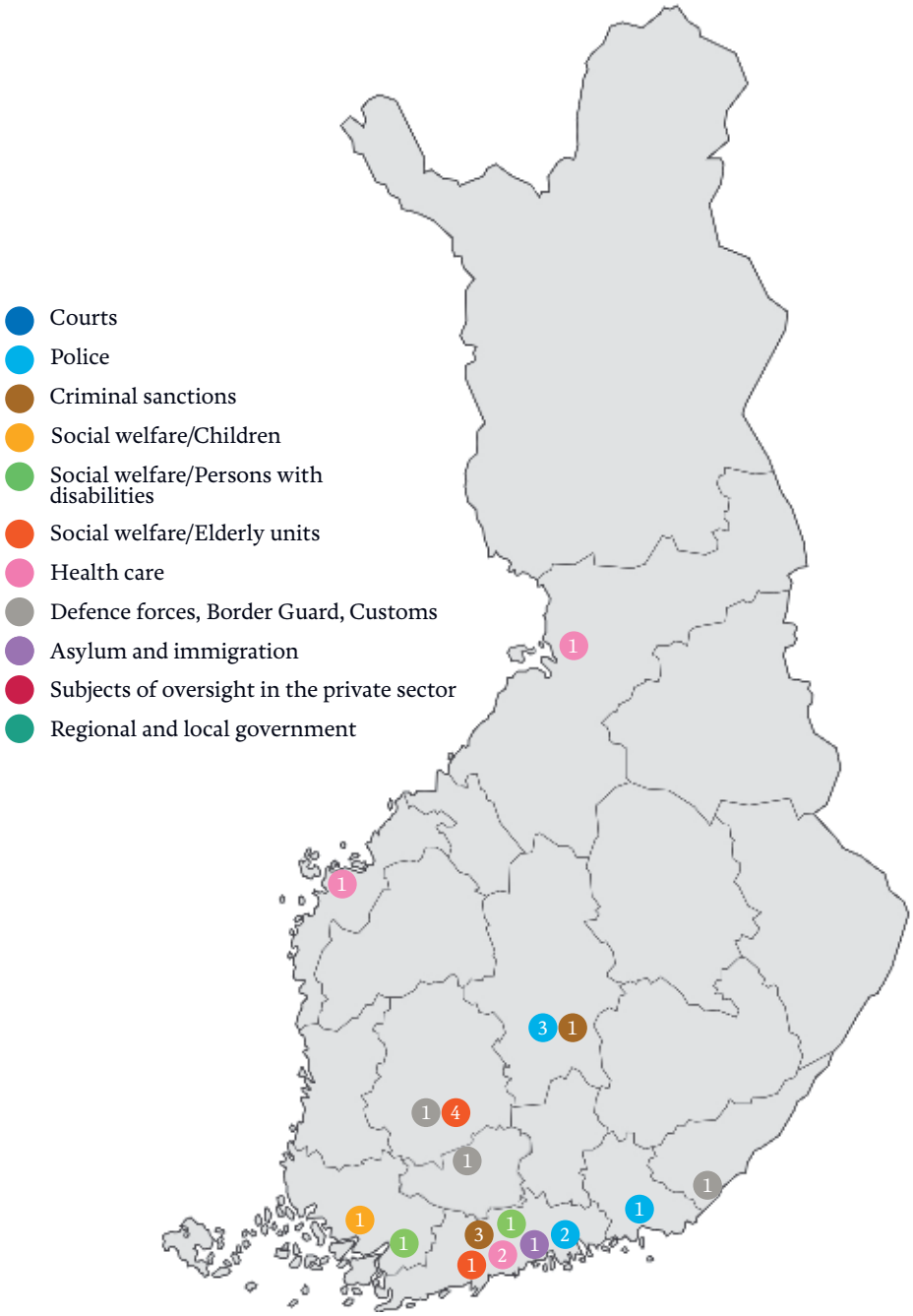
Half of the visits (12) made by the NPM were unannounced in advance. A total of eight external experts were involved in two visits concerning psychiatric units.



Visits in 2021–2024.

Special themes to be considered during visits

The special fundamental and human rights theme of the Office of the Parliamentary Ombudsman was "Digitalisation of public administration and fundamental rights". The theme is discussed in more detail in section 3.8 of this Annual Report. In addition to the special theme, the special duties of the Parliamentary Ombudsman, namely the rights of children, the elderly, and the disabled, are considered on each visit.



NPM visits by region in 2024.

3.5.4 POLICE

It is the duty of the police to arrange for the detention of persons deprived of their liberty not only in connection with police matters, but also as part of the activities of Customs and the Border Guard. The majority of apprehensions are made under the Police Act. In 2024, there were almost 42,600 apprehensions, most of which were due to intoxication. The second largest group is formed by persons suspected of an offence. In 2024, they numbered almost 20,400. Almost 6,800 of them were arrested and 2,209 imprisoned. In addition, some persons detained under the Aliens Act are kept in police detention facilities (also referred to as police prisons below).

Some fifty police prisons are used by the police. The detention of remand prisoners in police detention facilities for longer than seven days has been prohibited without an exceptionally weighty reason considered by a court. The aim is to have the responsibility for the custody of all remand prisoners transferred to the Prison and Probation Service of Finland, so that those suspected of an offence would not be deprived of their liberty in police prisons for more than 96 hours at most.

Inspection visits

Inspection date	Site	Number of places	Case Number	Other / previous visit
11 June 2024	Central Finland Police Department, Jyväskylä police prison	30 cells	3108/2024	9/2018 (4392/2018)
12 June 2024	Central Finland Police Department, Äänekoski police prison	10 cells	3111/2024	no previous visits, commissioned in 2021
1 October 2024	Southeast Finland Police Department, Kotka police prison	25 cells	5182/2024	7/2017
1 October 2024	Eastern Uusimaa Police Department, Porvoo police prison	19 cells	5183/2024	7/2017 (3854/2017)
12 November 2024	Eastern Uusimaa Police Department, Vantaa police prison	41 cells	6042/2024	commissioned in April 2024 / 6/2021 (4226/2021)

As a rule, inspection visits of police prisons are unannounced.

In the following, we discuss some of the themes that repeatedly come up during the NPM visits to police prisons.

Working alone in police prisons

In police prisons where the number of apprehended persons is small, custodial officers often have to work alone. The Ombudsman has found this very problematic, for example in terms of detention and occupational safety. In some police prisons visited during the year under review, the situation was also such that the custodial officers had to work alone.

Despite the Ombudsman's statements on the matter, no change is apparently possible until working alone is prohibited by legislation. However, the overall reform of the Police Custody Act (the Act on the Treatment of Persons in Police Custody) is not included in the current Government Programme.

Health care for detainees and their right to see a doctor

Health care for detainees in police prisons has in most cases been arranged so that the police custodial officers of the police prison ensure that detainees receive their medication prescribed for them outside the detention facility and that an emergency care unit is called to the police prison in acute situations. This was the procedure in all other police prisons visited except Vantaa. The Ombudsman recommended that police departments at least assess the need for regular visits by a nurse. He also recommended that all police departments should try to ensure that all persons deprived of their liberty for longer than 24 hours would get to see a healthcare professional. The same has also been recommended by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

Medication

Police prisons have different ways of managing the medications of detainees. In all the police prisons visited, the custodial officers had to participate in dispensing medication to those deprived of their liberty. Almost all custodial officers participating in dispensing medication had completed medication training. Instead, no certainty could be established as to whether the custodial officers involved in the administration of opioid substitution drugs had received appropriate training.

The Safe pharmacotherapy guide of the Finnish Institute for Health and Welfare requires that each unit providing pharmacotherapy has a pharmacotherapy plan. The Deputy Ombudsman has started to recommend that each Police Department draw up a pharmacotherapy plan for the police prison. The plan should also be brought to the attention of all prison officers, and the personnel should be introduced to the contents of the plan where necessary. None of the inspected police prisons had such a plan – not even the ones visited by a physician twice a week (6042/2024).

Detention of intoxicated persons

At the moment, sobering-up treatment for intoxicated persons has not been arranged even in all large cities, and municipalities have no statutory obligation to arrange such treatment. The sobering-up stations are of significance for police work, as their existence would leave only some of the intoxicated persons to be detained by the police. The Ombudsman has considered it obvious that a sufficient network of sobering-up stations would significantly reduce deaths in police custody in Finland (see the Ombudsman's 2022 Annual Report, p. 87). Every year, 10 to 20 such unfortunate deaths occur in police detention facilities.

The inspection visits during the year under review revealed that only Jyväskylä had a sobering-up station. Kouvola has a sobering-up station, but according to the experience of the police, it does not admit clients from Kotka. The NPM was also informed that in Kotka it is difficult to obtain healthcare services for intoxicated persons behaving self-destructively. The responsibility for them is therefore left to the police. Vantaa was planning to set up a sobering-up station in connection with the new central police station, but this did not happen.

Accessibility

Cells for persons with reduced mobility are increasingly available in police prisons. During the year under review, two of the visited sites had accessible cells. The Ombudsman has welcomed the construction of accessible cells. However, he has emphasised that accessibility aspects must be considered already when planning and constructing such facilities. He has also recommended that police departments carry out an accessibility survey. Accessibility-related observations and recommendations made during inspection visits of police prisons are described in more detail in section 3.4 on the rights of persons with disabilities.

Decisions related to police prisons and measures taken by authorities

During the year under review, the Ombudsman issued a decision on a complaint involving a violation of human dignity of a person with disabilities in a police prison (151/2023). The Ombudsman proposed that the State of Finland compensate the complainant for any violations committed against them. The Ombudsman also drew the serious attention of the National Police Board and the Ministry of the Interior to the deficiencies of the police prison in question. Based on the reports received in the matter, the Ombudsman took the initiative to investigate the accessibility of police prisons (6945/2024).

The Ombudsman has on several occasions examined how deaths in police prisons are investigated, monitored and prevented. The Ombudsman has criticised the fact that there is still no reliable information on the number of deaths in police custody (922/2023). As the overall reform of the Police Custody Act has been delayed, the possibility of developing guidelines should also be considered. As one of its measures, the National Police Board has announced that, in the future, it will ensure that statistics on deaths in police custody shall be compiled, and the cases analysed.

In 2022, the NPM carried out an inspection visit of the detention facilities of the passenger car ferry M/S Baltic Princess (6559/2022, see the Ombudsman's English summary of the Annual Report 2022, p. 85). As a result of the visit, the Ombudsman took the initiative to investigate a case in which women considered self-destructive were detained on board the ship and required to remove all their clothes. In his decision, the Ombudsman stated, among other things, that the actions taken by the security stewards did not fully implement the detained persons' right to dignified treatment. However, ultimately, it was the responsibility of the shipping company to ensure preparedness for different exceptional and dangerous situations as well as possible. The shipping company is also responsible to make sure that there are safe clothes and bedclothes intended for self-destructive persons in the detention facilities (1431/2023).

In connection with the above-mentioned inspection visit of the detention facilities of the passenger car ferry, the Ombudsman proposed to the Ministry of the Interior, among other things, that the regulation on security stewards on board vessels be developed (1287/2023).

3.5.5 DETENTION FACILITIES OF A PRIVATE SECURITY COMPANY

In 2023, the NPM carried out the first inspection visits of private security companies' detention facilities (1488/2023, 1974/2023). During the year under review, an inspection visit was made to the detention facilities of a security company (KV-Turva Oy) at a shopping centre in Jyväskylä on 12 June 2024 (3109/2024). The visit was announced in advance.

Based on the inspection visits findings and the information received, apprehended persons are not placed in a locked room at the site visited. The Ombudsman considered that the company's task was to ensure that no prohibited detention took place. The Ombudsman also emphasised that the company's self-monitoring must be active in order to ensure that the personnel carry out their daily activities appropriately.

During the year under review, the Ombudsman carried out an inspection of the Central Finland Police Department related to the theme of the supervision of the private security sector. The Ombudsman found it justified that the police department have information on the detention facilities available to private security sector actors and that their appropriateness be ensured (3051/2024).

During the year under review, the Ombudsman also issued a decision on his own-initiative investigation concerning how the supervision of the private security sector is steered, supervised and developed. The Ombudsman considered it necessary to clarify the division of responsibilities and the responsibility for oversight activities in their entirety in the National Police Board.

He also considered it important that the resources the licence administration's area of responsibility be secured, so that it has a genuine opportunity to steer, supervise and develop the oversight of the private security sector. The resources and competence of police departments in the oversight of the private security sector should also be secured.

3.5.6 DEFENCE FORCES

The treatment of person deprived of their liberty in the detention facilities of the Defence Forces is subject to the provisions of the Act on the Treatment of Persons in Police Custody. However, the Defence Forces do not have a similar approval procedure for detention facilities for persons deprived of their liberty as the police. The Ombudsman has considered it important that the detention facilities of the Defence Forces have a same type of administrative approval procedure as other pre-trial investigation authorities. This will be implemented on 1 December 2025 when the Act on Military Discipline and Combating Crime in the Defence Forces enters into force. Under section 23 of the Act, the detention facilities of the Defence Forces are approved by the Defence Command.

Inspection visits

Inspection date	Site	Case Number	Other / previous visit
11 June 2024	Armoured Brigade detention facilities for persons deprived of their liberty, 2 detention rooms	3374/2024	announced in advance / 6/2017
10 October 2024	Satakunta Air Command detention facilities for persons deprived of their liberty, 1 detention room	5350/2024	announced in advance / 11/2016
9 December 2024	Army Academy detention facilities for persons deprived of their liberty, 4 detention rooms	6952/2024	announced in advance / 6/2015

The detention facilities of the Defence Forces are used rarely. In the visited sites, the most common grounds for deprivation of liberty were desertion and intoxication. The duration of the deprivation of liberty is usually a few hours and seldom more than 24 hours.

When visiting detention facilities, the NPM always pays attention to the circumstances of persons deprived of their liberty. As a rule, the detention facilities visited only had a thin mattress on the floor. In previous years, one of the inspection visit findings was also that detainees had their meals in the detention room. The Ombudsman has considered that the serving of meals should be arranged in such a way that the detainees do not need to eat either sitting on the floor or standing up. This matter had now been improved, as all the visited detention facilities had arranged the serving of meals properly.

With regard to the detention facilities of the Army Academy, the Ombudsman paid attention to the fact that the responsibility for supervising the persons deprived of their liberty was given to conscripts. Furthermore, the way in which the supervision was carried out raised doubts as to whether the supervision was arranged appropriately and in a sufficiently effective manner. The Ombudsman considered it well-founded that civil servants belonging to the hired personnel be always involved in the supervision of persons deprived of their liberty. The Ombudsman was informed that in the future, the detention facility will also be manned by hired personnel if it is suspected, for example, that the apprehended person has health issues.

3.5.7 THE CRIMINAL SANCTIONS FIELD

The Prison and Probation Service of Finland operating under the Ministry of Justice is responsible for the enforcement of prison sentences. Finland has 27 prisons, 15 of which are closed and 12 open institutions. The average number of prisoners remained stable at around 3,000 prisoners for several years. However, in recent years the number of prisoners has increased significantly. In 2024, it was on average more than 3,350 prisoners, which is reflected in the overcrowding of closed prisons.

Surveys of staff and prisoners

The Office of the Parliamentary Ombudsman has introduced surveys for prison staff and prisoners as a new tool. The surveys include questions about their views on the relationship between prisoners and staff, safety and security, discrimination and equal treatment. The aim is to carry out the surveys before the NPM visit to the prison. Responding to the surveys is voluntary and the answers are given anonymously. Information provided by the responses helps the NPM to focus its inspection visit activities better than before. In the year under review, the staff and prisoners in Vantaa and Helsinki prisons were sent a survey in advance.

When visiting prisons, in addition to the surveys, usually both prisoners and staff are given an opportunity to come and talk to the NPM. The NPM also try to interview prisoners who do not volunteer to discuss matters or who may belong to vulnerable groups, such as minors, the elderly or disabled people. In the prison environment in particular, vulnerable groups also include women and those who belong to linguistic and cultural minorities or sexual and gender minorities. If necessary, interpretation is used.

Inspection visits

Inspection date	Site	Number of prison places	Case number	Other / previous visit
22–23 April and 25 April 2024	Vantaa prison	185	1492/2024	announced in advance / 11/2017 (6206/2017)
9 September 2024	Departments for minor prisoners and minor remand prisoners in Helsinki Prison	4 + 6	4527/2024	announced in advance
8–9 October and 11 October 2024	Helsinki prison	309	4594/2024	announced in advance / 11/2018 (5563/2018)
27 November 2024	Jyväskylä Prison, open prison	60	5970/2024	announced in advance / prison commissioned in 2020

In addition, The Ombudsman inspections were carried out at the Department for Criminal Policy and Criminal Law at the Ministry of Justice on 18 April 2024 (1493/2024) and the Prison and Probation Service of Finland on 12 March 2024 (1358/2024). One important theme was the increasing overcrowding of closed prisons and the availability and adequacy of trained personnel, or personnel in general.

Overcrowding of closed prisons and lack of prison officers

According to the Government report on the administration of justice (Publications of the Finnish Government 2022:67), the Prison and Probation Service of Finland is unable to fulfil its obligations. The Prison and Probation Service of Finland should be allocated an additional resource of 400 person-years by 2027. Raising the level of operations to the level required by legislation would require a significantly larger number of personnel by 2030 and the reform of the prison network.

The overcrowding concerns almost all closed prisons. The most serious observations made when visiting closed prisons during the year under review are also related to overcrowding and the lack of prison officers. The prison overcrowding is continuous, and the number of prison officers is apparently not even close to an adequate level to carry out the statutory functions required for prisoners. The situation affects the living conditions of the prisoners and increases the workload of the staff. In the following, some examples of the situation.

Housing of prisoners

Due to overcrowding, both Vantaa and Helsinki prisons need to house several prisoners in too small cells in residential wards. For the same reason, some prisoners must be housed in cells (so called traveller's cells) intended for incoming and outgoing prisoners for a considerable amount of time. The Ombudsman has considered that the conditions and functions of traveller's cells are not suitable for housing prisoners in longer term. Some prisoners arriving in Helsinki prison have also had to be temporarily placed in isolation cells, where the conditions are not suitable even for very short-term accommodation.

The Deputy-Ombudsman has stated that the prison's possibilities for managing overcrowding are extremely limited. The prison must accept prisoners placed there and it has no discretion in the matter.

Separation of remand prisoners and prisoners serving a sentence

Vantaa prison, which is a remand prison, has been unable to assign prisoners serving a sentence a separate ward from remand prisoners. According to the prison, the reason for this is overcrowding and prison safety. The Deputy-Ombudsman has stated that, although the reasons presented by the prison for its actions are understandable as such, they cannot justify unlawful action in the matter. To solve the matter, a ward for prisoners serving a sentence must be established.

Time spent outside the cell

The lack of human resources and overcrowding in the Vantaa prison have led to having to place the prison under a 'lockdown' on several days every week. It means that most prisoners are kept in their cells for up to 23 hours a day. The wards are not able to follow the daily schedule, which allows carrying out only the necessary activities, such as meals and outdoor activities. The situation is completely exceptional, and the NPM has never encountered a similar situation previously in any other closed prison.

Both the staff and prisoners pointed out that the extent, duration and recurrence of lockdown conditions is extremely stressful for prisoners. The malaise among prisoners is increasing and the atmosphere is extremely tense, as activities must be cancelled weekly. The staff were particularly concerned about minor prisoners.

The Deputy-Ombudsman emphasised that, as stated in international recommendations and the Ombudsman's decisions, eight hours spent outside the cell is a minimum recommendation that should be reached daily. In addition, it is not only a question of the prisoner's cell door being kept open, but during that time the prisoners should have an opportunity for meaningful and developmental activities and social interaction.

Transfers of prisoners

The Imprisonment Act is based on the gradual release of prisoners from closed conditions into more open ones and on the progress of a sentence plan. The prison overcrowding makes it difficult to transfer prisoners not only within the prison but also between prisons. Overcrowding in prisons also means that it will be more difficult achieving the objectives laid down in the Imprisonment Act much more difficult.

Working alone

In closed prisons in both Vantaa and Helsinki, the staff must often work alone. The majority of respondents to the surveys conducted among the staff felt that this increased the threat of violence and/or psychosocial strain. Especially in Helsinki prison, the staff felt that working alone was a concrete security factor. The problem is not only the number of prison officer posts, but also the fact that the prison does not have the money to fill the prison officer posts.

Minor prisoners

A separate inspection visit was made to the wards of minor prisoners and minor remand prisoners in Helsinki prison. In addition, when the Vantaa and Helsinki prisons were inspected, the NPM also visited the minors' wards in both prisons. The Deputy-Ombudsman stated that the decision of the Prison and Probation Service of Finland by which separate wards were set up for minors in prisons has been a necessary improvement in the treatment of persons deprived of their liberty under the age of 18. Nevertheless, the situation of minors cannot be considered acceptable, as their treatment is also strongly affected by a serious shortage of staff concerning the prison as a whole. According to the Deputy-Ombudsman, there was no reason to suspect that motivated and expert staff do anything but the best they can with minors using the limited human and financial resources available. It is clear, however, that the situation is far from what the treatment of minors should be like when they are deprived of their liberty.

As far as minor prisoners are concerned, the implementation of compulsory education for children placed in a closed institution was also examined. This task is the responsibility of education providers, not the Prison and Probation Service of Finland. The situation was not good. For example, it was discovered at Helsinki prison that the number of prisoners had a direct impact on the amount of individual teaching received by each minor. One group falling clearly through the cracks were those aged 17 or over who had not yet completed their basic education. The Deputy-Ombudsman decided to investigate the state of education and training of minor prisoners in Helsinki and Vantaa on his own initiative (2971/2024, pending). However, the Deputy-Ombudsman already stated that the amount of teaching was very low.

Positive developments

During the year under review, the NPM visited Jyväskylä Prison for the first time. It is an institution with very open conditions. Most of the prisoners work or engage in other activities outside the prison. The prisoners also have the opportunity to pursue different hobbies outside the prison four times a week for 2.5 hours at a time. The prisoners are paid a food allowance that they use to buy their own groceries from the store and prepare their food.

The prisoners receive guidance on how to prepare food themselves, and they are provided with cooking classes by the NGO (the Martha Association). The prisoners also can take a Hygiene Passport test in prison. Everyone who works in a food premises and handles unpackaged perishable food must have a hygiene passport. The conditions in the kitchens seemed such that they provided the prisoners with good opportunities to take care of their own cooking needs in practice (see figure).

Jyväskylä prison is also one of the few prisons with appropriate facilities for housing prisoners with reduced mobility. For this reason, the Deputy-Ombudsman considered it justified those prisoners with reduced mobility be placed in this prison. Otherwise, the prison's accessible facilities remain unutilised.

3.5.8 PRISONER HEALTHCARE

Prisoner healthcare falls within the administrative branch of the Ministry of Social Affairs and Health. Health Care Services for Prisoners operates in connection with the Finnish Institute for Health and Welfare. In addition to the visits of the Parliamentary Ombudsman and the NPM, the National Supervisory Authority for Welfare and Health Valvira and the Regional State Administrative Agency for Northern Finland carry out guidance and supervision visits to outpatient clinics and hospitals of Health Care Services for Prisoners. The reports of the visits are sent for the information of the Ombudsman.

Inspection visits

Inspection date	Site	Case Number	Other / previous visit
22 April 2024	Health Care Services for Prisoners outpatient clinic at Vantaa	1325/2024	announced in advance / 11/2017 (6454/2017)
25 November 2024	Health Care Services for Prisoners outpatient clinic at Helsinki	4637/2024	announced in advance / 11/2018 (5323/2018)

Prison overcrowding also affects prisoner healthcare

The prisoner healthcare inspection visits carried out during the year under review focused on outpatient clinics. Based on the number of prison places the outpatient clinics are responsible for a particularly large number of patients. In addition, both prisons are continuously overcrowded: at the time of the visit, there were 208 prisoners (185 prison places) present at the Vantaa prison and 350 prisoners (309) at the Helsinki prison. The Helsinki outpatient clinic is also responsible for the open prison in Suomenlinna, where there were 93 prisoners (90) present at the time of the visit. The situation has not improved – on the contrary, in March 2025 there were 255 prisoners at the Vantaa prison, for example.

The increased number of prisoners is also reflected in the workload of outpatient clinics. In addition, prisoners are in poorer health than before, and their pharmacotherapy takes more time. Despite this, hardly any new personnel resources have been allocated to the outpatient clinics. On the other hand, it is not possible to improve the situation simply by increasing the number of personnel. More facilities suited for healthcare activities would also be needed. The outpatient clinics operate in the prison premises, so the problems with the facilities cannot be solved by means available to the Health Care Services for Prisoners. The situation is not made any easier by the fact that prisons are also suffering from a lack of space.

Impacts of a lack of health care personnel

According to the NPM's findings, the inadequate number of nurses working at the outpatient clinic is a daily problem. As a result, the number of unprocessed inquiry forms (written contact forms from patients) is high. The problem could be addressed by introducing electronic services for prisoners. The Health Care Services for Prisoners has proposed to Prison and Probation Service of Finland that prisoners be enabled to use electronic services. No change has taken place in the matter. The Health Care Services for Prisoners has the same obligation under the Health Care Act as other healthcare units to ensure that patients can reach the unit without delay. However, no funding has been received for this, and the Health Care Services for Prisoners is unable to comply with the Act with the current resources. The situation in the processing of inquiry forms is a clear violation of the Health Care Act and seriously endangers patient safety. In addition, the Deputy-Ombudsman has found it problematic that the assessment of the need for treatment and access to treatment may be significantly delayed due to, for example, congestion in the processing of inquiry forms.

In addition, outpatient clinics such as the one visited, which have a lot of patients, do not have the resources to perform double-checks of medicines for all medications distributed. As a rule, double-checking means that two different professionals (the person who distributed the medicines and another professional) check that the medicines have been correctly divided into patient-specific doses. The Deputy-Ombudsman has urged the Health Care Services for Prisoners and outpatient clinics to strive to ensure that double-checks of all medicines could be carried out more than once a month. During the Covid-19 pandemic, the Health Care Services for Prisoners established an outpatient clinic pharmacist post, which is divided in half between Helsinki and Vantaa outpatient clinics. However, so far, the pharmacist has failed to visit Vantaa even once, as their entire working hours have been spent in managing pharmacotherapy at the Helsinki outpatient clinic. The pharmacist is unable to carry out the work in compliance with their professional competence that would include assessing pharmacotherapy and eliminating unnecessary medicines.

The prison officers have no right to view a prisoner's health data without prisoner's express written consent. Despite this, the prison officers must administer medication to prisoners. For this purpose, there is a prisoner's consent form, which can be found in the electronic patient record system. However, nurses do not have time to print out the forms, request the patient's signature for it and scan it into the patient documents. Instead, consent is asked verbally, and a note is made of it in the patient documents, which the Deputy-Ombudsman has not considered an acceptable course of action.

Impacts of a lack of prison officer resources

The lack of prison officer resources is visible at the outpatient clinic on a weekly basis. When prisoner transfers to their patient appointments fail, it slows down the clinic's appointment activities and requires reorganisation of tasks. If the prison is under a lockdown due to a lack of staff, the prisoners are locked in their cells, and they are not brought to the outpatient clinic at all, or the clinic must wait for them for a long time. As a result, the operations at the outpatient clinic come to a standstill. Cancelling the appointment completely and moving it to a later date also affects access to treatment for other patients. According to the information received, the situation has become even more difficult recently. This also applies to oral health care. The dental care of the Health Care Services for Prisoners has been monitoring the amount of wasted time resulting from this. For example, at the dental clinic in Helsinki prison the amount of time wasted has been found out to be 15% of the working hours. This means three working days a month.

The Deputy-Ombudsman has repeatedly expressed serious concern that the treatment of patients deemed necessary from a medical or dental point of view may not be carried out in a timely manner due to the scarcity or lack of prison officers. Unlike the rest of the population, prisoners lack the opportunity to seek health care services other than those provided by the Health Care Services for Prisoners (e.g. 1185/2021 and 1107/2023).

It has also been noted during the NPM visits that the prison officers distribute the medicines for prisoners in their cells as early as 3 pm, even when they are intended to be taken in the evening and under supervision. According to the information received, the practice has been the same for a long time and is due to the scarcity of prison officer resources. When a doctor orders a medicine to be taken under supervision, the purpose of the prescription is to ensure that the medicine reaches the right person at the right time. This is not happening now. The procedure seriously endangers patient safety and increases the abuse of medicines.

Access to psychiatric services

During prison visits, the NPM has often paid attention to the large and ever-increasing number of prisoners with serious mental illnesses and the difficulties prisons and outpatient clinics have in working with them and treating them. The inspection visit carried out during the year under review revealed that the outpatient clinic staff felt that the access to inpatient care at the Vantaa unit of the Psychiatric Prison Hospital was difficult, but at the same time the Turku unit had plenty of vacant places. The situation was the same in the previous year during the NPM's inspection visit to the Turku unit (3067/2023). The Deputy-Ombudsman could not avoid the idea that the Turku Hospital could treat more patients. The situation also raised a question of how referrals are written and approved. Was the threshold for writing or approving referrals too high? The Deputy-Ombudsman urged the Health Care Services for Prisoners to take all possible measures to remedy the situation as a matter of urgency.

The Deputy-Ombudsman also conducted a separate investigation of the availability of psychiatric services in prisons on her own initiative. In a recent decision issued on 25 April 2025, the Deputy-Ombudsman expressed her serious concern about the availability of psychiatric services in prisons (64/2024).

3.5.9 Detention units for foreigners

Under section 121 of the Aliens Act, a foreign national may be held in detention for enforcing a decision on removing them from the country. The detention period may not exceed 12 months.

There are two detention units for foreign nationals in Finland. One is located in Metsälä, Helsinki (40 places), and one in Konnunsuo, in connection with the Joutseno reception centre (69 places). Both units operate under the Finnish Immigration Service.

The Ombudsman does not oversee return flights in its role as the NPM, although this would fall under its jurisdiction. This is because the Non-Discrimination Ombudsman has been assigned the special duty of overseeing the removal of foreign nationals from the country. The inspections carried out at reception centres have been carried out under the Ombudsman's mandate, because people are not prevented from leaving the reception centre.

The NPM strives to carry out regular visits to both detention centres at regular intervals. During the reporting year, an announced visit was carried out at the Helsinki detention unit on 11 December 2024 (6850/2024). The previous inspection visit was carried out in April 2023 (2745/2023). The detention unit for foreigners at the Joutseno was last visited in December 2023 (7813/2023).

Amendments to the Aliens Act are being prepared. One of the proposed changes is that detention should also be possible for the purpose of guaranteeing public order and security. During the NPM visit, the Helsinki detention unit stated that the entry into force of the act may affect the client profile of the unit.

The NPM was told that during the security checks by the staff of the Helsinki detention unit, there has been found small amounts of drugs. The detention unit felt that it was difficult to prevent people from bringing drugs, as the current legislation does not enable effective supervision of visitors and clients in all situations.

3.5.10 SOCIAL WELFARE UNITS FOR CHILDREN AND ADOLESCENTS

Inspection visits

The NPM carried out an inspection visit at Lauste Family Rehabilitation Centre, a private reform school, on 27 September 2024 (5160/2024). At the time of the visit, 59 children were placed at Lauste. Exceptionally, the NPM visit was announced in advance because its purpose was to organise a joint event for the parents of children placed in the institution, the staff of the institution and the responsible social workers of the children. At the event, the parents were given an opportunity to express their opinions on their children's substitute care, its possible shortcomings and any development needs. Several themes emerged in the discussion, two of them being described below.

Mental health and substance abuse treatment for children

In the discussions, the participants expressed their shared view that there were serious shortcomings in mental health and substance abuse treatment in both substitute care and open care. The primary responsibility for arranging the care belongs to the healthcare system. Despite this, people felt that it rather appears that the healthcare system is trying to transfer the care responsibility to child welfare substitute care.

Medication for children and adolescents

In general, the discussions revealed the general view that the strong antidepressants prescribed to children in substitute care are part of the mental health care provided by substitute care. It has also been observed during the inspection visits to child welfare institutions that the mental health problems of children placed outside the home are increasingly treated with strong psychotropic drugs primarily intended for adults.

It should be noted that both above-mentioned matters can be found year after year in the Ombudsman's Annual Report, which lists shortcomings in the implementation of fundamental and human rights (see section 3.6 of this Annual report). It is a fact that there are few units or services in child welfare substitute care that could be used to effectively address serious substance abuse problems in children, for example by offering mental health services linked to substance abuse treatment if necessary or by breaking a cycle of substance abuse harming a child. Appropriate placements for children who need not only child welfare substitute care but also intensive psychiatric care are lacking.

Children gone missing from Child Welfare Services

Children and adolescents who leave substitute care provided by child welfare without permission and fail to return (hereinafter also referred to as runaways) and the risks associated with this phenomenon were discussed more in the Ombudsman's English summary of the Annual Report 2023 (see section 3.5.12). Even though the lives of young runaways may be in danger, no one may be looking for them. Seeking, finding and returning missing adolescents to substitute care requires cooperation between different authorities, for which there are not enough resources. In addition, the ambiguities in the powers, responsibilities and operating models of different actors cause further challenges.

The Ombudsman issued a decision in which he proposed legislative amendments to safeguard the return of runaway children and adolescents (6723/2024). He considered the legislation in force to be seriously inadequate. Legislation should have express and specific provisions on the right to apprehend a child in order to return them to a child welfare institution. In the Ombudsman's opinion, the police should have the right of apprehension. He proposed to the Ministry of Social Affairs and Health and the Ministry of the Interior that they take joint measures to supplement the legislation.

In January 2025, the Ministry of Social Affairs and Health announced that the overall reform of child welfare legislation will be implemented gradually. In the first phase, the government proposal to be submitted in autumn 2025 would include proposals for an integrated and closed rehabilitation service for children who use serious violence. The proposal would also provide for ways of intervening in children leaving substitute care without permission and failing to return, i.e. "running away" from child welfare institutions.

3.5.11 SOCIAL WELFARE UNITS FOR OLDER PEOPLE

The NPM's visits to units providing care for older people primarily target closed units providing full-time care for people with memory impairment and psycho-geriatric units. Few complaints are made to the Ombudsman about these units, which stresses the importance of the visits. In her statements, the Deputy-Ombudsman has also emphasised the duty of every employee to act if they notice in their work that legislation is not complied with and the necessary care of an individual client is at risk.

The basic rights of older people are continually restricted in social welfare service units, even though this is not regulated by law. The Deputy-Ombudsman has considered this a significant shortcoming. For more information on the proposals and statements made by the Deputy-Ombudsman, see the Ombudsman's English summary of the Annual Report 2023 (section 3.5.13).

One of the objectives recorded in the current Government Programme is to continue legislative work on the right to self-determination of clients and patients during the government term 2023–2027. The Ministry of Social Affairs and Health has announced that the legislation must be prepared stage by stage. However, no funding has been allocated to the implementation of the legislation on the right to self-determination. Therefore, according to current information, no legislative proposals on the matter will be submitted during this government term.

According to the Ministry's assessment, the most urgent aspect of the self-determination project would be to regulate the use of restrictive measures in social and health care services, because they constantly restrict the clients' right to self-determination, even though the regulation required by the Constitution is completely lacking. Such services include service housing for older people, prehospital emergency medical services, emergency units and oral health care.

Inspection visits

Inspection date	Site	Case number
3 May 2024	Wellbeing Centre Niemenranta, private service provider Ikifit Oy, Tampere	2477/2024
3 May 2024	Attendo Johannes, private service provider Attendo Oy, Tampere	2476/2024
2 May 2024	Viola Home Willa Viola, private service provider, Viola-kotiyhdistys ry, Tampere	2474/2024
2 May 2024	Service Home Pohjolan Ryhmäkoti Pohjantähti, Pirkanmaa wellbeing services county, Tampere	2475/2024
2 December 2024	Mainiokoti Kristiina, private service provider, Mehiläinen Oy, Espoo	6313/2024

All the above-mentioned inspection visits focused on around-the-clock service housing and were carried out unannounced.

Observations on the impacts of the savings targets of wellbeing services counties

The Deputy-Ombudsman has recently paid particular attention to how the savings targets and the harmonisation of practices in the wellbeing services counties affect the implementation of the rights of older persons and compliance with existing legal norms. Observations were also made during the NPM visits on how savings affect the treatment of residents.

Number of personnel

The information obtained during the NPM visits gave reason to suspect that the wellbeing services counties intend to categorically apply the minimum staffing level that will enter into force on 1 January 2025 (at least 0.6 employees per resident) without assessing the residents' actual need for guidance, care and supervision and changes in functional capacity. The Deputy-Ombudsman has emphasised that the staffing level must be higher than the minimum laid down in the Act if the clients' functional capacity and service needs and ensuring the quality of services so require.
In its report, the Parliamentary Social Affairs and Health Committee has also emphasised that the outsourcing agreements of the wellbeing services counties cannot be drawn up in such a way that the pricing of care is regularly based on the minimum staffing level (StVM 17/2024 vp).

The NPM was informed that the staffing level in one visited service housing unit had been 0.7 for a long time. However, the staff was concerned about the future if the wellbeing services county decreases the daily price of service housing it pays. In this case, the unit would have to reduce costs and the staffing level (2477/2024).

In connection with the inspection visit of another service housing unit (6313/2024), the NPM was told that the staffing level of the unit will change from the beginning of 2025 so that the number of employees will decrease to 0.6 per client. As the justification for the change, the unit referred to the legislation to enter into force at the beginning of 2025. The wellbeing services county had notified the service provider that the daily price of around-the-clock service housing paid to it will decrease as of 1 January 2025 due to the change in the staffing level.

Oral health care services

The NPM inspection visits revealed that the wellbeing services county had sent a notification to the service housing providers in May 2023, announcing that oral hygienists will no longer assess the need for treatment for residents of around-the-clock service housing until further notice. The notification provided contact information for urgent and non-urgent situations requiring oral and dental health care. However, the service housing units found it difficult to obtain oral health care for residents. The waiting times for non-urgent treatment were long, and already booked appointments were cancelled. One unit felt that only acute appointments were available to residents.

The Deputy-Ombudsman has considered it a serious shortcoming that an assessment of the need for treatment by an oral hygienist is not available when a new resident arrives at the service housing unit. The Deputy-Ombudsman did not consider it appropriate that the responsibility for deciding on the oral healthcare measures of a resident with a memory disorder rests solely on the assessment of the nursing staff and/or the activity of the resident's relatives. The Deputy-Ombudsman took also seriously the service housing units' experiences of long waiting times to oral health care in the wellbeing services county and the cancellations of already booked dental appointments.

All the above units were run by private service providers. Regarding these, the Deputy-Ombudsman decided to assess the adequacy of oral health care services for older persons in the wellbeing services county in a manner she will consider later (2474/2024, 2476/2024, 2477/2024).

The NPM visited also the wellbeing services county's own around-the-clock service housing unit (2475/2024). According to the information received, every resident was entitled to the initial examination by a dental hygienist. A personal oral care plan is drawn up for all residents by an oral health professional, and the plan is followed. The self-monitoring plan also mentions that new residents have a right to one free oral hygienist check.

Availability of incontinence products

Most of the residents of around-the-clock service housing units are using an incontinence product (protection for urinary incontinence, e.g. a nappy) when they arrive at the unit. Thus, access to such products is of great importance and concerns most of the residents. On the other hand, the Deputy-Ombudsman does not consider it an acceptable procedure that, as a rule, the unit uses incontinence pads for all residents without individual consideration.

The visited service housing units run by private service providers reported to the NPM about instructions issued by the wellbeing services county that specified the maximum amount of incontinence products per resident. According to the instructions, one resident may receive a maximum of five incontinence products per day. The product used is selected according to the resident's individual need and the absorbency of the product.

Two units reported that usually there are incontinence products left in the unit from former residents in unopened boxes. They are used in situations where a resident's need exceeds the number specified by the wellbeing services county. For example, at the time of the NPM visit, the unit's residents were suffering from a stomach flu, which is why more products were needed than usual.

In her statements, the Deputy-Ombudsman emphasised that it is illegal to set a general daily limit on the number of care supplies for all residents. The Deputy-Ombudsman considered the practice of limiting the number of care supplies, such as incontinence products, to a specific number of items per day without an individual assessment of the resident's need for incontinence products a very serious violation of the human dignity of the residents and an unlawful action.

The Deputy-Ombudsman noted that she will assess the procedure related to limiting the number of incontinence products in the wellbeing services county in a manner she will consider later (2474/2024, 2476/2024, 2477/2024).

Based on the documentary report received in connection with the NPM inspection visit of the wellbeing services county's own service housing unit, it was found that the wellbeing services county had harmonised the operating principles of the care supplies service. Care supplies dispensed free of charge in the area are distributed according to similar instructions and criteria. The report was attached with the criteria for the wellbeing services county's care supplies service and general instructions (updated on 13 March 2024). According to these instructions each resident can receive a maximum of five incontinence products per day. Despite this, the NPM was informed that the wellbeing services county's own service housing unit do not have daily restrictions on the use of incontinence products, and that incontinence products are always used according to resident's individual and personal need (2475/2024).

3.5.12 UNITS FOR PERSONS WITH DISABILITIES

When visiting institutional care and housing units for persons with disabilities, particular attention is paid to the use of restrictive measures as well as to the decision-making and recording of these measures. Other important themes include the right to self-determination and privacy of persons with disabilities.

With the ratification of the UN Convention on the Rights of Persons with Disabilities (10 June 2016), the Parliamentary Ombudsman became part of the mechanism referred to in Article 33(2) of the Convention designated to promote, protect, and monitor the implementation of the rights of persons with disabilities. This special task of the Ombudsman is discussed further in section 3.4. of this Annual report.

In October 2021, the Human Rights Centre (HRC) and the Ombudsman developed a self-assessment tool to strengthens the right to self-determination. The tool is intended for providers of housing services for persons with intellectual disabilities. The tool consists of questions that guide housing units to self-assess how well their activities and the operating methods adopted support and strengthen residents' right to self-determination. The self-assessment tool was updated in December 2024. The tool is sent as an appendix to the final report to the unit. It can also be downloaded from the HRC's website.

Inspection visits

Inspection date	Site	Case number
21 May 2024	Housing unit Attendo Muurain, Salo, housing unit for persons with intellectual disabilities, private service provider	2641/2024
11 June 2024	Omenatarha housing unit, Porvoo, housing unit for persons with disabilities, service provider East Uusimaa wellbeing services county	3126/2024

All the NPM inspection visits were unannounced. Observations made on accessibility during the NPM visits and the Deputy Ombudsman's recommendations are described in section 3.4.3.

In addition to the above, the Deputy-Ombudsman carried out unannounced inspections on 22 January 2024 at the special advance polling stations of the presidential elections in the housing units for older persons and persons with disabilities (8012/2023). The visit aimed to examine, for instance, how the voting rights of the residents of the units were realised. During the inspection, the Deputy-Ombudsman paid attention to issues such as the accessibility of voting facilities, the realisation of secrecy of the ballot and the exercise of the right to vote.

Strengthening and restricting the right to self-determination

One important objective of the visits to housing units for persons with intellectual disabilities and persons with disabilities is to determine how the housing units consider the right to self-determination of residents and how it is restricted. The culture of care adopted and the right to self-determination training provided to staff, or the lack of such training affects how the units recognise the resident's right to self-determination and how they view the use of restrictive measures. In the end, the wellbeing services county responsible for organising the service is responsible for ensuring that the resident's right to self-determination is realised.

According to the review received in connection with the NPM inspection visit carried out in June 2024, the preparation of written instructions on the right to self-determination and restrictive measures as well as the personnel orientation and training processes were still in progress in the disability services of the wellbeing services county. The training had begun in spring 2024 by training a person responsible for the right to self-determination for the unit. The staff were to be provided right to self-determination training as of November 2024. The staff of another unit, visited in May 2024, had received one-day training on the right to self-determination. The service provider had prepared its own manual on the right to self-determination, which had also been translated into English to support employees with a foreign background in their actions. The handbook was included in the course completed by new employees.

The Deputy-Ombudsman has considered it important that residents have the opportunity to participate in the preparation and updating of the implementation plan of their housing service. Based on the NPM's findings, this is not necessarily the case. For example, the implementation plans of the unit visited did not specify whether the residents had been consulted on the contents of the plan and how, and whether close relatives to the resident had been present. The same observation had been made by the wellbeing services county in its supervision report in July 2023. Still when the plans were reviewed in connection with the NPM visit in May 2024, they did not indicate any other participants than the supervisor who had recorded the plan.

The visited units had made decisions on restrictive measures on such matters as restraining, confiscation of substances and objects, and the use of restrictive equipment or clothing in daily operations. The latter usually meant raising the bedrails. Neither of the units had an isolation room. In another unit, the isolation room had been converted into a sensory room. The doors of residents' own rooms had magnetic locks that could be used to isolate the resident in their own room. This unit had also used short-term isolation as a restrictive measure.

Both visited units had one or more residents who were not allowed outdoors without supervision even though no decision had been made on the need to supervise their movements. The Deputy-Ombudsman has recommended that housing units assess, together with an expert group on demanding multiprofessional support, whether a decision on supervised movement should be made for such residents. The Deputy-Ombudsman has emphasised that the movement of residents outside the home cannot be restricted or supervised without the assessment and decision-making required by the Act on the Rights of Persons with Intellectual Disabilities.

Challenging situations and influencing them

Housing units for persons with intellectual disabilities and persons with disabilities may have to intervene in the resident's right to self-determination and, in the most challenging cases, resort to restrictive measures. In these situations, as well as in daily guidance and assistance situations, the personnel may be subjected to psychological or physical violence or a threat thereof. Based on individual findings by the NPM, it is not possible to determine how extensive the phenomenon is or whether these situations have increased in recent years. Occupational safety reports can give some idea of how many incidents endangering the safety of personnel occur in the unit each year. However, it is unclear whether units report every such incident or whether they are considered to be part of the work. Furthermore, there is insufficient information on how hazardous situations are processed in work communities to learn from them.

Based on the information received from the NPM inspection visits, the units have started training staff with a view to different challenging situations. For example, in the AVEKKI model, the emphasis is on anticipating and preventing challenging situations and the safe implementation of possible physical restrictive measures. On the other hand, some units have also hired a security guard service to secure that the staff can work safely.

The Deputy-Ombudsman has considered it important that every effort is made to reduce the threat of violence occurring in housing units. This also requires that all violent situations are thoroughly reviewed in accordance with the unit's operating practices and self-monitoring plan.

3.5.13 HEALTH CARE

Inspection visits

Inspection date	Site	Case Number	Other / previous visit
10–12 April 2024	North Ostrobothnia wellbeing services county, Oulu University Hospital / Psychiatry	341/2024	24 October 2013
30 September – 2 October 2024	Old Vaasa Hospital, a state-owned forensic psychiatric hospital	4318/2024	25–26 April 2017 (2147/2017)

Health care inspection visits by the NPM were also carried out in prisoner healthcare (described in section 3.5.8).

The wellbeing services county had been informed in advance that an unannounced visit to psychiatry wards would be carried out during 2024. Four external experts participated in the visit. The visit to Old Vaasa Hospital was announced in advance and involved four external experts.

Involuntary medication

An amendment to the Mental Health Act entered into force at the beginning of April 2024, according to which an appealable decision must be made on involuntary medication to a patient. After the entry into force of the amendment, the patient has the opportunity to appeal the decision to an administrative court, which must process the appeal as a matter of urgency. This individual legislative amendment concerning the right to self-determination was based on the urgency of the implementation of the X v. Finland judgment of the European Court of Human Rights (described in section 3.9.1 of the Ombudsman's English summary of the Annual Report 2023).

The NPM's inspection visit to Oulu Psychiatry took place at a time when the legislative amendment had just entered into force. The wards were aware of the legislative amendment and the decision forms to be used. At the same time, however, they wished the management would provide more detailed instructions on decision-making. Based on the NPM's observations, there were different views within the hospital about when medication is defined as involuntary medication and recorded as a restrictive measure.

After the NPM visit, the Deputy-Ombudsman was provided with instructions dated 16 April 2024. However, they did not seem to respond to the wishes of the wards for more practical and detailed instructions. The decisions made after the NPM visit regarding the patient's involuntary medication also revealed that the hospital seemed to have a need for more concrete instructions. The Deputy-Ombudsman recommended specifying the instructions and stated that the instructions should have been ready by the time the legislative amendment entered into force. The Deputy-Ombudsman emphasised that involuntary medication, as well as any other restrictive measure, must be discontinued as soon as there are no longer grounds for using it. This should also be reflected in the validity of such decisions. The decision may only be valid for the period during which involuntary medication is necessary, and its statutory requirements are otherwise met. Decisions on restrictive measures should not be maintained just to be on the safe side.

Monitoring and reducing the use of restrictive measures

The NPM has observed that the use of restrictive measures is not systematically monitored in the psychiatric hospitals. They often also lack a plan for reducing the use of coercive measures. The Ombudsman's oversight of legality has considered that systematic monitoring of the use of restrictive measures is important if the aim is to genuinely reduce the use of coercive measures. The theme of the use of coercive measures should be highlighted at all times so that the amount of restrictive approaches could be reduced or kept as low as possible.

The Deputy-Ombudsman welcomed the decision of the Oulu Psychiatry to monitor the use of restrictive measures more systematically. The Deputy-Ombudsman recommended that the hospital take concrete measures to systematically monitor the use of restrictive measures. In addition, she recommended drawing up a plan aimed at reducing the restrictions. The European Committee for the Prevention of Torture (CPT) has also recommended that each psychiatric hospital should have a programme or guideline aimed at reducing the use of restrictive measures.

Most hospitals use the Safewards method. The purpose of the model is to reduce the violence behaviour of patients and the restrictive measures used to control it. The method was also used in all wards of Oulu Psychiatry. The Deputy-Ombudsman welcomed the use of the Safewards model. On the other hand, it is also important to be able to demonstrate its effects. If the effects cannot be verified, the use of the model may be forgotten or at least become superficial.

Prevention of inappropriate treatment

The NPM observed, that the Oulu Psychiatry did not have a uniform procedure by which a patient, family member or staff member could report abuse of a patient within the hospital. Similar observations have been made during other NPM visits to psychiatric hospitals.

At the beginning of 2024, the Social Welfare and Health Care Supervision Act entered into force. It contains provisions on, among other things, the obligation to report shortcomings. The NPM remained under the impression that not all wards of Oulu Psychiatry were aware of the obligation of personnel to report shortcomings. At the time of the NPM inspection visit, the wellbeing services county did not have any instructions or procedures for implementing the reporting obligation. In the final discussion of the NPM visit, a representative of the wellbeing services county's self-monitoring unit said that instructions on the reporting obligation were being prepared.

Practices related to restricting the right to self-determination

During its visits to psychiatric wards, the NPM has observed that the units do not always recognise which situations constitute a restrictive measure under the Mental Health Act that require a decision and on which matters and in which situations they can agree more freely with the patient. Also, there does not always seem to be accurate information on what kind of restrictions are in place for a patient. In particular, perceptions of restrictions on a patient's freedom of movement may vary. The Deputy-Ombudsman has found it extremely worrying that the practices for restricting the freedom of movement in psychiatric hospitals start from a totally opposite starting point than the current Mental Health Act. When a patient enters the hospital, the patient's movements are automatically restricted and, as the treatment progresses, they are gradually given different mobility permits. This is not the procedure to be followed under the Mental Health Act. Sometimes patients in voluntary care have been found to have similar restrictions as those in involuntary care.

In involuntary treatment, it is important to strengthen the patient's right to self-determination and to avoid situations where a decision is made to restrict their right to self-determination. A psychiatric advance directive is one tool that can be used to ease the situation. The Deputy-Ombudsman has recommended that the psychiatric advance directive be introduced more extensively. This would particularly benefit patients who are repeatedly in inpatient care.

Long treatment times at Old Vaasa Hospital

At the time of writing, the final report of the NPM inspection visit at Old Vaasa Hospital has not yet been completed. The Deputy-Ombudsman's final opinions, recommendations and any other measures can be read in the report published in due course.

Old Vaasa Hospital treats forensic psychiatric patients and difficult-to-treat patients. During its inspection visit, the NPM paid attention to the long treatment times of patients, which was on average 6 to 8 years. The patient records showed that the hospital has at least a dozen patients whose treatment in Vaasa had started in the 1990s. A couple of patients had been held in state mental hospitals for as long as about 40 years. The interviews with several patients revealed strong feedback that the treatment times are unreasonably long. Patients did not seem to have a clear understanding of how and when treatment progresses and what is required of them. In particular, they seemed to wonder about what did it require to be allowed to move on to a more open ward.

3.5.14 Senate properties activities

Senate Properties' (a state-owned enterprise) activities are often addressed in the Ombudsman's inspections, especially when examining the conditions of those deprived of their liberty. In many cases, the inspected site cannot rectify any shortcomings detected in physical conditions by its own actions. It can only proceed with the involvement of Senate Properties, which owns the premises. During the year under review, the same issue emerged in connection with the NPM visits.

During its inspection visits of prisons and police detention facilities, the NPM examine also the functionality of equipment and systems related to detention security. During the year under review, it was noted that the prison's public addresses could not be heard in one of the cells. The prison was unable to specify when the fault had been reported to Senate Properties. Only the prison official who had notified about the fault had this information, but the prison was unable to determine who had filed the notification. A few months earlier, Senate Properties had sent an announcement to the prison, stating that in the future the visibility of service requests has been restricted so that only the person who files the request while logged in to the Senate system can see the request. Service requests filed by other users are excluded from the view.

The Deputy-Ombudsman noted that faults in equipment, such as alarms, need to be repaired urgently. Prisoners cannot be placed in a cell where the emergency announcement device is not working. Compliance with Senate Properties' decision will probably mean that the prison and its personnel may not always be aware of whether an equipment fault has already been reported and, if so, who has done it. This may result in several notifications being made on the same matter. At worst, the notification may not be submitted at all when it is assumed that someone else has done it. The Deputy-Ombudsman considered that the reporting of equipment faults must be arranged so that the prison has up-to-date information on the reports. The Deputy-Ombudsman asked Senate Properties to explain on what basis the visibility of service requests was changed. The change apparently applies not only to the Prison and Probation Service of Finland and its prisons but also to other authorities.

Occasionally, the NPM inspection visits to police prisons have also revealed malfunctions in the alarm equipment and other safety-related equipment in the detention facilities. In these cases, it has been required, for example, that the cell is not to be used until the fault has been repaired. During the visits, it has also been detected that there may be delays in the repairs for which Senate Properties is responsible. This hampers the operation of the police prison.

In the Parliamentary Ombudsman's 2020 Annual Report, Deputy-Ombudsman Pasi Pölönen addressed the activities of Senate Properties in his general comment "The Ombudsman as the constitutional overseer of legality". The Senate Properties' activities have also been discussed in section 3.5.7, p. 90 of the same annual report. The Deputy-Ombudsman has also investigated on his own initiative the legal status and possible responsibilities of Senate Properties with regard to the management and maintenance of the detention facilities of persons deprived of their liberties and other facilities used by the central government (6870/2019). The same theme was discussed in his decision of 15 April 2020 (777/2019).

3.6 Shortcomings in implementation of fundamental and human rights

The Ombudsman's observations and comments in conjunction with oversight of legality often give rise to proposals and expressions of opinion to authorities as to how they could promote or improve the implementation of fundamental and human rights in their actions. In most cases, these proposals and expressions of opinion have had an influence on official actions, but measures on the part of the Ombudsman have not always achieved the desired improvement. The way in which certain shortcomings repeatedly manifest themselves shows that the public authorities' reaction to problems highlighted in the implementation of fundamental and human rights has not always been adequate.

Since 2009, following a recommendation by the Constitutional Law Committee (PeVM 10/2009 vp), the Ombudsman's Annual Report has included a section outlining observations of certain typical or persistent shortcomings in the implementation of fundamental and human rights. As per the request of the Constitutional Law Committee, (PeVM 13/2010 vp) this section has become a permanent feature of the Ombudsman's Annual Report.

Since 2013, this section has been presented as a list of ten critical problems identified in the implementation of fundamental and human rights in Finland. The list was first presented in 2013 by the Ombudsman at an expert seminar on the evaluation of Finland's first national action plan on fundamental and human rights, and was thereby integrally linked to the implementation of the action plan. As the same ten problems consistently appear on the list each year, a revised list has been published in subsequent years describing potential changes and progress made in each area.

In 2021, separate mention of restriction practices violating the right of self-determination in institutionalized care was removed from the list of ten critical problems. The removal does not mean that there are no longer problems related to self-determination. Instead, these problems are addressed in other parts of the list. Problems in the implementation of good governance and public access were added to the list as a new item. These problems occur widely in all administrative branches, including ones that are not covered by the list of ten central problems.

When evaluating the list, it is important to note that it includes typical or ongoing problems that have been identified specifically through the observations compiled by the Ombudsman under his remit. The Ombudsman mainly obtains information on failures and shortcomings through complaints, inspection visits and own initiatives. However, not all fundamental and human rights problems are revealed by the Ombudsman's actions.

The Ombudsman's oversight of legality is primarily based on complaints, which typically concern individual cases. Broader phenomena (such as racism and hate speech) do not clearly come up in the Ombudsman's activities. What is more, some matters that reflect shortcomings are directed towards other supervisory authorities, such as special ombudsmen (including the Non-Discrimination Ombudsman). Because some problems rarely surface in the Ombudsman's activities, they have not been included on the list (such as the rights of the Sámi people).

Some even clearly identified problems relating to fundamental and human rights may be absent from the list if they have not been encountered in the Ombudsman's work. And some problems may be absent from the list because they are, at least in some respects, related to the private sector or the actions of individuals to the extent that they do not come under the Ombudsman's oversight.

For the above reasons, the list cannot provide an exhaustive picture of the various problems relating to fundamental and human rights in Finland. Also, the order of the problems on the list does not reflect their seriousness in relation to each other.

There can be several reasons for possible defects or delays in redressing a legal situation. In general, it is fair to say that the Ombudsman's statements and proposals are complied with very well. When this does not happen, the explanation is generally lack of resources or defects in legislation. Delays in legislative measures also often appear to be due to insufficient resources for law drafting.

Some of the listed problems are perpetual to some extent by their nature. This does not mean, however, that such problems should not be addressed through continuous effort. Most of the listed problems could be eliminated through sufficient resourcing and legislative development. In fact, significant improvements have been made with regard to some issues. On the other hand, some shortcomings have become more common.

3.6.1 TEN CENTRAL FUNDAMENTAL AND HUMAN RIGHTS PROBLEMS IN FINLAND

Shortcomings in the living conditions and treatment of the elderly

The shortage of care and nursing staff and problems in competence and leadership erode the quality of the services provided by care homes. Shortcomings in nutrition, rehabilitation, assistance with using the bathroom, taking care of nappy changes and other hygiene, social interaction and outdoor activities have been a problem. Shortcomings have also been identified in relation to the frequency of doctor's visits, medical treatment and dental care. The customer capacity of care homes is not sufficient. Even if a client's need has been established and capacity is available, the provision of 24-hour sheltered housing may be delayed unlawfully.

Hospitals have older people queueing for a housing service for several months without opportunities to engage in outdoor activities and to sufficiently maintain their functional capacity and physical activity. Elderly people who are in an increasingly poor condition are cared for at home. Sufficient services to support living at home are not available and there are shortcomings in their quality and safety. Older people do not have sufficient opportunities to go out or to run errands. There are serious shortcomings in the availability of services such as home care, daytime activities, substance abuse services and mental health services for older people, rehabilitation at home, social work and social guidance.

The most vulnerable elderly persons have been left without the necessary care, sufficient nutrition and a living environment that does not endanger the person's health. Elderly persons with a memory disorder or a mental illness have repeatedly been placed in temporary accommodation for homeless people in the wellbeing services counties.

There are no services applicable to special groups of older people. Elderly persons with chronic schizophrenia have been left without the housing services meeting their needs. There are not any appropriate service units for older people with substance abuse disorders.

There are older clients with no dedicated worker appointed for them to monitor changes in their service needs and, if necessary, to contact the parties responsible for organising and providing social welfare and health care services. Social welfare professionals do not recognise those elderly persons who would be entitled to special support to get the healthcare and social welfare services they need.

Measures limiting the right to self-determination in the treatment and care of the elderly should be based on law. However, the required legislative foundation is still almost entirely lacking. The rights of older people are unnecessarily restricted as a result of incorrect practices. Restrictive measures are used even if they endanger the customer's safety or even if there are other measures or actions available that interfere less with the freedom of movement or other implementation of self-determination. The Deputy-Ombudsman has repeatedly intervened in the inhuman treatment of older people and the use of strong restrictive measures during physical pain or end-of-life care.

Problems in an individual care home may have continued for a long time before the situation is intervened in. The guidelines issued by Regional State Administrative Agencies have not always been followed, and issues have sometimes taken an unreasonably long time to rectify. Self-monitoring and retrospective oversight of the adequacy and quality of services provided to customers at home has also been insufficient. The self-monitoring by wellbeing services counties has only just been launched, and it is not comprehensive enough.

There are still deficiencies in decision-making and in taking into account and recording the opinion of an elderly person. The authorities are not familiar with the social welfare legislation concerning the elderly, and older people and their families are not given information about their rights and the consequences of different options in a way that they can understand. For example, spouses are not told about their right to live together or about the different options in the implementation of housing services. The legal protection of elderly persons is violated by not issuing a negative decision, for example, on admission to service housing with 24-hour assistance or increasing home services, even though an application has been submitted. When a public authority does not make decisions on organising the services, the wellbeing services county does not receive information on services that are lacking. As a result, the customer's right to bring a matter concerning the scope of the wellbeing services county's responsibility to organise services in the municipality to be investigated by an administrative court is not realised.

Digitalisation of the authorities' services may endanger the availability of services for elderly persons in all administrative branches.

Shortcomings in the implementation of child welfare

The general lack of resources allocated by wellbeing services counties to child welfare services and, in particular, the poor availability of qualified employees and the high turnover of employees impact negatively on the standard of child welfare services.

There are shortcomings in the implementation of the multidisciplinary services needed by children, in the cooperation between different administrative branches and in the coordination of service systems. Major problems have existed for a long time in the cooperation between child welfare substitute care and psychiatric care, but also in the cooperation between pupil and student welfare, services for children with disabilities and child welfare, to name a few. The incompatibility of the care and services needed by children weakens treatment outcomes and may lead to a worsening of a child's symptoms. A child presenting serious symptoms or having a disability may also remain completely untreated or unnoticed in child welfare services. The available services are particularly insufficient in relation to the need for mental health care.

There are few units or services in child welfare substitute care that could be used to effectively address serious substance abuse problems in children, for example by offering mental health services linked to substance abuse treatment if necessary or by breaking a cycle of substance abuse harming a child.

Children who are in poor health or have severe symptoms and therefore temporarily need demanding substitute care with a wide range of integrated services and support, or children who need other individual substitute care may have to wait in queue for several months, up to a year, to access periods of special care or other substitute care that matches their specific needs.

Children's mental health problems are increasingly treated with strong antidepressants primarily intended for adults. The joint service structure of child welfare and child psychiatry lacks suitable placement for children who need not only child welfare substitute care but also intensive psychiatric care. The services needed by these children cannot be provided satisfactorily in a children's home or psychiatric hospital alone.

Repeated changes in the place of substitute care endanger the permanent relationships and stable conditions that are particularly important for children placed in substitute care. Alternatives to substitute care have not been fully implemented with the child's needs in mind. Child welfare services do not have the correct types of substitute care placements available for children who are in the poorest condition and are the most difficult to treat.

The legislation on the implementation of a decision to take a child into care and substitute care is lacking. The provisions of the Child Welfare Act and the Police Act on searching for children who have left their place of substitute care without permission and returning them to the facility and the provisions of the Act on the Status and Rights of Social Welfare Clients on executive assistance contain deficiencies that may seriously endanger the interests of children who have been placed into care. Children who have gone missing from their place of substitute care are in practice left without the safety net provided by society and the people close to them. These children placed in substitute care are in a vulnerable position and may be in concrete danger when they leave without permission. For example, they are at a great risk of becoming victims of abuse or offences.

The child's right to practise their religion, the right to have their identity respected in terms of background and culture and the right to have the development of their mother tongue preserved have not always been sufficiently taken into account in substitute care.

The reunification of a child and their family is often not planned and its implementation is not assessed in connection with reviewing the client plan. The reunification of a child and their family can be promoted by drawing up a client plan for the parents to support their parenthood, but these plans are often not done.

Children who have been taken into care and are in substitute care often do not know their own rights or the obligations and rights of child welfare institutions concerning children. The children also do not always know that the social workers responsible for their affairs are also responsible for supporting and helping them and that they have the right to meet their social workers in person. The children are also not always informed of the legal remedies they are entitled to as required by the Child Welfare Act.

Child welfare institutions continue to take restrictive measures in violation of the Child Welfare Act by, for example, using restrictive measures in situations or in ways not permitted by the Act.

The supervision of substitute care under child welfare services is largely inadequate. Regional State Administrative Agencies still do not have sufficient resources to carry out the inspections they are responsible for. The supervision of family care in child welfare, which is only the responsibility of the social welfare authorities of the wellbeing services counties, is also insufficiently implemented.

Shortcomings in the implementation of the rights of persons with disabilities

Equal opportunities with regard to participation are not being realized for persons with disabilities. There are shortcomings in the accessibility of premises, services and digital services and in the implementation of reasonable accommodation.

Practices vary with regard to the restriction of the self-determination right of people in institutionalised care and in the housing units of service housing with 24-hour assistance. The amendment to the restrictive measures provision of the act on special care for persons with intellectual disabilities (381/2016) has improved the situation, but there are unawareness, shortcomings and negligence around its implementation.

Accommodation that was intended to be temporary may have become a long-term solution in housing for vulnerable people. Arranging housing for years in emergency accommodation intended for short-term crisis situations is not a sufficient service. Deficiencies have been observed, for example, in the implementation of housing services for psychiatric patients and other vulnerable people. This procedure in organising services may be discriminatory and jeopardise the necessary care.

Statutory service plans and special care programmes are not always prepared, they are inadequate, or there are delays in their preparation. Decisions regarding services and the implementation of such decisions are often delayed without just cause.

Application practices regarding disability services are inconsistent between wellbeing service counties, and the adopted policies may prevent customers from accessing statutory services.

The competitive tendering of services for persons with disabilities may have jeopardized the rights to services for special individual needs.

Inspections ordered by the Ombudsman at polling stations revealed deficiencies in terms of the accessibility of the voting premises themselves or the routes for accessing the premises. In addition, the lack of accessible polling booths or stations may have jeopardised the preservation of the secrecy of the ballot. However, the Ombudsman has welcomed the fact that, according to inspection findings, more polling stations are starting to be accessible. Inspections of special advance polling stations ordered by the Deputy-Ombudsman uncovered a number of problems in the practices of electoral authorities and the institutions where voting was organised, which may have limited the actual use of the right to vote.

Long processing times of the Finnish Immigration Service

The Finnish Immigration Service is unable to meet the processing times of asylum applications laid down in the Aliens Act. The processing of citizenship applications by the Finnish Immigration Service is also congested and the processing times are very long.

According to the reports received from the Finnish Immigration Service, the processing of the cases has been delayed for reasons such as an increase in the number of applications as well as insufficient resources.

Flaws in the conditions and treatment of prisoners and remand prisoners

For many prisoners, lack of activity is a serious problem. The Council of Europe Committee for the Prevention of Torture (CPT) recommends that prisoners be allowed to spend at least eight hours per day outside their cells. In closed units, prisoners get to spend less than eight hours outside their cells in many cases.

The Criminal Sanctions Agency struggles with overcrowding. There are more prisoners and remand prisoners than there is room for them in prisons. Prisoners have had to live in overcrowded housing, in violation of regulations and floor space recommendations, or even outside cell rooms. Meaningful activities and time outside the cell cannot be offered to a sufficient extent. Problems in this respect have already existed before the current overpopulation situation. The situation is also problematic in terms of prison safety. The UN Committee against Torture has posed requirements on the Finnish State to remedy the overpopulation situation in its conclusions on the periodic report of the Convention against Torture of May 2024.

The CPT has criticized Finland for more than 20 years for its excessive detention of remand prisoners in police prisons. The Remand Imprisonment Act was amended by an act (103/2018) that entered into force on 1 January 2019 with the effect that remand prisoners must not be kept in a police detention facility for longer than seven days without an exceptionally weighty reason. According to information obtained during the Ombudsman's inspections, detention periods for remand prisoners in police prisons are now shorter.

The Government proposal for an act on the treatment of persons in police custody and certain related acts were meant to be submitted to Parliament in 2022, but this did not happen. Many parts of the act have become outdated and it would be necessary to reform it.

Shortcomings in the availability of health care services and the relevant legislation

There are shortcomings in the provision of statutory health care services. The Parliamentary Ombudsman's oversight of legality repeatedly reveals shortcomings in organising services and patients' difficulties with access to treatment within a reasonable time. The patient may not receive the appropriate examination or treatment or access to treatment may be delayed. The austerity measures required of wellbeing services counties may further exacerbate the situation.

The adequacy and availability of healthcare personnel is a nationwide problem in almost all the professional groups. In particular, there is a shortage of specialists in psychiatry. The psychiatric wards of hospitals are often overwhelmed and the number of patients exceeds the number of beds on the wards.

There are problems with the distribution of care supplies and the handing over of assistive devices for medical rehabilitation. For financial reasons, sufficient quantities of supplies and assistive devices are not always distributed, or aids are not repaired when necessary.

The requisite legal basis for restrictive measures is still lacking in somatic health care. There is therefore no legislation on restraining, for example, in connection with pre-hospital emergency care, urgent and emergency health services or care of elderly persons on inpatient wards. Some emergency and care units have secure rooms, in which aggressive and intoxicated patients can be placed. There is no legislation governing them or the authority to use them, either. The lack of unambiguous legislation that sets down precise limits for the necessary restrictive measures used in healthcare units is unsatisfactory from the point of view of legal protection of both the patient and the staff.

The provisions on involuntary treatment in the Mental Health Act are also partly deficient. The Act does not lay down any provisions on the use of coercive measures by care personnel to restrict a patient's freedom of movement outside a hospital area or to bring a patient to the hospital from outside the hospital area. Nor does the Act lay down any provisions on patient transport to destinations aside from health-care service units, such as courts of law, or on the treatment and conditions of the patient during transport or provisions on the competencies of the accompanying personnel. The lack of a legislative framework repeatedly results in situations that are problematic and dangerous. There are also other deficiencies in the Mental Health Act, for example, in terms of the legal remedies available to patients.

Hospitals might use private security guards in duties that the security guards are not authorised to carry out.

Shortcomings in learning environments, decision-making processes and student welfare in primary education

The right of schoolchildren to a safe learning environment and sufficient support for learning and school attendance is not always observed. Many pupils experience bullying, violence and harassment at school.

Deficiencies in the administrative procedures and decision-making are highlighted in the organisation of support for learning.

The personnel resources in student welfare are insufficient in many places. This means that pupils do not receive the necessary individual support and that there is no time for the collective pupil welfare services that promote wellbeing and safety in the study environment.

The right of minor prisoners to complete compulsory education is not realised equally.

Long professing times in legal processes and shortcomings in the structural independence of the judicial system

Delays in legal proceedings remain a problem in Finland. This is because of insufficient resources, but also because not all of the corrective measures that have had to be taken since the process reforms of the 1990s have been completed yet.

Delays in the courts of appeal give particular cause for concern. Although the relevant acts have been approved, it has still not been possible to introduce into use the admission of evidence based on watching videos in the courts of appeal because the courts have not managed to acquire the technical equipment required for it in their court rooms. Improvements in this respect are expected. The aim is for the main hearing rooms of all district courts to be equipped with the technology required for video recording by the end of 2025.

The situation concerning the funding allocated to the activities of the judiciary is improved in the budget approved by Parliament for 2025. The higher level of appropriations is based on a report on the administration of justice prepared at the end of the last parliamentary term (VNS 13/2022 vp – LaVM 31/2022 vp), where the operating conditions of the administrative branch of the Ministry of Justice were examined extensively and a funding gap in the administrative branch was detected. The budget for 2025 includes an additional appropriation of EUR 65 million, which is EUR 35 million more than in the previous year. Additional appropriations have been particularly allocated to courts, prosecutors, the enforcement of sentences, distraint and legal services. However, the administrative branch of the Ministry of Justice was also subject to cutbacks.

High trial costs and court fees can prevent due legal protection. Finland has the lowest number of civil cases going to court in Europe. During the year under review, the Ministry of Justice appointed a working group to prepare a procedure proposal for small disputes. The new simplified judicial procedure is meant to be applied to disputes concerning evictions and room rentals. The aim of the reform is to improve access to justice while lowering the risk of legal costs to parties concerned.

With regard to the structural independence of the courts, the situation has improved with the establishment of the National Courts Administration. Despite this, executive powers continue to try to steer the operations of the independent court system by, for example, including the courts within the scope of the central government premises strategy. The most recent example of the constitutional problems caused by the premises strategy is the government proposal (HE 63/2023 vp.) according to which the security checks of the courts should also be made to apply, for example, to clients of debt counselling or public guardianship offices because they have to use the shared entrance of courts and other agencies to enter the shared premises referred to in the Government Premises Strategy.

The regulation of the independence of courts at the constitutional level in Finland is limited. The independence of the courts can easily be undermined by legislative changes that appear to be technical in nature or by indirect administrative arrangements. The work of judges depends on matters such as continued pay, the availability of offices, the functioning of ICT systems and occupational safety. If these matters are left to administration outside the court system, the executive powers have, in principle, dangerous means at their disposal to influence the work of the court system.

However, the large number of temporary judges and the fact that, in practice, local councils select jury members for District Courts on the basis on political quotas, remain problematic issues from the perspective of the independence of courts.

The prosecution service is part of the judicial system. However, the position of the independent prosecution service has not been expressed at the level of the Constitution in the same way as that of judges, and the right of the Prosecutor General and other prosecutors to remain in office is not equal to that of judges.

Problems in the implementation of good governance and public access

The Ombudsman often has to draw attention to the implementation of good governance and the principle of public access in different administrative branches.

Nearly all administrative branches are continuously facing delays in the processing of matters, contrary to good governance.

Unlawful conduct in the processing of information requests under the Act on the Openness of Government Activities is also a constant in the oversight of legality.

With the digitalisation of services, shortcomings have emerged in the provision of services and communication, especially for persons in a vulnerable position.

The Ombudsman's oversight of legality has included the processing of financial management problems of persons in a vulnerable position in municipalities, joint municipal authorities, financial and debt advisory services and enforcement proceedings. Problems have for example been discovered in decision-making related to invoicing and enforcement and in informing customers about their rights.

Shortcomings in the prevention and compensations of violations of fundamental and human rights

Awareness of fundamental and human rights can be lacking, and authorities do not always pay sufficient attention to their implementation and promotion. Education and training on fundamental and human rights are insufficient, even though there have been some positive developments.

The Ombudsman has for long now drawn attention to the fact that the legislative foundation for the recompense for basic and human rights violations is inadequate. In 2021, the Ministry of Justice appointed a working group tasked with examining how the liability for damages of public employees and those exercising public authority should be reformed and the necessary legislative amendments prepared. The working group was particularly meant to examine whether specific provisions on compensation for violations of fundamental or human rights caused by the activities of public employees should be included in the legislation. In addition, the working group examined whether damage caused by incorrect or neglected guidance by public employees should be compensated in more cases. The report of the working group was completed in early 2023. It is not known whether the report of the working group will lead to legislative action.

3.6.2 EXAMPLES OF POSITIVE DEVELOPMENT

This section of Parliamentary Ombudsman's reports for 2009–2014 has usually contained examples of cases in different branches of administration where, as a result of a statement or proposal issued by the Ombudsman or otherwise, there has been favourable development with respect to fundamental or human rights. The examples have also described the impact of the Ombudsman's activities. The cases are no longer included in this section.

For the Ombudsman's recommendations concerning recompense for mistakes or violations and measures for the amicable settling of matters, see section 3.7. These proposals and measures have mostly led to positive outcomes.

3.7
The Ombudsman's recommendations for recompense

The Parliamentary Ombudsman Act empowers the Ombudsman to recommend to authorities that they correct an error or rectify a shortcoming. Making recompense for an error or a breach of a complainant's rights on the basis of a recommendation by the Ombudsman is one way of reaching an amicable settlement in a matter.

Over the years, the Ombudsman has made numerous recommendations regarding recompense, and they have mostly led to a positive outcome. The Constitutional Law Committee has taken the view that a recommendation by the Ombudsman to reach an agreed settlement and effect recompense is in clear cases a justifiable way of enabling the complainant to enjoy their rights, bring about an amicable settlement and avoid unnecessary legal disputes. The Committee has considered it a positive development that the focus of the Parliamentary Ombudsman's tasks has shifted even more clearly from the oversight of authorities to promoting fundamental and human rights (PeVM 12/2010 vp, 2/2016 vp and 2/2019 vp). The grounds on which the Ombudsman recommends recompense are explained more extensively in the 2011 and 2012 annual reports (p. 88 and 71).

Recompense was recommended in six cases in the reporting year. In several cases, guidance was provided to complainants and authorities by explaining the applicable legislation, the practices followed in the administration of justice and oversight of legality, and the means of appeal available.

3.7.1 RECOMMENDATIONS FOR RECOMPENSE

Decisions concerning the actions of the police

Treatment of a person with disabilities in a police prison

A person with paraplegia had been transported without their wheelchair to a police prison, where the facilities were not accessible for the complainant who had reduced mobility. Among other things, the complainant had been forced to defecate at different sides of the cell while lying on their side. The complainant's dignity and the rights guaranteed by the Constitution of Finland and international treaties had been violated. The Ombudsman also drew attention to shortcomings in the accessibility of the facilities and issued a reprimand to the police department for the procedure violating the principle of respecting fundamental and human rights, lack of access to the toilet, having meals on the floor, insufficient supervision and the refusal of reasonable accommodation. The Ombudsman recommended that the State of Finland compensate the complainant for the violations committed against them (151/2023*).

The State Treasury compensated the complainant EUR 3,000 for these violations of fundamental and human rights.

Excessive length of a pre-trial investigation

The obligation to conduct a pre-trial investigation without undue delay had been neglected at least in terms of the offence category in which the complainant had had the status of the injured party. The processing of the matter had lasted almost three and a half years, and the right to bring charges had expired during the investigation. Considering the nature and purpose of the matter, the reasonable requirements for processing the matter had not been met. In addition, the complainant had the status of a suspect in another offence category related to the same incident for more than three years after the incident had taken place. When the decision on the complaint was issued, the investigation of the matter was still ongoing and it was not known how long the delay in the matter would take.

The actions taken in the matter in which the complainant had been the injured party and in which the right to bring charges had expired had been in violence of the Constitution of Finland and the Council of Europe Convention of Human Rights. The Ombudsman recommended that the State of Finland recompense the complainant for what happened (6418/2023*).

The State Treasury recompensed the complainant EUR 2,000 for the violation of fundamental rights.

In another case, the preliminary investigation and the pre-trial investigation lasted a total of four years and three months before the right to bring charges expired. The pre-trial investigation in question was not particularly difficult or extensive. For reasons attributable to the police, the pre-trial investigation had lasted unreasonably long and the right to bring charges had expired after the matter had been filed with the police for more than four years. The conduct in the matter was in violation of both the Constitution of Finland and the Council of Europe Convention on Human Rights. The Ombudsman recommended that the State of Finland recompense the complainant for the committed violation (3676/2023).

The State Treasury recompensed the complainant EUR 3,000 for the violation of fundamental rights.

Decisions concerning healthcare and social welfare

Deficiencies in the processing of a social assistance application

The decision concerning the application for social assistance had not been made urgently, i.e. on the same or at the latest on the following working day, but only on the eighth working day after the complainant's request for expediting the decision. To ensure urgent processing, the Social Insurance Institution of Finland (Kela) should have directed the complainant to present an urgent application for social assistance to the emergency services of the municipality's social services. It would have been justified to process the application urgently especially from the point of view of the rights of the child. Furthermore, the decisions on social assistance contained errors and their justifications were inadequate and incorrect. The complainant's right to appropriate handling of a matter, guaranteed in section 21 of the Constitution of Finland, had not been realised. The Deputy-Ombudsman recommended that Kela consider how it could recompense the complainant for what happened (3727/2023).

Kela reported that it had sent the complainant a letter of apology and that it will pay EUR 35 in recompense.

The patient's right to self-determination was not realised

Sufficient discussion had not been conducted with the complainant about matters related to the treatment and insufficient information on the treatment and the suitability of alternative forms of treatment was provided to them before draining an abscess located in the throat under local anaesthesia. The complainant had also not given informed consent to the procedure. Information related to the treatment is particularly important in a situation where it is known that the procedure is unpleasant and painful for the patient and the patient is worried about this. Explaining the course of the procedure to the patient during the procedure does not constitute the sufficient informing referred to in section 5 of the Act on the Status and Rights of Patients. Furthermore, consent for the procedure must be given before the procedure is begun.

The patient's right to good care and treatment and to integrity and private life were not realised. The complainant had to endure additional fear, anxiety and suffering because of what happened. The Deputy-Ombudsman recommended that the wellbeing services county consider how it could recompense the complainant for the violation of their rights (6442/2023).

The wellbeing services county informed the Ombudsman that it had recompensed the situation in an immaterial manner by sending a letter to the complainant apologising for the violation of their fundamental rights.

Decisions concerning employment services

The city's employment services acted negligently and violated the complainant's legitimate expectations when, because of the authority's negligence, the complainant lost the opportunity promised to them to study with a pay-subsidised employment relationship in apprenticeship training. There was reason to assume that the complainant had suffered financial loss as a result of the cancellation of the apprenticeship training. The Deputy-Ombudsman proposed that the employment services consider how it could recompense the complainant for the violation of their rights (6102/2023*).

According to the city's report, the complainant was compensated EUR 5,610.15 for the financial loss. The recompense was based on the loss of earnings for the period of 5 June 2023–29 February 2024, less the labour market subsidy paid by Kela.

In addition, the Deputy-Ombudsman recommended an amicable solution in the matter (4549/2023) concerning the funds for promoting independence that had been reserved in child welfare. The matter has been described in more detail in 4.12.

3.7.2 PROCESSING OF CLAIMS AT THE STATE TREASURY

Under the Act on State Indemnity Operations, the majority of claims for damages addressed to the State are processed by the State Treasury. The act is applied to the processing of a claim for damages from the central government if the claim is based on an error or neglect by a central government authority. The State Treasury sends all decisions on recompense under the Act on State Indemnity Operations to the Ombudsman for the Ombudsman's information, as agreed.

In the year under review, a total of 1,441 claims based on the State's general liability were filed with the State Treasury. Three cases were initiated on the basis of a proposal for recompense made by the Parliamentary Ombudsman.

A total of 1,057 decisions were issued in the year under review. The number was almost the same as in the previous year (1,036). During the year under review, a total of approximately EUR 505,200 was paid in compensation. The amount of the compensations declined further from the previous year, when compensations amounted to a total of EUR 820,000 (1.4 million in 2022). The largest amount of compensation was again paid in the administrative branch of the Ministry of Justice (EUR 234,600). The next largest amounts of compensation were paid in the administrative branches of the Ministry of Economic Affairs and Employment (EUR 66,200) and in the administrative branch of the Ministry of Justice (EUR 63,800).

During the year under review, the largest number of claims filed concerned the administrative branch of the Ministry of Justice (977). As in previous years, the large number was due especially to claims for damages against public guardianship offices operating as part of the National Legal Services Authority. The compensation amounts paid varied from a few cents and euros in delinquency charges of bills and taxes to thousands of euros. In addition to unpaid invoices, compensations were based especially on social security benefits that had not been applied for and insurances and telephone or electricity contracts that had not been terminated or transferred, among others.

In one case, the client's care allowance at the middle rate had not been applied for over a period of several years because of an error, resulting in a compensation of EUR 8,175. In a matter concerning child maintenance payments, a compensation of EUR 3,871 was paid because of an error made by the guardian. In a third matter, both compensations for financial loss (EUR 1,802) and recompense for a violation of fundamental rights (EUR 1,700) were paid. The decision was based on the Parliamentary Ombudsman's decision and recommendation for recompense. An error had taken place in the authority's actions in document management (loss of the original authorisation document) and in the processing of a matter concerning the appointment of a guardian (consideration without delay).

In **the administrative branch of the Ministry of Justice**, compensation was also paid, for example, for the incorrect procedure of the district court, which caused additional legal costs to the applicant when the first consideration of the matter in the district court proved unnecessary (more than EUR 30,000).

In **the criminal sanctions sector**, compensation was most commonly paid for objects that had gone missing or got broken in prison. Compensations were also paid for unfounded deprivation of liberty (a few hundred euros) and for the financial loss caused by the Prison and Probation Service of Finland's decision to prevent work outside prison (EUR 240). Based on the Deputy-Ombudsman's decision, a compensation of EUR 2,000 was paid in a case in which psychological suffering was caused to the prisoner by the actions of the Prison and Probation Service of Finland.

In **the administrative branch of the Ministry of Economic Affairs and Employment**, compensations were paid for erroneous actions of the Employment and Economic Development Offices (TE Offices). The compensation sums varied between about EUR 1,500 and over EUR 15,500. Among other things, these cases were about incorrect advice provided by the TE Office and other losses of earnings resulting from errors made by officials. In a matter concerning the recovery of a benefit, compensation was paid for the labour policy statement incorrectly issued by the TE Office to enable the payment of the unemployment benefit, which lead to the recovery of the benefit. When assessing the matter, it was taken into account that, on the basis of general life experience, an allowance or benefit that has been granted is used for daily life and its expenses. The recovery of the benefit may have jeopardised the finances of the subsidy recipient, who had a special status, in a way supporting the view that compensable damage had been caused to the applicant.

In **the administrative branch of the Ministry of Defence**, the State Treasury paid damages, among other things, for property damages falling under the responsibility of the Defence Forces, such as for a car on which a traffic sign had fallen in the garrison parking area (EUR 1,753). About EUR 2,000 were compensated for the damages suffered by another car during a shooting exercise of the Defence Forces.

In **the administrative branch of the Ministry of the Interior**, compensation to the amount of EUR 4,000 was paid for the violation of fundamental rights caused by the Finnish Immigration Service. There were no acceptable reasons for the processing time of almost three years for the applicant's resident permit matter. A case in which recompense for immaterial damage to the amount of EUR 2,000, and compensation for temporary harm to the amount of EUR 2,000, and for legal expenses and financial damages to the amount of about EUR 1,300 were paid was also related to the actions of the Finnish Immigration Services in the processing of a residence permit application. Because of the errors that had taken place in the processing of the applicant's residence permit matter, the residence permit application was rejected and a request for an investigation of suspected forgery by the applicant was made to the police. However, the prosecutor made a decision not to bring charges. The applicant was not heard about the factors indicating forgery before the decision was issued and the grounds for the negative decision were concealed from the applicant.

A compensation of EUR 200 for the actions of **the police** was paid for the violation of rights in conducting the search of a home. Compensations were also paid for temporary harm, the caused post-traumatic stress disorder, permanent cosmetic harm, and the costs of a medical statement to the total amount of EUR 7,516 in a case in which a police dog unnecessarily bit a person.

Approximately EUR 200 was compensated for damage to property caused by **Customs** when the applicant's outboard motor was damaged at airport customs. In the administrative branch of the Finnish Transport Infrastructure Agency, compensation was paid, for example, for slipping accidents in winter weather. Incorrect advice given on Traficom's scrapping premiums were still paid in three more cases, totalling over EUR 30,000.

3.8 Special theme in 2024: Digitalising public administration and fundamental rights

For the first time, the special annual theme of the Office of the Parliamentary Ombudsman was "digitalising public administration and fundamental rights". Considering the Ombudsman's tasks, the perspective was limited to e-services provided by parties falling under the Ombudsman's competence. Aspects related to the theme were emphasised in all the activities of the Ombudsman. The same theme will be examined again in 2025.

3.8.1 PERSPECTIVES ON THE SPECIAL THEME IN OVERSIGHT OF LEGALITY

In the process of digitalising public administration, it must be ensured that fundamental rights are fully respected. In this development, important considerations include ensuring the data protection of individuals, the right to privacy, equality and non-discrimination, gender equality, accessibility and availability of services, and oversight. Digitalisation must be implemented in a customer-oriented and human-centred manner that upholds the rule of law, effective remedies and law enforcement.

Digitalisation, meaning the large-scale introduction and utilisation of digital and information technology as a broad societal change, is a complex topic. It affects all aspects of people's lives. However, the scope of the Ombudsman's oversight only includes public administration bodies and private persons and organisations performing public tasks.

Taking into account the Ombudsman's special duties, the examination of the theme is focused on the realisation of the rights of certain groups in the digitalisation process, namely persons deprived of their liberty, persons with disabilities, linguistic minorities and foreigners as well as children and older people. In the oversight of the realisation of the rights of these groups, particular emphasis is placed on the accessibility and availability of public administration's e-services and the maintained possibility to participate in society regardless of whether a person has access to digital services, even in the future. Even if authorities' e-services meet accessibility requirements, it does not relieve them from providing the appropriate services laid down in the Administrative Procedure Act in alternative ways. Examples of this include maintaining adequate telephone services, authorities' shared service points and authorities' own service points.

In addition to the e-services provided by bodies under the Ombudsman's oversight, many other key areas of digitalisation include perspectives that the Ombudsman could certainly address within the limits of his competence. When using digital technology, ensuring the realisation of fundamental rights encompasses more than the e-services offered to customers. In the future, these aspects of digitalisation and the use of technologies can also be further emphasised in the Ombudsman's activities.

As with the previous "oversight of oversight" theme, the Parliamentary Ombudsman, as the last-resort overseer, particularly allocated the resources at his disposal to questions within the remit of the supreme overseer of legality. In many key areas of public administration undergoing digitalisation, there is a specialised ombudsman or another special supervisory authority addressing individual complaints. These authorities often also have a general advisory duty, and they typically also have oversight powers over the private sector. In these areas, the Ombudsman focused on monitoring the functioning of the primary systems of oversight, as enabled by a well-functioning state governed by the rule of law.

In accordance with the Act on the Division of Duties (330/2022), oversight of the general grounds for the development and maintenance of automated systems in public administration has been particularly centralised to the Chancellor of Justice. Still, this does not restrict the Ombudsman's powers of oversight. The Ombudsman can continue to address problems arising from the automation of administration as before, for example from the perspective of good governance, civil service liability and legal protection. For appropriate allocation of resources, there has been lighter oversight on the development of systems, with more emphasis put on the implementation of rights in systems that are already in use.

Taking into account the scope and versatility of the theme, special attention was paid to internal training at the Office, with the aim of enabling the identification of key legal problems related to the digitalisation of public administration and thus the allocation of the Office's resources to challenges where oversight has the greatest impact. In addition to receiving training on digital accessibility, the key legislative reforms related to the theme and the regulation of artificial intelligence, representatives of the Office participated in European cooperation developing the oversight of artificial intelligence. During the year under review, the HRC participated in the work of the artificial intelligence working group of the European Network of National Human Rights Institutions (ENNHRI). In addition to the usual information security and data protection training, personnel were also offered online training on the use of artificial intelligence

3.8.2 THEME OBSERVATIONS

Overview

Observations related to the digitalisation of public administration and fundamental rights were made especially from complaints. The observations mainly concerned the availability and accessibility of online services. Problems related to foreigners' identification in electronic services and using electronic services on behalf of another person were also still prevalent during the year under review. In addition, delays in the processing of matters, especially due to problems related to the introduction of new electronic systems, were highlighted in several complaints and inspections. The clearest example of this is Valvira's Soteri register and the complaints received about it.

Availability and accessibility of online services

The National Enforcement Authority's e-service cannot be used by persons whose identity has been ordered to be kept confidential, for example in judgments used as grounds for debt recovery. The Deputy-Ombudsman found it problematic that a procedure for safeguarding the secrecy of information that has been ordered to be confidential leads to restrictions on using the e-service. This procedure restricted people's equal access to digital services (403/2023). In a case concerning the option of initiating matters electronically, the Deputy-Ombudsman considered that initiating the matter of ordering a duplicate driving licence would need to be possible by e-mail, for example, even if ordering the licence and obtaining it through the e-service is not possible (6696/2019).

The Deputy-Ombudsman drew a city's attention to the need to further develop the usability and accessibility of the Maisa customer portal. The social welfare services section in Maisa was partly difficult to understand, and the language used in it did not match the terminology commonly used in social welfare. However, in this case, it did not appear that the complainant had suffered any loss of rights due to the usability problems in Maisa. At the same time, the city's attention was also drawn to the information security of e-mail communications, as the message recipient's customer relationship with social welfare services could be deduced from an automatic e-mail notification message received by the complainant from Maisa via an unsecure connection. (Joint decision in cases 7792/2023 and 3127/2024)

In the Substitute Deputy-Ombudsman's view, Kela acted within the scope of its legislative discretion when arranging its customer service so that the primary service channel for benefit matters is the OmaKela e-service, which requires strong identification either with online banking codes or a mobile certificate. Applications and additional clarifications can also be sent to Kela by post, or they can be delivered either to a Kela service point or a joint service point. Nowadays, some applications can also be submitted to Kela by phone. Since managing benefit-related affairs very often requires delivering confidential information, Kela was justified in not offering e-mail as a service channel for said affairs due to information security reasons. (1308/2024)

Similarly, in the Deputy-Ombudsman's view, Kela had acted within its scope of discretion when using the OmaKela service to respond to a complainant's enquiry sent by e-mail, considering the fact that the matter had been justifiably assessed to be related to a personal affair of the complainant (1445/2023). In the same instance, the Deputy-Ombudsman took the initiative to look into how the customer service channels currently offered by Kela relate to the requirements set for authorities in the Act on the Provision of Digital Services.

The Finnish Tax Administration has stated that it is possible to submit claims for a revised decision and certain other documents by e-mail, although for information security reasons, the Tax Administration has instructed its customers to primarily use physical mail or the MyTax service for delivering documents. The Deputy-Ombudsman did not find the option of sending e-mails lawful since the information security of this service channel had not been ensured or, on the other hand, the tax authority had not clearly communicated that a claim for a revised decision and other documents can also be submitted to the Finnish Tax Administration by e-mail, taking into account the information security risks associated with it. Furthermore, the Deputy-Ombudsman found the appeal instructions deficient because they did not indicate all the electronic contact details and methods by which a claim for a revised decision can be submitted to the Finnish Tax Administration. (952/2023)

In decisions concerning the Finnish Tax Administration, sending tax returns as Suomi.fi messages did not give rise to any action, as the investigation revealed that the person had activated Suomi.fi Messages (3968/2023). No separate additional approval is required for starting to use the message functionality (6540/2024).

The Deputy-Ombudsman took the initiative to investigate the solely electronic release of a preparedness guide by the Ministry of the Interior in the Suomi.fi Web Service and how it had been ensured that the guide and related communications are actually available and in accessible formats for the entire population (6842/2024).

The Ombudsman stated that the police can also be notified by e-mail of an event that the person submitting the notification considers to be an offence, and that verifying the notifier's identity is not a condition for filing a report. The Parliamentary Ombudsman drew a public official's attention to diligence in performing official duties, as their response in this respect had inadvertently been partly incorrect. (8031/2023)

The Deputy-Ombudsman considered that a complainant's right to good-quality health and medical care had not been properly realised when a physician had only informed the patient of further treatment measures in the Maisa customer portal, even though it had been clearly recorded in the complainant's details that they were not using the portal (3831/2024).

In connection with a complaint, the Deputy-Ombudsman had no reason to suspect that the Criminal Sanctions Agency would not have striven to enable the kind of internet use for which a prisoner in a closed prison could be granted a permit under the Prisons Act, even though the Agency had exercised its discretion, including on whether an individual prisoner would be granted permission to use the internet and which websites were allowed for prisoners in closed prisons (1786/2023).

Oversight of oversight and observations from inspections

During the year under review, the Regional State Administrative Agency for Southern Finland primarily supervised the realisation of accessibility requirements in online services.

The duties of the supervisory authority under the Digital Services Act are planned to be transferred to Traficom starting 1 January 2025. An inspection of the Ministry of Transport and Communications revealed that the implementation of the Accessibility Directive has assigned the Finnish Transport and Communications Agency Traficom significant new tasks related to the oversight of accessibility and that the Agency has received an additional 15 person-year resource for said tasks (777/2024). The inspection also provided an overview of other measures taken by the ministry and the administrative branch to guarantee fundamental rights in digitalised transport and communications services. The inspection also revealed that the resource allocation of the National Cyber Security Centre, which acts as the national information security authority, has not kept pace with the increased tasks of the Centre.

The inspection of the Guardianship Services Unit of the Digital and Population Data Services Agency (DVV) revealed that the DVV website www.dvv.fi was last inspected by the Regional State Administrative Agency in summer 2024 and that the Suomi.fi mobile application has been selected as an inspection target of accessibility supervision by the Regional State Administrative Agency for Southern Finland. The observations made in the previous accessibility inspection are under way. At the same time, the Deputy-Ombudsman emphasised in general that the Act on the Provision of Digital Services (Digital Services Act) obliges authorities to organise e-services so that the electronic service channel is accessible to everyone alongside other options of using services. Therefore, the availability of alternative channels and methods of using services must also be ensured in an appropriate manner. Even if authorities' e-services meet accessibility requirements, it does not relieve them from providing the appropriate services laid down in the Administrative Procedure Act in alternative ways. (3050/2024)

An inspection revealed that the accessibility of the National Enforcement Authority's website has been supervised as part of the supervision programme of the Regional State Administrative Agency for Southern Finland. Corrections have been made. The accessibility gaps of the website are indicated in the accessibility statement on the website. (1451/2024)

An inspection of Vantaa Prison (1492/2024) revealed that the electronic communications required by authorities and banking services in many respects are still subject to permission for prisoners and restricted to the management of certain categories of affairs. The Ministry of Justice is currently working on a project to develop the Imprisonment Act and the Remand Imprisonment Act, with the aim of reforming the legislation to better account for the changes that have occurred in society, such as digitalisation, from the prisoners' perspective. The inspection revealed that the police will seize the telephone of a prisoner in the early stages of pre-trial detention, while the pre-trial investigation is progress. As a result, the prisoner cannot use strong identification when trying to manage their affairs, which causes many problems. It was also reported that foreign prisoners do not have the possibility of strong identification at all, as it can only be used with links from Finnish banks. The same themes have also been addressed in two other prison inspections.

E-service identification and acting on behalf of another person

In his decision on a complaint (7568/2023), the Ombudsman urged the Legal Register Centre and the National Courts Administration of Finland to pay attention to the clarity of the instructions for the identification required for using the district courts' e-service for persons who do not have a Finnish identification token.

The Ombudsman did not express criticism in terms of the oversight of legality with regard to the complainant not being able to use an Estonian electronic identity card when identifying themselves in an e-service intended for the summary matters of the district courts, the problem having been caused by technical reasons arising from the old background system according to an investigation by the National Courts Administration. From the perspective of the requirements of a fair trial, it has been sufficient for the complainant to have been able to identify themselves in the system in some other way (the Finnish Authenticator application).

In the same context, the Ombudsman pointed out that mutual recognition of electronic identification methods in online services under the eIDAS Regulation cannot mean that a recognised foreign means of identification should immediately be available in all of the online service systems of public administration. Mutual recognition of means of identification cannot entail having to decommission old e-service systems from everyone if eIDAS identification is not possible in them. The Ombudsman welcomed the fact that, according to a report by the National Courts Administration, the ongoing development of the information systems in the court system will apparently result in enabling identification with an Estonian electronic identity card or other upcoming recognised identification methods referred to in the eIDAS Regulation in similar situations as described in the complaint.

In the same case, the Ombudsman also brought to the attention of the Ministry of Finance an uncoordinated situation that he considered to be a more general problem related to good governance, where no national body is responsible for issuing general guidelines or interpretations on how the obligations laid down in Article 6 of the eIDAS Regulation concerning the mutual recognition of identification tokens are applied in practice in the e-services of public administration.

Guardians' ability to use e-services on behalf of a dependent was addressed in cases concerning the use of the Maisa customer portal and the OmaTays service. In both cases, the problem was that the e-service system was unable to receive information about Suomi.fi e-authorisations. The Deputy-Ombudsman urged the City of Helsinki and the HUS Group to continue looking for a technical solution that would enable using e-services in the Maisa service (3445/2023). After the complaint had been filed, technical changes had been implemented in the OmaTays service that enabled the use of e-services on behalf of a child in accordance with a joint custody agreement. As the situation had already been rectified, the matter did not give rise to any further measures by the Ombudsman (3813/2023).

Due to concerns brought up in recent years' complaints about using services on behalf of another person with Suomi.fi e-authorisations, the Deputy-Ombudsman took the initiative to start monitoring the progress and completion of the project aimed at strengthening the legal protection of citizens with digitalisation (2022–2028), which is ongoing at the Digital and Population Data Services Agency (DVV). This will also involve the Deputy-Ombudsman assessing the need for further measures for the oversight of legality (5515/2023 and 5461/2023). The inspection of the DVV Guardianship Services Unit also included an examination of matters related to digitalisation and the progress of the legal protection project (2022–2028) and the measures taken (3050/2024)

Delays in processing cases due to problems in electronic systems

There was a distinct set of complaints related to Valvira's Soteri register (23 cases), in whose decisions the Deputy-Ombudsman considered that the applicants' basic right to have their matter handled appropriately and without undue delay safeguarded by section 21 of the Constitution of Finland had not been realised. As a result of the delay, the right to earn one's livelihood by the employment, occupation or commercial activity of one's choice, enshrined in section 18 of the Constitution, had not been realised, either.

The Deputy-Ombudsman considered that Valvira and the Regional State Administrative Agencies had not, within their remit, succeeded in preparing and implementing a change to meet the constitutional requirements of appropriate and timely processing and the right to work and the freedom to engage in commercial activity. The Chancellor of Justice assessed the ministries' actions in the same matter, see OKV/2075/70/2024. (600/2024)

Several of the decisions made by the Deputy-Ombudsman concerned delays in the invoicing of social welfare and health care fees. The delays in invoicing were not only prominent in complaints but also in the inspections carried out by the Deputy-Ombudsman on the invoicing and collection procedures of wellbeing services counties (1453/2024 and 5148/2024). The social welfare and health care reform that entered into force at the beginning of 2023 had entailed wellbeing services counties changing their information systems and coordinating them. The additional work resulting from these changes had led to delays in invoicing. The Deputy-Ombudsman drew the attention of the wellbeing services counties to compliance with good governance and to the processing of client fees without invoicing delays (3575/2023 and 1453/2024, and also 7931/2023, which is explained in more detail in section 4.8.5). In a complaint, delays in payment reminders for health care invoices were caused by a delay in an information system project. The procedure could not be considered to be in accordance with good collection practice or appropriate or reasonable for the complainant (4611/2023).

Information systems were also addressed in the Deputy-Ombudsman's stated opinions on the information presented in invoices for social welfare and health care services. The content of invoices was influenced by the patient information system, information technology-related reasons, and features between systems. The Deputy-Ombudsman emphasised the importance of having clear and understandable presentation of information on invoices (5905/2023 and 1453/2024). The above-mentioned complaint 7931/2023 also concerned the recovery of collection charges that violated the Debt Collection Act. This had been caused by a technical error affecting a limited number of customers invoiced by the wellbeing services county. In her decisions, the Deputy-Ombudsman emphasised that, according to established oversight of legality practices, reasons related to information systems cannot be used to justify deviations from the requirements on good governance for official procedures.

Other observations

In two cases, a non-disclosure order for personal safety reasons had prevented a person from receiving a service voucher. The Deputy-Ombudsman did not find it acceptable that shortcomings in the information system prevent the granting of service vouchers to persons who have a non-disclosure order for personal safety reasons, and thus the equal treatment of customers. From the perspective of the fundamental rights system, the fact that a person has exercised their statutory right to apply for and receive a non-disclosure order for personal safety reasons cannot be considered an acceptable reason for different treatment. On the other hand, the Deputy-Ombudsman considered the careful processing of data subject to a non-disclosure order to be very important and in the interest of the customer. The Deputy-Ombudsman urged the City of Helsinki to find a solution to the information system problem as soon as possible, to make its practices concerning the granting of service vouchers compliant with the law and to report the measures taken (4730/2023). In the other case concerning the receipt of a service voucher, the wellbeing services county had given its personnel instructions on handling the matters of customers with non-disclosure orders and sending documents to them, so the matter did not give rise to further measures (4842/2024).

Considering the wording of the provision of section 4, subsection 1 of the Act on the Obligation to Offer Receipts in Cash Sales and the preparatory work for the Act, the Deputy-Ombudsman did not consider it unlawful that the Finnish Tax Administration's instructions on its website state that a receipt can be offered on paper or electronically and that the seller can decide in what form to provide the receipt, meaning that an electronic receipt is sufficient. (6116/2024)

With reference to a decision by the Chancellor of Justice (OKV/1325/10/2023-OKV-7), the Ombudsman did not find it unlawful that it was only possible to physically sign a supporter card for the presidential election. (4416/2023)

The Helsinki District Court had not been able to deliver certificates requested by a complainant with an electronic signature as laid down in the eIDAS Regulation until after several requests and instructions. Since the District Court had admitted and apologised for the misconduct, stated that the District Court took the incident seriously and reported that the District Court would strive to ensure that no similar error would occur in the future, there was no need for guidance by the overseer of legality or further measures in the matter. (2242/2024)

Statements

The fundamental rights issues of the digitalising public administration have been addressed in many statements on legislative projects, such as:

- A statement issued on the amendment of the Basic Education Act presented several development needs, for example developing regulation on phone use during class and especially the justifications on the primacy of related regulation (5909/2024).
- In a statement on the preliminary proposals for measures by the working group developing the judicial system, the video recording of pre-trial investigation interviews was considered a matter of primary importance for improving the efficiency of criminal processes (5542/2024).
- A statement on the development plan of the National Enforcement Authority's office network emphasised the need to separately assess the need for e-services of persons who, for one reason or another, do not use or cannot use services electronically. (5305/2024)
- In a statement on the strategic objectives of Suomi.fi services, the development of the Suomi.fi e-Authorizations service and acting on behalf of another party was considered an important objective, and it was stated that, even though at the end of 2022, an individual customer could use the mandate services provided by officials to create mandates with the help of an official based on an application on the registration of a mandate, this reform did not remove all obstacles related to guardians using services on behalf of their principal. (2324/2024)
- A statement on the report of the working group preparing the update of the Act on the Openness of Government Activities considered it justified to extend the scope of the Act to private actors performing public administrative tasks, but at the same time, it was emphasised that further preparations should assess whether the proposed extension of the scope of the Act has been defined with sufficient precision and accuracy, taking into account the civil service liability related to the application of the Act on the Openness of Government Activities. The statement also emphasised that the further preparations would have to involve assessing the impacts of the regulation related to the disclosure of public personal data contained in official documents on the public authorities' obligation to safeguard the basic right to personal security. (7975/2023)
- In a statement on the evaluation memorandum on the processing of politically exposed persons' personal data with a centralised national information system, it was considered that, based on the information presented in the evaluation memorandum, it was not possible to be convinced of the need for a centralised system and thus its necessity for the effective application of the heightened know-your-customer obligation for PEP customers. It was considered that further preparation would require a careful assessment of how the objectives could be achieved without threatening national security or the security of individual data subjects and without prejudice to their fundamental rights. (11/2024)

3.9 Complaints to the European Court of Human Rights against Finland

A total of 121 new applications were brought against Finland at the European Court of Human Rights (ECHR or the Court) in 2024 (91 in the previous year). A response from the Finnish Government was requested in four (2) cases. At the end of the year, 60 (54) cases concerning Finland were pending, eight of which had been communicated to the Government for a response, and a decision on admissibility had already been made for two cases.

Complaints to the ECHR must be lodged using the form prepared by the ECHR Registry, and the requested information must be provided, along with copies of all documents relevant to the case. If an application is not properly filed, the case will not be investigated. The decision on the admissibility of an application is made by the ECHR in a single-judge formation, in a Committee formation or in a Chamber formation (7 judges). The Court's decision may also confirm a settlement, and the case is then struck out of the ECHR's list. Final judgments are given either by a Committee, a Chamber or the Grand Chamber (17 judges). In its judgment, the ECHR resolves an alleged case of a human rights violation or confirms a friendly settlement.

Most of the applications lodged with the ECHR are declared inadmissible. In 2024, a total of 114 (72) complaints concerning Finland were declared inadmissible or struck out of the case list. In 2024, the ECHR issued two published judgments on Finland, same as the previous year. Both were found to be non-violations. One of the inadmissibility decisions concerning Finland was also published (23903/20 - forced medication of the applicant in a mental hospital; victim status no longer valid because compensation had been assessed and paid for the violation nationally by means of decision KKO 2023:93).

In judgment 35276/20 of the ECHR of 8 October 2024, the ECHR found no violation of Article 8 of the European Convention on Human Rights. In the case, the applicant and her children had been granted refugee status and residence permits in Finland in 2016. An application for a residence permit based on family ties for the applicant's spouse residing abroad – the father of the children – had been initiated in 2018. The Finnish Immigration Service had rejected the application of the applicant's spouse because he failed to meet the maintenance requirement provided in the Aliens Act. According to the decision, the best interests of the child also did not warrant granting a residence permit to the applicant. The Administrative Court had dismissed the applicant's appeal against the decision of the Finnish Immigration Service, and the Supreme Administrative Court had refused to grant leave to appeal against the decision. In her complaint to the ECHR, the applicant considered that the refusal of the authorities to grant a residence permit to her spouse violated her right to respect for family life (Article 8 of the European Convention on Human Rights). The appellant considered that the Finnish authorities had ignored the individual circumstances and vulnerability of the parties as refugees.

The ECHR unanimously found that Article 8 had not been violated. The authorities had acted within the margin of appreciation of the State and achieved a fair balance between competing interests. Furthermore, the ECHR did not consider it necessary to address the national authorities' assessments of the best interests of the child.

In its judgement 52977/19 of 17 December 2024 concerning Supreme Court resolution 2019:35 (sufficient realisation of the freedom of trade unification), the ECHR found that Articles 11 or 14 of the European Convention on Human Rights had not been violated.

The applicant, who had worked as a postal worker, had refused to perform induction training tasks on two days following a trade union decision prohibiting induction training. The applicant had been sent home, and no wages had been paid to the applicant for the rest of the day. The District Court had obliged the employer to pay wages to the applicant for the period during which work had been prevented and EUR 2,000 in compensation based on the Non-Discrimination Act. The Court of Appeal upheld the outcome of the District Court judgment in other respects than the amount of wages. The Supreme Court overturned the judgement and dismissed the action. In her complaint to the ECHR, the applicant invoked Articles 11 and 14 of the European Convention on Human Rights, arguing that her freedom of association and trade union freedom had been violated and that she had been discriminated against on the basis of her trade union membership. The ECHR did not agree.

The total number of judgments issued by the ECHR to Finland by the end of 2024 was 142. Most of the judgments were related to the duration of court proceedings or other shortcomings in the implementation of a fair trial. The annual number of judgments has been very low in recent years, and there were none in 2024.

3.9.1 MONITORING OF THE EXECUTION OF JUDGMENTS IN THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

The Committee of Ministers of the Council of Europe supervises the execution of ECHR judgments. According to Article 46 of the European Convention on Human Rights, "The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution". The monitoring process is based on legal analysis, but it also involves political considerations. The parties to the ECHR monitor the execution of judgments in the form of peer support and pressure in legitimate political discourse.

The effective execution of the Court's judgments is the cornerstone of the European Convention on Human Rights. The judgments shall remain subject to the supervisory procedure until the Committee of Ministers explicitly decides to end the supervision. The basic form of supervision is called standard procedure. In addition to standard supervision, there is also the enhanced procedure, which applies to some of the cases under supervision. Such cases include: 1) judgments that require urgent individual action for enforcement; 2) pilot judgments; 3) judgments that indicate structural or complex problems in a Member State; and 4) judgments on inter-State applications. The Committee of Ministers always decides whether a judgment will be handled under the enhanced procedure.

In Finland, the supervision of the execution of ECHR judgments has been relatively unproblematic. The cases have been dealt with in writing with the standard procedure and the dialogue between the Registry and the Government has been effective. Finland has paid the financial compensation ordered by the ECHR on time and implemented the other measures required for enforcement quickly or at least within a reasonable time.

In autumn 2021, the situation changed so that the first case concerning Finland was transferred to enhanced supervision. In its resolution, the Committee of Ministers urged Finland to implement urgent legislative measures to complete the execution of the judgment. The resolution concerned the 2012 judgment in case X v. Finland (34806/04). In its judgment, the ECHR considered the right to liberty under Article 5 of the European Convention on Human Rights and the right to respect for private life under Article 8 to have been violated. The latter was related to medication given to a patient against their will. In this context, the ECHR concluded that there are no adequate legal safeguards.

The above-mentioned lack of legal safeguards was rectified by amendments to the Mental Health Act and the Administrative Courts Act (15/2024), which entered into force on 1 April 2024. The Mental Health Act was amended so that the implementation of the medical treatment of a patient's mental illness requires an administrative decision if the treatment cannot be carried out in agreement with the patient. In such case, medically acceptable pharmacotherapy for a mental illness is carried out on the basis of an administrative decision regardless of the patient's will. An administrative decision should also be issued if a patient requests one. After the legislative amendment, patients have the opportunity to appeal such decisions to the Administrative Court. Appeals against these decisions must be heard in court as matters of urgency.

No new cases became pending in the supervision process during the year under review.

4 Appendixes

Appendix 1
Constitutional Provisions pertaining to Parliamentary Ombudsman of Finland 11 June 1999 (731/1999)

Section 27
Eligilibity and qualifications for the office of Representative

Everyone with the right to vote and who is not under guardianship can be a candidate in parliamentary elections.

A person holdin military office cannot, however, be elected as a Representative.

The Chancellor of Justice of the Government, the Parliamentary Ombudsman, a Justice of the Supreme Court or the Supreme Administrative Court, and the Prosecutor-General cannot serve as representatives. If a Representative is elected President of the Republic or appointed or elected to one of the aforesaid offices, he or she shall cease to be a Representative from the date of appointment or election. The office of a Representative shall cease also if the Representative forfeits his or her eligibility

Section 38
Parliamentary Ombudsman

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

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

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

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

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

Section 101
High Court of Impeachment

The High Court of Impeachment deals with charges brought against a member of the Government, the Chancellor of Justice, the Parliamentary Ombudsman or a member of the Supreme Court or the Supreme Administrative Court for unlawful conduct in office. The Court of Impeachment deals also with the charges referred to in section 113 below.

The High Court of Impeachment consists of the President of the Supreme Court, presiding, and the President of the Supreme Administrative Court, the three most senior-ranking Presidents of the Courts of Appeal and five members elected by the Parliament for a term of four years.

More detailed provisions on the composition, quorum and procedure of the Court of Impeachment are laid down by an Act.

Section 109
Duties of the Parliamentary Ombudsman

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

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

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

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

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

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

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

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

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

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

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

Section 113
Criminal liability of the President of the Republic

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

Section 114
Prosecution of Ministers

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

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

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

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

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

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

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

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

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

Appendix 1
Parliamentary Ombudsman Act 14 March 2002 (197/2002)

CHAPTER 1
OVERSIGHT OF LEGALITY

Section 1
Subjects of the Parliamentary Ombudsman's oversight

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

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

Section 2
Complaint

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

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

Section 3
Investigation of a complaint (20.5.2011/535)

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

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

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

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

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

Section 4
Own initiative

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

Section 5
Inspections (28.6.2013/495)

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

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

Section 6
Executive assistance

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

Section 7
Right of the Ombudsman to information

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

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

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

Section 9
Hearing a subject

If there is reason to believe that the matter may give rise to criticism as to the conduct of the subject, the Ombudsman shall reserve the subject an opportunity to be heard in the matter before it is decided.

Section 10
Reprimand and opinion

(1) If, in a matter within his or her remit, the Ombudsman concludes that a subject has acted unlawfully or neglected a duty, but considers that a criminal charge or disciplinary proceedings are nonetheless unwarranted in this case, the Ombudsman may issue a reprimand to the subject for future guidance.

(2) If necessary, the Ombudsman may express to the subject his or her opinion concerning what constitutes proper observance of the law, or draw the attention of the subject to the requirements of good administration or to considerations of promoting fundamental and human rights.

(3) If a decision made by the Parliamentary Ombudsman referred to in Subsection 1 contains an imputation of criminal guilt, the party having been issued with a reprimand has the right to have the decision concerning criminal guilt heard by a court of law. The demand for a court hearing shall be submitted to the Parliamentary Ombudsman in writing within 30 days of the date on which the party was notified of the reprimand. If notification of the reprimand is served in a letter sent by post, the party shall be deemed to have been notified of the reprimand on the seventh day following the dispatch of the letter unless otherwise proven. The party having been issued with a reprimand shall be informed without delay of the time and place of the court hearing, and of the fact that a decision may be given in the matter in their absence. Otherwise the provisions on court proceedings in criminal matters shall be complied with in the hearing of the matter where applicable. (22.8.2014/674)

Section 11
Recommendation

(1) In a matter within the Ombudsman's remit, he or she may issue a recommendation to the competent authority that an error be redressed or a shortcoming rectified.

(2) In the performance of his or her duties, the Ombudsman may draw the attention of the Government or another body responsible for legislative drafting to defects in legislation or official regulations, as well as make recommendations concerning the development of these and the elimination of the defects.

CHAPTER 1 a
NATIONAL PREVENTIVE MECHANISM (NPM)
(28.6.2013/495)

Section 11 a
National Preventive Mechanism (28.6.2013/495)

The Ombudsman shall act as the National Preventive Mechanism referred to in Article 3 of the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (International Treaty Series 93/2014).

Section 11 b
Inspection duty (28.6.2013/495)

(1) When carrying out his or her duties in capacity of the National Preventive Mechanism, the Ombudsman inspects places where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (place of detention).

(2) In order to carry out such inspections, the Ombudsman and an official in the Office of the Ombudsman assigned to this task by the Ombudsman have the right of access to all premises and information systems of the place of detention, as well as the right to have confidential discussions with persons having been deprived of their liberty, with the personnel of the place of detention and with any other persons who may supply relevant information.

Section 11 c
Access to information (28.6.2013/495)

Notwithstanding the secrecy provisions, when carrying out their duties in capacity of the National Preventive Mechanism the Ombudsman and an official in the Office of the Ombudsman assigned to this task by the Ombudsman have the right to receive from authorities and parties maintaining the places of detention information about the number of persons deprived of their liberty, the number and locations of the facilities, the treatment of persons deprived of their liberty and the conditions in which they are kept, as well as any other information necessary in order to carry out the duties of the National Preventive Mechanism.

Section 11 d
Disclosure of information (28.6.2013/495)

In addition to the provisions contained in the Act on the Openness of Government Activities (621/1999) the Ombudsman may, notwithstanding the secrecy provisions, disclose information about persons having been deprived of their liberty, their treatment and the conditions in which they are kept to a Subcommittee referred to in Article 2 of the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Section 11 e
Issuing of recommendations (28.6.2013/495)

When carrying out his or her duties in capacity of the National Preventive Mechanism, the Ombudsman may issue the subjects of supervision recommendations intended to improve the treatment of persons having been deprived of their liberty and the conditions in which they are kept and to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Section 11 f
Other applicable provisions (28.6.2013/495)

In addition, the provisions contained in Sections 6 and 8–11 herein on the Ombudsman's action in the oversight of legality shall apply to the Ombudsman's activities in his or her capacity as the National Preventive Mechanism.

Section 11 g
Independent Experts (28.6.2013/495)

(1) When carrying out his or her duties in capacity of the National Preventive Mechanism, the Ombudsman may rely on expert assistance. The Ombudsman may appoint as an expert a person who has given his or her consent to accepting this task and who has particular expertise relevant to the inspection duties of the National Preventive Mechanism. The expert may take part in conducting inspections referred to in Section 11 b, in which case the provisions in the aforementioned section and Section 11 c shall apply to their competence.

(2) When the expert is carrying out his or her duties referred to in this Chapter, the provisions on criminal liability for acts in office shall apply. Provisions on liability for damages are contained in the Tort Liability Act (412/1974).

Section 11 h
Prohibition of imposing sanctions (28.6.2013/495)

No punishment or other sanctions may be imposed on persons having provided information to the National Preventive Mechanism for having communicated this information.

CHAPTER 2
REPORT TO THE PARLIAMENT AND DECLARATION OF INTERESTS

Section 12
Report

(1) The Ombudsman shall submit to the Parliament an annual report on his or her activities and the state of administration of justice, public administration and the performance of public tasks, as well as on defects observed in legislation, with special attention to implementation of fundamental and human rights.

(2) The Ombudsman may also submit a special report to the Parliament on a matter he or she deems to be of importance.

(3) In connection with the submission of reports, the Ombudsman may make recommendations to the Parliament concerning the elimination of defects in legislation. If a defect relates to a matter under deliberation in the Parliament, the Ombudsman may also otherwise communicate his or her observations to the relevant body within the Parliament.

Section 13
Declaration of interests (24.8.2007/804)

(1) A person elected to the position of Ombudsman, Deputy-Ombudsman or as a substitute for a Deputy-Ombudsman shall without delay submit to the Parliament a declaration of business activities and assets and duties and other interests which may be of relevance in the evaluation of his or her activity as Ombudsman, Deputy-Ombudsman or substitute for a Deputy-Ombudsman.

(2) During their term in office, the Ombudsman the Deputy-Ombudsmen and the substitute for a Deputy-Ombudsman shall without delay declare any changes to the information referred to in paragraph (1) above.

CHAPTER 3
GENERAL PROVISIONS ON THE OMBUDSMAN, THE DEPUTY-OMBUDSMEN AND THE DIRECTOR OF THE HUMAN RIGHTS CENTRE (20.5.2011/535)

Section 14
Competence of the Ombudsman and the Deputy-Ombudsmen

(1) The Ombudsman has sole competence to make decisions in all matters falling within his or her remit under the law. Having heard the opinions of the Deputy-Ombudsmen, the Ombudsman shall also decide on the allocation of duties among the Ombudsman and the Deputy-Ombudsmen.

(2) The Deputy-Ombudsmen have the same competence as the Ombudsman to consider and decide on those oversight-of-legality matters that the Ombudsman has allocated to them or that they have taken up on their own initiative.

(3) If a Deputy-Ombudsman deems that in a matter under his or her consideration there is reason to issue a reprimand for a decision or action of the Government, a Minister or the President of the Republic, or to bring a charge against the President or a Justice of the Supreme Court or the Supreme Administrative Court, he or she shall refer the matter to the Ombudsman for a decision.

Section 15
Decision-making by the Ombudsman

The Ombudsman or a Deputy-Ombudsman shall make their decisions on the basis of drafts prepared by referendary officials, unless they specifically decide otherwise in a given case.

Section 16
Substitution (24.8.2007/804)

(1) If the Ombudsman dies in office or resigns, and the Parliament has not elected a successor, his or her duties shall be performed by the senior Deputy-Ombudsman.

(2) The senior Deputy-Ombudsman shall perform the duties of the Ombudsman also when the latter is recused or otherwise prevented from attending to his or her duties, as provided for in greater detail in the Rules of Procedure of the Office of the Parliamentary Ombudsman.

(3) Having received the opinion of the Constitutional Law Committee on the matter, the Parliamentary Ombudsman shall choose a substitute for a Deputy-Ombudsman for a term in office of not more than four years.

(4) When a Deputy-Ombudsman is recused or otherwise prevented from attending to his or her duties, these shall be performed by the Ombudsman or the other Deputy-Ombudsman as provided for in greater detail in the Rules of Procedure of the Office, unless the Ombudsman, as provided for in Section 19 a, paragraph 1, invites a substitute for a Deputy-Ombudsman to perform the Deputy-Ombudsman's tasks. When a substitute is performing the tasks of a Deputy-Ombudsman, the provisions of paragraphs (1) and (2) above concerning a Deputy-Ombudsman shall not apply to him or her.

Section 17
Other duties and leave of absence

(1) During their term of service, the Ombudsman and the Deputy-Ombudsmen shall not hold other public offices. In addition, they shall not have public or private duties that may compromise the credibility of their impartiality as overseers of legality or otherwise hamper the appropriate performance of their duties as Ombudsman or Deputy-Ombudsman.

(2) If the person elected as Ombudsman, Deputy-Ombudsman or Director of the Human Rights Centre holds a state office, he or she shall be granted leave of absence from it for the duration of their term of service as as Ombudsman, Deputy-Ombudsman or Director of the Human Rights Centre (20.5.2011/535).

Section 18
Remuneration

(1) The Ombudsman and the Deputy-Ombudsmen shall be remunerated for their service. The Ombudsman's remuneration shall be determined on the same basis as the salary of the Chancellor of Justice of the Government and that of the Deputy-Ombudsmen on the same basis as the salary of the Deputy Chancellor of Justice.

(2) If a person elected as Ombudsman or Deputy-Ombudsman is in a public or private employment relationship, he or she shall forgo the remuneration from that employment relationship for the duration of their term. For the duration of their term, they shall also forgo any other perquisites of an employment relationship or other office to which they have been elected or appointed and which could compromise the credibility of their impartiality as overseers of legality.

Section 19
Annual vacation

The Ombudsman and the Deputy-Ombudsmen are each entitled to annual vacation time of a month and a half.

Section 19 a
Substitute for a Deputy-Ombudsman (24.8.2007/804)

(1) A substitute for a Deputy-Ombudsman can perform the duties of a Deputy-Ombudsman if the latter is prevented from attending to them or if a Deputy-Ombudsman's post has not been filled. The Ombudsman shall decide on inviting a substitute to perform the tasks of a Deputy-Ombudsman. (20.5.2011/535)

(2) The provisions of this and other Acts concerning a Deputy-Ombudsman shall apply mutatis mutandis also to a substitute for a Deputy-Ombudsman while he or she is performing the tasks of a Deputy-Ombudsman, unless separately otherwise regulated

CHAPTER 3 a
HUMAN RIGHTS CENTRE (20.5.2011/535)

Section 19 b
Purpose of the Human Rights Centre (20.5.2011/535)

For the promotion of fundamental and human rights there shall be a Human Rights Centre under the auspices of the Office of the Parliamentary Ombudsman.

Section 19 c
The Director of the Human Rights Centre (20.5.2011/535)

(1) The Human Rights Centre shall have a Director, who must have good familiarity with fundamental and human rights. Having received the Constitutional Law Committee's opinion on the matter, the Parliamentary Ombudsman shall appoint the Director for a four-year term.

(2) The Director shall be tasked with heading and representing the Human Rights Centre as well as resolving those matters within the remit of the Human Rights Centre that are not assigned under the provisions of this Act to the Human Rights Delegation.

Section 19 d
Tasks of the Human Rights Centre (20.5.2011/535)

(1) The tasks of the Human Rights Centre are:

1) to promote information, education, training and research concerning fundamental and human rights as well as cooperation relating to them;
2) to draft reports on implementation of fundamental and human rights;
3) to present initiatives and issue statements in order to promote and implement fundamental and human rights;
4) to participate in European and international cooperation associated with promoting and safeguarding fundamental and human rights;
5) to take care of other comparable tasks associated with promoting and implementing fundamental and human rights.

(2) The Human Rights Centre does not handle complaints.

(3) In order to perform its tasks, the Human Rights Centre shall have the right to receive the necessary information and reports free of charge from the authorities.

Section 19 e
Human Rights Delegation (20.5.2011/535)

(1) The Human Rights Centre shall have a Human Rights Delegation, which the Parliamentary Ombudsman, having heard the view of the Director of the Human Rights Centre, shall appoint for a four-year term. The Director of the Human Rights Centre shall chair the Human Rights Delegation. In addition, the Delegation shall have not fewer than 20 and no more than 40 members. The Delegation shall comprise representatives of civil society, research in the field of fundamental and human rights as well as other actors participating in the promotion and safeguarding of fundamental and human rights. The Delegation shall choose a deputy chair from among its own number. If a member of the Delegation resigns or dies midterm, the Ombudsman shall appoint a replacement for him or her for the remainder of the term.

(2) The Office Commission of the Eduskunta shall confirm the remuneration of the members of the Delegation.

(3) The tasks of the Delegation are:

1) to deal with matters of fundamental and human rights that are far-reaching and important in principle;
2) to approve annually the Human Rights Centre's operational plan and the Centre's annual report;
3) to act as a national cooperative body for actors in the sector of fundamental and human rights.

(4) A quarum of the Delegation shall be present when the chair or the deputy chair as well as at least half of the members are in attendance. The opinion that the majority has supported shall constitute the decision of the Delegation. In the event of a tie, the chair shall have the casting vote.

(5) To organise its activities, the Delegation may have a work committee and sections. The Delegation may adopt rules of procedure.

CHAPTER 3 b
OTHER TASKS (10.4.2015/374)

Section 19 f (10.4.2015/374)
Promotion, protection and monitoring of the implementation of the Convention on the Rights of Persons with Disabilities

The tasks under Article 33(2) of the Convention on the Rights of Persons with Disabilities concluded in New York in 13 December 2006 shall be performed by the Parliamentary Ombudsman, the Human Rights Centre and its Human Rights Delegation.

CHAPTER 4
OFFICE OF THE PARLIAMENTARY OMBUDSMAN AND THE DETAILED PROVISIONS

Section 20 (20.5.2011/535)
Office of the Parliamentary Ombudsman and detailed provisions

For the preliminary processing of cases for decision by the Ombudsman and the performance of the other duties of the Ombudsman as well as for the discharge of tasks assigned to the Human Rights Centre, there shall be an office headed by the Parliamentary Ombudsman.

Section 21
Staff Regulations of the Parliamentary Ombudsman and the Rules of Procedure of the Office (20.5.2011/535)

(1) The positions in the Office of the Parliamentary Ombudsman and the special qualifications for those positions shall be set forth in the Staff Regulations of the Parliamentary Ombudsman.

(2) The Rules of Procedure of the Office of the Parliamentary Ombudsman shall contain more detailed provisions on the allocation of tasks among the Ombudsman and the Deputy-Ombudsmen. Also determined in the Rules of Procedure shall be substitution arrangements for the Ombudsman, the Deputy-Ombudsmen and the Director of the Human Rights Centre as well as the duties of the office staff and the cooperation procedures to be observed in the Office.

(3) The Ombudsman shall confirm the Rules of Procedure of the Office having heard the views of the Deputy-Ombudsmen and the Director of the Human Rights Centre.

CHAPTER 5
ENTRY INTO FORCE AND TRANSITIONAL PROVISION

Section 22
Entry into force

This Act enters into force on 1 April 2002.

Section 23
Transitional provision

The persons performing the duties of Ombudsman and Deputy-Ombudsman shall declare their interests, as referred to in Section 13, within one month of the entry into force of this Act.

Entry into force and application of the amending acts:

24.8.2007/804:
This Act entered into force on 1 October 2007.

20.5.2011/535:
This Act entered into force on 1 January 2012 (Section 3 and Section 19 a, subsection 1 on 1 June 2011).

22.7.2011/811:
This Act entered into force on 1 January 2014.

28.6.2013/495:
This Act entered into force on 7 November 2014 (Section 5 on 1 July 2013).

22.8.2014/674:
This Act entered into force on 1 January 2015.

10.4.2015/374:
This Act entered into force on 10 June 2016.

Appendix 1
Act on the Division of Duties between the Chancellor of Justice of the Government and the Parliamentary Ombudsman (330/2022)

SECTION 1
PURPOSE OF THE ACT

This Act lays down provisions on the division of the duties between the Chancellor of Justice of the Government and the Parliamentary Ombudsman without curtailing the powers of either of them with regard to oversight of legality.

SECTION 2
DUTIES TO BE CENTRALISED TO THE CHANCELLOR OF JUSTICE OF THE GOVERNMENT

The Parliamentary Ombudsman is exempted from the obligation to carry out the duties of the supreme guardian of legality in matters falling within the remit of the Chancellor of Justice of the Government concerning:

1) the development and general bases for the maintenance of the automated public administration systems;
2) the organisation of anti-corruption activities;
3) public procurement, competition and state aid-related matters.

SECTION 3
DUTIES TO BE CENTRALISED TO THE PARLIAMENTARY OMBUDSMAN

The Chancellor of Justice of the Government is exempted from the obligation to carry out the duties of the supreme guardian of legality in matters falling within the remit of the Parliamentary Ombudsman concerning:

1) the Finnish Defence Forces, the Finnish Border Guard, the crisis management personnel referred to in the Act on Military Crisis Management (211/2006), the National Defence Training Association referred to in chapter 3 of the Act on Voluntary National Defence (556/2007) and military court proceedings;
2) police investigations and the powers laid down for the police or customs authorities as well as coercive measures and pre-trial investigation in criminal proceedings, excluding the waiver, discontinuation and restriction of the pre-trial investigation;
3) covert intelligence gathering, covert coercive measures, civilian intelligence, military intelligence and oversight of the legality of intelligence activities;
4) prisons and other institutions to which a person is involuntarily committed as well as other measures restricting a person's right to self-determination;
5) the tasks of the national preventive mechanism referred to in Article 3 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Finnish Treaty Series SopS 93/2014);
6) the tasks of the national independent supervisory structure referred to in the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Finnish Treaty Series SopS 27/2016);

7) the implementation of the rights of children, the elderly, persons with disabilities and asylum seekers;
8) the realisation of individual rights in social and health care and social insurance;
9) public guardianship;
10) the realisation of rights guaranteed to the Sámi as an indigenous people;
11) the realisation of the rights to maintain and develop the language and culture guaranteed for the Roma and other groups.

SECTION 4
MUTUAL TRANSFER OF CASES

In the cases referred to in section 3, the Chancellor of Justice refers the matter to the Ombudsman unless they deem it appropriate to resolve the matter themselves due to special reasons. Notwithstanding the provisions of section 3, the Chancellor of Justice supervises the general conditions for the realisation of fundamental and human rights and other rights in the exercise of executive power and in matters for which the government is responsible.

In the cases referred to in section 2, the Ombudsman refers the matter to the Chancellor of Justice unless they deem it appropriate to resolve the matter themselves due to special reasons.

The Chancellor of Justice and the Parliamentary Ombudsman may mutually transfer other cases falling within the remit of both parties when the transfer is believed to speed up the processing of a case or when this is appropriate for the joint processing of cases related to a certain set of issues or when it is justified for some other reason.

The complainant must be informed of the transfer of the complaint.

SECTION 5
MUTUAL EXCHANGE OF INFORMATION

The Chancellor of Justice and the Ombudsman exchange information with each other in order to promote the effectiveness of the supreme oversight of legality and the uniformity of decision-making practice.

SECTION 6
ENTRY INTO FORCE

This Act shall enter into force on 1 October 2022.

This Act repeals the Act on the Division of Duties between the Chancellor of Justice of the Government and the Parliamentary Ombudsman (1224/1990).

Appendix 1
Rules of Procedure of the Parliamentary Ombudsman
5 March 2002 (209/2002)

Under section 52(2) of the Constitution of Finland, the Finnish Parliament has approved the following rules of procedure for the Parliamentary Ombudsman:

SECTION 1
STAFF OF THE OFFICE OF THE PARLIAMENTARY OMBUDSMAN

The potential posts in the Office of the Parliamentary Ombudsman include the post of secretary general, principal legal adviser, senior legal adviser, legal adviser, on-duty lawyer, investigating officer, information officer, notary, departmental secretary, filing clerk, records clerk, assistant filing clerk and office secretary. Other officials may also be appointed to the Office.

Within the limits of the budget, officials may be employed by the Office of the Parliamentary Ombudsman in fixed-term positions.

SECTION 2
QUALIFICATION REQUIREMENTS OF THE STAFF

The qualification requirements are:

1) the secretary general, principal legal adviser, senior legal adviser and legal adviser have a Master of Laws degree or a different master's degree as well as the experience in public administration or working as a judge required for the task; and
2) those working in other positions have a master's degree suitable for the purpose or other education and experience required by their duties.

SECTION 3
APPOINTING OFFICIALS

The Ombudsman appoints the officials of his/her office.

SECTION 4
LEAVE OF ABSENCE

The Ombudsman grants a leave of absence to the officials of the Office of the Parliamentary Ombudsman.

SECTION 5
ENTRY INTO FORCE

These rules of procedure shall enter into force on 1 April 2002.

These rules of procedure repeal the rules of procedure of the Parliamentary Ombudsman issued on 22 February 2000 (251/2000).

Appendix 2
Division of labour between the Ombudsman and the Deputy-Ombudsmen from 1 January to 31 December 2024

Ombudsman MR PETRI JÄÄSKELÄINEN decides on matters concerning:
- the highest organs of state
- questions involving important principles
- courts, judicial administration and legal aid
- public prosecutor
- the police, the Emergency Response Centre and rescue services
- military matters, Defence Forces and Border Guard
- Customs (excluding customs taxation)
- covert intelligence gathering and intelligence operations
- the coordination of the tasks of the National Preventive Mechanism against Torture and reports relating to its work

Deputy-Ombudsman MS MAIJA SAKSLIN decides on matters concerning:
- distraint, bankruptcy and dept arrangements
- social welfare
- healthcare (including conscript healthcare and prisoner healthcare)
- rights of the elderly
- the rights of persons with disabilities
- regional and local government
- the autonomy of the Åland Islands
- taxation
- Customs taxation
- environmental administration
- agriculture and forestry
- traffic and communications
- register administration
- religious communities
- Sámi affairs

Deputy-Ombudsman MR MIKKO SARJA decides on matters concerning:
- Criminal sanctions field
- asylum and immigration
- children's rights
- legal guardianship
- social insurance
- income support
- labour administration and unemployment security
- early childhood education and care, education, science and culture
- language legislation
- freedom of speech

By the Ombudsman's decision of 17 October 2024 (EOAK/5682/2024), healthcare of conscripts and prisoner healthcare were transferred to Deputy-Ombudsman Maija Sakslin and matters concerning freedom of speech were assigned to Deputy-Ombudsman Mikko Sarja.

Appendix 3
Staff of the Office of the Parliamentary Ombudsman

Parliamentary Ombudsman

Mr Petri Jääskeläinen, LL.D., LL.M. with court training

Deputy-Ombudsmen

Ms Maija Sakslin, LL.Lic.
Mr Mikko Sarja, LL.Lic., LL.M. with court training

Secretary General

Mr Jari Råman, LL.D.

Administrative assessor

Ms Astrid Geisor-Goman, LL.M.

Principal Legal Advisers as head of division (on fixed term from 1 November)

Mr Kristian Holman, LL.M., M.Sc. (Admin.)
Mr Juha Niemelä, LL.M. with court training
Ms Minna Verronen, LL.M. with court training

Principal Legal Advisers

Ms Terhi Arjola-Sarja, LL.M. with court training
Mr Mikko Eteläpää, LL.M. with court training
Mr Juha Haapamäki, LL.M. with court training
Mr Jarmo Hirvonen, LL.M. with court training (from 1 March, on fixed term till 28 February)
Ms Lotta Hämeen-Anttila, M.Soc.Sc, LL.M.
Ms Johanna Koivisto, LL.M. (on fixed term from 15 January)
Ms Kirsti Kurki-Suonio, LL.D.
Ms Heidi Laurila, LL.M. with court training
Mr Jari Pirjola, LL.D., M.A.
Ms Anu Rita, LL.M. with court training
Mr Tapio Räty, LL.M.
Mr Mikko Sarja, LL.Lic., LL.M. with court training (on leave)
Ms Piatta Skottman-Kivelä, LL.M. with court training
Ms Iisa Suhonen, LL.M. with court training
Ms Susanna Wähä, M.Sc. (Admin.)

Senior Legal Advisers

Mr Jukka Anttila, LL.M. with court training
Ms Riitta Burrell, LL.D.
Ms Elina Castrén, LL.M. with court training
Mr Peter Fagerholm, M.Sc. (Admin.)
Ms Katja Harakka, LL.Lic., MBA

Ms Sanna Hyttinen, LL.M.
Ms Anne Ilkka, LL.M. with court training
Ms Riikka Jackson, LL.M.
Ms Pirjo Kainulainen LL:M. (from 1 January, on leave from 7 October)
Ms Heli Karjalainen-Michel, LL.M.
Ms Johanna Koli, M.Soc.Sc.
Mr Juha-Pekka Konttinen, LL.M.
Ms Päivi Lahtinen, LL.M.
Ms Anu Lempiäinen, LL.M., M.Sc., B.Sc. (Admin.)
Ms Tuire Metso, LL.M. (from 15 August)
Ms Päivi Pihlajisto, LL.M. with court training
Ms Johanna Pomell, LL.M. (on leave till 30 November)
Ms Johanna Rantala, LL.M.
Ms Eeva-Maria Tuominen, M.Sc.(Admin.), LL.B. (from 1 January)
Mr Matti Vartia, LL.M. with court training
Mr Jyri Vesanto, LL.M.
Ms Leena-Maija Vitie, LL.M. with court training
Ms Pia Wirta, LL.M. with court training

Legal Advisers

Ms Anne Kohvakka, LL.M. (on fixed term till 31 December)
Ms Heidi Lokasaari, LL.M., LL.B. (on fixed term from 2 September till 31 December)
Ms Anita Raunio-Rajalin, LL.M. with court training (on fixed term from 26 November)

On-duty lawyer

Ms Jaana Romakkaniemi, LL.M. with court training

Information Officer

Ms Citha Dahl, M.A.

Information Management Specialist

Mr Janne Madetoja, M.Sc. (Admin.)

Information Technology Specialist

Mr Tapio Kaikkonen, MBA (from 1 April)

Investigating Officers

Mr Reima Laakso
Mr Antti Perälä, B.Sc. (Admin.), Bachelor of Police Services

Notaries

Ms Sanna-Kaisa Frantti, B.B.A.
Ms Taru Koskiniemi, LL.B.
Ms Kaisu Lehtikangas, M.Soc.Sc.
Ms Sofie Roininen, M.Pol.Sc., Th.M.
Ms Riina Tuominen, M.Sc. (Admin.)

Secretary of Personnel Affairs (Administrative secretary till 31 November)

Ms Eija Einola

Registrar

Ms Anu Forsell

Deputy Registrar

Mr Taneli Palmén, M.A., B.A.

Communications Secretaries (from 26 March)

Ms Andrea Bergman, M.A.
Ms Sini Hänninen, LL.M., LL.B. (from 15 August)
Ms Virpi Salminen

Departmental Secretaries (till 25 March)

Ms Andrea Bergman, M.A.
Ms Annimari Laakkonen

Administrative secretaries (from 26 March)

Ms Krissu Keinänen
Ms Annimari Laakkonen

Case Management Secretaries

Ms Sari Holappa (from 26 March)
Ms Johanna Hörkkö-Petroff (from 26 March)
Ms Ira Nyberg Ira
Ms Katri Paukku (from 1 June, on fixed term till 31 May)
Ms Riikka Saulamaa, B.B.A. (from 26 March)

Assistant for International Affairs

Ms Tiina Mäkinen

Office Secretaries

Ms Sofia Aalto-Setälä, B.A. in Adult Education (on fixed term from 1 October)
Ms Sari Holappa (till 25 March)
Ms Johanna Hörkkö-Petroff (till 25 March)
Mr Mikko Kaukolinna
Ms Krissu Keinänen (till 25 March)
Ms Virpi Salminen (till 25 March)
Ms Riikka Saulamaa, BBA (till 25 March)

University Trainee

Ms Aino Kauriinvaha (from 18 March till 17 September)

Staff of the Human Rights Centre

Director

Ms Sirpa Rautio, LL.M. with court training (till 29 February)
Ms Jarna Petman, LL.D., M.Pol.Sc. (from 15 May)

Experts

Ms Sanna Ahola, LL.M.
Ms Elina Hakala, M.Soc.Sc. (on fixed term)
Mr Mikko Joronen, M.Pol.Sc.
Ms Leena Leikas, LL.M. with court training
Mr Lauri Sivonen, M.Sc., B.Soc.Sc. (on fexed term till 31 December)
Ms Susan Villa, M.Soc.Sc.

Communications Specialist

Mr Miro Järnefelt, M.Sc., BA

Junior experts

Ms Klara Fält, M.Soc.Sc. (on fixed term from 1 December)
Mr Mikko Pursimo, LL.M. (on fixed term from 1 December)

Assistant

Ms Minna Orkokari

Appendix 4
Statistical data on the Ombudsman's work in 2024

OVERSIGHT-OF-LEGALITY CASES UNDER CONSIDERATION

CASES INITIATED	6,311
Complaints to the Ombudsman	6,088
– of which, complaints transferred from the Chancellor of Justice	359
Taken up on the Ombudsman's own initiative	67
Submissions and attendances at hearings	156

CASES RESOLVED	6,475
Complaints	6,286
– of which, complaints transferred to the Chancellor of Justice	16
Taken up on the Ombudsman's own initiative	72
Submissions and attendances at hearings	117

OTHER MATTERS UNDER CONSIDERATION	1,056
Inspections	77
Administrative matters in the Office	962
International matters	17

RESOLVED CASES BY PUBLIC AUTHORITIES

COMPLAINT CASES	6,286
Social welfare	1,164
Police	694
Healthcare	658
Criminal sanctions field	657
Other administrative branches	630
Courts and judicial administration	338
Social insurance	322
Labour force and unemployment security	262
Administrative branch of the Ministry of Education and Culture	228
Distraint, bankruptcy and debt arrangements	215
Regional and local government	184
Public guardianship	152
Administrative branch of the Ministry of Environment	133
Highest organs of government	130

Taxation	115
Aliens affairs and citizenship	99
Administrative branch of the Ministry of Transport and Communications	96
Military matters, Defence administration and Border Guard	81
Prosecutors	51
Administrative branch of the Ministry of Agriculture and Forestry	48
Customs	15
Religious communities	9
Covert intelligence gathering and intelligence operations	5

Taken up on the Ombudsman's own initiative	**72**
Social welfare	34
Healthcare	17
Police	7
Regional and local government	3
Administrative branch of the Ministry of Education and Culture	3
Distraint, bankruptcy and debt arrangements	3
Administrative branch of the Ministry of Transport and Communications	1
Criminal sanctions field	1
Customs	1
Labour force and unemployment security	1
Religious communities	1

Total number of decisions	**6,358**

MEASURES TAKEN BY THE OMBUDSMAN

COMPLAINTS	**6,286**
Decisions leading to measures	**869**
– prosecution	0
– assessment of the need for pre-trial investigation	3
– reprimands	26
– opinions	620
– as a rebuke	426
– for future guidance	194
– recommendations	26
– to redress an error or rectify a shortcoming	1
– to develop legislation or regulations	16
– to provide compensation for a violation	6
– to rech an agreed settlement	3
– matters redressed in the course of investigation	22
– other measure	172
– to rech an agreed settlement	3
No action taken	**2,788**
– no incorrect action found	119
– no grounds	2,669
– to suspect illegal or incorrect procedure	1,144
– for the Ombudsman's measures	1,525
Complaint not investigated	**2,629**
– matter not within Ombudsman's remit	186
– still pending before a competent authority or possibility of appeal still open	859
– unspecified	491
– transferred to Chancellor of Justice	16
– transferred to Prosecutor-Genera	0
– transferred to Regional State Administrative Agency	42
– transferred to ELY Centre	1
– transferred to other authority	221
– older than two years	108
– inadmissible on other grounds	28
– no answer	106
– answer without measures	571

MEASURES TAKEN BY THE OMBUDSMAN

TAKEN UP ON THE OMBUDSMAN'S OWN INITIATIVE	**72**
Decisions leading to measures	**42**
– prosecution	0
– assessment of the need for pre-trial investigation	0
– reprimands	2
– opinions	25
– as a rebuke	10
– for future guidance	15
– recommendations	9
– to redress an error or rectify a shortcoming	0
– to develop legislation or regulations	8
– to provide compensation for a violation	0
– to rech an agreed settlement	1
– matters redressed in the course of investigation	2
– other measure	4
– to rech an agreed settlement	1
No action taken	**8**
– no incorrect action found	0
– no grounds	8
– to suspect illegal or incorrect procedure	3
– for the Ombudsman's measures	5
Own initiative not investigated	**22**
– no answer	21
– transferred to Regional State Administrative Agency	1

INCOMING CASES BY AUTHORITY

Social welfare	1,233
Police	699
Healthcare	675
Other administrative branches	630
Criminal sanctions field	577
Courts and judicial administration	309
Social insurance	290
Labour force and unemployment security	224
Administrative branch of the Ministry of Education and Culture	223
Distraint, bankruptcy and debt arrangements	185
Regional and local government	180
Highest organs of government	129
Administrative branch of the Ministry of Environment	123
Public guardianship	122
Aliens affairs and citizenship	117
Taxation	102
Administrative branch of the Ministry of Transport and Communications	84
Military matters, Defence administration and Border Guard	57
Administrative branch of the Ministry of Agriculture and Forestry	52
Prosecutors	51
Customs	13
Religious communities	8
Covert intelligence gathering and intelligence operations	5

PARLIAMENTARY OMBUDSMAN OF FINLAND

FI - 00102 Parliament of Finland
TELEPHONE +358 9 4321
TELEFAX +358 9 432 2268
ombudsman@parliament.fi
www.ombudsman.fi/english