**The Association of Finnish Local and Regional Authorities 17 April 2014**

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ANNEX Summary of Finnish local government and human rights - Response to the questionnaire by Secretariat of Human Rights Council Advisory Committee

Please note that in the following text the terms ‘municipality’ and ‘municipal’ refer to both rural and urban municipalities, towns and cities. The terms ‘local government’ and ‘local authority’ are used as a synonym for ‘municipality’, so they too refer to both rural municipalities and towns and cities. The texts follow the subtitles of the intended report.

1. How is local government organised in your country? Please describe the existing legal framework for the organisation, functioning, competences and financial resources of local government in your country.

**Local Self-government**

There are 320 municipalities in Finland. Municipalities are self-governing units where the highest decision-making authority is vested in local councils elected by residents. Every four years residents elect a local council in free and democratic elections. The municipal executive board, which is appointed by the council, does the preparatory work on matters coming before the council. The board is responsible for the municipality’s day-to-day administration and financial management. In Finland, the chief executive is an official appointed by the local council, who serves under the municipal executive board.

Finnish municipalities have a broad range of responsibilities. As self-governing entities, they can undertake various functions, but they also have a statutory obligation to perform a number of duties. The Local Government Act governs how municipalities may organise their administration. The Local Government Act recognises the diversity of municipalities. It secures the residents’ welfare in a democratic manner. According to the Local Government Act, local authorities may assume non-statutory responsibilities. New responsibilities or duties cannot be assigned to local authorities, nor can they be deprived of existing responsibilities or rights, except by passing legislation to this effect.

The Local Government Act and other legislation give the local authorities their powers and responsibilities. There are special laws on the services municipalities must provide for their residents. The most important of these are in the fields of social welfare and health, education and culture. Municipalities are responsible for the maintenance of streets and local roads in their territory. Moreover, they also perform functions in the field of environmental administration, such as land use planning, building regulation, environmental protection and waste management.

Local authorities can organise their service provision in many different ways. Often it makes organisationally and financially most sense to provide services in co-operation with other local authorities, communities and enterprises. There are 184 joint authorities in Finland. Joint authorities are set up by two or more local authorities to tend to specific tasks on a permanent basis. The most important joint authorities include regional councils, hospital districts, districts for care of the disabled, and joint authorities set up to perform functions related to public health and education.

There is currently a structural reorganization of the local government and social and health care services under way.

**Municipal Finances**

Local authorities have the power to make financial decisions, based on the right to levy taxes. Local authorities finance their annual expenditure out of taxes, central government transfers, various fees and charges, and sales revenues. Local income tax paid by residents, real estate tax and a share of corporate tax account for almost half of all municipal revenues.

Each local authority decides independently on its income tax rate. Fees and charges account for about a quarter of municipal revenues. Most of the customer charges are collected for services such as water supply, waste disposal, power supply and public transport. Just under one tenth of social welfare and health expenditure is covered through customer and patient charges. Basic education is free.

Central government grants local authorities financial assistance in exchange for a wide range of statutory services. The central government transfer system evens out financial inequalities between local authorities and ensures equal access to services throughout the country. Central government transfers account for less than one-fifth of all municipal revenues.

1. Is local government in your country required by legislation to promote and protect human rights? Please describe how local government in your country is involved in the implementation of human rights obligations.

The legislation enactments and regulations concerning human rights issues, which affect local governments are included in the special legislation on services like social welfare and education and deal with with issues such as the rights and protection of children and the rights of the disabled. The general legislation, like the Act on Equality between Women and Men, the Non-discrimination Act and the Language Act, applies to local authorities. And the Act on the Integration of Immigrants and Reception of Asylum Seekers affects all the activities of local government as well.

The Act on Equality between Women and Men requires local governments to prohibit discrimination and enhance equality between men and women in all their activities and as employers. The quota principle laid down in the Act requires a balanced representation of both genders (at least 40%) in the local government political bodies, excluding the council which is elected in direct elections. The present Act will be amended with new provisions on basic education and sexual minorities.

The Non-discrimination requires the local governments to enhance non-discrimination in all their activities and as employers. The present Act is under renewal, if passed the amended act will have wider implications the local governments than the present one.

Finland has two official languages, Swedish and Finnish. The Language Act states that an individual has the right to use his or her own national language before the authorities including local government authorities. Public authorities are required to provide equal services within all sectors on both languages. In addition to Finnish and Swedish, the Sámi language has a legal status. The rights of the Sámi people are secured in Act on the use of the Sámi language before the authorities. Sámi people have the right to use their own language before the courts and other public authorities, and the Sámi speaking students have the right to receive most of their primary education in their own language.

Also Roma people are a traditional national minority group. The local government supports their non-discrimination in all their activities, especially in education. Another important form of support is the housing provided by local governments.

3. Is there any cooperation between local government and the central government in your country regarding the implementation of human rights at local level? If yes, please describe the existing cooperation framework.

There are various forms of co-operation in different fields. For instance, local government is represented in different committees and working groups by the Association of Finnish Local and Regional Authorities, and local authorities participate directly in a number of development projects.

For instance the Act on the Integration of Immigrants and Reception of Asylum Seekers emphasises the importance of cooperation between local government and the state labour authorities in the integration of immigrants. The Act requires cooperation also with NGOs, which have their own role in the arrangement of complementary services to aid integration.

1. Do you have human rights protection mechanisms at the local level in your country (e.g. ombudspersons, human rights commissions, mediators, etc.)?

The political bodies of the local government — the council as the highest political body, the municipal executive board and the political committees in different administrative domains — can draw attention to the human rights issues in the local government life.

In addition there are consultative committees which do not have decision powers. In almost all the local government authorities (85%) there is a consultative committee for the older people. Most of the local governments (about 67%) have a consultative committees for the disabled. Five cities, mainly the biggest ones, have a gender equality and non-discrimination consultative committee. Youth councils act as the channel for the opinions of young people under the age of 18. In over half of the local governments there are these consultative organs of young people. About ten local governments have a commission dealing with immigration issues.

Residents are increasingly being involved in the development of services e.g. by such mechanisms as elderly advisory boards.

1. What initiatives have been taken to include human rights mainstreaming in local administration and public services?

Many of the services rendered by the municipalities form the basis for the human rights in everyday life, like equal opportunities for men and women. The child care system, pre-primary education and equal opportunities to education can perhaps be seen as the most important ones. There are not only special services for the language minorities, the disabled, immigrants and children (child welfare); these issues are also mainstreamed into all services.

The Strategy for the National Languages of Finland is one of the flagship projects under the Government Programme. It is a development project which aims to safeguard a future Finland with two viable national languages, Finnish and Swedish. The strategy provides practical tools for different kinds of administrative situations in order to improve the application of language legislation on both national and local level.

There are 30 bilingual municipalities in Finland, and nearly all of them have a language-strategy in place to secure the right to equal services in both national languages.

Another example of a right to equal services is the subjective right to municipal child care and pre-primary education, granted to all children under school age since 1996. In addition to children's rights this has contributed to the equal opportunities for women to participate in the working life. The child care is full time and the meals are served during the day. Child care is arranged also for those children whose parents are working in shifts. The child care system has high quality, and professional qualifications are required of the personnel. The parents have been satisfied with the service.

The municipal educational system guarantees equal access to education and equal treatment. One of the basic principles of Finnish education is that all people must have equal access to high-quality education and training.

Human rights mainstreaming is enhanced by various planning activities. Please see below for summary information on gender equality, non-discrimination and immigration.

According to the Act on Equality between Women and Men, the local governments and joint municipal authorities are obliged to draft a plan on how they will enhance gender equality in their educational services and by employers. The present act does not apply to basic education (the act is being amended in this respect). Some municipalities are introducing gender mainstreaming in the managerial system and statistics of various services.

The Non-Discrimination Act decrees that each local authority shall draw up an equality plan at least for the fostering of ethnic equality. As mentioned above the current law is under renovation.

To promote and support integration of immigrants, municipalities draft an integration plan, which also encourages the promotion of ethnic equality, good ethnic relations and prevention of discrimination. The objective is that integration programmes become an integral part of the municipality’s other strategic planning. Regional cooperation is one instrument in the development of refugee reception and integration of immigrants. In some parts of the country, migration strategies have been devised for entire regions.

In providing welfare services, municipalities need to take into account the special needs of immigrants. Their service needs should be regarded comprehensively including social and health care, education, housing, and employment support. The integration objective shall be the access of immigrants to the normal welfare services provided by the municipality. The Association of Finnish Local and Regional Authorities finds it important that attention be paid to the division of responsibility between the state, municipalities, private sector, organisations and immigrants themselves.

At local level, gender based violence is recognised by municipal service providers, especially in social welfare and health care. The municipalities can affect greatly enhancing gender equality in all their services and by awareness-raising. More coordinated action and adequate funding from the central government is needed to combat gender based violence at local level. With the ratification of Istanbul convention it should be seen to that local governments have enough resources for developing measures to combat gender based violence and to increase the competence of the municipal personnel in different fields of responsibility.

1. What is the role of civil society in the planning and implementation of activities for the protection and promotion of human rights at local level in your country?

The different organisations for groups such as the elderly, immigrants and the disabled take part in the above mentioned consultative committees, various working groups andconsultations.

7. What is the role and programme of your organization for promotion and protection of human rights at local level or in enhancing local governance for human rights?

The Association of Finnish Local and Regional Authorities lobbies on the behalf of the local government, supports its development and provides services to local authorities. In all these activities the Association considers the above mentioned aspects of the human rights. In addition we compile statistics on municipal bodies including information on age and gender.

In addition to the Nordic co-operation we co-operate in the European level with other national local government associations as a member of the Council of European Municipalities and Regions, CEMR, for example in the Gender Equality Committee and the Non-Discrimination Platform.

Please see below for some examples.

*Tools for language strategy*

The practical tools, or recommendations, given in the Strategy for the National Languages were directed to central government authorities. Our Association has rewritten the tools, so that they are applicable on local government level, and is supporting the municipalities in taking the tools into practice. Furthermore, the Association is safeguarding the rights of both the Sami and the Swedish speaking minorities as part of the ongoing municipality reforms.

*European Charter for Equality of Women and Men role in Local Life*

The European Charter for Equality of Women and Men role in Local Life, launched in 2006, was prepared by the Council of European Municipalities and Regions, CEMR. The Association of Finnish Local and Regional Authorities, which represents all the Finnish municipalities and municipal organisations, participated in the development of the Charter together with other European local government associations. The Charter supports the implementation of the Beijing Declaration and Platform for Action. The motivation of drawing up the Charter was that the local governments are closest to the people and hence have good chances to enhance gender equality and put the international conventions and national legislation into practice. The Charter takes into account the different competences of local and regional authorities in Europe.

The Association of Finnish Local and Regional Authorities has approved the Charter and recommended it to all the municipalities and municipal organisations and has carried out a development project to implement the Charter.

*Health and welfare reporting tool*

According to the Health Care Act the municipalities are obliged to monitor the health and welfare of their residents and any underlying actors per population group and to have strategies and measures in place accordingly. Annual reports are to be produced and a more comprehensive review on welfare shall be produced for the city or municipal council once during each electoral period.

An electronic welfare report tool has been developed in Finland. This tool provides information by population group on different dimensions of welfare and it combines welfare information from different sources. The Association of Finnish Local and Regional Authorities coordinates the implementation of the electronic welfare report and bears responsibility for its further development as part of the development of local strategic management.

The tool will be later evolved to include information disaggregated by gender. Currently over 250 local governments are implementing the tool.

*North-South Local Government Cooperation Programme*

The promotion of the rights and the status of women and girls, and promotion of gender and social equality are cross-cutting objectives in the North-South Local Government Cooperation Programme, administered by the Association of Finnish Local and Regional Authorities. The programme finances cooperation projects between Finnish and Sub-Saharan African local governments in order to strengthen the capacities and responsiveness of local governments to provide good quality public basic services and good governance. By promoting social equity and women’s rights the Programme contributes to the well-being and more equal opportunities to participate in local decision making in partner countries in Sub-Saharan Africa.

8. What are the main challenges faced by local government in your country in the promotion and protection of human rights?

The challenge is the tight economic situation and the excessive strain on the municipal personnel. For the development and mainstreaming of human rights in the local level the challenges are the limited funding in national level for the education and training of local politicians and civil servants, and for the development of mainstreaming as well.

9. Please provide any best practices with regard to the above-mentioned issues.

Due to time constraints we are, for now, unfortunately unable to provide any detailed information on best practises but will be happy to exchange information with you at a later stage.