The Office of the United Nations High Commissioner for Human Rights has requested the Parliamentary Ombudsman in Finland to contribute for the preparation of the above mentioned study.

I wish to thank the United Nations High Commissioner for the opportunity to contribute the study. I consider the study very important as a part of larger thematics of elimination of all forms of violence against women, as presented in the resolution A/HRC/RES/17/11. My contribution is on general level and highlights only the jurisdiction and actions and opinions of the Parliamentary Ombudsman. In my contribution I cannot present any action or decision of the Ombudsman on the substance field in question, in which the gender perspective (women, girls) would have been specifically considered. However, I wish it will add to the information the Office of the High Commissioner otherwise will receive from Finland.

The tasks of the Parliamentary Ombudsman

The task of the Ombudsman is to exercise oversight to ensure that courts of law and other authorities as well as public servants, employees of bodies constituted under public law as well as others who perform a public task comply with the law and fulfil their duty. In the performance of his duties, the Ombudsman oversees implementation of fundamental and human rights. The purpose of the Ombudsman’s oversight of legality is to promote implementation of fundamental and human rights. Each year, the Ombudsman submits
a report to the Eduskunta, the parliament of Finland, on his activities as well as on the state of administration of the law and any shortcomings he has observed in legislation.

Under the Parliamentary Ombudsman Act, the Ombudsman conducts the on-site inspections of public offices and institutions necessary to monitor matters within his or her remit of over-seeing legality. Specifically, inspections must be carried out in prisons and other closed institutions to oversee the treatment of inmates. The sites inspected have traditionally included the operational units of intermunicipal joint authorities for special care, especially these authorities’ central institutions, as provided for in the Act on Special Care Services for the Mentally disabled. Ombudsmen have considered these institutions important inspection sites, because certain situations in caring for the mentally disabled involve the use of coercion, by means of which an intervention is made in a person’s fundamental rights, such as personal liberty and integrity. In addition, there is the question of protection under the law and other fundamental rights of these persons, who are incapable of ensuring them for themselves.

The Ombudsman traditionally carries out on-site inspections also at children’s homes, school homes and other child welfare institutions. Special attention is paid to the application of restrictive measures provided for in law in homes and institutions.

Solitary confinement and restraint called isolation (Section 70 Child Welfare Act) is possible according the law in children’s institutions. Isolation must be based on an appealable decision and it should not last longer than for 24 hours at maximum (can be repeated once). Overrepresentation of any gender among isolation decisions observed in connection to the on-site inspections of child welfare institutions cannot be reported.

Legislation and policies

With respect to the principle of non discrimination provided for in legislation, Section 6 of the Constitution of Finland states that no one shall, without an acceptable reason, be treated differently from other persons on several grounds, for example age and gender. The Constitution also enshrines an obligation to promote gender equality in societal activity as well as in working life, especially in the determination of pay and the other terms of employment, as provided for in more detail by legislation. Equality between the sexes and a prohibition on gender-based discrimination are provided for most comprehensively in the Act on Equality between Women and Men. The Act on Equality provides for harassment based on gender and sexual harassment, but does not include special provisions or measures on violence against women.
Section 6 of the Constitution also states that children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development.

In 2009 the then Parliamentary Ombudsman Riitta-Leena Paunio recommended to the Ministry of Social Affairs and Health that the restrictive measures on one’s self-determination and fundamental rights in the care of the mentally disabled be precisely legislated and the limits of the restrictions be clearly stated.

See the Jubilee Book 90 years, an article by Minna Verronen, under the link.

Prevention and protection

The previous Parliamentary Ombudsman Riitta-Leena Paunio attended in 2009 formal hearings arranged by both the Social Affairs and Health Committee and the Foreign Affairs Committee of the Eduskunta to be consulted as an expert on the Government Report on Finnish Human Rights Policy (VNS 7/2009 vp). In her statements to the committees she found it positive with respect to the part of the report dealing with the status of women that it contained a thorough assessment of the problem of violence against women and domestic violence and of efforts to reduce the problem. Unfortunately there appear to be no information on violent treatment of handicapped women or those belonging to other minority groups. It was pointed out in the statements that what was involved was a widespread and grave fundamental and human rights problem with effects that extended also to children and adolescents.

In her above-mentioned statements to the Eduskunta committees, the Ombudsman also drew attention to human trafficking, which she described as a crime against fundamental and human rights.

The report, however, does not focus on girls with disabilities, but the child’s perspective in general.

Parliamentary Ombudsman

Petri Jääskeläinen

Secretary General

Päivi Romanov