

# THE ECHR AND FINLAND

*facts & figures*



**THE ECHR AND**

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INLAND

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## **Council of Europe**

Accession: 5 May 1989

## **European Convention on Human Rights**

Signed: 5 May 1989

Ratified: 10 May 1990

## **ECHR judges**

Pauliine Koskelo (since 2016)

Päivi Hirvelä (2007-2015)

Matti Pellonpää (1998-2006)

Raimo Pekkanen (1989-1998)

## **ECHR and Finland at 1<sup>st</sup> January 2021**

1<sup>st</sup> judgment: Hokkanen v. Finland (23 September 1994)

Total number of judgments: 191

Judgments finding a violation: 142

Judgments finding no violation: 36

Friendly settlements/strikeout: 9

Other judgments: 4

Applications pending: 35

Applications finished: 5,772

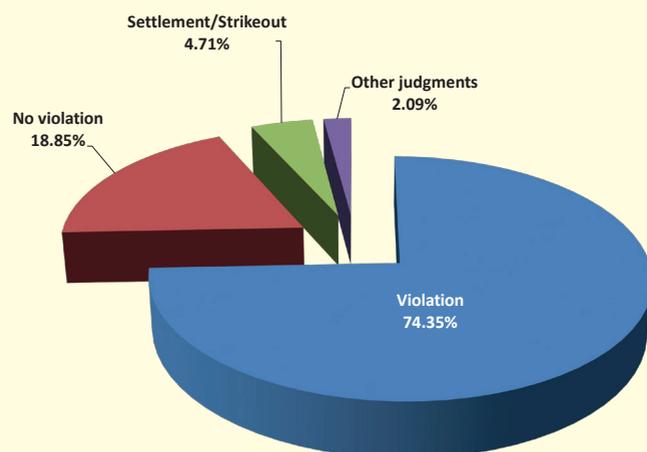
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For more detailed information, please refer to documents issued by the Registry available on the Court's website [www.echr.coe.int](http://www.echr.coe.int).

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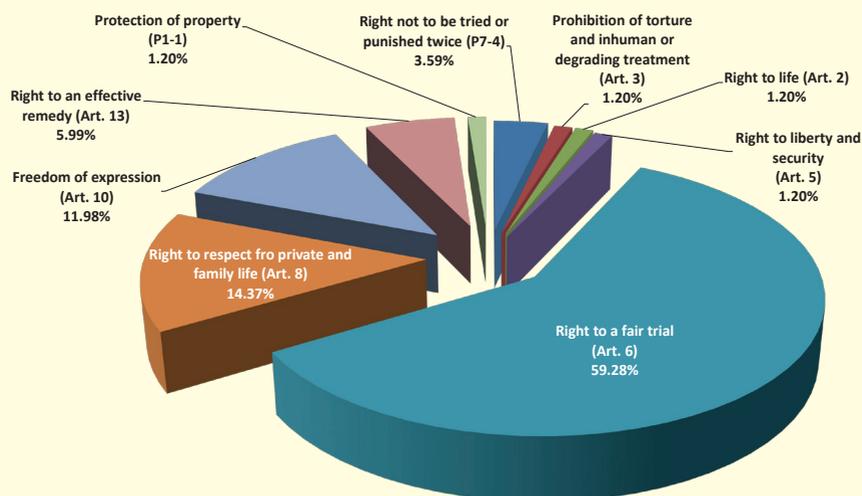
## Types of judgments

In almost three quarters of all its judgments concerning Finland, the Court found against the State for at least one violation of the Convention.



## Subject-matter of judgments finding a violation

Virtually 60% of the findings of a violation concerned Article 6 (right to a fair trial), mainly with regard to length of proceedings. The second most common violation of the Convention found by the Court concerned Article 8 (right to respect for private and family life) (almost 15%).



## Impact of the Court's judgments

The Committee of Ministers, the Council of Europe's executive organ, supervises compliance with the Court's judgments and adoption of the remedial measures required in order to prevent similar violations of the Convention in the future.

The Court's judgments have led to various reforms and improvements in Finland, relating in particular to:

### Introduction of preventive and compensatory remedies for length of proceedings

Remedies have been introduced to prevent and compensate excessive length of proceedings, as well as measures to speed up civil and criminal proceedings.

### Change in the legislation governing the establishment of paternity

The absolute limitation period which prevented children born outside marriage before 1976 from exercising their rights to paternity proceedings has been set aside.

### Strengthening of the fairness of court proceedings in criminal cases

The defending party now has access to intercepted telecommunications data, and superfluous information that is unrelated to the case must be destroyed; improved protection of the right not to incriminate oneself and the right to refuse to communicate information.

### Amendment to the Child Protection Act

The authorities must facilitate contacts between parents and children placed in a foster family; precisely defined procedures have been introduced for the initial and continued placement of children in public care.

## Selected cases

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### Case of Hokkanen (23 September 1994)

Teuvo Hokkanen complained that the public authorities had failed to facilitate his speedy reunion with his daughter. They had allowed the child's grandparents to keep her in their care and to prevent his access to her in defiance of court decisions and had transferred custody to them.

*Violation of Article 8 (right to respect for private and family life)*

### Case of K. and T. (12 July 2001)

The applicants complained about the placement of their children in public care. The Court found a violation of the Convention on account of the taking of the applicants' newborn child into care and the lack of measures aimed at reuniting the family.

*Violation of Article 8 (right to respect for private and family life)*

### Case of Nikula (21 March 2002)

Anne Nikula, a lawyer, was convicted for having criticized a prosecutor for decisions taken in his capacity as a party to criminal proceedings in which the applicant was defending one of the accused.

*Violation of Article 10 (freedom of expression)*

### Case of Jokela (21 May 2002)

The applicants complained about the discrepancy between the assessments of the market value of expropriated land and of the same land when subject to inheritance tax. They also complained that they had been denied a fair hearing in the expropriation proceedings.

*No violation of Article 6 (right to a fair trial)*

*Violation of Article 1 of Protocol No. 1 (protection of property)*

### Case of Johansson (6 September 2007)

Mika and Jaana Johansson complained about the Finnish authorities' refusal to register the forename "Axl" for their son. The Court attached particular importance to the fact that the name "Axl" was not "new" at the time, since three persons had already been registered under that name when the applicants' son was born and at least two other children had subsequently been given the name.

*Violation of Article 8 (right to respect for private and family life)*

### Case of Saaristo and Others (12 October 2010)

Satu Saaristo, a journalist for *Ilta-Sanomat*, and the paper's editor-in-chief complained about their conviction for publishing an article about the private life of the communications manager of Esko Aho, a presidential candidate in 2000. After reiterating the essential role played by the press in a democratic society, the Court held, in view of the circumstances of the case, that the sanctions imposed on the applicants had been disproportionate.

*Violation of Article 10 (freedom of expression)*

### Case of X (3 July 2012)

The applicant, a paediatrician, complained that she had been confined in a psychiatric hospital where she was forcibly administered with drugs, in the context of criminal proceedings against her for aiding and abetting child abduction. The Court reiterated, in particular, that the forced administration of medication was a serious interference with an individual's physical integrity and ought to be based on a law guaranteeing proper safeguards against arbitrariness, which had not been the situation in this case.

*Violation of Article 5 (right to liberty and security)*

*Violation of Article 8 (right to respect for private life)*

### Case of Hämäläinen (16 July 2014)

The applicant, who had been born a male, married a woman with whom she had a child before undergoing gender reassignment surgery. She complained before the Court that she could only obtain full official recognition of her new gender by having her marriage turned into a civil partnership.

In the Court's view, it was not disproportionate to require the conversion of a marriage into a registered partnership as a precondition to legal recognition of an acquired gender, as this was a genuine option which provided legal protection for same-sex couples that was almost identical to that of marriage.

*No violation of Article 8 (right to respect for private and family life)*

*No violation of Article 14 (prohibition of discrimination)*

### Case of Pentikäinen (20 October 2015)

The applicant, a press photographer for the weekly magazine *Suomen Kuvalehti*, complained that he had been apprehended during a demonstration in protest at the Asia-Europe meeting (ASEM), placed in police custody and subsequently convicted of disobeying the police, without any penalty being imposed on him.

The Court held that the Finnish authorities had not deliberately prevented the media from covering the demonstration or from doing their work. It considered that the applicant had not been prevented from carrying out his work as a journalist and that he had been apprehended for refusing to obey police orders to leave the scene of the demonstration.

*No violation of Article 10 (freedom of expression)*

### **Case of Satakunnan Markkinapörssi Oy and Satamedia Oy (27 June 2017)**

The applicant companies, which collected and published taxation information in the newspaper *Veropörssi*, complained that they had been banned from processing taxation data after having published the personal tax information of 1.2 million private individuals in 2002.

The Court considered that the publication and wholesale dissemination of the tax data in question had not contributed to a debate of public interest, and had not been for a solely journalistic purpose.

*No violation of Article 10 (freedom of expression)*

*Violation of Article 6 § 1 (right to a fair hearing within a reasonable time)*

### **Case of N.A. (14 November 2019)**

The applicant complained about the decision of the Finnish authorities to deport her father to Iraq, where he was shot dead in 2017, shortly after his return to the country.

The father, a Sunni Arab, had served in Saddam Hussein's army but had later joined a US logistics firm before working for the Interior Ministry, investigating intelligence service or militia agents. He arrived in Finland in 2015 seeking international protection.

The Court found in particular that the Finnish authorities had not carried out a sufficiently careful examination of the risks incurred by the applicant's father in Iraq, especially as there had already been two assassination attempts against him, taking account of the conflict between Sunni and Shia groups.

*Violation of Article 2 (right to life)*

*Violation of Article 3 (prohibition of torture and inhuman or degrading treatment)*

### **Case of Kotilainen and Others (17 September 2020)**

This case concerned a school shooting in Kauhajoki in 2008, when nine students and one teacher had been killed.

The Court considered that the authorities must have known about the real and imminent risk to the lives of the applicants' relatives. And yet, having been apprised of the messages sent by the gunman, the police had questioned him the day before the events and had seen no need to confiscate his firearm. The authorities had therefore failed in the special duty of diligence incumbent on them because of the particularly high level of risk to life inherent in any misconduct involving the use of firearms.

*Violation of Article 2 (right to life) as regards the authorities' failure in their duty to show diligence and to confiscate the killer's weapon before the attack*

*No violation of Article 2 as regards the investigation conducted after the attack*

# Selected measures to execute judgments

## General measures

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### **Case of K.A.** (14 January 2003)

Lack of adequate measures by the authorities to reunite parents with their children placed in foster care.

**Amendment of the Child Welfare Act to provide more precise regulations, in particular on contact between children in foster care and their parents, and implementation of a training programme for social services staff on child welfare promotion.**

### **Case of Goussev and Marenk** (17 January 2006)

Seizure of documents from the applicants, who were suspected of defamation.

**Enactment of the Act on Exercise of Freedom of Expression in the Mass Media, clarifying the relationship between certain provisions on publications and the Coercive Measures Act.**

### **Case of Gronmark** (6 July 2010)

Impossibility for the applicant, born outside marriage, to have her biological father's paternity legally confirmed, since the law stipulated an absolute limitation period for establishing paternity.

**Amendment to the Paternity Act and possibility for the persons concerned to bring or reopen paternity proceedings.**

## Individual measures

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### **Case of N.** (26 July 2005)

Granting of a residence permit to the applicant, whose expulsion to the Democratic Republic of Congo would have exposed him to a risk of ill-treatment.

### **Case of Johansson** (6 September 2007)

Refusal by the authorities to register the name "Axl" for the applicants' son, whereas other requests to the same effect had already been allowed.

**The applicants were able to give their child the forename of their choice, which had initially been rejected by the authorities.**



European Court of Human Rights  
Public Relations Unit  
F-67075 Strasbourg cedex



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

COUNCIL OF EUROPE  
  
CONSEIL DE L'EUROPE