



CAN THE
OMBUDSMAN
HELP YOU?



PARLIAMENTARY OMBUDSMAN OF FINLAND

THE PARLIAMENTARY OMBUDSMAN



What does the Ombudsman do?

The Ombudsman exercises oversight to ensure that public authorities and officials observe the law and fulfil their duties. In addition, he or she oversees also other parties who perform a public task. Good administration and the observance of constitutional and human rights are the focus of special attention in his work.

There are also two Deputy-Ombudsmen, who act independently and with the same authority as the Ombudsman. The Ombudsman and the Deputy-Ombudsmen are elected for renewable four-year terms, by the Eduskunta, the Parliament of Finland. The Ombudsman designates a substitute for the Deputy-Ombudsmen. The Ombudsman submits to the Eduskunta an annual report on activities and observations in the preceding year.

How does the Ombudsman operate?

The Ombudsman investigates complaints that are referred to him and can also launch investigations on his own initiative in cases where an injustice seems to have been done or a shortcoming is observed.

Ombudsman carries out on-site inspections in closed institutions, military units and official agencies. In the course of these inspections, inmates of the institutions, conscripts and members of the personnel have the opportunity to talk to the Ombudsman in confidence.



The overseers of legality, (from left) Deputy-Ombudsmen Maija Sakslin and Pasi Pölönen and Parliamentary Ombudsman Petri Jääskeläinen.



CAN THE OMBUDSMAN HELP YOU?

The Ombudsman can be turned to if there is a suspicion that an authority or official has not complied with the law or discharged his or her duty, or if the complainant suspects that fundamental and human rights have not been appropriately implemented.

Who can complain?

Anyone at all can complain to the Ombudsman. The subject of complaint can be a matter concerning oneself or in general an action of an authority. A complaint can also be made on someone else's behalf, in which case a letter of authority should be appended.

Whom can you complain about?

You can complain to the Ombudsman about authorities, officials and others who perform a public task.

Before making a complaint, it is often advisable to get in direct contact with the authority whose action you feel has been unlawful. That in itself may lead to a swift resolution of the matter.

For example, the following are public authorities:

- state agencies and institutions
- municipal bodies, such as a municipal council or a municipal board
- courts of law

Public officials include the following:

- police officers
- bailiffs (distrain enforcement officers)
- social workers
- doctors at health centres
- municipal managers
- elementary school teachers
- building inspectors
- judges

Other bodies discharging public functions include the following:

- unemployment funds and insurance institutions administering statutory compensation, support or benefit schemes
- private individuals or companies from whom municipalities purchase social welfare and health care services, such as children's homes and retirement homes

By contrast, the Ombudsman's oversight does not include:

- the Parliament as a legislative body nor its Members
- the Chancellor of Justice of the Government
- foreign authorities
- international organisations
- non-profit associations
- banks, other businesses or e.g. housing companies
- members of the professions, such as lawyers or doctors in private practice
- private individuals.

What can you complain about?

You can complain about unlawful actions, such as:

- exceeding authority or abusing discretionary powers
- undue delay in dealing with a matter, not providing adequate reasons for a decision, carelessness, failure to provide advice, inappropriate behaviour or other conduct contrary to good administration
- violations of fundamental and human rights

The Ombudsman does not investigate

- an anonymous complaint
- a complaint concerning a matter older than two years, unless there are special reasons for an investigation
- a matter currently pending before a court of law or another authority

- a matter currently under appeal or still open to appeal
- a matter that does not fall within the scope of the Ombudsman's powers

How is a complaint investigated?

The Ombudsman will investigate a claim if there is reason to suspect unlawful conduct or neglect of duty by an official or if he or she decides for some other reason that an investigation is warranted.

Arising from a complaint, the Ombudsman takes the measures that he deems appropriate. He evaluates the matter from the perspectives of compliance with the law, protection under the law or implementation of fundamental and human rights.

When investigating a complaint, the Ombudsman hears the party to whom the complaint pertains and requests reports and statements from the authorities. He may also assign an inspector from the Office of the Parliamentary Ombudsman to examine the matter. If necessary, he may ask the police to conduct an investigation.

The name of the complainant is disclosed to the party to whom the complaint pertains at the stage where that party is given an opportunity to present its view on the matter.

Complaints are generally in the public domain. However, information concerning such matters as the state of health of the complainant or the social welfare benefits received by the complainant is by law secret.

The Ombudsman may transfer handling of a matter to a competent authority. The complainant is notified when such a transfer has been made.

What can a complaint lead to?

The consequences of a complaint depend on the results of the investigation by the Ombudsman.

The Ombudsman may

- lay a charge if crime is involved
- issue a reprimand if unlawful conduct or neglect of duty is involved, but there is no need to lay a charge
- inform the authority of his opinion of what would have been lawful procedure
- draw the attention of the authority to the requirements of good administration or to considerations of fundamental or human rights

- issue a recommendation to the authority that an error be corrected or an injustice redressed or recompense be made for it
- draw the attention of a Ministry to shortcomings in legislation or official instructions, in addition to recommending rectification of the matter

The Ombudsman can not

- amend or overturn the decisions of authorities
- overturn a decision of a court of law or intervene in evaluation of evidence or interpretation of points of law
- intervene in how an authority has exercised the discretion that by law belongs to it, unless the authority exceeds or abuses that discretion
- order that compensation be paid
- provide legal advice or procedural counselling



HOW IS A COMPLAINT MADE?

You can make a complaint by writing a letter to the Ombudsman or by filling out the complaint form.

The complaint form is appended to this brochure and is also available electronically on our web site www.oikeusiamies.fi/en.

If you are considering making a complaint, you can discuss the matter beforehand with the officials at the Office. To contact them, please contact the Parliamentary switchboard on 09 4321.

A complaint should be made in national languages or, if necessary, in English.

The complaint should contain the following information

- the person or the authority to whom the complaint pertains
- what conduct or what decision the complainant considers unlawful
- why the complainant considers the conduct or decision unlawful or erroneous
- whether the matter is pending before a court of law or another authority

The complainant's name and address as well as preferably a telephone number and e-mail address should be stated in the complaint. An anonymous complaint will not be investigated.

Appendices to a complaint and how to send it

It is good to append copies of decisions illustrating the matter and of other documents to a complaint. The complaint can be sent to the Ombudsman by post, fax or e-mail. Notification of receipt of the complaint is sent to the complainant.

There is no charge for investigating a complaint. The time taken to deal with a complaint varies, but the aim is to deal with all matters in less than a year.

Decision on a complaint

The Ombudsman's decision is always sent to the complainant. Any appendices to the complaint other than those that have arrived via e-mail are returned to the complainant at the same time.

The Ombudsman's decision can be published on our web site and the media can also be supplied with copies of it. The complainant's name is not published and information that is required by law to be kept secret is not divulged.

HAVE YOU COMPLAINED OR APPEALED TO ANOTHER
AUTHORITY ABOUT THE MATTER? *

YES

NO

TO WHAT AUTHORITY?

WHEN?

HAS A DECISION IN THE MATTER ALREADY
BEEN ANNOUNCED? *

YES

NO

DATE *

SIGNATURE *

If the complaint concerns an official decision, append it or a copy to the complaint. Appendices can be sent by e-mail to: ombudsman@parliament.fi. The postal address is the Office of the Parliamentary Ombudsman, 00102 Eduskunta. It is advisable to use secured mail when you send material that contains confidential or otherwise sensitive information: <https://turvapoisti.eduskunta.fi>. Recipient: oikeusasiamies@eduskunta.fi.

WHOSE ACTION ARE YOU CRITICISING? *

WHAT HAPPENED?

TURN



PARLIAMENTARY OMBUDSMAN OF FINLAND

COMPLAINT TO THE PARLIAMENTARY OMBUDSMAN

Please fill in all points marked with an asterisk (*) and explain why you consider the action in question to be unlawful or incorrect. If necessary, you can continue on a separate sheet of paper. You can append decisions and documents supporting your complaint. These will be returned to you later.

SURNAME *

GIVEN NAME *

ADDRESS *

POSTAL NUMBER *

POST OFFICE *

DAYTIME PHONE

FAX

E-MAIL

AUTHORITY OR OTHER BODY PERFORMING

A PUBLIC TASK WHOSE ACTIONS YOU ARE CRITICISING *

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.....

WHEN? WHERE?

.....

OTHER DETAILS?

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.....

WHY DO YOU FEEL THE ACTION OR DECISION WAS UNLAWFUL? *

.....

WHAT ARE FUNDAMENTAL AND HUMAN RIGHTS?

The Ombudsman evaluates complaints also from the perspective of respect for human rights and implementation of good administration.

Fundamental rights are the rights that are guaranteed in the Constitution of Finland and reflect the basic values generally accepted in society.

Fundamental rights safeguard the liberty of the individual from intervention by the public authorities. So-called freedom rights of this kind include the right to life, the right to personal liberty and integrity as well as freedom of movement, protection of privacy, freedom of speech, freedom of assembly and association as well as protection of property.

Fundamental rights include also economic, social and cultural rights such as rights relating to work, social protection and education.

In addition, the Constitution protects equality, electoral and participation rights, language rights, the environment and protection under the law.

The rights enshrined in the Charter of Fundamental Rights of the European Union are binding on the authorities of the Member States when applying the Union legislation.

Human rights are rights of a basic nature to which everyone is entitled and they are enshrined in international conventions. Finland is committed to safeguarding these rights for every person.

Human rights are intended to make it possible for people to lead a life that is worthy of human dignity.

In Finland, national fundamental rights, European Union fundamental rights and international human rights complement each other to form a system of protection under the law.

The public authorities have an obligation to safeguard and promote implementation of these rights.

WHAT IS GOOD ADMINISTRATION?

Good administration is a fundamental right. What it essentially means is that everyone has the right to have their matter dealt with appropriately and without undue delay by an authority or court of law.

Good administration is, for example,

- replying to factual enquiries
- hearing clients' views in matters concerning them
- presenting adequate grounds for decisions
- taking language rights into consideration

Impartiality, carefulness and appropriate behaviour are likewise aspects of good administration.

The requirements of good administration are set forth in greater detail in the Administrative Procedure Act and other items of legislation.





SPECIAL TASKS OF THE OMBDUSMAN

National Preventive Mechanism against Torture

On 7 November 2014, the Parliamentary Ombudsman was designated 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 role of the NPM is to prevent torture and other prohibited treatment by means of regular visits to places of detention that hold persons deprived of their liberty.

Based on its observations, the NPM issues guidelines and recommendations with the aim of improving the treatment and the conditions of the persons deprived of their liberty. In addition, the NPM may submit proposals and observations concerning existing or draft legislation.

The visits may be accompanied by third party experts of various fields, such as health care professionals and experts by experience.

Rights of persons with disabilities

The Human Rights Centre and its Human Rights Delegation operate in connection with the Office of the Parliamentary Ombudsman. Together, the Ombudsman, the Human Rights Centre and the Human Rights Delegation form the Finnish National Human Rights Institution (NHRI).

The UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol entered into force in Finland on 10 June 2016. The task of the Finnish NHRI is to promote, protect and monitor the implementation of the CRPD.

The purpose of the CRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

The leading principles of the CRPD are accessibility and the prohibition of discrimination. The CRPD promotes the rights of persons with disabilities to be involved in deci-

sion-making processes on matters directly concerning them.

Persons with disabilities and their representative organisations should be involved in the monitoring process of CRPD implementation. To this end, a permanent Sub-Committee on the Rights of Persons with Disabilities was formed under the Human Rights Delegation of the Human Rights Centre.

Rights of the child

Together, the Parliamentary Ombudsman and the Ombudsman for Children are considered to constitute the national supervisory body under the UN Convention on the Rights of the Child. The Parliamentary Ombudsman oversees the enforcement of the rights of the child by means of inspections and resolving complaint cases concerning children.

Covert intelligence gathering

The Parliamentary Ombudsman oversees methods of covert intelligence gathering employed in the investigation, prevention and detection of crimes. Covert means of intelligence gathering include the interception and monitoring of telecommunications, technical surveillance, undercover operations, and pseudo purchases. The methods are used without the knowledge of their targets.

The Police, Customs, the Border Guard and the Defence Forces submit annually their reports on their use of covert intelligence gathering to the Ombudsman.



CONTACT PARTICULARS

POSTAL ADDRESS

The Parliamentary Ombudsman
FI-00102 Eduskunta

TELEPHONE

09 4321 (exchange)

E-MAIL

ombudsman@parliament.fi

SECURED E-MAIL

It is advisable to use a secured link when you send material that contain confidential or otherwise sensitive information.

SECURED E-MAIL:

<https://turvaposti.eduskunta.fi>

RECIPIENT:

oikeusiamies@eduskunta.fi

STREET ADDRESS

Office of the Parliamentary Ombudsman
Arkadiankatu 3, Helsinki
(in the Pikkuparlamenti
annex building)

Open Mon–Fri 9–16

FAX

09 432 2268

WEB SITE

www.oikeusiamies.fi/en

CLIENT SERVICE

To discuss a possible complaint,
please call on 09 4321

Enquiries about progress in
handling a complaint:
Registry, tel. 09 432 3381

PHOTOS

COVER, PAGE 12 *Jukka Lehtinen's sculpture »Where the Strawberries Grow», which is in the grounds in front of the Pikkuparlamenti building.*
PHOTO: Pertti Nisonen

PAGE 2 PHOTO: Mikko Mäntyniemi

PAGE 5 PHOTO: Hanne Salonen / The Parliament of Finland

PAGE 14 PHOTO: Virpi Salminen / Office of the Parliamentary Ombudsman

