

March 2015

FINLAND

1. Title, rank and position of the Legal Adviser

The function of the Legal Adviser is fulfilled by the Director General for Legal Affairs, head of the Legal Service of the Ministry for Foreign Affairs (henceforth MFA). Acting as the Legal Adviser, the Director General is assisted by the Unit for Public International Law and a Senior Adviser on International Law. Furthermore, the Legal Adviser may draw special expertise from the Unit for EU and Treaty Law, the Unit for EU Litigation and the Unit for Human Rights Courts and Conventions (see point 4 below). The Legal Service is an independent entity of the MFA, subordinate to the Under-Secretary of State for Internal and External Services. What is provided on Directors General of different departments in the Rules of Procedure of the MFA applies also to the Legal Adviser.

2. Principal functions of the Legal Service

The principal functions of the Legal Service can be divided into two subcategories: advisory functions and operational functions. As far as the advisory functions are concerned, the Legal Service provides advice on public international law, including human rights law, treaty law and EU law, primarily to the Ministry for Foreign Affairs but also to the Government as a whole. The operational functions include representing the Government in various international fora, such as the UN, the EU and the Council of Europe, regarding matters which fall under the competence of the Legal Service, preparing international treaties and national legislation and coordinating the implementation of certain international obligations, as well as representing the Government before international judicial and investigative bodies, including the Court of Justice of the European Union, the European Court of Human Rights and the International Court of Justice. The Legal Adviser serves as the Government Agent before the International Court of Justice, while the Director for the Unit for EU Litigation serves as the Government Agent before the Court of Justice of the European Union, and the Director for the Unit for Human Rights Courts and Conventions serves as the Government Agent before the European Court of Human Rights and before the European Committee of Social Rights. The Legal Adviser is a member of the Permanent Court of Arbitration.

3. Description of the staff employed by the Legal Service, including overseas staff

In the reorganisation of the MFA in 2008 the previous Department of Legal Affairs was divided into two new entities: the Legal Service and the Consular Services. There are currently 37 staff members working in the Legal Service in Helsinki, of whom 8 are diplomats, 20 special legal experts and 9 administrative staff. Female employees form the majority in the Legal Service, which comprises 28 women and 9 men. The administrative staff is all female, whereas 19 of the lawyers are women and 9 are men.

The Finnish Permanent Mission to the UN in New York and the Finnish Permanent Representation to the EU in Brussels each employ a legal adviser, who is not organisationally part of the Legal Service but works in close cooperation with it.

4. Specific recruitment and promotion policies, provisions and/or quotas to ensure non-discrimination and equal opportunities

Are there any specific recruitment and promotion policies, provisions and/or quotas to ensure non-discrimination and equal opportunities, e.g. for the underrepresented sex, for persons with disabilities or for persons belonging to ethnic or religious minorities or of immigrant origin?

Recruitment of OLA personnel is conducted in accordance with the applicable legislation and policies of the MFA, including the Act on Equality between Women and Men and the Non-Discrimination Act (a new Act on Non-Discrimination entered into force on 1 January 2015). The Personnel Policy for Gender Equality and Non-discrimination at the MFA (2013-2015) aims at promoting the above-mentioned questions in all personnel functions of the MFA. One of the priorities is to study reasons for unequal sex ratios and possibilities to even out sex ratios in recruitment (men are the underrepresented sex). The MFA does not apply quotas in recruitment.

5. Training on gender equality issues and mainstreaming thereof

Is OLA staff trained on gender equality issues and are these issues mainstreamed into the OLA's work?

The Action Plan for Gender Equality 2012–2015 of the Finnish Government collates the most important measures by which the Government promotes equality between women and men and combats gender-based discrimination. The Action Plan is an instrument to coordinate the Government's gender equality policy, and it incorporates measures for all the Government ministries. The Action Plan is based on the Government Programme and the first Government Report on Gender Equality, drawn up in 2010. The Government is committed to promoting gender equality in all its decision-making. The Action Plan for Gender Equality includes a specific component on gender mainstreaming, which applies to all the ministries. The ministries continue to mainstream the gender perspective in legislative drafting, budget preparation and other activities with major implications for gender equality. Furthermore, each ministry continues the work of their respective working groups on gender equality. The Legal Service is represented in the MFA working group on gender equality. Representatives of the Legal Service have participated in the training on gender equality organised by the MFA.

Gender equality and elimination of discrimination is one of the three cross-cutting objectives of Finland's human rights policy. In accordance with the Human Rights Strategy of the Foreign Service of Finland, the main goals are to mainstream gender equality issues both in civil servants' administrative work and in foreign policy issues promoted in multinational fora, for instance through continuous education.

LGBTI rights, too, are an important part of Finland's gender equality policy in accordance with the Human Rights Strategy, and the MFA organises both general and targeted education and follow-up education in this field; including in cooperation with NGOs. The MFA has also positive experience in cooperating with civil society in the promotion of gender equality.

6. Organisation and structure of the Legal Service

The Legal Service is organised in four units under the Legal Adviser:

- 1) Unit for Public International Law
- 2) Unit for EU and Treaty Law
- 3) Unit for EU Litigation
- 4) Unit for Human Rights Courts and Conventions.

Outside the abovementioned units, a Senior Adviser on International Law works directly within the OLA.

7. Position within the Ministry for Foreign Affairs

The MFA is led by the Minister for Foreign Affairs, who is in charge of this government department. The Ministry's highest-ranking civil servants are the Secretary of State and the four Under-Secretaries of State.

The duties of the Ministry are divided between eight departments. In addition, there are functions outside the departmental division, such as the Legal Service. In the administrative division, the Legal Service falls under the Under-Secretary of State for External and Internal Services.

8. Main contacts with the Government

The Legal Service provides advice specifically to the Ministry for Foreign Affairs and where necessary, to the Government as a whole. The Chancellor of Justice of the Government, along with the Parliamentary Ombudsman, is the supreme guardian of the law in Finland. The Chancellor of Justice is called upon to resolve, in particular, matters concerning the supervision of the Government, as well as matters of principle or of far-reaching consequence. However, as far as public international law is concerned, the Legal Service is the only expert body to provide advice to the Government as a whole. The Legal Service provides assistance in the coordination of treaties and other international obligations within the Government.

9. Relations of the Legal Service with lawyers in private practice, academics and legal institutions

The Legal Service is an active participant in public debates, academic conferences and seminars. The Legal Service itself, too, organises conferences and seminars on topical issues of international and EU law. These events are open to academics, practitioners and students of law and journalists. Legal officers are encouraged to participate in both national and international conferences, as well as to engage in debates and discussions on contemporary topics related to their field of expertise. The Legal Adviser chairs the National Committee of IHL. Law firms, universities and legal institutions consult frequently the Treaty Register of Finland, maintained by the Legal Service.