



VERBAL NOTE

The Permanent Mission of Finland to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights in Geneva and referring to the Office's request, dated 1st October 2013, to provide information and views for the preparation by the Office of the report related to the Human Rights Council resolution 22/7 on birth registration and the right of everyone to recognition everywhere as a person before the law, has the honour to provide the following information:

Question 1:

According to the Constitution of Finland, a child acquires Finnish citizenship at birth and through the citizenship of its parents, as provided in more detail by an Act. Citizenship may also be granted upon notification or application, subject to the criteria determined by an Act. No one can be divested of or released from his or her Finnish citizenship except on grounds determined by an Act and only if he or she is in possession of or will be granted the citizenship of another State.

Everyone is equal before the law. No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person. 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 Finland, the health care professionals (doctors, midwives, public health nurses or nurses) are under the obligation to register all births with the population register. The name and mother tongue of the child must be notified to the population register within two months of the birth of the child.

The main procedure for birth registration is that the maternity hospital or other health care unit where the birth has taken place electronically submits information of the birth of a child, directly to the centralised national population register (the Population Information System). If the birth has taken place elsewhere than in a hospital or other health care unit, the information shall be submitted by the physician, midwife, nurse or other health care professional assisting at the birth. If no health care professional has assisted at the birth, the mother or other person responsible for the care of the child shall inform a health care unit or professional, who, in turn, submits the information to the Population Information System. (Government Decree on the Population Information System (128/2010), section 32, subsections 1–3)

The birth information shall be submitted no later than the day after the birth or, if no health care professional assisted at the birth, no later than the day after the health care unit or professional was informed of the birth. The birth information shall, as a rule, be submitted electronically. If not possible, the information shall be submitted in writing to the local register office of the mother's residence. If the mother does not reside in Finland, the information shall be submitted to the local register office of the place of birth. In these

latter cases, the information is always submitted in writing. (Government Decree on the Population Information System, section 32(4))

The information thus submitted on the occasion of a birth includes the mother's name and date of birth, the sex and date of birth of the child, and the place of birth. In case of multiple births, information on the birth order of the children is also provided.

The birth registration process as set out above is swift, efficient, and comprehensive: Except for certain rare exceptions mentioned below, the child is registered in the Population Information System within just a few days from the birth. After this, the information is ready to be distributed to other relevant authorities as requested.

The name of the child is later, within two months from the birth, submitted by the parents to the local register office or to the local Evangelical Lutheran or Greek Orthodox parish, which then registers the child's name in the Population Information System.

Under the Population Information Act (661/2009), the personal data in the Population Information System is maintained for the purpose of identification of persons as well as for clarification of their status regarding personal and family law and their legal capacity. Basic personal data recorded in the system includes name, personal identity code, address, municipality of residence, citizenship, family relations, date of birth and death as well as municipality or place of birth and country of birth. By law, the local register offices issue on request from the Population Information System a certificate, extract or copy which disclose, among other things, the above-mentioned date of birth, municipality or place of birth and country of birth.

Question 2:

Beside registration of newborns and migrants, National Institute for Health and Welfare (THL) gathers socio-demographic and medical information on all newborns (live births and stillbirths from 22 weeks onwards or from 500 grams onwards) and their biological mothers to the Medical Birth Register. The register was established in 1987 to collect data for developing and organizing maternity care, obstetrical services and neonatal care. The individual-level data are also extensively used in scientific research.

The Register was reformed in 1990, 1996, and 2004 to improve its reliability. The register incorporates a data file on small preterm infants for which data have been collected since 1 November 2004. The data file contains additional data collected by means of a separate form concerning all live births in Finland with a birth weight of less than 1501 g or with a gestational age at birth of less than 32 weeks. The data are collected until the infant's age corresponds to 42weeks' gestation to improve the care of prematurely born children.

Question 3:

In Finland, information on births, deaths and marriages, as well as other personal data as regulated by law, is registered in the Population Information System. (Act on the Population Information System and the Electronic Certification Services of the Population Register Centre (661/2009), section 13; <http://www.vrk.fi/default.aspx?id=0&docid=6648&action=Publish>). The main authorities in charge of this are the local register offices (Fi. maistraatti). At national level, the Population Register Centre is in charge of maintaining and developing the Population Information System. Additionally, the Population Register Centre is responsible for maintaining uniform and consistent registration procedures throughout the country. (Act on the Population Information System and the Electronic Certification Services of the Population Register Centre, section 4)

When information on a child is registered in the Population Information System, this is considered an official record of the existence of a person and recognition of him or her before the law. Personal data entered into the Population Information System is stored permanently and is available for all Finnish authorities and, in some cases as regulated by law, for private organisations and individuals as well. (Act on the Population Information System and the Electronic Certification Services of the Population Register Centre, section 28 and the rest of chapter 4) Thus, there is no need for birth certificates within Finland, and these are not regularly issued.

If there is need for an official birth certificate for a child born in Finland, e.g. for foreign authorities, the local register office shall, on request, issue an extract from the Population Information System. This extract may include only such information as has been registered in the Population Information System. On the other hand, any information on the child (such as parent, guardianship, residency and other information) registered in the Population Information System may be included in the extract as requested.

In some very rare cases, when a child born in Finland neither is a Finnish citizen nor can be considered residing in Finland, it may not be legally possible to register the child in the Population Information System. Even then, the local register office is nevertheless obligated, on request of the mother or other person responsible for the care of the child, to issue a birth certificate based on the information provided by the maternity hospital or other health care unit or professional (Government Decree on the Population Information System, section 39(1)). As this information neither includes the child's name nor information on the father, none of these can be included in the birth certificate.

Question 4:

The registration of births in Finland is comprehensive, and no problems in the registration of births have been evident. For this reason, the authorities don't currently see any need for new programmes or measures in the field of birth registration.

Question 5:

Neither the Constitution of Finland nor the Basic Education Act set any specific conditions for access to basic education but emphasize the subjective right to education. Under section 16 of the Constitution of Finland, everyone has the right to basic education free of charge. The provision entitles everyone to participate in basic education that is free of charge. Under section 4 of the Basic Education Act, local authorities are obliged to arrange basic education for children of compulsory school age residing in their area. The Basic Education Act does not include a requirement that the municipality providing the education should be the same as the municipality of residence as referred to in the Municipality of Residence Act. It is deemed sufficient that the child's domicile in the municipality is of the kind that can be considered to be living in the municipality. Hence there is no requirement in the Basic Education Act that the child be registered or that the municipality where the child goes to school should be the same as the municipality of residence.

In Finland, access to public health care services is based on residence. The municipalities are responsible for providing all needed health care services to their residents. Thus, at the moment e.g. foreigners staying in the country without an official residence permit or health insurance are only entitled to urgent medical care in the Finnish public health care units in accordance with Section 50 of the Health Care Act (http://www.stm.fi/c/document_library/get_file?folderId=5064551&name=DLFE-17718.pdf). Section 50 provides that urgent medical care, including urgent oral health care, mental health care, substance abuse care, and psychosocial support shall be

provided for patients regardless of their place of residence. Urgent cases include cases involving an injury, a sudden onset of an illness, an exacerbation of a long-term illness, or a deterioration of functional ability where immediate intervention is required and where treatment cannot be postponed without risking the worsening of the condition or further injury.

It has been estimated that there are around three thousand undocumented immigrants living in Finland. Last August the Finnish Ministry of Social Affairs and Health assigned the National Institute for Health and Welfare (THL) to investigate the health care of undocumented immigrants living in Finland without a residence permit or health insurance. The report should be completed by January 2014, and it will cover, i.a. suggestions for measures and legislative amendments. For more information please see the press release http://www.thl.fi/en_US/web/en/news?id=34131

Question 6:

The Population Information System contains basic information about Finnish citizens and foreign citizens residing permanently in Finland. The Population Register Centre, tasked with directing and supervising population registration as well as responsibility for the central register of population (the present Population Information System), was set up in 1969. The computer-based register was introduced in 1971.

The Population Register Centre maintains the Population Information System in cooperation with local register offices. On the basis of the statutory duty to provide information, information is received from citizens and from various public authorities. The Finnish Population Information System serves a variety of societal functions including election arrangements, taxation, judicial administration, administrative decision-making and planning, compilation of statistics, research and in some cases as regulated by law, for private organisations and individuals as well. (Act on the Population Information System and the Electronic Certification Services of the Population Register Centre, section 28 and the rest of chapter 4)

The Population Register Centre develops and maintains the Population Information System. In this work, the Population Register Centre takes into account, among other things, the requirements set by the public reliability of information disclosed from the Population Information System in terms of ensuring the accuracy of the information as well as information security in connection with the automatic processing of information. In central government performance management, the Population Register Centre operates within the framework of the appropriations granted to it.

Also, please see the information provided to the question 4.

Question 7:

Please see the information provided to the question 4.

The Permanent Mission of Finland to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, 26 November 2013



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