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THE EFFECT OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND PRACTICE OF ECtHR ON THE COURT'S DECISIONS IN THE REPUBLIC OF FINLAND

The paper investigates the mechanism of implementation of the European Convention on Human Rights into the legal system of Finland.

Finland has ratified the European Convention on May 10, 1990 after the state became a member of the Council of Europe in 1989; the Convention was implemented by the Law № 439/1990 on May 18, 1990 and by the Decree of the President. Both acts came into force on May 23, 1990.

The method of implementation of the Convention was the incorporation; it means that the original text of the Convention was reproduced in the Finnish national law, it was necessary to give it legal effect in the national legislation of Finland. As a rule, hierarchical status of an international treaty, implemented in the Finnish legal system, is determined by the status of the act of incorporation.

An important achievement for Finland was the reform of basic human rights and freedoms in 1995, which is highlighted in author's article.

Furthermore, the features of the use of norms of Convention and precedents of ECtHR in practice of the Supreme Administrative Court of Finland

(SACF) and the Supreme Court of Finland (SCF) were analyzed by the author. The examples of cases involving the use of these provisions of the Convention by the Finnish courts are also presented.

It is important to note that the Finnish courts do not always explicitly refer to the ECtHR case law in their decisions, even if their effect is "clearly seen". It is an interesting observation that the Supreme Court gives a more specific reference to the judgment of the ECtHR in its activities, while the SACF relies on a vague reference. It certainly does not mean that SACF is not engaged in a complete analysis of the case law of the ECtHR in solving their cases. It is also noted that the Supreme Court in its work tends to refer to international human rights (in particular, on the provisions of the Convention).

It is concluded that courts generally accepted strong action of ECtHR practice in hearings of cases on fundamental human rights. Thus, now the Finnish courts apply the ECtHR practice "routinely" using indirect methods – the "auxiliary" and "standard" interpretation

The need for direct application of the Convention started appearing to a lesser extent, and the focus has shifted to the more frequent use of the case law of the ECtHR, as guidance on the interpretation of national law.

On the other hand, the practice of SCF and SACF in some cases shows, that they use the provisions of the Con-

vention as directly applicable, having priority over national legislation, or even cancel their earlier decisions, based on the case law of the ECtHR.

Eventually, using such practice, they confirm the existing high standards of compliance to international agreements on fundamental human rights in Finland.