



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**  
**Eighty-first session**

**Summary record of the 2192nd meeting**

Held at the Palais Wilson, Geneva, on Friday, 24 August 2012, at 10 a.m.

*Chairperson:* Mr. Avtonomov

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*The meeting was called to order at 10 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** *(continued)*

*Twentieth to twenty-second periodic reports of Finland* (continued)  
(CERD/C/FIN/20-22; CERD/C/FIN/Q/20-22)

1. *At the invitation of the Chairperson, the delegation of Finland took places at the Committee table.*
2. **The Chairperson** invited the delegation to respond to the questions raised by Committee members at the previous meeting.
3. **Ms. Tiusanen** (Finland) said that the Government intended to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) during its current term of office. In the meantime, it continued to strengthen the cultural autonomy of the Sámi and the operations of the Sámi Parliament, clarify legislation on their use of land and increase their role in international negotiations regarding indigenous rights. Talks on a Nordic Sámi Convention were under way and, although the exact content of the Convention had not yet been decided, the aim was to further guarantee the rights of the Sámi and identify obstacles to the enjoyment of their rights. Russia and its Sámi population were not part of the talks because the current model was predicated on a tradition of Nordic cooperation and long-standing practices regarding freedom of movement and social security.
4. Regarding Sámi access to natural resources, the operations of the agency that administered Government-owned land and water were being codified and other legal reforms were under way. For example, amendments to the Mining Act made impact assessments obligatory before mining permits could be issued for projects both in and outside the Sámi Homeland and stipulated that a permit could not be issued if the project, either alone, or in conjunction with others, seriously endangered Sámi livelihoods or impaired the ability of the Sámi to maintain their culture. Similar provisions had been introduced in the Water Act.
5. Section 3 of the Act on the Sámi Parliament defined objective and subjective criteria for identification as Sámi and, thereby, eligibility for election to the Parliament. The Parliament's election committee was responsible for deciding whether a person met the criteria and its decisions could be appealed to the Supreme Administrative Court. In September 2011, the Court had overruled four of the committee's decisions and ordered the inclusion of the appellants on the electoral list. It emphasized the importance of self-identification over the language criterion. A high-level working group, of which half the members were representatives of the Sámi Parliament, had recently begun to assess the need to amend the Act on the Sámi Parliament.
6. **Mr. Koskinen** (Finland), giving an historical overview of Lapland, said that the settlement of Lapland had been very different from that of the northern parts of Sweden and Norway, mainly in that the region had been co-settled by Sámi and Finns and that 97 per cent of the land was Government-owned. Therefore, and in light of the fact that only 3,000 to 4,000 of the region's 200,000 inhabitants were Sámi, it was impossible to grant the Sámi exclusive rights to reindeer herding.
7. **Ms. Arrhenius** (Finland) said that Sámi living in the Sámi Homeland were entitled to health and social services provided in their mother tongue. Thanks to Government subsidies, municipal services, such as childcare, language nests and support for the elderly, were available in the Sámi language.

8. **Mr. Kosonen** (Finland) said that the delegation could not comment on the case concerning a reindeer herding cooperative, as it was pending before the Human Rights Committee.

9. **Ms. Biskop** (Finland) said that, as provided for in the Act on Financing Education and Culture, Sámi was the language of instruction at the primary and secondary levels and was taught as either a mother tongue or a foreign language. There were no legal obstacles to education in Sámi in the rest of Finland and children living outside the Sámi Homeland were entitled to grants to study their language, subject to the availability of teachers and class size. Thus, 25 pupils had received instruction in Sámi in 2008 and 44 in 2011. A working group had put forward proposals for revitalizing the Sámi language, including: setting the minimum class size at two pupils, promoting distance learning to compensate for the lack of Sámi-speaking teachers, and considering a law on the right to receive instruction in Sámi outside the Homeland. The final version of the revitalization programme was due at the end of 2012.

10. As to the Roma population, the National Policy on Roma was focused on improving the education of Roma children and contained 147 measures, the implementation of which was shared among a range of bodies. In 2001–2002, the Finnish National Board of Education had launched a basic education project, including a study that had revealed the alarming situation of Roma children: 19 per cent repeated a year at some point, the dropout rate was 5 per cent, compared to nearly zero for Finns, half of Roma children had special education needs, only 2 per cent were enrolled in preschool education and there was very little instruction in Romani. Since 2008, municipalities had been able to apply for Government funding for the basic education of Roma and approximately 80 per cent of Roma children benefited from it. Tangible measures included fostering cooperation between home and school, setting up mentoring, establishing language nests, arranging summer courses and seminars, recruiting support staff with a Roma background and designing didactic materials with a Roma component. The University of Helsinki had been offering courses in Romani since 2010, while the Finnish National Board of Education provided continuing education courses in Romani for its teachers. As a result of the Policy, a greater number of Roma children completed their basic education, approximately 70 per cent were meeting or exceeding expectations and instruction in Romani had doubled. However, too many continued to repeat years, failed to pursue higher education or needed special support and too few were enrolled at the preschool level.

11. **Ms. Arrhenius** (Finland) said that the Ministry of Social Affairs and Health had set up a steering and monitoring committee for the National Policy on Roma, with a first progress report on implementation expected in 2013. The committee relied on 4 regional advisory boards on Roma affairs and 20 local Roma groups. The Policy contained several measures for the employment of Roma, such as guidance counselling, apprenticeships and various training opportunities, while the Ministry of Employment and the Economy was launching a pilot project, funded by the European Social Fund, to provide employment counselling services for Roma by training 12 staff with Roma backgrounds. Given that the dialect spoken by Finnish Roma was endangered, the Policy included measures to enhance the linguistic and cultural rights of the Roma; for example, a review of relevant legislation had begun in early 2012. The committee's next step would be to examine the regional and local impact of the Policy on the living conditions of Roma. In June 2012, Finland had applied to the European Union Agency for Fundamental Rights for technical assistance with evaluating the Policy.

12. **Ms. Keskinen** (Finland) said that the Advisory Board for Ethnic Relations comprised a national board and seven regional boards. The national board was composed of representatives of the Ministry of the Interior, the Ministry of Employment and the Economy, the Ministry of Education and Culture, the Ministry of Social Affairs and Health

and the Ministry of Foreign Affairs, the regional advisory boards, local and regional authorities, social partners, political parties and 10 non-governmental organizations (NGOs) working with ethnic minorities and immigrants. In addition to the regular members, who were selected for four-year terms, the Advisory Board invited experts from the Office of the Ombudsman for Minorities, the Finnish Tatar community, the Finnish Jewish community, the Finnish Ecumenical Council and the Finnish League for Human Rights. The regional boards had the same composition, with the exception of the political parties.

13. The National Discrimination Tribunal was an independent organ to which the Ombudsman for Minorities and Government bodies could turn in matters related to the Non-Discrimination Act. Its decisions carried the same legal weight as those of the regular courts and were subject to appeal. It was made up of seven members, four of whom had to be professional judges while the remaining three were experts in matters relevant to the Tribunal's remit. Claims of discrimination in housing fell within the scope of the Non-Discrimination Act, provided that the property had been publicly advertised.

14. **Ms. Tiusanen** (Finland) said that ethnic discrimination received broad coverage in the Non-Discrimination Act, which applied to both the public and private sectors and was in keeping with the European Union (EU) directive on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and the International Convention on the Elimination of All Forms of Racial Discrimination. Victims of racial discrimination had access to a wide range of criminal, civil and administrative remedies. All complaints concerning acts defined in the Act, with the exception of discrimination in employment, could be filed with the Ombudsman for Minorities or the National Discrimination Tribunal and, in some cases, with the Office of the Chancellor of Justice or the Parliamentary Ombudsman. Complaints of discrimination in the workplace were directed to the occupational health and safety authority. Equality legislation was being reviewed and amendment proposals would be submitted by 2015, with a view to adding sexual orientation and disability to the prohibited grounds of discrimination and streamlining the response to discrimination claims.

15. The 1999 Personal Data Act contained a specific prohibition against processing sensitive data, which included personal data that related to or were intended to relate to race or ethnic origin.

16. **Ms. Keskinen** (Finland) said that the absence of data on racial or ethnic origin did not pose an obstacle to monitoring for discrimination. Data on minority groups could be collected on the basis of nationality, native language and country of birth. Statistics based on nationality were useful to monitor developments in population growth, immigration and emigration rates and the rate of naturalization of immigrants. Statistics based on native language were particularly useful, since they often included immigrants, their children and even their grandchildren. The Sámi Parliament authorized the use of its electoral roll for the purposes of monitoring discrimination and data on the Roma were gathered through the Advisory Board on Romani Affairs and its four regional boards. It was relatively simple to gather information and reach the Roma community outside the capital, since the communities were small and Roma NGOs and local Roma working groups had good general information on the Roma in their area. Questionnaires placed on NGO websites and sites that were popular with young people also provided much useful data.

17. **Ms. Pietarinen** (Finland) said that ethnic profiling was forbidden under the Constitution and the Non-Discrimination Act. The police did not therefore use it in their law enforcement work. In order to prevent illegal entry into the country, as required under Finland's international obligations and the Aliens Act, the police focused on the subject for periods of several weeks as part of its list of duties. The prevention of illegal entry was based on data analysis, which sometimes indicated that large numbers of illegal immigrants had been detected at a specific location. The police did not target any particular ethnic

groups. Work was under way to ascertain whether the national regulations on the prevention of illegal entry into the country could be further clarified.

18. Police training was the main measure used to prevent the perception that the police treated minority groups less favourably than the majority population. All police training courses contained a focus on promoting tolerance, equality and an ethical approach to all situations. In order to increase police officers' awareness of multiculturalism, training programmes were delivered by representatives of minority groups where possible. In addition, cooperation activities were conducted with the relevant interest groups at the national, regional and local levels. All complaints concerning alleged violations by the police were examined independently by the National Police Board. The Parliamentary Ombudsman and the Chancellor of Justice also dealt with complaints about police activities that were submitted by individuals. Allegations of racism and racial discrimination by the police were examined appropriately. If there was any suspicion that a crime had been committed, criminal investigations were initiated under the leadership of an independent prosecutor. Another prosecutor undertook the consideration of charges. If criminal proceedings were launched, a court adjudicated.

19. The National Police Board had set up the Forum for cooperation between the police and ethnic communities in 2010. It met three or four times each year and discussed issues that were proposed by the participants, such as hate crimes and ethnic profiling. Several religious, immigrant and minority organizations were represented in the Forum. It was too soon to measure any tangible results of the Forum's activity. In December 2011, the National Police Board had approved the implementation plan for the recruitment strategy for vocational training covering the period 2011–2014. It was not yet possible to evaluate the impact of the strategy.

20. There had been no school shootings since those that had taken place in Jokela and Kauhajoki. In the wake of those events, the Government had taken several measures to prevent such incidents in the future. There were currently no large groups of neo-Nazis in Finland, just a few low-profile individuals and small groups committing isolated acts from time to time. The third Internal Security Programme and the action plan to prevent extremism had been adopted in June 2012. As a result, national and regional cooperation structures for the prevention of violent extremism were currently being set up.

21. The police were trained in how to record and take account of hate speech in criminal investigations, and officers continued to work to identify hate crimes and improve criminal investigation in that regard. They applied a low threshold for intervention in suspected hate crimes and strove to prevent and reduce racism and intolerance in general. To that end, they participated in international seminars, projects and training meetings. The police monitored developments in hate crimes and extremist activities and encouraged people to report those crimes. Neighbourhood police activities had also increased cooperation with minority groups and had made the police more approachable. Possible security threats against immigrants were included in local security planning. The third Internal Security Programme also addressed racist crime. The police were trained to identify offences committed against vulnerable groups, including ethnic minorities, and to deal with victims.

22. Given that the main detention facilities for asylum seekers were overcrowded, some asylum seekers had to be accommodated on police premises. Under the terms of the Aliens Act, interim measures other than detention were used when possible, especially for families. Detention was always used as a last resort for asylum seekers, and only when all the requirements set out in the Aliens Act were fulfilled. While single mothers and pregnant women who were asylum seekers could be detained under those provisions, the special needs of minors, victims of torture, rape and other physical or sexual violence and all other groups of vulnerable people were taken into consideration. The Government planned to prohibit the detention of unaccompanied minor asylum seekers and consider alternatives to

detention for aliens. A Ministry of the Interior working group had recently published the first draft of a proposal to amend the provisions of the Aliens Act concerning the detention of children. There was currently one detention unit for aliens, with capacity for 40 people.

23. When an accelerated procedure was applied to an asylum application, the first-instance decision on removal could be enforced eight days after the decision had been served in the case of a safe country of origin or asylum or a manifestly unfounded application. In accelerated procedures, an effective right of appeal was guaranteed by the applicant's right to request the court to prohibit or suspend the enforcement of the removal. While the Aliens Act did not oblige the enforcing authorities to await the court decision, in practice, the police usually did so. The National Police Board had issued instructions to its officers on the need to give aliens an opportunity to appeal against removal decisions and, when an appeal had been launched, the police were obliged to enquire by telephone or other means whether the court intended to prohibit the removal. Applicants for international protection were informed of the asylum procedures and their rights and responsibilities throughout the process. The police or border control authorities provided that information to applicants in their mother tongue or a language they could reasonably be expected to understand. In the initial stages of the process, NGOs provided general legal advice to asylum seekers and instructions on filing an appeal against a decision.

24. **Ms. Tiisanen** (Finland) said that, under the amendment to the Criminal Code that had entered into force in June 2011, a person who made available or otherwise disseminated among the public a message in which a particular group based on race, colour, national or ethnic origin, religion or beliefs, sexual orientation or disability or other comparable grounds was threatened, defamed or insulted was guilty of ethnic agitation and could be fined or imprisoned for up to 2 years. Aggravated ethnic agitation carried a penalty of between 4 months' and 4 years' imprisonment. The Prosecutor General gathered annual data on hate crimes, which included ethnic agitation, aggravated ethnic agitation, discrimination, labour discrimination and discrimination resulting in labour extortion. In 2011, there had been 29 prosecutions for such crimes. The Ministry of Justice gathered data on cases handled in district courts, of which there had been 12 convictions in first-instance courts in 2011. Steps were currently being taken to improve data management systems to provide more information on racist motives. In the cases detailed in paragraph 215 of the periodic report, both defendants had been found guilty, one in first instance and the other on appeal. In June 2012, the Supreme Court had handed down its first judgement in a case involving ethnic agitation. The Court had ruled that the information the defendant had published in his blog in 2008 had amounted to hate speech.

25. **Mr. Suomi** (Finland) said that all immigrants residing in Finland came under the scope of the Integration Act that had entered into force in September 2011. The Act did not define any end point for the process of integration, which in some cases could take many years. Additional details of the Act were provided in paragraphs 19 to 29 of the periodic report. All immigrants who were unemployed and registered as job seekers or who received social assistance on a non-temporary basis had the right to a personalized integration plan, as did others who were deemed to require such a plan. Integration plans could include courses in the immigrant's mother tongue, reading and writing skills and studies to complete basic education. More than 7,000 new integration plans had been drawn up in 2011. The initial results of the entry into force of the Act had included the renewal of local integration programmes by municipalities. There were plans to prepare an overall review based on the results of the system for monitoring integration and ethnic relations. That would form part of an immigration report which would be submitted to Parliament in 2013.

26. **Mr. Halttunen** (Finland) said that there were some 14,000 Somalis living in Finland, most of whom were under the age of 35. Almost 4,500 of them had Finnish nationality and there were some 450 Somali asylum seekers. Representatives of that

community had reported that they suffered racism related to their colour, religion and immigrant background. The Ministry of the Interior had appointed a group of experts on Somali issues to work from April 2011 to the end of 2012 to promote the integration of that community. The group was composed of Government officials, representatives of the Somali community, researchers and NGOs. The oldest Muslim community in Finland was the Tatar minority, of Turkish origin, which had settled there in the 1870s. The representatives of the 800 members of the community deemed their situation to be generally acceptable. They were well integrated, had a higher educational level than the majority population and had preserved their language, culture and religion. As for the Muslim community of new immigrants, in November 2006, the Islamic Council of Finland had been set up to improve dialogue and cooperation between Muslims and other religious groups and foster understanding of Islamic culture in Finland and respect for Finnish culture by the Islamic minority. The Council also aimed to prevent Islamist or anti-Muslim extremism taking hold in the country, under its terms of reference which had been decided by Muslims from an immigrant background on their own initiative. The Muslim immigrant community was estimated to number about 10,000 members.

27. There were almost 52,000 Russian speakers in Finland, constituting the largest linguistic minority group. The Finnish Association of Russian-speaking Organizations was represented on the Advisory Board on Ethnic Relations. In 2008, the Board had held a seminar to raise awareness about discrimination against Russian speakers, which had received extensive media attention. The Ombudsman for Minorities had examined the situation of Russian speakers in a study published in 2009. A further study on the employment of Russian speakers and discrimination against them at work had been published in 2010. As part of the Equality is Priority (YES) project, the Ministry of Employment and the Economy had studied good practices in diversity management in the private and public sectors in 2010 and, based on the results, had published a report which had been distributed to private companies and public-sector organizations. Discrimination in recruitment was the focus for 2012.

28. Finland had participated actively in the implementation of United Nations Security Council resolution 1325 (2000) on women, peace and security in several forums, including the United Nations, the EU and the Organization for Security and Cooperation in Europe, and under the Partnership for Peace programme of the North Atlantic Treaty Organization. In addition, a national action plan had been drawn up by a working group comprising representatives from several ministries, NGOs and research institutions. It fully supported the Government's action plan on gender equality and its objective to mainstream the gender perspective in all decision-making.

29. NGOs participated in the preparation of reports to United Nations treaty bodies under an established procedure coordinated by the Ministry of Foreign Affairs. The first draft of all reports was sent to the relevant NGOs and members of civil society working in the specific fields; they were asked to submit their comments in writing, which were then taken into consideration. In the final phase of preparation, NGOs were invited to an oral hearing and their views were incorporated into the report where possible.

30. **Mr. Kosonen** (Finland), referring to the status of the Convention in Finland, said that all human rights conventions entered into force through acts of parliament and therefore all enjoyed the same standing in the domestic legal framework. Human rights and fundamental rights had been incorporated into the Constitution in 1995. The authorities were obliged to guarantee the rights of all those within their jurisdiction; the Ombudsman ensured realization of those rights. Courts were careful to apply human rights conventions and Finland followed the principle of rights-friendly interpretation of court decisions, for example with regard to the recent Supreme Administrative Court judgement on the Sámi

electoral roll. He assured the Committee that the status of the Convention in Finland posed no problem to its implementation.

31. **Ms. Tiisanen** (Finland), responding to a question about the definition and use of the term “race” in Finnish legislation, said that the Criminal Code still contained the word “race”, whereas the Constitution and the Non-Discrimination Act referred to “origin”, which covered all grounds of discrimination, including race, colour and ethnicity. The Government had indicated that the word “race” had been intentionally excluded from the Constitution on the grounds that it was unscientific. The word remained in use within the Criminal Code owing, *inter alia*, to the number of racially motivated offences established therein.

32. Regarding the status of the Human Rights Centre, established by an amendment to the Act on the Parliamentary Ombudsman on 1 January 2012, she explained that it was one of three arms of the national human rights institution, alongside the Human Rights Delegation and the Office of the Parliamentary Ombudsman. The Ombudsman had appointed the director of the Centre in January. The Delegation, designated in March, comprised 40 prominent Finnish human rights experts, including specialized ombudsmen, academics and representatives of civil society, minority groups and the Sámi Parliament. Efforts had been made to ensure that the Centre was consistent with the Paris Principles. It was expected that accreditation for the Centre would be sought from the International Coordinating Committee of National Human Rights Institutions once it had been active for a full year.

33. **Ms. Biskop** (Finland), responding to a question about bullying, said that Finland took the issue very seriously. Under section 29 of the Basic Education Act, pupils had the right to a safe learning environment; education providers were therefore required to devise and implement plans to safeguard pupils against bullying and harassment. The KiVa programme had been launched in 2005, with funding from the Ministry of Education and Culture, to support schools in combating bullying. Ninety per cent of comprehensive schools were still implementing the programme, which had proved to significantly reduce bullying. A broad range of materials and new technologies, such as virtual learning environments, were used to foster constructive behaviour and encourage pupils to support victims of bullying.

34. The Ministry had also financed a programme, in follow-up to the MOKU project to increase understanding of multiculturalism, aimed at permanently integrating multicultural skills and anti-bullying activities into all children’s morning and afternoon activities.

35. According to a survey by the National Board of Education, bullying of Roma children — which largely consisted of ethnic name-calling — was not as prevalent as the 2009 report by the Ombudsman for Children would suggest.

36. **Mr. Vázquez** (Country Rapporteur) asked for clarification on the differing opinions among the Sámi on the recent Supreme Administrative Court judgement on the definition of “Sámi”. He also asked whether, in answering that question, the delegation would use the previous definition of “Sámi” or the broader definition put forward by the Court.

37. Regarding the history and culture of the Sámi, he asked whether the Finnish Sámi had always been able to maintain their traditional reindeer herding or whether that practice had been disturbed in the past.

38. With regard to data collection, he noted that Finland was managing to work around its legislation prohibiting the gathering of information relating to race or ethnicity. Nevertheless, that legislation was problematic, as it seemed to suggest that race and ethnicity were private matters and not to be discussed. He asked for information on the background of that legislation. Within its recently adopted national action plan, Finland

acknowledged the importance of collecting relevant data; why, then, did it maintain a law that hindered the task and was there any possibility of amending it?

39. He enquired whether there was any truth in the statement made by an NGO concerning racial profiling in the context of intensive law enforcement against illegal immigration and, if so, whether Finland was addressing the issue.

40. He would also like to know whether any non-criminal approaches had been adopted to tackle the problem of hate speech, given the fact that the delegation had indicated the limitations and difficulties of regulating the issue through criminal approaches, in particular on the Internet.

41. Finally, he asked whether Finland considered its response to racial discrimination to be fragmented, as suggested by certain NGOs, given the large number of separate entities tackling the issue.

42. **Mr. Kosonen** (Finland) said that the Government was not in a position to decide on a definition of “Sámi”. However, the judgement by the Supreme Administrative Court had sparked discussion in that regard, and the Government would explore the possibility of accepting the judgement, amending legislation or taking alternative steps, as necessary.

43. Regarding data collection, he said that it had been agreed, when drafting human rights provisions for the new Constitution in 1995, that minorities should be protected and that information about their numbers or whereabouts should not be divulged. He added that the minorities themselves had not called for such information to be published. Finland had a pragmatic approach towards minorities and adhered to the principle of self-identification, which worked effectively. The lack of an exact definition of “Sámi” or exact statistics relating to minority groups was not hindering Finland’s efforts to combat racism.

44. **Ms. Tiusanen** (Finland) said, in clarification, that the definition of “Sámi” contained in the Act on the Sámi Parliament had been created solely for the purposes of that Act, in other words to determine eligibility for inclusion on the electoral roll. A new electoral roll was established for each election; the Supreme Administrative Court judgement related to the election process of 2011, during which a number of people had filed an appeal to be included on the electoral roll. In answer to Mr. Vázquez’s question, she said that there were divided opinions on that judgement within the Sámi Parliament itself, the members of which had been elected according to the former definition of “Sámi”. She reiterated that self-identification was fundamental to such a definition. A working group had recently been established to review and amend the Act on the Sámi Parliament, on the initiative of the Parliament itself, including its provisions on the election process.

45. **Mr. Koskinen** (Finland), responding to the question about reindeer herding, explained that when the border had been drawn between Norway and Finland, approximately 200 years previously, the Finnish Sámi had been forced to restrict their herding to Finnish territory. New settlers in the traditionally Sámi-occupied northern regions of Finland had brought with them different herding practices; the two groups had formed herding cooperatives to regulate the ownership of reindeer stocks, division of land and establishment of shared herding grounds. Some Sámi families had registered ownership of land and lakes, though often in a collective way, in Finland, Norway and parts of Sweden. Over time, a certain degree of crossover had occurred between the livelihoods of Finns and the Sámi, with Finns beginning to herd reindeer and Sámi families starting to engage in small-scale farming and fishing, alongside herding.

46. **Ms. Keskinen** (Finland), in response to the question about data collection, said that there were indeed historical reasons for not gathering information on ethnic origin. It was extremely important to listen to the views of the ethnic minority groups themselves; the

Roma, for example, had always maintained that data should not be collected on the basis of their ethnicity, as such data had been used to their disadvantage in the past.

47. **Ms. Tiisanen** (Finland) said that there were currently no plans to amend the law on data collection.

48. **Ms. Pietarinen** (Finland), referring to the question about the ethnic profiling of immigrants in the enforcement of regulations on illegal entry, drew attention to the Aliens Act, section 212, which stated that the Finnish immigration service, police and border guards were obliged to ensure compliance with the provisions of the Act. The enforcement of the regulations on illegal entry was always based on analysed data and never executed randomly, and the police were careful to adhere to the rules guiding their work. An assessment of national regulations for illegal entry was currently under way, with a view to clarifying legislation if necessary. Likewise, the need to further regulate the powers of the police in that regard was being discussed. In closing, she stressed that no ethnic profiling occurred within the Finnish police service.

49. **Mr. Kosonen** (Finland), in response to the suggestion that Finland's approach to combating racial discrimination was fragmented, said that he recognized the need for efficiency in that regard. However, in his view, it was beneficial to have a large number of structures addressing the issue, as it provided opportunities for extensive dissemination throughout government, at both the national and local levels. The State was nevertheless exploring the possibility of enhancing the efficiency of Finland's municipality system from the perspective of, inter alia, tackling racial discrimination and supporting human rights and fundamental rights.

50. **Mr. de Gouttes**, in response to comments that hate and xenophobic speech was not a growing problem in Finland, drew attention to the Committee's concluding observations of 2009 (CERD/C/FIN/CO/19). In that document, the Committee had expressed concern at the persistence of racist and xenophobic attitudes among many sectors of the population and had encouraged the State party to continue its efforts to combat contemporary manifestations of racial discrimination, such as racist propaganda on the Internet, and to find ways and means to block the use of the Internet for racist purposes. He noted that Finland criminalized such acts, but stressed the importance of prevention efforts, in particular among young people, extremist groups, the media, the Internet and political figures. The issue was currently of particular interest to the Committee, owing not only to the thematic discussion due to take place the following week, but also to the recent xenophobia-motivated killings in Norway.

51. Turning to the alternative report submitted by the Sámi Council, he encouraged the State party to take note of the Council's recommendations to ratify ILO Convention No. 169 by 2015; to finalize work on the draft Nordic-Sámi Convention by 2016; and to enact legislation or to take other effective measures ensuring respect for Sámi communities' right to prior consent with regard to natural resource extraction in their traditional territories.

52. **Mr. Kosonen** (Finland) said he agreed that it was essential to take vigorous action against hate speech and xenophobia.

53. **Ms. Keskinen** (Finland) said that the Advisory Board on Ethnic Relations had held a major seminar on the subject in spring 2012 and had launched a campaign to replace hate speech on the Internet with respectful discussion and agreement to disagree. Some discussion forums on the Internet no longer accepted aliases. Cases of hate speech had been analysed with a view to ascertaining what lay behind such conduct and taking action against it.

54. **Mr. Kosonen** (Finland) said that the delegation had received the shadow report submitted by the Sámi Council the previous day. It contained a number of interesting

comments on legal and other issues and would be considered by the Government in due course.

55. **Mr. Koskinen** (Finland) said that the Sámi Council was not an official body but an NGO whose members were Sámi activists from Finland, Norway, Sweden and the Russian Federation. The Sámi Parliamentary Council, composed of Sámi representatives from the same countries, was a more official body.

56. **Mr. Lahiri** commended the progress achieved in respect of the Roma community in Finland, including the increase in school attendance and the improvement in Roma families' attitude to education. He also welcomed the State party's recognition that a pan-European approach to the problem would be helpful. Referring to the Indian origin of the Roma, he suggested that links should be forged with the Institute of Romani Studies in Chandigarh, the capital of the Indian State of Punjab.

57. The Committee was encouraged to hear about recent advances in the promotion of integration. He mentioned in particular the establishment of the Advisory Board on Ethnic Relations and of a human rights institution, the amendment of the 2007 Non-Discrimination Act, the YES project and action against discrimination in the Defence Forces.

58. Like Mr. Vázquez, he was puzzled by the State party's reluctance to compile statistics on ethnicity for historical reasons, especially since the Discrimination Monitoring Group seemed to collect similar data. The data contained in the annexes to the periodic report also contained interesting disaggregated information.

59. **Ms. January-Bardill** emphasized the importance of the strong public institutions and statutory bodies that had been established in Finland.

60. She recommended that the State party should carefully consider the Committee's general recommendation No. 34 on racial discrimination against people of African descent, and general recommendation No. 32 on the meaning and scope of special measures in the Convention.

61. **Ms. Crickley** reiterated her point that reindeer husbandry called for positive action by the State party. While she understood that both Sámi and non-Sámi farmers were involved in the cooperative, she pointed out that Sámi traditional processes formed part of their way of life and therefore required special protection.

62. The Roma were among the foremost victims of discrimination in Europe. While she welcomed the improvements in their situation in Finland, she maintained that the proportion of Roma children requiring special education, namely 50 per cent, was unacceptable. Noting that every EU member State was required to develop a Roma integration strategy by the end of 2011, she encouraged the State party to provide detailed information in its next periodic report on its efforts on behalf of the Roma community, particularly in the framework of the integration strategy. It might be beneficial to focus on changing attitudes to the Roma among the majority population and on teacher training and other creative initiatives. Referring to the greater interest that was being shown in education by Roma families in Finland, she said that similar trends were discernible throughout Europe.

63. **Mr. Diaconu** said that greater attention should be given to the self-identification of the Sámi population, for practical rather than theoretical purposes, such as ascertaining the size of the indigenous group and deciding on the composition of electoral lists for the Sámi Parliament and hence of the Parliament itself. The definition should be separated from the issue of land use. He shared the Council of Europe's view that the definition of an indigenous people must take objective cultural elements into account.

64. With regard to the amendment of section 2 of the Non-Discrimination Act, he agreed with the delegation that the exception relating to family transactions was acceptable. However, paragraph 35 of the report referred to “transactions within the private realm or the family”. He urged the State party to review the text of the Act to ensure that it did not facilitate certain categories of discrimination.

65. **Mr. Thornberry** enquired about the concept of special education for Roma children. In particular, he asked how children’s needs were appraised, what factors were taken into account and what criteria were applied. He also wished to know who decided that certain children required special education.

66. **Ms. Arrhenius** (Finland) said that the Advisory Board on Romani Affairs attached to the Ministry of Social Affairs and Health had been operating for more than 50 years. As representatives of Roma NGOs conferred with civil servants at Board meetings, it was a body that created mutual trust. The Board had gradually shifted its focus from sector to sector, including housing and education. However, major challenges remained, for instance in the area of employment.

67. In general, a twin-track approach was adopted. The Roma and other minorities and the majority were jointly provided with services, but special financial and other measures were taken on behalf of the Roma or Sámi communities.

68. **Ms. Biskop** (Finland) said that the concept of special education in Finland was very different from that applied in other countries. Very few children were placed in separate special education facilities. Instead, special support was provided during the school day. For instance, if a child needed support in mathematics before an examination, extra tuition was provided. Decisions regarding special education were taken by the school staff or principal in cooperation with the child’s parents or guardians. In exceptional cases, the assistance of medical or other experts was sought.

69. **Ms. Keskinen** (Finland) said that continuous measures were being taken to repress stereotypical attitudes to the Roma. The Roma rap music campaign had reached 3.6 million television viewers. Capacity-building programmes had been organized for Roma NGOs and there was currently a campaign to promote the employment of young Roma job seekers. School textbooks on Roma history and culture were also being developed.

70. **Mr. Kosonen** (Finland) said that the Finnish authorities would thoroughly examine general recommendations Nos. 32 and 34.

71. **Mr. Vázquez** thanked the delegation for a frank and productive dialogue.

72. Summing up, he welcomed the State party’s many initiatives, in particular the planned ratification of ILO Convention No. 169, the expansion of the scope of the Non-Discrimination Act, amendments to the Aliens Act that would, inter alia, prohibit or at least restrict the detention of unaccompanied minors, and measures to address Sámi land rights.

73. With regard to the definition of the Sámi, the role of self-identification should be clarified and assessed in conjunction with other important factors such as the right to self-determination and the right not to be subjected to forced assimilation. The issue of Sámi language rights outside the Homeland also needed to be addressed and further action should be taken to promote Roma rights.

74. The annexes to the report provided very useful data but some of them mentioned the limitations imposed by law on the collection of data relating to race and ethnicity.

75. The establishment of a national human rights institution was a welcome development and he hoped that a representative of the institution would attend the next dialogue with the Committee.

76. **Mr. Kosonen** (Finland) said he hoped that Finland would be able to report further progress in all areas and a consolidation of the relevant structures when it next appeared before the Committee.

*The meeting rose at 12.55 p.m.*