



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

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Summary record of the 2191st meeting

Held at the Palais Wilson, Geneva, on Thursday, 23 August 2012, at 3 p.m.

Chairperson: Mr. Avtonomov

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The meeting was called to order at 3 p.m.

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

Combined twentieth to twenty-second periodic reports of Finland (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. **Mr. Koskinen** (Finland) said that Finland had adopted its first National Action Plan on Fundamental and Human Rights in March 2012, with the aim of increasing awareness of those rights. The Action Plan, which included tools and indicators to assess its actual implementation, focused on strengthening cooperation between the various Finnish authorities responsible for human rights and other stakeholders. The Human Rights Centre, which was to become the national human rights institution, in accordance with the Paris Principles, had begun its work in 2012. The Centre was an independent and autonomous entity under the Office of the Parliamentary Ombudsman, but did not have the authority to receive complaints. The Advisory Board for Ethnic Relations continued its efforts to change attitudes towards immigrants and ethnic minorities through information campaigns and discussions. A 2011 decree had widened the scope of action of the Board and extended the term of office of its members.
3. Racial offences that were reported to the police were monitored annually. They had risen markedly up to 2011, but had since levelled off, thanks in part to measures encouraging victims to file complaints with the police. Once the gap between the number of cases of discrimination and the number that was actually reported had been identified, the Discrimination Monitoring Group had been tasked with studying victims' access to justice. The Criminal Code had been amended in June 2011 to make racial motives an aggravating circumstance in relation to an offence and to increase the penalties for perpetrators of online hate speech. Also, in 2011, Finland had ratified the Additional Protocol to the European Convention on Cybercrime, which had come into force in September of the same year. The National Police Board had issued instructions requiring police officers to record complaints of hate crimes in separate files so that they could be examined more closely. The Ministry of Justice was reviewing anti-discrimination legislation to incorporate new relevant European regulations. A revised text would be drafted in cooperation with social partners and civil society organizations, and then submitted to Parliament for approval.
4. The Government was planning to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and to grant greater cultural autonomy to the Saami. Their rights would be enhanced and legislation governing land use would be clarified. In August 2012, the Ministry of Justice had set up a working group to examine the possibility of revising the Act on the Saami Parliament. A working group appointed by the Ministry of Education and Culture had presented a proposal to revitalize Saami languages. In March 2012, the Ministry of Social Affairs and Health had set up a Discrimination Monitoring Group to oversee the implementation of the National Policy on Roma; the Group should submit its first report on that issue in 2013.
5. In 2010–2011 there had been 862 Roma enrolled in 329 education facilities and the enrolment rate of Roma had risen significantly since 2000. Increasing numbers of Roma pupils finished primary school, although that was not sufficient. The Government was striving to find solutions to prevent young Roma dropping out of school too early to start a family or work. Schools were taking decisive steps to fight bullying and violence in school. The KiVa anti-bullying programme had led to a drop in bullying incidents in provincial schools, although it was not known to what extent the trend affected Roma children.

Instruction in Romani had more than doubled in the previous 10 years. In 2010–2011, 149 Roma pupils had received schooling in their mother tongue. Between 2008 and 2011, 31 municipalities had received State subsidies for basic education of Roma, totalling 1.8 million euros. In April 2012, the Ministry of Environment had published a study on the housing problems of the Roma, setting out a raft of measures to be taken. The problems were due to a number of structural factors and the Roma's disadvantaged socioeconomic status, as well as to the fact that most Finns were unaware of or did not understand the cultural specificities of the Roma and that the latter were unaware of the rules and procedures for obtaining social housing. The Ombudsman for Minorities had processed 44 of the 60 complaints of discrimination in housing filed by Roma in 2011, and had found that only a small number of them had involved some form of discrimination.

6. Pursuant to the Integration Act, the Government had developed an integration programme, defining its priorities for the period 2012–2015. The programme considered the needs of foreign nationals in all areas, especially employment, education, housing and social and health-care services. The Government would prepare a report on integration, which would be submitted to Parliament at the end of 2013. The measures taken in 2011 to correct the underrepresentation of third-country nationals in the civil service were in effect, and the special measures adopted for their benefit would be extended to the security sector. As part of the third Internal Security Programme, which aimed to prevent and address the population's major day-to-day security issues, Finland planned, among other activities, to launch a campaign, in cooperation with migrant associations, to ease the criteria for filing complaints of racist offences. Immigrants would be surveyed regularly to gather their views on their safety and any racist offences committed against them that had not been reported to the police. Most immigrants lived in State-subsidized social housing. Local authorities were responsible for selecting recipients based on their needs and income, with priority given to the homeless. Recent studies had revealed that immigrants tended to live in the same areas for a variety of reasons and were particularly hard hit by rising real-estate costs and the dearth of housing. Some had trouble finding homes on the private market owing to their low income and the population's negative attitude towards them. The Government had established a specific programme to prevent the segregation of immigrants in the housing sector. In March 2011, the Ministry of the Interior had decided to consider the possibility of changing the conditions for granting and financing legal aid to persons applying for international protection. It had been recommended that reception centres should continue to grant and finance legal counselling services.

7. Under the Aliens Act, a detained foreigner must be placed in a holding centre and could only be detained in police facilities exceptionally. Finland had a holding centre for foreigners with a capacity of 40, but was unable to increase that capacity or establish a new centre, owing to a lack of resources. The Aliens Act stipulated that the authorities responsible for holding foreigners were obliged to release them once holding them was no longer justified. District courts systematically reviewed cases and, when holding orders were extended, the case was reviewed two weeks after the decision. Although those decisions were not appealable, detained individuals could file a complaint regarding district court decisions.

8. Asylum seekers were entitled to legal aid and interpreting services. Decisions to grant or deny asylum were based on the grounds put forward by applicants and all the criteria related to their country of origin. Once an accelerated expulsion procedure was under way, an appeal to the administrative court did not suspend enforcement of the decision, which took place eight days after service of the decision on the interested party. The new Government programme stipulated that unaccompanied underage asylum seekers could not be placed in detention and had the right to go to school. In January 2012, the Ministry of the Interior had formed a working group to draft a trafficking in persons bill, which would address identification of victims and communication between authorities and

other victim assistance organizations, among other issues. The group would also consider possible amendments to the Criminal Code.

9. **Mr. Vázquez** (Country Rapporteur) noted with concern that the 2004 Non-Discrimination Act, as amended in 2009, did not protect individuals against discrimination in the private or family sphere. The delegation should comment on reports received by the Committee that Roma were suffering discrimination in private real estate transactions and retail businesses. He noted that the institutional apparatus for enforcing anti-discrimination legislation was complex. He commended the work of the Ombudsman for Minorities and the National Discrimination Tribunal, but requested further information on the outcome of court cases and the remedies available. Some non-governmental organizations (NGOs) had expressed concern about the piecemeal implementation of non-discrimination laws, as the various areas covered by the Convention were dealt with separately. Such a piecemeal approach parcelling could create problems, for example in cases of multiple discrimination. Similarly, the fact that a large number of bodies dealt with discrimination issues could impair the effectiveness of anti-discrimination measures. He asked what the delegation's position was on the topic and how jurisdiction was divided between the Government and the municipalities. Noting that the national human rights institution did not handle individual complaints, he asked whether they were processed by other entities. He also asked for additional information on the financing of the institution and the independence of its members.

10. He noted that the Ministry of the Interior had set up a discrimination monitoring project to gather data on the implementation of the Non-Discrimination Act, but expressed concern about the restrictions on the gathering of data disaggregated by race and ethnicity. The delegation should explain the nature of the restrictions and indicate whether the Government was planning to lift them. He asked about NGO participation in the preparation of the periodic report. He requested further information on the implementation and effectiveness of the Government's Roma policy. He commended Finland's pre-eminent role in protecting the Roma internationally, and particularly in Europe. Regarding immigrants, he noted with concern that some nationalities were particularly vulnerable to discrimination and suffered segregation. The new Integration Act appeared to serve a useful purpose and he invited the delegation to provide details on the results of its implementation. According to NGOs, the police conducted annual checks on migrants, arresting and searching individuals who appeared to be foreign, especially on public transport, which amounted to racial profiling. The delegation should indicate whether that information was correct and, if so, whether the Government intended to instruct the police to end the practice.

11. He asked whether foreigners were informed of their right to appeal expulsion orders. He pointed out that expelling foreigners whose appeals were under consideration was a violation of their rights under the Convention relating to the Status of Refugees. He also noted with concern that municipalities, which were responsible for providing housing to foreigners entering the country legally, had insufficient resources at their disposal. Noting that Finland had become a party to the Additional Protocol to the European Convention on Cybercrime and that the criminal provision regarding ethnic agitation had been modified to apply to online hate speech, among other acts, he asked for further details on the scope of the law.

12. He wished to know how Saami rights, particularly their land rights, were treated in Finland, pending conclusion of the negotiations on the Nordic Saami Convention. He was concerned that reindeer herding, an activity traditionally reserved for the Saami, was being opened up to European citizens, and asked how the situation was evolving.

13. **Ms. Crickley** asked whether the national human rights institution had applied for A status, i.e. full compliance with the Paris Principles, which she thought implausible given

its composition. She regretted the absence of NGOs alongside the Finnish delegation and asked how civil society was involved in the implementation of the provisions of the Convention. Concerned by the situation of the Roma and the discrimination they suffered in several areas, she wished to know whether the new integration plan included the speedy adoption of positive measures for their benefit in areas such as housing, education and employment. She enquired about the specific objectives of the national policy to combat racial discrimination against migrants and refugees. She also asked about the results of the first National Action Plan 2008–2011 on the implementation of United Nations Security Council resolution No. 1325 and its effect on the situation of migrants and refugees. In that connection, she asked what measures were planned to combat direct discrimination against migrants and refugees. She welcomed Finland's intention to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) by 2015 and requested further information on that topic. She asked what positive measures the Government was considering to preserve traditional Saami reindeer herding. She said that additional resources would be needed to guarantee instruction in the Saami language across the country.

14. **Mr. Diaconu** requested further details about the legislation on Saami land rights adopted in 2011 and recalled that several cases had been brought before the European Court of Human Rights. The Saami Parliament should be able to adjudicate on land rights, but that was not currently within its purview. Pointing out that none of the 1,028 racist messages reported in 2010 had constituted an offence under the law, he asked what additional protection the new Criminal Code would provide against the dissemination of racist or discriminatory material on the Internet.

15. He noted that, despite the policy adopted in favour of the Roma, the economic status of some Roma children remained precarious. Finland should take the necessary measures to enable them to go to school and exercise their fundamental rights. He encouraged the State party to continue its efforts to ensure that children under international protection who could not attend school because of their status were able to exercise their right to education. Saami children living outside the Saami territory should have access to instruction in both Finnish and Saami. He asked what had been the outcome of the proceedings for ethnic agitation initiated in 2007. Lastly, he said that excluding the private sphere from the scope of the law against discrimination on grounds of racial origin violated the Convention and recalled that, in its general recommendation No. 15 on article 4 of the Convention, the Committee had stated that the private sphere did in fact fall within the scope of the Convention.

16. **Mr. de Gouttes** asked whether the interministerial working group tasked with revitalizing the Saami community was involved in the negotiations on the Nordic Saami Convention initiated in 2011, and requested an update on the negotiations. A preliminary assessment of the Integration Act, which had entered into force in September 2011, would be useful, as would an evaluation of the mechanism set up by the Ministry of the Interior to monitor integration and ethnic relations.

17. Noting that few cases of racial discrimination had ended in conviction, he asked whether it was fair to conclude that offences in that area were not handled with sufficient severity. He wished to know how the offence of ethnic agitation was defined and reminded the State party of the Committee's general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system. He enquired about the nature and remit of the National Discrimination Tribunal. Citing two school shootings, the perpetrators of which had been inspired by violent online videos, he asked whether other similar events involving youths had taken place since 2010.

18. **Mr. Murillo Martínez** enquired about the results of the strategy to integrate migrant workers into the labour market and whether there was an unwritten rule that they were the first to be laid off in periods of economic difficulty, which would explain the high

unemployment rate among that population. He requested statistical data on persons from minority groups working in the police. He asked what follow-up there had been to the study entitled "A wish for a diverse tenant structure", the findings of which advocated less geographic concentration of migrants and Roma. Lastly, he asked for further information about the No Racism programme mentioned in the report.

19. **Mr. Kemal** asked whether migrants and persons belonging to a national or ethnic minority, including Roma, felt that the police were hostile towards them and therefore did not file complaints for discrimination. If so, what was the State party doing to solve that problem? Noting that handbooks promoting awareness of discrimination were used in police training and that a forum had been set up in 2010 by the National Police Board to promote cooperation between the police and ethnic communities, he asked whether the authorities had received feedback on the results of those initiatives. He wondered why only 30 per cent of complaints of racial discrimination were deemed admissible and only a very small number of them led to prosecutions.

20. **Mr. Thornberry** pointed out that, in its shadow report to the Committee, the Saami Council had stated that some of the decisions of the Supreme Administrative Court put the Saami at imminent risk of assimilation, especially those decisions in which the Court had ruled that self-identification as Saami was a sufficient criterion for recognition as a member of that minority. He asked the delegation for comment on those allegations.

21. **Mr. Cali Tzay** said that he had taken due note of both the State party's intention to ratify ILO Convention No. 169 and the improvements to legislation governing the exploitation of natural resources, but would like to know why the State party continued to refuse explicit recognition of Saami land rights. Speaking as a member of the Maya Kaqchikel minority, he confirmed that self-identification was not in itself enough for a person to be considered as belonging to an indigenous group. Official recognition of a given group was more important than self-identification, and other elements, such as culture, traditions and dress, should also be taken into account.

22. **Mr. Saidou** noted, from paragraph 237 of the report that only three international instruments were included in primary and secondary school curricula. He asked whether it was possible to expand that list to encompass the 10 core United Nations human rights instruments and some ILO conventions, such as Convention No. 169. Observing that the terms "refugee" and "immigrant" appeared at times to be used interchangeably in the report, he called on the delegation to clarify that point.

23. **Ms. January-Bardill** pointed out that the concept of race seemed to be dropping out of use in European States parties and that, to avoid all reference to skin colour, terms such as "migrant" or "foreigner" were increasingly preferred to "black". Yet it should not be forgotten that racial discrimination was the primary focus of the Convention and that, by refraining from using the word "race", States parties and the Committee could be depriving themselves of effective means of protecting the rights of certain categories of people. The report contained several examples of the State party's reluctance to call things by their name. For instance, although the Finnish police collected data on the racist motives of offences and produced relevant statistics, the concept of racial offence was not defined in the Criminal Code. It was also regrettable that the term "ethnic agitation" was used in criminal legislation to mean incitement to racial hatred because the euphemism could benefit perpetrators of such offences to the detriment of victims. The word "race" was not among the prohibited grounds for discrimination listed in section 56 of the Conscription Act (para. 46 of the report), which was contrary to article 1 of the Convention. She asked whether the State party intended to fill that gap. In addition, she requested further information about the 2010 Integration Act because it was not clear whether the State party considered integration as the means to an end or an end in itself. Lastly, she enquired about the composition of the Advisory Board on Ethnic Relations.

24. **Mr. Lindgren Alves** said that he shared Ms. January-Bardill's concerns about the dwindling use of the word "race", which was wrongly considered politically incorrect. He asked for an explanation of the confusing term "ethnic agitation". He also asked whether there were any neo-Nazi groups in Finland.

25. **The Chairperson** drew attention to the fact that Saami lived on the territory of four States, namely, the Russian Federation, Finland, Norway and Sweden, but regrettably the Russian Saami were not taking part in the negotiations on the draft Nordic Saami Convention. It would be interesting to know whether the State party had any ideas about how to resolve that situation.

The meeting rose at 6 p.m.