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

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**committee on the elimination of racial discrimination**

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE  
CONVENTION**

**Nineteenth periodic reports of States parties due in 2007**

**Addendum**

**FINLAND \* \*\***

[16 August 2007]

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## **Introduction**

This is the combined seventeenth, eighteenth and nineteenth periodic reports submitted by the Government of Finland on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

As recommended by the Committee on the Elimination of Racial Discrimination, the present report addresses in particular the matters raised in the concluding observations that the Committee adopted after considering the sixteenth periodic report of Finland at its sixtythird session in August 2003 (CERD/C/63/CO/5). In addition, the report includes further information on recent legislation and measures taken in order to eliminate racial discrimination.

The report was drafted by the Ministry for Foreign Affairs in close cooperation with various ministries and other authorities. Non-governmental organizations and some other bodies were asked to issue written statements for the preparation of the report. In addition, an open hearing was organized in June 2007 for public authorities, non-governmental organizations (NGOs), labour market organizations and advisory boards, giving them an opportunity to present their views and comments on the draft report.

The report was submitted to the Committee on the Elimination of Racial Discrimination in August 2007.

## **Further information**

For further information on human rights conventions and on periodic reports concerning their implementation, please contact the Unit for Human Rights Courts and Conventions of the Legal Department of the Ministry for Foreign Affairs of Finland, at the following address:

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## **I. GENERAL**

### **A. General information on Finland**

#### **History**

Finland was part of the Swedish realm from the twelfth century until 1809. As a result of the Swedish-Russian war in 1808-1809, Finland was separated from Sweden and annexed to the Russian Empire as an autonomous Grand Duchy. However, the constitutional laws and other laws enacted by Sweden were maintained as the foundation of government in Finland. In 1809, an

independent central government was created for the country. Finland was declared independent on 6 December 1917. It became a member of the United Nations on 14 December 1955, of the Council of Europe on 5 May 1989 and of the European Union on 1 January 1995.

## **Form of government and administration**

Finland is a sovereign republic. The rule of law is respected, which means that public sector activities are governed by law. Legislative power is exercised by a one-chamber Parliament with 200 members, which is elected every four years. Executive power is vested in the President of the Republic and in the Government, which currently consists of 20 ministers. The President is elected directly by the people every six years. Judicial power is exercised by independent courts of law.

The public administration consists of the highest governmental organs and of a system of State administration divided into central, regional and local government. Municipalities and some elements of the church administration are part of the public administration.

## **Population**

At the end of 2006, the population of Finland numbered 5,276,955 persons, of whom 49 per cent were men and 51 per cent women. During 2006, the population of Finland increased by 4 per cent (21,375 persons).

Of all permanent residents of Finland, 97.7 per cent (5,155,216 persons) were Finnish nationals and 2.3 per cent (121,739 persons) had some other nationality. During 2006, the number of foreign citizens grew by about 6.5 per cent (7,887 persons). Nationals of Russia (25,326), Estonia (17,599), Sweden (8,265) and Somalia (4,623) were the largest groups of aliens residing in Finland (see table 1).

## **Languages**

The national languages of Finland are Finnish and Swedish. At the end of 2006, 91.5 per cent (4,828,747 persons) of the population in Finland spoke Finnish and 5.5 per cent (289,609) Swedish as their mother tongue. Further, 0.03 per cent (1,772 persons) of the population spoke Sámi and 3.0 per cent (156,827) other languages as their mother tongue. The largest groups of people speaking other languages were those speaking Russian (42,182 persons), Estonian (17,489), English (9,659), Somali (8,990) and Arabic (7,564) (see table 2).

## **Religion**

The Constitution of Finland guarantees all people the freedom of religion and conscience, including the right to profess and practice a religion, the right to express one's convictions, and the right to belong or not to belong to a religious community. Religious education is provided by comprehensive schools and general upper secondary schools, in accordance with the pupils' religion. The Church has the right to levy church tax at a fixed rate on the basis of income defined for the collection of municipal income tax. At the end of 2006, 4,347,510 people (82.4 per cent) of the population in Finland belonged to the Evangelical Lutheran Church, 58,032 (1.1 per cent) to the Orthodox Church and 64,166 (1.2 per cent) to other religious communities, and 807,247 (15.3 per cent) did not belong to any religious community.

## **Minority groups**

Except regarding the Sámi and the different groups of immigrants, there are only estimates on the numbers of minorities in Finland, for the national data protection legislation prohibits the storage of sensitive personal data related to such issues as race and ethnic origin. Statistics on persons are mainly based on mother tongue and nationality.

The Sámi are an indigenous people, numbering approximately 8,000. Slightly fewer than half of them live in the Sámi Homeland in northern Lapland and the rest in other parts of the country and abroad. In the Sámi Homeland, the Sámi constitute a minority of one third of the entire population.

There are about 10,000 Roma in Finland. Most Roma reside in the largest cities in southern Finland. About 3,000 Finnish Roma live in Sweden.

There are approximately 1,500 Jews in Finland. Most of them live in the surroundings of Helsinki. There are Jewish congregations in Helsinki and Turku.

The Tatars are a Turkish-related Islamic minority. The ancestors of this minority immigrated to Finland between 1870 and 1925. There are some 800 Tatars living in Finland, mostly in the capital district.

The historical Russian-speaking population (approximately 5,000 persons) that has lived in Finland since the turn of the twentieth century has been joined by a large number of new immigrants during the last decade. Thus the Russian-speaking persons constitute the largest language group in Finland after the speakers of Finnish and Swedish.

## **B. International conventions**

### **Conventions of the United Nations**

Finland reconsidered ratifying the International Convention on the Protection of All Migrant Workers and Members of Their Families in 2005. No ratification is foreseen at the present time.

## **Conventions of the Council of Europe**

The European Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages entered into force in Finland in 1998.

Finland ratified the revised European Social Charter in June 2002, as well as Protocol No. 12 to the European Convention on Human Rights, laying down a general prohibition of discrimination, in December 2004.

The European Convention on Nationality and the United Nations Convention on the Reduction of Statelessness will be ratified during 2007.

In 2008, Finland will probably ratify the Additional Protocol to the European Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computers. Finland signed the Additional Protocol in January 2003.

Finland reconsidered ratifying the European Convention on the Legal Status of Migrant Workers in 2005. No ratification is foreseen at the present time.

## **C. International monitoring bodies**

### **European Commission against Racism and Intolerance (ECRI)**

The European Commission against Racism and Intolerance (ECRI) issued its third report concerning Finland in May 2007. The preparation of the report included a country visit, during which a delegation of ECRI met with representatives of authorities and NGOs in different parts of Finland.

### **European Monitoring Centre on Racism and Xenophobia (EUMC)**

The 2006 annual report of the European Monitoring Centre on Racism and Xenophobia (EUMC) was published in November 2006. The report provides, in respect of the EU member States, an overall review of racist violence and crime, employment, education, housing and legislation. The material for the report is collected by the RAXEN network (the Racism and Xenophobia network), which consists of the National Focal Points in the EU member States. The National Focal Point in Finland is the Finnish League for Human Rights, which has annually published a report on racism and ethnic discrimination in Finland ("Rasismi ja etninen syrjintä Suomessa") as part of its activities within the RAXEN network.

At the beginning of 2007, the EUMC became the European Union Agency for Fundamental Rights. Although the Agency has a larger sphere of responsibilities than the earlier EUMC, it still deals with issues of racism and xenophobia.

## **D. National legislation**

### **Non-discrimination legislation**

Section 6 of the Constitution of Finland contains both a general equality provision and an extensive prohibition of discrimination covering all spheres of life. In addition, there are many non-discrimination provisions in the Non-discrimination Act and special acts.

The Non-discrimination Act (21/2004) took effect on 1 February 2004. It implemented Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive (2000/78/EC) establishing a general framework for equal treatment in employment and occupation.

The purpose of the Non-discrimination Act is to foster and safeguard equality and to enhance the protection provided by law to victims of discrimination in cases that fall under the scope of the Act. It also contains provisions on prohibited grounds for discrimination and legal remedies available to victims of discrimination.

Compliance with the provisions of the Act is supervised by the Ombudsman for Minorities and the National Discrimination Tribunal from the viewpoint of ethnic origin, and by occupational safety and health authorities from the viewpoint of employment relationships and service relationships (including traineeships) governed by public law.

The legal remedies available to victims of ethnic discrimination are the rights to bring criminal action, to bring civil action in order to get compensation, and to bring the case before the National Discrimination Tribunal. In some cases, compensation may be claimed for damage caused by discrimination. The Ombudsman for Minorities issues advice, instructions and recommendations in cases of ethnic discrimination. Victims of work discrimination may consult the relevant Occupational Safety and Health Inspectorate, irrespective of the grounds for discrimination.

The non-discrimination legislation as a whole is being further developed with the purpose of basing it on the Finnish system of basic rights and on the principle of equal remedies and sanctions for all grounds of discrimination. A committee set up by the Ministry of Justice will, in 2007-2009, examine the need to revise the provisions on non-discrimination, discrimination and gender equality laid down in this legislation. In connection with the reform, the position, tasks and powers of the existing non-discrimination ombudsmen, i.e. the Ombudsman for Minorities and the Ombudsman for Equality, will be adjusted to the extent necessary.

### **Non-discrimination legislation on the Åland Islands**

The aforementioned anti-discrimination directives of the European Community were implemented on the Åland Islands in December 2005 by a Provincial Act on the prevention of discrimination in the Province of Åland (*Landskapslag om förhindrande av diskriminering i landskapet Åland*). In addition, the equal treatment provisions of seven existing acts were amended so as to comply with the directives.

In 2006, an office of an independent ombudsman for discrimination was established on Åland. The Ombudsman's task is to promote and ensure equal treatment on the grounds of ethnic origin, religion and belief, disability, age and sexual orientation. An Equality Council was appointed to assist the Ombudsman. Towards the end of 2007, the first study on discrimination on Åland will be completed.

## **Penal Code**

In 2003, the Penal Code was supplemented with a provision (Chap. 17, sect. 1a) that criminalizes participation in the activity of a criminal organization and is applicable, inter alia, when an organized criminal group aims at ethnic agitation against a certain population group. The penalty may be a fine or imprisonment for at most two years.

The Penal Code was also supplemented with a provision on racist motives as grounds for increasing the severity of a punishment (Chap. 6, sect. 5 (4)). According to the new provision, a punishment may be increased if the offence has been directed at a person belonging to a national, racial, ethnic or other population group due to his/her membership in such a group.

The other specific provisions of the Penal Code regarding racial discrimination are Chapter 11, section 8 (ethnic agitation), Chapter 11, section 9 (discrimination in the exercise of a profession or in the provision of a public service), Chapter 47, section 3 (work discrimination) and Chapter 47, section 3 a (usury-type work discrimination).

## **Language Act and Sámi Language Act**

The completely revised Language Act, which is applicable to the national languages of Finland - Finnish and Swedish - entered into force at the beginning of 2004. According to the new Act, an authority shall ensure in its activity, on its own initiative, that the linguistic rights of private individuals are secured in practice, without their needing specifically to refer to these rights.

Also, the earlier general act on the linguistic rights of the Sámi has been replaced by a new Sámi Language Act. This Act took effect at the same time as the Language Act, emphasizing similarly the obligation of the authorities to ensure on their own initiative that the linguistic rights are secured. According to an express provision in the Act, the Sámi language refers to all three Sámi languages spoken in Finland: Inari Sámi, Skolt Sámi and Northern Sámi.

Pursuant to the Language Act, a report is submitted periodically to Parliament (the first report was given in 2006), and a report required by the Sámi Language Act will be submitted to the Sámi Parliament in 2007.

## **Nationality Act**

A new Nationality Act was adopted and came into effect in June 2003. One of the main new elements introduced by the Act is the acceptance of multiple nationality as a general principle. Since the entry into force of the new legislation, the number of applications for naturalization has grown.

## **Aliens Act**

A new Aliens Act took effect on 1 May 2004. The new Act contains more specific provisions on aliens' rights and obligations than the previous one. It also contains provisions on procedures that were earlier governed only by administrative practices, for example detailed provisions on the issuance of extended permits and permanent residence permits. It also reiterates the central provisions of the Schengen acquis related to visas.

The provisions of the Aliens Act on asylum procedures that entered into force in 2000 remained mainly unchanged in the new Act (see Finland's sixteenth report, pp. 124-135). Their structure was clarified and the responsibility for conducting asylum interviews was nearly entirely transferred from local police authorities to the Directorate of Immigration. In addition, they stipulate the conditions, procedures and competence for decisions taken on the admission of quota refugees.

The appeals system provided by the Aliens Act remained mainly unchanged. The new Act clarified the provisions on appeals and improved the legal safety of aliens. The time for appeal is in all cases 30 days, as prescribed by the Administrative Judicial Procedure Act, and the right of appeal has been extended to concern nearly all decisions on residence permits, but not visas.

In cases of family reunion, social welfare and health care authorities may also be requested to issue an opinion on a person's social state or state of health. The authorities have taken measures to improve the position of minor asylum-seekers staying alone in Finland by developing their mutual exchange of information and the tracing of these minors' parents. In 2006, the Aliens Act was supplemented with a provision on the right of the Directorate of Immigration, the district police and the frontier guard to obtain information about unaccompanied minor asylum-seekers and their family members from a reception centre and a provision on the tracing of parents of unaccompanied minor asylum-seekers or other persons having de facto care and custody of them.

## **Act on the Exercise of Freedom of Expression in Mass Media**

The Act on the Exercise of Freedom of Expression in Mass Media (460/2003) took effect at the beginning of 2004. This Act lays down more detailed provisions on the exercise of the freedom of expression in mass media, as required by the relevant provision of the Constitution.

Offences in which publishing or marketing the content of a message, distributing it to the public or making it otherwise available to the public is one of the essential elements of the offence or an essential element of the act may constitute offences related to the freedom of expression.

The most important racist offences punishable by the Penal Code that are or may be based on the content of a published message are ethnic agitation (Chapter 11, section 8, of the Code), breach of the sanctity of religion (Chap. 17, sect. 10), invasion of personal reputation (Chap. 24, sect. 8), defamation (Chap. 24, sect. 9) and aggravated defamation (Chap. 24, sect. 10).

## **Reforms concerning the media**

The amended Act on Yleisradio Oy (the Finnish Broadcasting Company Ltd), which entered into force in 2005, puts an emphasis on multiculturalism and obligates the broadcasting company to produce programmes that are more explicitly than before tailored to different linguistic and cultural groups.

The Finnish Broadcasting Company has adopted a strategy on services for special and minority groups in order to support and strengthen the visibility and position of different groups in its activities and recruitment. When preparing the strategy, the Company heard representatives of different minority groups. The proposals made in the strategy will be carried out gradually by the year 2010.

The Government Programme of 2007 contains a new criterion for press subsidies. Earlier, these subsidies were mainly granted to political press only. Now, a national minority language is another eligibility criterion for selective press subsidies. Selective press subsidies include funds for the provision of news in Swedish. A total of 500,000 euros will be allocated for selective subsidies.

## **E. Bodies supervising compliance with the prohibition of discrimination**

### **Chancellor of Justice of the Government and Parliamentary Ombudsman**

Supervising the implementation of basic rights and liberties and human rights was one of the specific tasks entrusted to the Parliamentary Ombudsman and the Chancellor of Justice of the Government in connection with the national reform of basic rights and liberties in 1995. These supreme guardians of legality monitor the implementation of basic rights and liberties and human rights as a whole.

### **Ombudsman for Minorities and National Discrimination Tribunal**

The Ombudsman for Minorities, which started work in 2001, is responsible for advancing good ethnic relations in Finland and monitoring the status and rights of ethnic minorities. The Ombudsman's tasks were increased by a legislative amendment (22/2004) that took effect on 1 February 2004 in connection with the enactment of the new Non-discrimination Act. In addition to issuing guidance, advice and recommendations, the Ombudsman supervises compliance with the Non-discrimination Act outside employment relationships and service relationships governed by public law.

The National Discrimination Tribunal is an independent organ appointed by the Government to promote legal protection. Based on the Non-discrimination Act, the activities of the Tribunal increase de facto access to legal protection. The Tribunal does not replace existing legal remedies or review bodies, and it does not have any authority to amend decisions of other public authorities.

The Ombudsman for Minorities or a victim of discrimination may refer a matter of ethnic discrimination to the National Discrimination Tribunal, which may confirm conciliated settlements between the parties or prohibit any continued or repeated behaviour that infringes the prohibition of discrimination or reprisals. The Tribunal may also impose conditional fines to enforce compliance with its decisions, and, if necessary, order a payment of these fines. Moreover, a court of law, the Ombudsman for Minorities, other public authorities or voluntary associations may request the opinion of the Tribunal on the application of the Non-discrimination Act to any matter of ethnic discrimination.

The Government Programme for 2007-2011, an aggregate responsible for migration and integration will be established in connection with the Ministry of the Interior. In the future, the Office of the Ombudsman for Minorities and the National Discrimination Tribunal will, pursuant to the relevant legislation, operate as independent and separate authorities in connection with the Ministry of the Interior. There is concern in many quarters about this reform, for the Ombudsman supervises the activities of, for instance, the Directorate of Immigration and the police, which are subordinate to the Ministry. The authorities will try to ensure independence - also in the eyes of outsiders - by such means as separate premises and information.

### **Ombudsman for Discrimination and Equality Council of the Åland Islands**

In 2006, an office of an independent ombudsman for discrimination was established on Åland. The Ombudsman's task is to promote and ensure equal treatment on the grounds of ethnic origin, religion and belief, disability, age and sexual orientation. An Equality Council was appointed to assist the Ombudsman.

## **F. Advisory boards and commissions**

### **Advisory Board on Human Rights (IONK)**

The Advisory Board on Human Rights (IONK) operates as an independent advisory body on human rights issues within the Ministry for Foreign Affairs since 1988. The seventh term of the Board came to an end in February 2007.

## **Advisory Board on Language Issues**

The Advisory Board on Language Issues is a permanent expert body and preparatory body, working in connection with the Ministry of Justice since 2004. The Board consists of experts of those sectors of society where the implementation of linguistic rights is particularly vital, for example the judiciary, social welfare and health care, municipal administration, aliens and immigration issues, and education.

The Board is primarily responsible for monitoring the implementation and application of the Language Act, but it may also engage in the drafting and monitoring of legislation on other languages, foster the development of the linguistic conditions in Finland and submit initiatives for the promotion of linguistic rights and the realization of linguistic equality.

## **Advisory Board for Minority Issues**

The Ombudsman for Minorities is assisted by the Advisory Board for Minority Issues, set up for the years 2005 to 2008. This Board is responsible for issues concerning the prevention and monitoring of ethnic discrimination, and supervision of non-discrimination. It also promotes related cooperation between different authorities. The Ombudsman for Minorities is the chairman of the Board, which consists of 14 members. They represent State authorities, trade unions, national minorities and NGOs focusing on human rights.

## **Advisory Board for Ethnic Relations (ETNO)**

The purpose of the Advisory Board for Ethnic Relations (ETNO) is to develop interaction between authorities, NGOs and the political parties represented in Parliament, as well as immigrant and ethnic minorities at national, regional and local levels. The Board assists authorities as an immigration policy expert in developing an ethnically equal and diverse society.

The Government has appointed the current, reformed Advisory Board for Ethnic Relations for a three-year term from 2005 through 2008. Its members were selected among candidates nominated by organizations that were selected through an application procedure. All candidates were immigrants or members of ethnic minorities. In addition to the national Advisory Board, the Government has appointed three regional Advisory Boards for Ethnic Relations and working groups dealing with different sectors of issues.

Due to the reorganization of certain administrations pursuant to the Government Programme 2007-2011, the Advisory Board for Ethnic Relations will operate in connection with the Ministry of the Interior as from 1 January 2008.

## **Advisory Board on Romani Affairs (RONK)**

The work of the Advisory Board on Romani Affairs (RONK) began in 1956. In addition to the national Advisory Board, regional Advisory Boards on Romani Affairs were established in 2004, with Roma and representatives of authorities as members.

As cooperation and expert bodies between authorities and the Roma, both the national Board and the regional Boards are responsible for such tasks as monitoring the development of Roma people's opportunities for societal participation and their living conditions, submitting initiatives and promoting the Roma language and culture.

## **Advisory Board on Sámi Affairs**

The Advisory Board on Sámi Affairs, consisting of 12 members, works in connection with the Ministry of Justice for the coordination and consistent preparation of issues concerning the Sámi population. The Advisory Board's tasks include monitoring the development of Sámi people's legal, economic, social and cultural conditions and employment conditions. It also monitors the realization of regional policy objectives in the Sámi Homeland. On the basis of its observations, it submits proposals and initiatives on these issues to the relevant ministries.

The Government appoints the Advisory Board for four years at a time, and its current term ends in March 2008. The Sámi Parliament nominates six members, and the other members represent the Government.

## **Sámi Parliament**

The Sámi Parliament (Sámediggi) was founded by a separate act in 1996. It is a body of cultural autonomy, which continues the work of the Sámi Delegation (Sámi Parlamenta), which was operative from 1973 to 1995. The Parliament's most important task is to plan and implement the cultural autonomy guaranteed by the Constitution of Finland for the Sámi as an indigenous people.

The Sámi Parliament is the supreme decision-making body of the Finnish Sámi. It falls within the authority of the Ministry of Justice but is not part of the State administration. The Parliament represents the Sámi in national and international contexts and attends to matters related to the language and culture of the Sámi and their position as an indigenous people. The Parliament may submit initiatives and proposals and prepare statements for authorities.

The 21 members and 4 vice-members of the Sámi Parliament are chosen among the Sámi through elections every four years. The next elections will take place in autumn 2007.

## **G. Government reports and programmes**

### **Government Programme 2007-2011**

According to the present Government Programme, Finland belongs to everyone, regardless of place of residence, life situation,

mother tongue, or ethnic background. Citizens must be guaranteed the right to have a say, participate and be involved in decision-making. The Programme contains a number of reforms aimed at decreasing discrimination and promoting equality both in working life and regarding language, culture and everyday life. The reforms address immigration policy questions, for example the question of how the best interests of children are safeguarded in decisions concerning asylum-seeker and refugee children; the position and treatment of unaccompanied asylum-seeker children will also be assessed.

## **Migration Policy Programme**

The Government's Migration Policy Programme was adopted in October 2006. The Programme focuses on promoting work-related immigration. The Programme contains in all 34 policy guidelines and related measures. According to the Government Programme 2007-2011, the measures envisaged in the Migration Policy Programme will be implemented during the current electoral period.

One main objective of the Migration Policy Programme is to achieve zero tolerance in the prevention of racism and discrimination based on ethnic origin. It contains measures for the achievement of this objective, such as lowering the authorities' threshold to intervene in cases of discrimination, developing support and advisory services for victims, putting in place good practices to prevent and intervene in cases of racism and discrimination, creating a system for monitoring these phenomena, promoting responsible reporting by authorities on migration, and encouraging the media to report responsibly.

## **Report on Human Rights Policy**

The Government's first Report on Finland's Human Rights Policy was submitted to Parliament in March 2004. In the future, such a report will be issued every fourth year. The first report dealt not only with human rights issues in foreign policy but also with national questions, and provided as such a comprehensive review of Finland's political human rights objectives in the different fields of administration. According to the report, the rights of women, children, minorities, indigenous peoples and persons with disabilities are emphasized.

## **Reports based on the Language Act and the Sámi Language Act**

In March 2006, the Government submitted to Parliament its first report on the application of language legislation, as required by the Language Act. This report will be made at each electoral period, and will deal with the application of language legislation, the securing of linguistic rights and the linguistic conditions in Finland in general. The first report on the application of the Sámi Language Act, required by this Act, will be submitted to the Sámi Parliament in 2007.

## **II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION**

### **A. Article 2**

#### **1. Earlier recommendations**

#### **The definition of 'Sámi'**

In its recommendations made in 2003, the Committee on the Elimination of Racial Discrimination considered that the definition of "Sámi", on which the application of the Sámi legislation is based, was too restrictive.

According to section 3 of the Act on the Sámi Parliament, a Sámi means a person who considers himself a Sámi (self-identification) and who additionally fulfils the objective criteria of the definition of a Sámi. The subjective scope of this definition is based on the interpretation practice of the Supreme Administrative Court, and amending the Act in this respect is not warranted at present.

The Sámi Parliament considers that the definition of "Sámi" should be discussed at Nordic level in order to find a common definition.

#### **Land rights of the Sámi**

The Committee has on several occasions expressed concern at the fact that Finland has still not ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, and recommended that Finland solve the question of land ownership by the Sámi expeditiously and ratify the ILO Convention.

For a long time, Finland has made efforts to solve the question of Sámi land rights by way of legislation, but without success. The aim has been to reach a balanced solution that complies with Finland's international obligations and ensures that not only the Sámi but also the other local inhabitants can influence the way of arranging the use of their living areas. In some places Sámi people and other inhabitants have lived as neighbours and carried on the same trades throughout centuries.

However, the question has proved to be very complex and difficult, and therefore, between 2003 and 2006, a thorough legal-historical study was conducted on the settlement and population and the development of trades and land use rights in the region, and the connection of this development to the settlement (the so-called study on land rights in Upper Lapland).

In parallel to the study on land rights, the Ministry of Justice has continued to negotiate with the Sámi Parliament on a possible resolution model built on a new foundation. The intention was to submit the bill to Parliament during autumn 2006, however, this was prevented by, among other things, the approaching parliamentary elections in March 2007.

Although the aforementioned projects relate to the same set of issues, they are independent from each other. The question of following up on the projects is still open and the prevailing legal uncertainty surrounding this issue is potentially harmful to inter-ethnic



relations in the areas concerned.

## **Report on guarantees of legal protection in the accelerated asylum procedure**

The Committee has expressed concern about the guarantees of legal protection in the accelerated procedure for processing asylum applications that the new Aliens Act provides for.

In 2005, the Ombudsman for Minorities prepared, at the Government's request, a report on the guarantees of legal protection in the accelerated procedure. The report analysed the prevailing situation from the perspective of human rights determined by international conventions and of the Constitution's provisions on protection under the law and good governance. The analysis showed that although, as a rule, the accelerated procedure guarantees legal protection, there have been problems of interpretation in practice. Authorities should act in a consistent and equal manner in all asylum procedures, irrespective of the asylum-seekers' origin and capability to act in the procedures.

One problem identified by the Ombudsman for Minorities was the option of totally omitting the asylum interview or having it conducted by other authorities instead of the Directorate of Immigration. Moreover, the Ombudsman considered that increased attention needed to be paid to the asylum-seekers' access to legal advisers and legal assistance in order to guarantee them legal protection.

Regarding appeals, the Ombudsman for Minorities stated that the administrative court in question should be given an opportunity to issue a statement on the matter before the decision is enforced, and this has not always been the case because of lack of resources. According to the Ombudsman, this defect jeopardizes legal protection and the effectiveness of the right of appeal. A strategy proposed for the Ministry of the Interior to enhance migration administration and aliens legislation suggests an examination of how the provision of the Aliens Act on the enforcement of decisions on refusal of entry taken in the accelerated procedure should be clarified in order to correct the prevailing situation.

## **Racist and xenophobic attitudes**

The Committee paid attention to racist and xenophobic attitudes among some population groups, especially young people. It urged Finland to monitor the developments, to combat negative attitudes, to raise awareness of cultural diversity and to promote the integration of minorities.

The Ministry of Education allows annually grants to support the promotion of multiculturalism and anti-racist work. In 2007, the Ministry allowed such grants for 79 projects.

Both the authorities and non-governmental organizations have carried out a number of studies and surveys on citizens' attitudes. In 2006, a study entitled *Ethnic and Cultural Diversity and the State Authorities* was conducted by the University of Joensuu, following up on a study made in 1999 on attitudes among different authorities. The object of the earlier study was extended to include immigrants as fellow employees in different authorities. The follow-up study showed that, on the whole, the attitudes of authorities have developed in a positive direction, but that there still is room for improvement. In 2007, a dissertation on racism faced by children and young people was also completed in the field of social anthropology.

In teacher training, increased attention is being paid to education towards international understanding and awareness-raising on minorities. Education towards tolerance and respect for human rights are underlined in general education - both basic education and general upper secondary education. School-specific curricula include plans for such issues as the prevention and addressing of bullying.

According to a dissertation on incidents of bullying in six multicultural schools published in 2006, the problem of bullying is more severe than the average in multicultural schools and it often even hampers the integration of pupils from an immigrant background into society. Most often the bullied pupils do not feel that the bullying is due to their ethnic background, but almost every fourth immigrant pupil fears bullying during breaks.

In 2007, 40 test schools will introduce an intervention programme against bullying under the title KiVa Koulu (In this title, which means "a nice school", the Finnish word for "nice", "KiVa", is an acronym from "kiusaamisen vastainen" = "against bullying"). The programme provides tools to decrease and prevent bullying. It is intended for teachers, pupils and parents and contains measures to be taken at all form levels according to school, class and individual. The preparation of the programme will be completed in autumn 2009, and it will be established in all comprehensive schools in 2009-2011. Earlier, some schools have introduced supportive pupil activities organized by non-governmental organizations.

A number of ministries, advisory boards and umbrella organizations for different groups vulnerable to discrimination are implementing the sixth stage of the EU-led project entitled "STOP - Finland Forward without Discrimination". This project has, for example, organized expert seminars and produced material to foster non-discrimination for different target groups.

The Advisory Board for Ethnic Relations has organized two national forums on ethnic relations. The forum of 2006 was intended to clarify and standardize the objectives and contents related to good ethnic relations. The 2007 forum aimed at assessing integration, especially from the perspective of young immigrants by studying the question how authorities, youth organizations and other communities take this group into account in their activities.

## **2. Topical issues**

### **Temporary residence permits**

In 2005-2006, Finland has granted more temporary residence permits - so-called B permits - than before, especially to asylum-seekers from Iraq, Afghanistan and Somalia who have not been entitled to international protection or residence permits on other grounds. Temporary residence permits have, however, been granted because technical reasons have prevented the authorities from returning the asylum-seekers at the time in question. Of the 524 residence permits granted by the end of October 2006, more than half, i.e. 269, were temporary B permits, whereas their total number in 2004 was 27.

B permits are granted for one or two years. During the first year, the recipients of these permits cannot hold a gainful employment without a residence permit for an employed person, nor are they entitled to municipal health-care services or study places. The recipients of B permits are placed in reception centres instead of becoming inhabitants of their municipalities of residence. They are not entitled to family reunion. They are not covered by integration programmes and employment services. Especially young immigrants risk exclusion, for they do not always have opportunities for post-comprehensive school education and work during the waiting period.

In early 2007, the National Audit Office of Finland commented on the position of recipients of temporary residence permits. According to the Office, it is problematic that no efforts are made to integrate them into Finnish society during the two years of validity of their permits. Integrating them would be worthwhile, even from the macroeconomic point of view, and even if all of them did not stay in Finland permanently.

The Ministry of the Interior is drafting an amendment to the Aliens Act. The use of B permits would be restricted by a clear definition of the cases where residence in the country is personally temporary. It is also proposed to add a provision on the issuance of a continuous residence permit, a so-called A permit, in cases where the applicant cannot in fact be removed from the country within a reasonable time after a refusal of permit.

### **Minor asylum-seekers**

The Directorate of Immigration has created a children's unit, specialized in applications from unaccompanied asylum-seeker children. The staff of this unit has been trained to meet and interview children. The Directorate started interviews with unaccompanied children at the beginning of 2002. Still, the best interests of children are not always safeguarded in asylum procedures, for in some cases the processing of the application may last unreasonably long from the child's viewpoint.

In 2006, the Aliens Act was supplemented by provisions on different authorities' access to information. This addition was intended to promote the best interests of children and to ensure a more comprehensive consideration of their position in asylum procedures.

NGOs have criticized the amendment to the Aliens Act for obligating the staff caring for asylum-seeker children to provide immigration authorities with any available confidential information about a child's identity and the place of residence of his/her family members, although the Act on the Integration of Immigrants and Reception of Asylum Seekers stipulates such information as secret. They fear that the practice may affect the reception of children.

### **Returning a child to another EU country**

NGOs working with children have expressed concern about the return of children to other EU countries (to the first country of transit or asylum) under the so-called Dublin Regulation. They underline that unaccompanied minor children should not be returned to asylum procedures in other EU countries, if the return leads to an inhuman situation for them.

### **Family reunion**

The Aliens Act that entered into force in May 2004 emphasizes the possibility of family reunion outside Finland. NGOs working with children assess that increasingly few asylum-seeker children enjoy international protection in Finland and thus the right to family reunion. A long separation from their parents and families causes children problems with mental health and later family life. In its recommendations in 2005, the Committee of the Rights of the Child urged Finland to process all applications for family reunion as matters of urgency.

### **Basic rights and security of the State**

National legislation does not define cases where a person's basic rights shall be assessed in relation to the security of the State. In 2004, the Ombudsman for Minorities took a position on cases where statements by the Finnish Security Police on applicants were mentioned as grounds for the refusal of residence permits. Pleading State security, the authorities did not, however, inform the applicants about the contents of the statements.

In July, the Supreme Administrative Court issued judgements on a number of appeals concerning the same practice, ruling that the Administrative Courts must request the Security Police to give reasons for its statements on the dangerousness of persons seeking entry into Finland. The Courts must assess the correctness of decisions but they need not inform the parties about their contents. This position is in line with a legislative amendment that will take effect in October 2007. After the amendment, the Act on the Publicity of Court Proceedings in Administrative Tribunals will require that a court assess the nature of any possible prejudice caused by disclosure of information in relation to the concerned party's right to fair trial.

### **Position of Roma in Finnish society**

In spring 2006, the Advisory Board on Romani Affairs launched a process to establish a national umbrella organization for the Roma. In recent times, different Roma programmes and projects have clearly increased organization among Roma at local level. The umbrella organization, Fintiko Romano Forum, was founded in spring 2007 and currently brings together 13 Roma organizations.

The Ombudsman for Minorities has repeatedly proposed a comprehensive study on the position of the Roma in the Finnish society. Roma people meet discrimination in many sectors of society. These problems should be addressed by means of a comprehensive programme under which the Government commits to take measures to improve the position of the Roma.

### **3. Studies, reports and projects**

#### **2007 European Year of Equal Opportunities for All**

The European Union declared 2007 as the European Year of Equal Opportunities for All, with the general objective to pursue fairness in society. The purpose of the theme year is to raise awareness of the rights of minorities and persons with disabilities, to strengthen the representation of individuals and groups vulnerable to discrimination, to improve the mutual appreciation between people and population groups and to increase solidarity by eliminating stereotypical ideas, prejudice and violence.

The national priorities of the theme year are visibility, arts, sports and employment. Moreover, a book on unfulfilled rights will be prepared through a consultation process, and the first monitoring report on multiple discrimination will be published. Further information about the theme year is available on the Internet at [www.equality.fi](http://www.equality.fi) (under the title "the European Year 2007").

#### **European Handbook on Equality Data**

In early 2007, the European Commission published a European Handbook on Equality Data with co-financing from the EU Community Action Programme to combat discrimination and the Finnish Ministry of Labour. The Handbook is partly based on an initiative of the United Nations Committee on Racial Discrimination and takes account of its interpretation practice. It contains proposals and good practices for monitoring discrimination on different grounds. It was prepared under a project entitled "Making Equality a Reality with Adequate Data (MERA)". Experts from different EU member States, the EU Commission and ECRI contributed to the project.

#### **National system for the monitoring of racism and ethnic discrimination**

In early 2007, as part of the MERA project, different ministries, the Ombudsman for Minorities, the Data Protection Ombudsman, researchers and NGOs representing groups vulnerable to discrimination introduced jointly a comprehensive national system for the monitoring of discrimination. Up-to-date monitoring information is being gathered regularly and published on a website. A report on the state of discrimination will be prepared annually, and a comprehensive assessment report will be submitted to the Government each electoral period.

#### **Equality plans**

In 2004, the Ministry of Labour issued the first general recommendations for the content of equality plans. The recommendations were revised in early 2007. Authorities shall draw up these plans in order to foster ethnic equality and prevent discrimination based on ethnic origin. An equality plan shall cover both the authority's external activities and its role as an employer.

The recommendations contain examples and models of different types of equality plans and their advantages. To support the planning, the Ministry of Labour has prepared written material and launched a planning section on the non-discrimination portal. The national STOP anti-discrimination campaign and different authorities have provided extensive amounts of training and information to support the planning.

According to a study made in early 2006, 22 per cent of all municipalities (51 of 227 municipalities) had already prepared an equality plan and 21 per cent (48 of 227 municipalities) were preparing one. In many municipalities the equality plan is part of a multiculturalism programme, an integration programme for immigrants or of gender equality plans. The Ombudsman for Minorities considers that these plans have seldom led to concrete measures, and that they should include provisions for guidance on discrimination issues, because the current supply of guidance is insufficient.

#### **Monitoring the application of the Aliens Act**

When considering the reform of the Aliens Act, Parliament required that the functioning and application of the Act be monitored closely, and that Parliament be given any necessary proposals for amendment without delay. Particular attention needed to be paid to questions related to the position and interests of children, the position of foreign students and the speeding up of the processing of aliens' issues on the whole.

Because of observed deficiencies, the Aliens Act has been amended and updated a number of times after its entry into force. The Government's Migration Policy Programme adopted in 2006 and the Government Programme for 2007-2011 contain a number of initiatives concerning the Aliens Act to be carried out in the immigration sector.

#### **Project to examine the position of foreign students**

In February 2007, the Ministry of the Interior set up a project to examine the position of foreign students staying in Finland and the question whether other reforms than those already introduced in the new Aliens Act are needed to facilitate access to employment for those who stay in Finland after graduation. Moreover, the project examines the need to alleviate or possibly entirely lift the restrictions on the right of students coming from countries outside the EU and EEA to gainful employment during their studies.

An Act amending the Aliens Act that took effect in February 2007 provides for a new temporary residence permit that may be issued to an applicant seeking work after receiving a degree in Finland. This permit is issued once for six months, calculated from the expiry

of the previous residence permit. Another change brought about by the amendment is that an alien who has received a degree in Finland is entitled to hold gainful employment without the authorities' consideration to establish whether there is labour suitable for the work available in the labour market. Also, an alien who has been issued a residence permit for studies has the right to work 25 hours per week.

## **B. Article 3**

### **Segregation in schools**

In 2004, the National Discrimination Tribunal prohibited a comprehensive school in Helsinki from forming classes that consisted exclusively of immigrant pupils. According to the school, this arrangement was due to pedagogical reasons related to the teaching of Finnish.

The National Discrimination Tribunal regarded the class arrangement as illegal, because it led to, among other things, de facto segregation. In its ruling made in summer 2007, the Helsinki Administrative Court deemed that the arrangement constituted divergent treatment and thus discrimination prohibited by, for example, the Constitution of Finland and the Non-discrimination Act.

## **C. Article 4**

### **1. Earlier recommendations**

#### **Racist, discriminatory and xenophobic material on the Internet**

The Committee on Racial Discrimination expressed concern about the distribution of racist, discriminatory and xenophobic material through the Internet and recommended that measures be taken to prevent the spreading of racist propaganda.

Racist and xenophobic material on the Internet is a persisting problem. Illegal and detrimental material on the Internet can be combated by means of strict legislation, efficient supervision and active international cooperation. For the supervision to succeed, decision-makers must signal that publishing such material is a serious offence, and the police must act on its own initiative. The means already in use should be utilized more efficiently, and new means, like obligatory supervision of discussion groups and pre-screening of the material, should be developed. New methods for addressing child pornography on the Internet have proved that it is possible to combat criminal material successfully, if necessary.

Combating material that is legal as such but detrimental requires cooperation among authorities and other relevant actors as well as self-regulation by the sector. For instance, the Ombudsman for Minorities, the police and civil society have cooperated with Internet service providers in order to increase the service providers' activity in controlling their websites.

It is usually difficult to identify the publishers of racist material on the Internet, and often it is also difficult to delete the material. In some cases the operators of portals and discussion groups may be made liable as offenders or accomplices if they repeatedly fail to remove from publicity a message the content of which is clearly illegal. Under certain conditions, a responsible editor who has failed to comply with his/her management and supervisory duties may be sentenced to a fine for editorial misconduct referred to in section 13 of the Act on the Exercise of Freedom of Expression in Mass Media.

Due to the reform of legislation on the freedom of expression, which took effect in 2004, information identifying the sender of a network message may now be released to authorities, if providing the message to the public probably constitutes a criminal offence (section 17 of the Act on the Exercise of Freedom of Expression in Mass Media). Further, the distribution of a published network message may be ceased on the request of a court, the head of a pretrial investigation, a public prosecutor, or an injured party, if it is evident that providing the message to the public is a criminal offence (section 18 of the Act). If a court ruling on charges considers that the content of a website fulfils the essential elements of an offence, it may order that the website be rendered unavailable to the public.

However, the aforementioned provisions are only applicable to publishing in Finland. If illegal material is distributed from a server located abroad, it is impossible, for instance, to obtain identification information without legal assistance from the foreign authorities in question. The same concerns the enforcement of an order to interrupt the distribution of a network message or to render a website unavailable to the public.

In practice, racist material is very commonly distributed from servers located in the United States. In these cases, the United States as a rule refuses to provide requested legal assistance on the plea of its own legislation on freedom of expression. This substantially restricts the opportunities of Finnish authorities to intervene in the publishing of racist material on the Internet.

### **Case law on ethnic agitation**

Criminal cases referred to in Chapter 11, section 8, of the Penal Code (ethnic agitation) are rather seldom processed by courts. In 2006, the Ombudsman for Minorities requested related investigation of about 40 Internet sites/blogs. At the end of 2006, 15 cases of this kind were pending in the Office of the Prosecutor General. In 2005 there were nine such cases. Their number has shown a rising trend from year to year.

During the period from 1 January 2002 to 30 September 2006, courts issued only two judgements on ethnic agitation. In the first case the charges were rejected, and in the second case the defendant was sentenced to a fine of 300 euros by the Helsinki Court of Appeal. In the reasoning for its judgement the Court stated that the anti-Semitic tone of the published text, intended to provoke readers into contempt of Jews as the defendant himself did, constituted desecration of religion for the purpose of offending and was

therefore an intentional act, both as ethnic agitation and as a breach of the sanctity of religion. The fact that the defendant himself regarded his statements as truthful did not exclude the intentional nature of the act.

## **2. Other measures**

### **Application of legislation**

The national legislation on racist, discriminatory and xenophobic material is comprehensive. The problems that occur are mainly due to the strict interpretation of legislation, the practical difficulties in its application and the lack of case law.

### **Racist harassment by an individual**

Racist harassment by an individual is a serious problem that is almost impossible to address. For example, it is impossible to intervene in racist harassment by a neighbour unless an individual act fulfils the essential elements of an offence. According to the Ombudsman for Minorities, Finland should consider enacting an act applicable to individuals and prohibiting harassment by individuals (see The Harassment Act of the United Kingdom). The applicability of the Non-discrimination Act to relations between individuals is limited.

## **3. Legislation**

The national legislative reforms are reported on above in part I.

The legislative texts related to the application of article 4 (a) and (b) of the Convention are the following:

Penal Code

Chapter 6, section 5 (1) (4) (grounds increasing the punishment);

Chapter 11, section 8 (ethnic agitation);

Chapter 11, section 9 (discrimination);

Chapter 17, section 1a (participation in the activity of a criminal organization);

Chapter 17, section 10 (breach of the sanctity of religion);

Chapter 24, section 9 (defamation) and section 10 (aggravated defamation);

Chapter 25, section 7 (menace);

Chapter 47, section 3 (work discrimination);

Chapter 47, section 3a (usury-type work discrimination);

Act on the Exercise of Freedom of Expression in Mass Media (460/2003)

Section 12 (criminal liability of perpetrators and accomplices);

Section 13 (editorial misconduct);

Chapter 5 (coercive measures).

## **D. Article 5**

### **1. Right to equal treatment before the tribunals and all other organs administering justice**

According to the Constitution of 1999 everyone is equal before the law (sect. 6) and protected under the law (sect. 21), which includes the principles of fair trial. Further, the right to use one's own language before authorities is secured, among others, by providing translation and interpretation services for persons who do not know Finnish or Swedish. Also, legal aid is provided for everyone fulfilling the requirements, regardless of nationality or any other discriminatory distinction.

### **2. Right to security of the person and protection by the State against violence or bodily harm**

#### **Racist or xenophobic offences in police statistics**

The Police College of Finland publishes annually statistics on racist crimes in Finland reported to the police. There are major individual and regional differences in the recording of the incidents and in the use of the code 'racism'. Many racist offences do not come to the knowledge of the police at all. Thus, the statistics do not necessarily reflect the reality completely.

All police reports are recorded in a nationwide electronic information system. In 2005, a total of 669 offences with racist features were recorded in the system, and in 2006 their number was 748 (see table 3). The police had marked about half of these cases with the code 'racism', and the rest were found to be such by examining the material in more detail. In the study underlying these figures, the concept of racist offence referred to those cases where a person was subjected to an offence because his/her skin colour, race or ethnic origin differed from those of the offender.

The number of alleged racist offences reported to the police shows a slight growth. In the aforementioned study, the most common racist offence was assault, which accounted for about 40 per cent of all alleged racist offences. Most offences were committed on roads, in parks or marketplaces, and in the dark. In most cases (over 70 per cent) the victims of racist offences were foreigners or persons with a foreign background. In about 5 per cent of all these offences the victim was a Roma person. Nearly half of all victims of racist offences were Finnish citizens. Most victims (73 per cent) were men. They were rather young; in almost 90 per cent of all cases the victims were between 15 and 44 years old.

Also, most of the suspected perpetrators of racist offences (over 85 per cent) were men. Nearly 40 per cent of all suspects were 15 to 24 years old and most of them were Finns. Every fifth offence was committed by a person unknown to the victim. Half of the racist offences were committed in the province of southern Finland, where a large percentage of the aliens in Finland reside.

In 2005 the most typical racist offence was assault committed by young men during the night in the street and involving a number of parties, both the offender(s) and the victim(s) being unknown to each other. Other typical racist offences were defamation and unlawful threat between neighbours and criminal damage to property in restaurants owned by persons with a foreign background.

## **Prosecution system**

The statistics of the prosecution system do not provide complete information on the number of cases where the police have established a racist motive during pretrial investigation or of cases where the prosecutor has concluded in the consideration of charges that the alleged motive does not exist or that the evidence is insufficient.

The concept of "racist offence" is not defined by law. The offences referred to in Chapter 11, sections 8 and 9, of the Penal Code - ethnic agitation and discrimination - are racist offences, and the grounds increasing a punishment referred to in Chapter 6, section 5 (1) (4), of the Penal Code may be applicable to other types of offences if the punishable act in question is based on a racist motive. By searching in the electronic data systems of courts on the basis of these provisions it is possible to find out the numbers of those cases where courts have applied the provisions. For example, in 2005, a total of 669 racist offences were reported to the police. Courts processed 17 cases and sentenced 25 persons. Of these persons, 12 were sentenced for discrimination, and the punishment of 13 persons was increased on the basis of a racist motive.

## **Judiciary**

There are rather few convictions for ethnic agitation and other offences classifiable as racist offences. Between 2000 and 2005, six persons were found guilty of ethnic agitation. Five of them were sentenced to a fine, and in one case the sentence was waived. However, cases of ethnic agitation have continuously increased.

## **Prisons**

The prisons in Finland try to intervene in racist phenomena efficiently. Every prison is expected to identify manners of treating minority prisoners which differ from the treatment of prisoners representing the majority population. Equal treatment and the different groups' opportunities to participate in activities are basic principles. For instance, prisons try to organize spiritual occasions for different religious groups, when necessary, and they provide teaching of the Finnish language. They also make efforts to recruit staff well versed in languages and arrange for interpretation services. As a result of an equality plan adopted by the Prison Service in 2006, prisons have nominated minority contact persons familiar with issues of minority prisoners.

There are about 300 foreign prisoners in Finnish prisons. The treatment of foreign prisoners varies by prison, depending on the prison's size, prisoner structure and geographical location. In practice, the prisoners' skin colour often determines how they can be placed in the different departments.

The estimated number of Roma prisoners, based on an inquiry in the prisons, is 170 to 180. In large prisons, the Roma prisoners often apply for transfer to closed departments, because they experience pressure and violence from other prisoners and, among other things, want to guarantee their own safety. Isolated prisoners can stay outside their cells only during meals and a daily outdoor break of one hour. Thus, they have no opportunity to study, work or engage in other stimulating activities. This practice puts a particular strain on young Roma prisoners and causes considerable difficulties in their lives after prison.

In 2003, the Criminal Sanctions Agency published a report on the position of Roma prisoners. No measures recommended in the report have been followed up on so far, and such things as the insufficiency of prison staff have further worsened the situation. According to the report, some prisons presumably base their internal placement of Roma prisoners on ethnic discrimination, and prison staff has insufficient knowledge about the Roma culture. Roma prisoners continue to face particular problems related to placement, employment, needs for education, substance abuse rehabilitation and preparations for release. Performing community service has proved to be particularly difficult because of prejudice in service places.

## **3. Civil and political rights**

### **Right to vote and stand as a candidate**

In Finland, universal and equal suffrage for both women and men was provided by law in 1906. All Finnish citizens aged 18 or more have the right to vote and stand as candidates in State elections. Eligibility as a candidate requires legal competence. In the parliamentary elections of 2007, approximately 4.1 million persons were entitled to vote. That year a number of persons with an immigrant background stood as candidates but were not elected.

In local authority (municipal) elections and local referendums, all persons aged 18 or over whose municipality of residence is in

Finland are entitled to vote. In addition to Finnish citizens, citizens of the EU member States and Iceland and Norway have the voting right, as well as other aliens if they have been residing permanently in Finland for more than two years. There are many municipal politicians with an immigrant background. The voting rate among persons with an immigrant background is rather low: for instance in Helsinki it was only about 10 per cent in the municipal elections of 2004. This is partly due to the deficient knowledge of the Finnish and Swedish languages among immigrants and their lack of knowledge about the political system in Finland.

## **Sámi Parliament**

In the elections of the Sámi Parliament, all Sámi recorded in the Parliament's electoral roll are entitled to vote. These persons are also eligible as candidates in the elections.

For the 2007 elections, the Election Committee of the Sámi Parliament records in the electoral roll all Sámi who had the right to vote in the 2003 elections. Those children of persons registered for the previous elections who have reached the voting age on 1 October 2007 at the latest are recorded in the roll if they have notified that they consider themselves Sámi. Similarly, the Election Committee registers all persons who themselves have applied for entry into the electoral roll and whom the Committee deems to be Sámi with voting rights. A person can lodge a written application for entry into the electoral roll on the basis of section 3 (1) (1-3) and section 21 of the Act on the Sámi Parliament (on the basis his/her parent's right, as a descendent of a Lapp and as a Sámi who is a citizen of some other country but has his/her domicile in Finland).

## **Right to nationality**

The overall reform of the Nationality Act in 2003 is reported above in Part I. Among other things, the Act was supplemented by a provision guaranteeing that a child of a Finnish parent can never be stateless.

## **4. Economic, social and cultural rights**

### **Right to work**

#### **Employment situation in Finland in general**

According to Statistics Finland, there were 2,499,000 **employed persons** in Finland in May 2007. This was 60,000 more than the year before. Employment increased in the private sector, but remained unchanged in the public sector (see table 4).

In May 2007 **the employment rate**, i.e. the proportion of employed among all persons aged 15-64, was 1.5 percentage units higher than the previous year. The employment rate was 72 per cent among men and 68.3 per cent among women.

In May 2007 **the unemployment rate** was 8.5 per cent, which was 1.6 percentage units less than the previous year. The unemployment rate varied between 6.3 per cent and 13.8 per cent across the country (see table 5).

At the end of 2006, there were approximately 122,000 foreign citizens residing permanently in Finland, accounting for 2.3 per cent of the population. Of them, roughly 55,000 (45 per cent) belonged to the labour force. Unemployment among immigrants has decreased slowly in the last few years. In autumn 2006, their unemployment rate was about 26 per cent, the rate among immigrant women being of 29 per cent.

#### **Discrimination at work**

The Employment Contracts Act (55/2001) requires equal treatment of all employees and prohibits discrimination. Chapter 2, section 2 (1), of the Employment Contracts Act (on employers' obligations) was clarified in 2004. The employer shall not exercise any unjustified discrimination against employees on the basis of age, health, disability, national or ethnic origin, nationality, sexual orientation, language, religion, opinion, belief, family ties, trade union activity, political activity or any other comparable circumstance. Provisions on the prohibition of discrimination based on gender are laid down in the Act on Equality between Women and Men (609/1986). Provisions on the definition of the concept of discrimination, a prohibition on sanctions and the burden of proof in cases concerning discrimination are laid down in the Non-Discrimination Act (21/2004).

Although the legislation unambiguously prohibits ethnic discrimination, such treatment continues to occur in working life. Some surveys of discrimination have been conducted, the latest in 2002. According to this survey, every second interviewed immigrant reported to have faced discrimination in recruitment because of his/her ethnic background.

#### **Employment of Roma**

Regarding article 5 of the Convention, the Committee on the Elimination of Racial Discrimination had expressed concern about the difficulties faced by Roma in employment, housing and education and about reported cases where they met discrimination in everyday life, for instance refusal of access to public places, restaurants or bars.

The Committee has drawn attention to its general recommendation No. 25 concerning discrimination against Roma and recommended that the State party take all necessary measures to increase tolerance and eliminate prejudice and negative stereotypes, in order to avoid all discrimination against members of the Roma community.

There are approximately 10,000 Roma in Finland, roughly half of them of working age. According to a report on employment services prepared by the Ministry of Labour in 2003 at the initiative of the Ombudsman for Minorities, the estimated unemployment rate among the Roma is 20 per cent. The rate among young Roma people, too, is alarmingly high. This is partly due to the fact that

many of them lack a basic education certificate.

The majority population's prejudice towards Roma in working life and the common idea of their being work-shy are deeply rooted. Negative attitudes among employers are a major obstacle to the employment of Roma. The Advisory Board on Romani Affairs has been informed about many cases involving discrimination at all stages of recruitment. Especially Roma women wearing traditional costumes face prejudice in recruitment, and the costume may also be used as a pretext for not employing a Roma woman.

Roma have difficulties in finding places for traineeship and supported employment because of prejudice. Their lack of practical training undermines their opportunities to get work. However, employed Roma do not feel that they are being treated unequally as employees, and employers are generally satisfied with employees with a Roma background.

The Ministry of Labour has made efforts to promote employment among the Roma. Among other things, the Ministry has urged the employment offices to nominate contact persons for Roma in local employment offices and to train their staff on the Roma culture and ethnic equality. Representatives of the labour administration have been nominated to the regional Advisory Boards on Romani Affairs, and the employment offices have been encouraged to seek, jointly with Roma representatives, means to promote the employment of young Roma people in particular and to arrange tailor-made training. Moreover, a number of Roma employment projects financed by among others the European Social Fund have been carried out in different parts of Finland in recent years.

## **Employment of persons with an immigrant background in Finland**

The employment of persons with an immigrant background in Finland remains problematic. In some cases difficulties arise because the job seekers' knowledge of Finnish or Swedish or their education is deficient. Most often, however, the problems are due to employers' negative attitudes towards job seekers of non-Finnish origin. The ECRI attached attention to this fact in its report on Finland in 2007.

The Ombudsman for Minorities has paid attention to many cases where unnecessary requirements on language skills or nationality have constituted barriers to employment. The Government's Migration Policy Programme contains measures to increase employment among immigrants, including full recognition of foreign degrees and credits for job seeking in Finland.

In 2000-2006, the European Social Fund has financed many projects to support the integration of immigrants in Finland.

## **Right to housing**

### **Housing market in general**

The housing stock is very new in general, since about 60 per cent of all dwellings have been built since 1970. Almost all homes are connected to local sewerage systems. Some 93 per cent of all homes are equipped with central heating systems. District heating schemes are widespread and produce almost half of all the heating energy used in buildings. The buildings are effectively insulated and 3-4 layer windows are common.

At the end of 2006 there were 512 housing units per 1,000 inhabitants (see table 7). Helsinki and some other growth centres suffer from housing shortages, high housing prices and high rents, while in most municipalities the housing market is well balanced.

The most common residential buildings are apartment buildings (accounting for 44 per cent of all homes in 2006) and detached houses (40 per cent). Terraced "row houses" have become more popular in recent years, particularly in urban areas. Blocks of flats tend to be well spaced in green surroundings, providing a pleasant residential environment.

The housing space per inhabitant is still smaller than in most EU countries: in 2006 there were 1.7 rooms and 38 square metres of housing per person on average. Around 43 per cent of all homes had just one or two rooms, and 42 per cent had three to four, kitchen excluded.

Households tend to be relatively small: at the end of 2006, the average size of households was 2.11 persons, and over 73 per cent of all households consisted of only one or two persons. The number of small households has increased by more than a third since 1990.

Home ownership is widespread in all forms of housing (64 per cent of households) (see table 8). Housing companies are a very typical form of housing management, accounting for approximately half of all owner-occupied housing. Residents own shares of a housing company, pay a monthly fee towards maintenance costs and form the board of the company.

Approximately 32 per cent of all households rent their housing. Half of the rental housing consists of "social housing", meaning that it is subsidized by the State or provided by the municipality, while the other half is market-financed.

New forms of ownership and tenure have recently been established between owner-occupied and rental housing. These include, for example, right-of-occupancy housing, accommodating about 1 per cent of households, and different forms of partial ownership.

On average, people spend 17 per cent of their disposable income on housing and young people and single-parent households 25/27 per cent. In general, tenants spend a higher proportion of their income on housing than home-owners. Housing allowance schemes help to ensure that most households' housing costs are kept down to reasonable levels.

Especially Roma, persons with a refugee background and so-called Ingrian returnees live mostly in social rental dwellings, above all municipal rental dwellings. For a long time, Finland has consistently pursued a housing policy aimed at mixing up different forms of housing tenure, i.e. placing owner-occupied dwellings, rental dwellings and right-of-occupancy dwellings in residential areas in a balanced manner, in order to prevent segregation. The same objective is pursued in the selection of tenants of social rental housing. This policy has been rather successful, although it has not managed to totally prevent differentiation between areas.



## **Homelessness**

In Finland, homelessness hardly ever means living under the open sky. In the 10 years up to the mid-1990s, the rate of homelessness declined by half. In November 2006 there were about 7,400 single homeless persons, and the homeless families numbered about 300. Most homeless are still men. Of all homeless, women account for slightly less than a fifth and young people for another fifth (see table 9).

Of all immigrants, nearly 300 single households and some 40 families are homeless. The number of homeless single immigrants has increased by some tens, whereas the number of homeless immigrant families has slightly decreased.

## **Housing situation of Roma**

The housing conditions of the Roma are still problematic. In 2006 the Ombudsman for Minorities received about 40 complaints concerning discrimination in housing, and the Ombudsman has repeatedly addressed cases where Roma have faced discrimination in the selection of tenants of municipal rental housing in different parts of Finland. Some cases have been referred to the National Discrimination Tribunal, and in 2006 the Tribunal prohibited at least one municipality from continuing discrimination under the penalty of a fine. Also the media has increasingly discussed the housing situation of Roma.

Municipalities and their rental housing corporations are nearly exclusively responsible for the housing of Roma. Their representatives are trained continuously on non-discrimination and issues related to the selection of tenants. Some municipal housing corporations have focused particular attention to the Roma question and tackled housing problems together with Roma representatives. In practice, members of the Roma community have hardly any chances to obtain rental housing in the private rental market, and the non-discrimination legislation does not apply to legal relationships between private individuals.

## **Housing situation of immigrants**

Finland receives about 750 so-called quota refugees annually. Currently, municipalities and their rental housing corporations bear the main responsibility for the housing of refugees. After settling down in Finland refugees often move within the country of their own free will. At that stage, their position in the housing market is comparable to that of any other person seeking housing.

In 2006, a total of 2,324 asylum-seekers entered Finland. Persons waiting for an asylum decision and staying in Finland for temporary protection are usually placed in reception centres for asylum-seekers. After receiving asylum they are placed in municipal rental dwellings. In 2006, in all 633 Ingrian returnees moved into Finland. Returnees or aliens moving into Finland for work or on account of family relationships must acquire a dwelling independently.

Different studies show that roughly one quarter of all immigrants have faced discrimination in the housing market. Joint activities in residential areas are of great significance to preventive work and the reduction of prejudice. For example, residents' meetings are a means to foster cooperation and reduce discrimination. The training provided to housing managers has been supplemented with skills to deal with different groups of residents, like immigrants, and many municipalities arrange housing guidance for immigrants.

## **Right to public health, medical care, social security and social services**

### **Circumcision of boys for religious reasons**

In Finland boys have traditionally been circumcised for reasons of religious and cultural traditions only among Jews and Islamic Tatars. As the Muslim population in the country grew in the 1990s, circumcision came up in public discussion. The circumcision practice is based on instructions issued by the Ministry of Social Affairs and Health to hospital districts in 1992 and 2003. The instructions recommend that the measures be taken in public health care in order to ensure sufficient expertise, hygiene and alleviation of pain. The Ministry of Social Affairs and Health has been preparing specific legislation on the matter for a long time, but so far only a working group report has been completed and sent out for comment.

Arguments raised for circumcision are based on such things as religious and cultural reasons, and arguments against it on the need to protect the physical integrity of boys and on provisions prohibiting assault. For example, the Finnish Medical Association opposes the practice. Many hospital districts refuse to perform circumcision operations, and the costs at private clinics are too high for many families. The circumcision of a newborn boy costs at least 200 euros, and the costs for a four-month-old boy are about fourfold. Families are usually unaware that the operation price rises as time passes, and the high prices make them choose circumcision at home, despite health risks. Therefore, those religious communities whose traditions include circumcision consider it important that the operation be performed safely and at reasonable cost.

In 2006, the Tampere District Court ruled that circumcising a baby boy fulfilled the essential elements of assault. However, the District Court waived the sentence against the Muslim mother, mainly because the legal practice and the authorities' practice in this field were confused. The Turku Court of Appeal acquitted the mother, because the circumcision had been performed by a professional doctor. The Court of Appeal also considered that the relevant legislation was defective in this respect and that the authorities had not intervened in similar cases reported to them earlier. The Supreme Court granted leave to appeal in June 2007.

### **Linguistic rights of minorities in social welfare and health care**

The Constitution of Finland, the Language Act, the Sámi Language Act and sectoral legislation contain provisions on the right of the population to receive services in their mother tongue (Finnish/Swedish/Sámi). Finland is currently conducting a comprehensive reform of municipal and service structures, which may involve for instance mergers of Finnish-speaking and Swedish-speaking municipalities.

However, the statutory linguistic rights will be secured in the reform.

The Ombudsman for Minorities and the Sámi Parliament have repeatedly attached attention to the fact that the rights of the Sámi to maintain and develop their own language and culture, guaranteed in the Constitution and the Sámi Language Act (section 17 (3) of the Constitution), are not always fully implemented. For example, many municipalities fail to implement the right of Sámi children to day care provided in Sámi, as required by the Children's Day Care Act and the Non-discrimination Act, and all relevant municipalities do not provide social welfare and health-care services in Sámi. Problems occur especially outside the Sámi Homeland. The State budget allocates a separate appropriation for safeguarding social welfare and health-care services provided in Sámi in the Sámi Homeland. The allocation for 2007 was of 600,000 euros.

## **Right to education and training**

### **Mother tongue instruction**

Mother tongue instruction is given in more than 50 languages. However, more mother tongue instruction and remedial teaching in pupils' native languages are needed. There is often a lack of teaching material and qualified teachers, and all parents cannot demand such teaching for their children.

The relevant legislation and the instructions of the National Board of Education cater for the rights of immigrants to receive teaching of their religions and mother tongues, teaching of Finnish as a second language and preparatory teaching. Still, the implementation of the rights varies largely by region.

Mother tongue instruction to immigrant children is regarded as complementary education instead of basic education. Therefore, municipalities have no obligation to arrange for free transportation for pupils in cases where mother tongue instruction is provided to them outside of their own school. Municipalities have different practices. Although the importance of immigrant children's mother tongue studies is frequently emphasized, such studies cannot always be pursued in the desired manner for practical reasons. In 2005 the Ombudsman for Minorities proposed that the situation be corrected by providing free transportation or sufficient allowances for all immigrant children, irrespective of their municipality of residence, so that they can attend mother tongue instruction.

The Government's Migration Policy Programme sets the objective to provide by law that municipalities shall be responsible for arranging the teaching of Finnish or Swedish as a second language and the mother tongue instruction to immigrants. These arrangements will call for substantial additional resources. The State subsidies granted to municipalities for arranging such teaching were increased as from the beginning of 2007. Increased State subsidies have also been granted for the teaching of and in Sámi outside the Sámi Homeland. Further, the grounds for State subsidies granted for complementary education of pupils speaking Sámi, Roma or foreign languages were revised in spring 2007.

### **Education of Roma**

In 2002, the National Board of Education conducted a survey on the status of Roma children's basic education. A follow-up project was launched in 2007 with the objective of developing and strengthening the identity of Roma children, increasing knowledge and awareness, preventing discrimination and exclusion, utilizing efficiently the different forms of public support, standardizing the decisions on special needs education at national level, and increasing cooperation between home and school. Further training will be provided to teachers of the Roma language, and teaching materials will be enhanced.

Since autumn 2003 it has been possible to take a diploma as a Roma culture instructor. Personal school assistants with a Roma background have been trained since 2005, and the first of them will start work in autumn 2007. These education programmes are expected to have a positive effect on the employment of Roma and the education of Roma children.

### **Challenges to equality in education**

Eradicating racist features in learning environments at all school levels and in working life, and guaranteeing equal and qualitatively consistent instruction to all children, are clear challenges in education.

As a response to these challenges, special State subsidies are granted to municipalities for 2007-2008 for the development of multicultural skills in school communities in preschool and basic education. The purpose is to meet the needs of children and young people, their parents and the school staff, so that their multicultural skills can develop and the school communities can build their capacity to operate in a multicultural setting.

### **Right of access to places of service**

Roma, persons with an immigrant background and aliens continue to face discrimination in access to places of service, for instance restaurants and bars. Non-governmental organizations and journalists have carried out practical tests in restaurants and bars all over the country. In 2006 a test group of four Roma persons tried to enter more than 10 restaurants without success. Similar results were obtained earlier as well. The National Discrimination Tribunal and courts have processed some cases, but the penalties and damages ordered have been rather small.

A major part of the work of the Ombudsman for Minorities consists of intervening in discrimination in the provision of services (see table 10). This discrimination is not confined to preventing entry into business premises. Actions of businesses may also fulfil the essential elements of harassment, if a client is followed, interrogated or searched intentionally in front of other clients only because of his/her ethnic origin.

The Office of the Ombudsman for Minorities has received reports on discriminatory contractual terms and conditions of subscribing to insurance policies and mobile phone services. In these cases businesses have, without acceptable grounds, imposed unequal requirements or information obligations on applicants as a condition for their receiving a contract, or have not issued them any contracts at all because of their nationality or ethnic origin.

The Ministry of the Interior and the Ombudsman for Minorities have, jointly with NGOs, published instructions for ensuring equal treatment in client services.

## **E. Article 6**

### **1. Earlier recommendations**

#### **Information on national legal remedies**

The Committee has noted in its recommendations that the reluctance of victims of racial discrimination to complain about the discrimination to the competent authorities is partly due to their belief that complaints will not bring any results.

The Committee recommended that the State party distribute information as broadly as possible and raise public awareness about the national legal remedies available in cases of racial discrimination, the legal means to claim damages for discrimination and the procedure of individual communications referred to in article 14 of ICERD.

As part of a national awareness-raising campaign, which involves several Finnish ministries, the defence forces, dialogue-promotion/self-governance bodies and umbrella organizations representing different grounds of discrimination (ethnic origin, religion or belief, age, disability and sexual orientation), a programme for encouraging to report on discrimination and hate crimes was started in 2006.

In the second half of 2006, two related guidebooks were prepared, one for the police and one for the staff of social and health services. The Police Guidebook strengthens the identification of discrimination and hate crime within the police through a variety of practical examples. The other guidebook is aimed to build capacity within social and health services to identify potential cases of discrimination and hate crime, and to assist the potential victims in contacting police or further advisory services.

It is important to make possible victims of racism or intolerance aware of such things as the Parliamentary Ombudsman's activities. The Office of the Ombudsman has made active efforts to improve its provision of information. The website of the Office and the brochures describing the Ombudsman's activities have been revised. The brochures contain a form and instructions for making a complaint. The instructions are available not only in Finnish and Swedish but also in Sámi, English, German, French, Russian, Estonian and sign language. The complaints are, however, processed in either Finnish or Swedish. In practice, the Ombudsman has also investigated complaints written in English.

### **2. Measures taken by authorities**

#### **General**

The police collect information on racist motives behind offences in Finland and compile statistics on them, whereas prosecutors and courts do not do so systematically. Since the beginning of 2004, when the above discussed amendment of the Penal Code took effect, courts have, however, prepared statistics on racist motives regarded as grounds for increasing punishments referred to in the Penal Code. The small number of such cases in the statistics is partly due to the fact that in some cases where a court has applied grounds for increasing a punishment, the specific legal provision laying down these grounds may have been omitted from the statements of judgement, and thus these cases do not appear in the statistics.

The Police College has planned a study to be launched in 2007 to examine the means available for statistical monitoring of the life cycle of racist offences, ranging from criminal investigation by the police to charging by prosecutors and meting out punishment by courts. At the same time, the statistics of the police, the prosecution service and the courts will be enhanced in other respects, too. Among other things, the use of grounds for increasing punishments and related statistics will be developed further in order to provide a more reliable picture of the number and nature of offences with racist motives.

#### **Investigation by the police**

In early 2004 the police revised its instructions to increase tolerance and to prevent racism. In particular, the instructions advise that police officers conducting pretrial investigation of offences should pay attention to examining any possible racist or similar motives that, by virtue of the Penal Code, could be deemed as grounds for increasing punishments.

#### **Decisions of the Prosecutor-General**

In 2006, the Prosecutor-General made a number of decisions concerning discrimination.

On 16 February 2006 the Deputy Prosecutor-General concluded that a text did not fulfil the essential elements of an offence laid down in Chapter 11, section 8, of the Penal Code. The suspect had maintained an Internet website entitled "Juutalainen" ("Jew"), which contained anecdotes about Jews, written by the suspect in 1999-2003 (R 05/24).

On 13 June 2006 the Deputy Prosecutor-General ordered that charges be brought against seven members of a municipal executive board for violation of official duty, because the board had not granted a municipal rental dwelling to a Roma woman and her family

(113/21/04).

On 3 November 2006 the Deputy Prosecutor-General brought charges against the writer of a letter to the editor libelling and insulting Jews and against the managing editor of the newspaper that published the text. Moreover, charges for editorial misconduct were brought against the responsible editor of another newspaper that published the same text (R 06/27).

## **Legal practice of the courts**

In 2006, the Office of the Ombudsman for Minorities conducted a study on judgements on discrimination offences (Chapter 11, section 9, of the Penal Code) issued by district courts between 1 January 2002 and 27 June 2006. The data systems of the courts showed 75 judgements on discrimination offences, and in about 20 per cent of these, the charges were dropped. Additionally, there were about 20 cases of work discrimination. Most judgements concerned discrimination based on ethnic origin, and often the victim was a Roma or a person with a foreign background. The discrimination consisted of refusals to provide services (for instance in restaurants and shops), deviations from normal terms and conditions, discriminatory instructions or failures to intervene in discrimination.

The number of day-fines imposed for discrimination varied between 15 and 60, being most often of 20-30. The sentenced persons were mostly doormen, shop assistants, waiters, etc. Only few persons in leadership positions were sentenced. The damages ordered for mental suffering went from 100 euros to 1,000, but most often were in the range of 200 to 500 euros. Compensation based on the Non-Discrimination Act was ordered in only two cases (1,000 and 2,000 euros). Presumably most victims were not aware of their right to demand such compensation.

## **Decisions of the Ombudsman for Minorities**

In 2006, the Office of the Ombudsman for Minorities received in all 1,325 contacts from clients and processed 645 cases. The numbers of contacts and processed reports fell by some 10 per cent from the previous year.

Most replies to clients consisted of counselling and the Ombudsman's statement on the matter, which helped the client consider further measures, if necessary. In some cases, in addition to counselling, the Ombudsman sent a request for information and subsequently a statement to the other party or the responsible authority. The Ombudsman referred some cases to pretrial investigation, to the Prosecutor-General for consideration of charges, or to a legal adviser. Three cases were referred to the National Discrimination Tribunal, and a number of persons were advised on how to institute proceedings in the Tribunal.

## **Decisions of the National Discrimination Tribunal**

During 2005-2006 (and three months in 2004) the National Discrimination Tribunal examined and decided a total of 100 petitions in 21 sessions. The petitions concerned discrimination in authorities' activities, social welfare services, housing services, educational opportunities, restaurant services and various other services. Most petitions contained an allegation of discrimination by authorities. In two cases, an amicable settlement was reached. Three decisions of the Tribunal were appealed against to an administrative court, and two of the appeals were dismissed. One appeal is being processed by the Supreme Administrative Court. Moreover, the Tribunal has issued six specific prohibition decisions. Examples of decisions taken in 2006 are as follows.

### **Decision 2392/66/2005**

The Ombudsman for Minorities requested ex officio that the Tribunal examine whether a restaurant in Helsinki, when providing services, had violated the Non-discrimination Act in respect of B., who is a citizen of the Democratic Republic of the Congo.

### **Decision 1920/66/2005**

The Ombudsman for Minorities requested the Tribunal to examine whether the life insurance company Henki-Sampo had violated the prohibition of discrimination when considering whether to underwrite medical expenses insurances, and further to issue a prohibition decision if the company continued or repeated discriminatory practices based on clients' national origin or nationality.

### **Decision 1366/66/2005**

The Ombudsman for Minorities filed ex officio a petition concerning B.'s case with the Tribunal. The petitioner felt that social welfare authorities had acted in a prejudiced, partial and discriminatory manner in situations connected with the maintenance of minor children, the right of access to them, and child welfare.

### **Decision 2732/66/2004**

The Ombudsman for Minorities requested ex officio the Tribunal to examine whether a comprehensive school in Helsinki had violated the prohibition of discrimination by placing immigrant pupils in separate classes, and if so, to prohibit the school from continuing or repeating the segregation based on pupils' ethnic background, national origin, nationality or other personal grounds, which constituted divergent treatment.

### **Decision 1528/66/2005**

The Ombudsman for Minorities requested the Tribunal to examine whether a restaurant in Oulu had violated the prohibition of discrimination when providing services to clients and issuing orders to its employees, because it had refused to serve clients with an immigrant or foreign background.

## **Decisions of the Office of the Chancellor of Justice**

In 2005, the Chancellor of Justice received 1,186 complaints and issued 1,221 decisions. In the Office of the Chancellor of Justice, supervision of compliance with prohibitions against racism, intolerance and discrimination is usually based on complaints against actions of authorities. According to information from the registry of the Office, such complaints are rare. On the other hand, complaints of this type are not registered as a separate group of cases, and possible allegations are often connected with complaints against other erroneous or deficient actions of authorities.

During its inspection visits in recent years, the Office of the Chancellor of Justice has paid attention to such things as the implementation of internal supervision of legality by the police and the investigation of offences with racist motives.

## **Decisions of the Parliamentary Ombudsman**

The Parliamentary Ombudsman monitors the implementation of basic rights and liberties and human rights by examining complaints received, carrying out inspections and intervening, on his/her own initiative, in perceived shortcomings related to for instance aliens or minorities.

From 2003 to 2006 the number of matters examined by the Ombudsman for the supervision of legality increased by 47 per cent. In 2006 the Ombudsman received 4,421 complaints and decided on 4,100 cases. Complaints on actual discrimination or racism are rare (for instance in 2005 only slightly more than 10 complaints were connected with ethnic discrimination or racism). Seven complaints were lodged concerning Roma, for instance about prison conditions. The Ombudsman has paid attention to the position of Roma prisoners also during her prison inspections. There are no separate statistics on complaints with allegations of discrimination in actions of authorities.

The promotion of non-discrimination and especially equality irrespective of age, disability and ethnic origin were priority themes in the work of the Office of the Ombudsman in 2006. Moreover, during her inspection visits to prisons and other closed institutions, the Ombudsman always pays particular attention to the position and equal treatment of such population groups as the Roma, but also of aliens and linguistic minorities.

## **Improved counselling against ethnic discrimination**

The Ombudsman for Minorities has a steadily increasing number of clients who have met with discrimination. Counselling against ethnic discrimination is scarcely available at local level, and it is organized in a scattered manner. Despite equal requirements of equality and non-discrimination everywhere, people have only casual opportunities to get counselling and safeguard their rights.

In 2005 the Office of the Ombudsman for Minorities examined the providers and contents of the counselling and the opportunity to assess its quality in five cities. In addition to common practices, the Office examined measures aimed at some specific groups, like the Sámi, the Roma and young immigrants. So-called cornerstones of good counselling and a model for arranging and coordinating the counselling at municipal, regional and national levels were prepared as qualitative criteria for the development of counselling. The report of this project was also published in English under the title “Advisory Services Against Ethnic Discrimination in Municipalities”.

The report proposes a counselling model based on cooperation between the municipal, regional and national levels. The situation of ethnic minorities varies by region, and therefore knowledge of the local circumstances is important. Municipalities would bear the main responsibility at local level, and the implementation would be based on cooperation between the different sectors of municipal government, such as the social welfare, housing and educational sectors, and the police. The different groups vulnerable to discrimination would be included in the planning and implementation. The model also contains proposals for the inventory and identification of different forms and manifestations of discrimination.

The aim is to provide easily approachable and flexible counselling, as often as possible in the client's own language. In some cases the client would be referred to other actors for assistance, and in other cases he/she would be informed about procedures and legal protection in discrimination situations. During the counselling, the client's own active role in resolving the problem would be supported, for example by providing peer support.

In 2006, the Office of the Ombudsman for Minorities organized eight discussions and training meetings in different parts of Finland. These meetings addressed the identification of and intervention in ethnic discrimination and the opportunities of organizing counselling at local level. The meetings were attended by more than 200 representatives of authorities and NGOs working with ethnic minorities, and by a large number of representatives of ethnic minorities. In 2007 the Office carried out a regional pilot project based on the proposed model. The lessons learned from the pilot project will be utilized in the future in order to enhance counselling against ethnic discrimination.

## **Protocol No. 12 to the European Convention on Human Rights**

In 2004 Finland ratified Protocol No. 12 to the European Convention on Human Rights, which contains a general prohibition of discrimination. Article 14 of the Convention prohibits discrimination only in respect of the rights guaranteed by the Convention and its Protocols.

The Protocol took effect internationally in 2005. It guarantees the enjoyment of any right set forth by law without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. The European Court of Human Rights rules applications with regard to the Protocol.

## **F. Article 7**

## **1. Education and training**

### **Human rights education and training**

The new core curriculum for basic education, which was introduced in schools in the beginning of the school year 2006-2007, takes account of the specific features of the teaching provided to different linguistic and cultural groups. All teaching must take into account the national and local specific features as well as the national languages, the Sámi as an indigenous people and the national minorities. The core curriculum also emphasizes that schools must pay attention to the increased diversity of Finnish culture, generated by immigrants with different cultural backgrounds. It is underlined that these issues should be reflected in the whole operating culture of schools besides the actual teaching content of the curricula.

For example, NGOs provide many-sided teaching materials dealing with tolerance, multiculturalism and human rights to support the implementation of the curricula (e.g. [www.kansainvalisyyskasvatus.net](http://www.kansainvalisyyskasvatus.net) and [www.ihmisoikeudet.net](http://www.ihmisoikeudet.net)).

The Ministry of Education has, jointly with the Ministry for Foreign Affairs, the National Board of Education and NGOs, prepared a national action programme on global education. Education on human rights and tolerance, multiculturalism and minority issues is part of the programme. Other objectives are to further strengthen the practical implementation of global education at schools and educational institutions and in teacher training, and to assess the need to enhance teaching materials. Further work on the programme and follow-up thereto are already under way.

In autumn 2007 the National Board of Education will launch a forum for children and youth for pupils in basic education and upper secondary education from all provinces of Finland. This national forum will convene three times every school year. The theme for the school year 2007-2008 is the Convention on the Rights of the Child and related awareness-raising. What is significant is that the participating pupils raise awareness about the content of the Convention also in the broad children and youth forums of their own municipalities. The positions, opinions and proposals for measures produced in municipalities will be considered by the national forums for children and youth during the school year 2007-2008, and will thus be adopted as part of different development and decision-making processes.

### **MOD training**

The Church Council coordinates the MOD (MOD - *moninaisuus ja dialogi*) training programme on diversity and dialogue in Finland. The programme is intended for the settlement of conflicts concerning diversity and identity. It aims to reveal internalized attitudes and persistent prejudice that generate or strengthen discriminatory patterns of behaviour. MOD was developed in Sweden in the 1980s in order to combat racism caused by increased multiculturalism. Currently, it is being applied in all Nordic countries to facilitate cooperation in contexts of diversity of all kinds.

### **Teacher training**

One priority in the further training of teachers is to enhance education for pupils with minority linguistic and cultural backgrounds. Emphasis is put on the further training of teachers of immigrants' native languages. The keeping up and development of native language skills is supported, with the aim to achieve functional bilingualism. Insufficient knowledge of languages among competent teachers and scarcity of instruction materials often hamper the provision of mother tongue instruction. Therefore more students with an immigrant background should be selected for teacher training in order to better cater for the increasing number of immigrant pupils and their needs in schools.

### **Living Library**

The Living Library is a platform for building relations and dialogue between people. With its librarians, library counters and library reader cards, the Living Library resembles a traditional library in many ways, but instead of books, the clients borrow human beings. In the Living Library they can borrow volunteers for a limited period of time and ask them questions that they have always wanted to pose to representatives of the group in question.

The Living Library is a tool for different associations, organizations and institutions, like child and youth organizations and schools. It is being used increasingly on major public occasions, for instance at festivals. The method is based on ideas of Nordic young people, and it has been used since 2000 in order to eradicate prejudice and stereotypes and to raise awareness of diversity. The method is also used in other European countries.

## **2. Culture**

### **Support to minority languages and cultures**

The Ministry of Education grants subsidies to support multiculturalism and anti-racist work. For the year 2007, 400,000 euros were budgeted for this purpose, and the Ministry granted subsidies on the basis of 79 applications. In 2006, the Ministry of Education prepared a programme on Access to Art and Culture for All for the years 2006-2010. The programme aims, in particular, to strengthen the cultural rights of linguistic and cultural minorities and the minority with disabilities.

Subsidies are granted for activities to preserve immigrants' and ethnic minorities' own culture and language. Since the concept of culture is given a broad interpretation, subsidies have been granted for both artistic and leisure activities. In the fields of culture, sports and youth work, groups representing minority cultures have received subsidies increasingly from special appropriations other than those mentioned above.

Separate appropriations are reserved in the State budget for supporting culture in the Sámi language and activities of Sámi organizations. Due to the cultural self-government of the Sámi, these appropriations are allocated to the Sámi Parliament, which declares them open for application and makes decisions on the individual subsidies.

The Government has taken a decision-in-principle on constructing a Sámi Cultural Centre in the Inari village. The Centre will provide facilities for the Sámi Parliament and Sámi education, research and culture. This project supports especially the right of the Sámi as an indigenous people to maintain and develop their own language and culture. The construction of the Centre should be completed in 2011.

The Government has granted a €60,000 annual appropriation to the Islamic Council in Finland (SINE) for the years 2008-2011. The SINE is an association of cooperation of Islamic communities, associations and foundations with the objective, among other things, of promoting the respect and knowledge of Islam in Finland and of Finnish culture among Muslims. The Council strives to prevent the emergence and development of both Islamic and anti-Islamic extreme phenomena in Finland.

In 2006 the Government submitted to the Council of Europe its third periodic report on the application of the European Charter for Regional or Minority Languages. The report gives a detailed account of the support lent to minority languages and cultures in Finland.

### **Support to activities against racism and xenophobia**

Since 2001, the multistage project entitled STOP - Finland Forward without Discrimination, launched by several ministries and other actors and co-financed by the European Union, has taken various measures to decrease prejudice and racism. The latest stage, STOP VI, focuses on awareness-raising about the principles of equality, diversity and non-discrimination and the related legislation.

In 2005-2007, Roma projects connected with the EQUAL Community Initiative and financed by the European Social Fund have been ongoing in Finland. Combating racism and xenophobia in working life is one element of these projects. In particular, a theme work entitled "With Open Mind - Opening the doors to working life for the Roma people", carried out jointly by three separate Roma projects, aims to reduce prejudice in working life.

The Ministry of Education subsidizes, by permanent appropriations, activities to prevent racism and foster tolerance.

## **3. Information**

### **Mass media**

Media with national coverage is rather neutral in its reporting, but intolerant messages continue to appear in local media, especially in crime news reporting. There are still rather few radio and television programmes dealing with minority groups, made by them or produced in their languages. For example, after the channel reform of spring 2007, there is no longer any fixed broadcast time for the Sámi news in the whole country. Parliament has discussed this issue and a related petition of citizens has been prepared during the summer.

Interest in minorities and immigrants has increased, and the attitudes towards them have become more positive. Since 2005, the Finnish Broadcasting Company has, jointly with its cooperation partners, arranged for media education, training and traineeships for immigrants and minorities (Mundo training). In summer 2006, the Advisory Board on Romani Affairs organized a seminar entitled *The Roma and the Media*, which was also attended by representatives of some of the mainstream television and press media in Finland.

Since 1998, the Universities of Tampere and Helsinki have conducted long-term media monitoring, mainly of the press and the Internet, regarding ethnicity and racism.

### **Human rights conventions and information thereon**

Surveys conducted by NGOs show that citizens have insufficient knowledge about international human rights conventions, and for example schools should inform pupils more thoroughly about the conventions, their significance and the opportunities of individuals to promote human rights. The Committee on the Rights of the Child paid attention to this problem in its recommendations in 2005.

Cooperation between NGOs and authorities is indispensable for improving awareness. Citizens are becoming more aware of human rights. Mass media publish increasingly texts and programmes related to international human rights conventions, human rights in everyday life, or violations of conventions. The case law of the European Court of Human Rights concerning Finland is monitored particularly closely.

The Ministry for Foreign Affairs is responsible for providing information on the measures taken to implement human rights conventions, especially in respect of interim reports and the recommendations and conclusions issued by international monitoring bodies on the basis of these reports. The Ministry issues press releases, and occasionally arranges press meetings, on the recommendations. It also distributes the recommendations and comments widely among the Government, Parliament, the judiciary and the local administration and publishes all recommendations and interim reports as well as other topical information related to human rights conventions on its revised human rights website in different languages.

## **ANNEXES**

### **Statistical tables**

Table 1.Foreigners in Finland 1990-2006

Table 2.Population by mother tongue 2002-2006

Table 3.Reported racist offences in police database in 2003-2006

Table 4.Population by activity 1990-2006

Table 5.Distribution of jobs by sector 2005

Table 6.Unemployment 1990-2006

Table 7.Building and summer cottages in Finland 1980-2005

Table 8.Dwelling units by tenure status of dwelling 1980-2005

Table 9.The homeless in Finland in 1997-2006

Table 10.Client contacts with the Office of the Ombudsman for Minorities 2003-2006

## **Legislation**

### **Penal Code (19.12.1889/39)**

- Chapter 6, section 5 (1) (4) (grounds increasing the punishment)
- Chapter 11, section 8 (ethnic agitation)
- Chapter 11, section 9 (discrimination)
- Chapter 17, section 1a (participation in the activity of a criminal organization)
- Chapter 17, section 10 (breach of the sanctity of religion)
- Chapter 24, section 9 (defamation) and section 10 (aggravated defamation)
- Chapter 25, section 7 (menace)
- Chapter 47, section 3 (work discrimination)
- Chapter 47, section 3a (usury-type work discrimination)

### **Act on the Exercise of Freedom of Expression in Mass Media (460/2003)**

- Section 12 (criminal liability of perpetrators and accomplices)
- Section 13 (editorial misconduct)
- Chapter 5 (coercive measures)

## **Publications**

- European Handbook on Equality Data, 2007
- Annual Report of the Ombudsman for Minorities 2006
- Riikka Tella: Advisory Services Against Ethnic Discrimination in Municipalities, 2006.

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