

European Commission
against Racism and Intolerance

ECRI
Commission européenne
contre le racisme et l'intolérance

COUNCIL OF EUROPE



CRI(2019)38

ECRI REPORT ON FINLAND

(fifth monitoring cycle)

Adopted on 18 June 2019

Published 10 September 2019

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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, racial discrimination, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles, covering 9 to 10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, and those of the fourth round in the beginning of 2014. Work on the fifth round reports started in November 2012.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidence. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The fifth round country-by-country reports focus on four topics common to all member States: (1) Legislative issues, (2) Hate speech, (3) Violence, (4) Integration policies and a number of topics specific to each one of them. The fourth-cycle interim recommendations not implemented or partially implemented during the fourth monitoring cycle will be followed up in this connection.

In the framework of the fifth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. It covers the situation up to 3 April 2019; developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fourth report on Finland on 21 March 2013, progress has been made in a number of fields.

In 2014, a new anti-discrimination law was adopted in order to strengthen the legal framework to combat discrimination. It reflects many of ECRI's recommendations contained in its General Policy Recommendation (GPR) No. 7 on national legislation to combat racism and racial discrimination. In this context, the already existing equality bodies were also restructured.

In 2017, the Hate Speech Investigation Teams, which includes hate speech officers in every Police Department, were set up. The authorities have also been taking diverse action at different levels to combat hate speech, including several projects such as "TRUST - Good Relations in Finland" and "Meaningful in Finland" as well as the National Action Plan on Fundamental and Human Rights (2017-2019).

Ethnic profiling was prohibited in 2015. Furthermore, some 900 police officers had received training on preventing and combating hate crimes.

After having adopted the first National Programme for the Integration of Immigrants in 2012, the Finnish authorities launched the second Integration Action Plan in 2015. The authorities made great efforts to integrate the unprecedented number of refugees and beneficiaries of subsidiary protection who had arrived in 2015. ECRI was particularly impressed with the activities carried out by the city of Helsinki, in the areas of language learning and training for employment of new immigrants.

With regard to combating discrimination against LGBT persons, the authorities have taken various measures to fight negative stereotyping, including the project Rainbow Rights, which is coordinated by the Ministry of Justice, with a view to enhancing social acceptance of LGBT persons. In March 2017, same-sex marriage became possible in Finland.

ECRI welcomes these positive developments in Finland. However, despite the progress achieved, some issues give rise to concern.

The country's criminal, civil and administrative law provisions are still not entirely in line with ECRI's GPR No. 7.

The National Non-Discrimination and Equality Tribunal cannot consider cases falling under the Non-discrimination Act that are related to employment as such cases fall exclusively within the mandate of the Occupational Safety and Health Authority (OSHA), which is not an independent body. Since 2015, the Equality Ombudsman can deal with discrimination cases related to gender identity but it has not received additional resources for this new thematic aspect of its mandate.

Racist and intolerant hate speech in public discourse is escalating; the main targets are asylum-seekers and Muslims. Certain extremist organisations, particularly Neo-Nazi groups, also engage in the systematic use of hate speech. On the Internet, expressions of racism and xenophobia containing anti-immigrant rhetoric as well as targeting persons of African descent, LGBT persons and the Jewish community are commonplace, as is abusive language when referring to Roma. Hate motivated attacks against persons and property also occur sporadically.

Accounts of alleged practices of ethnic profiling by the police, against persons belonging to ethnic minorities in particular, continue to be reported. There is still no independent body entrusted with the investigation of such cases.

The responses of the Finnish authorities to these incidents cannot be considered fully adequate. There is no comprehensive and systematic data collection on hate speech and hate-motivated violence. The level of underreporting, especially among vulnerable groups, is an issue and the relatively small number of prosecutions fails to provide an effective deterrent against hate crimes. The level of knowledge and expertise among the

law enforcement bodies and the judiciary in identifying hate speech and hate crimes does not always suffice for proper identification of such crimes.

In spite of the authorities' good efforts in the field of integration, problems regarding effective coordination between the different relevant authorities, at national as well as local level, have persisted. It has also been observed that access to integration activities has been uneven. Furthermore, the requirements for family reunification for refugees and beneficiaries of subsidiary protection have been tightened. ECRI also regrets that the previously existing Group of Experts on Somali issues has been dissolved despite ECRI's recommendation in its last report to ensure the continuation of this group.

Despite the generally progressive legal framework for LGBT persons, the Finnish legislation still has restrictive requirements, including sterilisation, as a pre-condition for legal recognition of transgender persons. Furthermore, there are prolonged waiting times for gender reassignment procedures.

In this report, ECRI requests that the authorities take action in a number of areas; in this context, it makes a series of recommendations, including the following.

The criminal and civil and administrative legislation should be brought in line with ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.

The authorities should, as a matter of priority, empower the National Non-Discrimination and Equality Tribunal to deal with complaints of discrimination in employment on all prohibited grounds and not solely on the grounds of gender and gender identity; the Tribunal should be empowered to grant compensation to victims of discrimination; and the resources of the Tribunal should be substantially increased to enable it to fully carry out its mandate.*

The authorities should set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and homo/transphobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome.

The authorities should reinforce their responses against hate speech by setting up an inter-institutional working group to develop a comprehensive strategy to tackle effectively the problem of racist and homo-/transphobic hate speech. The authorities should, in order to address the problem of underreporting, enhance co-operation between the police and vulnerable groups, including the LGBT community. Such co-operation could include the recruitment of Minorities Liaison Officers, including LGBT Liaison Officers to the police force.

The authorities should ensure equal access to, and quality of, integration courses across the country, using successful integration activities implemented by the City of Helsinki as much as possible as an example of best-practice; and review the skills-building and training programmes for refugees, migrants, and beneficiaries of subsidiary protection with the aim of strengthening them further and achieving higher success rates in labour market participation, paying particular attention to addressing the specific needs of women in the immigrant community.

The authorities should, as a matter of priority and in conformity with the case law of the European Court of Human Rights, amend the Act on Legal Recognition of the Gender of Transsexuals to remove the requirement that persons seeking recognition in a gender other than that in which they were originally registered should be infertile or should undergo sterilisation as a pre-condition for legal recognition.*

* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. Common Topics

1. Legislation against Racism and Racial Discrimination¹

- Existence of criminal, civil and administrative law provisions as per ECRI's GPR No. 7

- *Criminal law provisions*

1. The provisions of Finland's Criminal Code reflect many of ECRI's recommendations concerning criminal law contained in its General Policy Recommendation (GPR) No. 7. However, some provisions are not fully in line with this GPR and various gaps remain. The following analysis focuses on the lacunae.
2. The offences referred to in GPR No. 7, § 18 a. (public incitement to violence, hatred or discrimination), b. (public insults and defamation) and c. (threats) are covered by the Criminal Code's Chapter 11, Section 10 on ethnic agitation, which includes the grounds of race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or a comparable basis.² The Criminal Code also defines more dangerous forms of incitement to racial hatred (aggravated ethnic agitation) and provides for increased penalties under Chapter 11, Section 10(a) if the acts involve incitement or enticement to serious violence. ECRI notes, however, that the grounds of language and nationality (understood as citizenship), are missing.³ This is also the case in Chapter 6, Section 5 (4) of the Criminal Code, which establishes racist motivation as an aggravating circumstance (see GPR No. 7 § 21). This provision also has an open-ended list of enumerated grounds and the authorities underlined that they considered it preferable not to limit the list and that language and nationality are implicitly included. It is ECRI's position, however, that in line with its GPR No. 7, the grounds should be mentioned explicitly in the law to avoid any legal uncertainty and to convey the clear message to the public that members of the corresponding groups are protected by the law.
3. There is no explicit provision in the Criminal Code which penalises the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes, as recommended in GPR No. 7, § 18.e. The authorities informed ECRI, however, that the relevant government bill stipulates that the above-mentioned provisions of the Criminal Code against ethnic agitation also cover such acts. Regarding the status of government "*Bills*" in the Finnish legal system, ECRI notes that these preparatory legislative materials (*travaux préparatoires*) are a central source of law. The Finnish legal tradition stresses the importance of legislative intent, which is expressed, inter alia, in government '*Bills*'.⁴

¹ According to ECRI's General Policy Recommendation (GPR) No.7, "racism" shall mean the belief that a ground such as "race", colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons. "Racial discrimination" shall mean any differential treatment based on a ground such as "race", colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification.

² While ECRI notes that Chapter 11, Section 10 does not fully cover the offences mentioned in GPR No. 7, § 18 a, the authorities emphasised that the application of law by the courts confirms that these are also included. (See for example: Helsinki Court of Appeal, 18 February 2009, nro 366, dnro R 08/607; and Kouvola Court of Appeal, 13 January 2009, dnro R 08/978.)

³ See also in section II.2 (§ 96) for an explanation why the ground of gender identity is also covered by these provisions.

⁴ Regarding these specific acts, ECRI was also informed by the authorities that there have been at least two court cases in which a person was convicted after condoning the Holocaust by distributing written material in which it was claimed that the Nazi crimes against the Jewish people were justified and even desirable. (See: Helsinki Court of Appeal, 25 May 2007, nro 1662, dnro R 07/629; and Helsinki Court of Appeal, 18 February 2009, nro 366, dnro R 08/607.)

4. The Criminal Code does not specifically refer to the creation, leadership of support for or participation in an organised group promoting racism, offences which should be punishable according to GPR No. 7, § 18 g. The Criminal Code uses the term “organised criminal group”, which refers to a structured association of three or more persons, existing for a period of time and acting in concert with the aim of committing offences. Committing ethnic agitation is, however, only one of the offences for which punishment for members of an organised criminal group can be increased under Chapter 6, Section 5 on aggravating circumstances. In ECRI’s view, it would be more effective if there was a specific offence of creating, leadership of, support for, or participation in an organised group that promotes racism.
5. ECRI recommends that the authorities bring Finland’s criminal law into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) include the grounds of language and nationality (understood as citizenship) in the list of protected grounds in the Criminal Code’s Chapter 11, Section 10 on ethnic agitation and Chapter 6, Section 5(4) on aggravating circumstances; and (ii) criminalise the creation or the leadership of a group which promotes racism, support for such a group, and participation in its activities.

- ***Civil and administrative law provisions***

6. A new anti-discrimination law was adopted in Finland in 2014. The Non-discrimination Act entered into force in January 2015 and reflects many of ECRI’s recommendations contained in its GPR No. 7. However, not all provisions are fully in line with this GPR and some gaps remain. The following analysis focuses on the lacunae.
7. The Non-discrimination Act prohibits discrimination on the basis of an open-ended list of grounds that include origin, nationality, language, religion and sexual orientation.⁵ While ECRI usually advocates for the explicit mention of specific grounds, it notes that the government ‘Bill’ for the Non-discrimination Act states that the term “origin” covers ethnic, national and social origin, including “race” and colour.⁶
8. With regard to the recommendations contained in its GPR No. 7, § 6, ECRI notes that while Chapter 3, Section 8(1) of the Non-discrimination Act includes discrimination by association and Section 8(2) provides that an instruction or order to discriminate constitutes discrimination, the Act does not include announced intention to discriminate, inciting another to discriminate or aiding another to discriminate as forms of discrimination.
9. The country’s civil and administrative law does not contain any provisions that place public authorities under a duty to ensure that those parties to whom they award contracts, loans, grants or other benefits respect and promote a policy of non-discrimination, as recommended in GPR No. 7 § 9.
10. Chapter 8, Section 43 of the Associations Act provides for the possibility of dissolving organisations, including those which promote racism. However, the authorities informed ECRI that the threshold for such dissolutions is relatively high due to the importance attributed to freedom of association. In this context, ECRI notes with concern that there is no obligation in Finland’s civil and administrative

⁵ Non-discrimination Act (no. 1325/2014): Chapter 3, Section 8.

⁶ Government ‘Bill’ for the Non-Discrimination Act (HE 19/2014 vp): 66. – This terminology and interpretation has also been used in the government ‘Bill’ on the constitutional prohibition of discrimination (HE 309/1993 vp: 44) and the Constitution of Finland, Section 6. - ECRI also notes that discrimination based on gender identity is expressly prohibited following amendments to the Act on Equality between Women and Men that were also adopted in 2014.

law to suppress public financing of organisations which promote racism, as recommended in GPR No. 7 § 16.

11. ECRI recommends that the authorities bring Finland's civil and administrative law into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) include announced intention to discriminate, inciting another to discriminate or aiding another to discriminate as forms of discrimination in the Non-discrimination Act; (ii) introduce provisions that place public authorities under a duty to ensure that those parties to whom they award contracts, loans, grants or other benefits respect and promote a policy of non-discrimination; and (iii) introduce an obligation to suppress public financing of organisations which promote racism.

- **Equality Bodies⁷**

12. The situation concerning Equality Bodies in Finland has changed with the introduction of new anti-discrimination legislation in 2014. The previously existing Ombudsman for Minorities was transformed into the Non-Discrimination Ombudsman (NDO) with a broader mandate. The Equality Ombudsman (EO) continues to deal with issues concerning gender equality and also covers, since 2015, the ground of gender identity. The previously existing Equality Tribunal and the National Discrimination Tribunal were merged into a new National Non-Discrimination and Equality Tribunal. While many of ECRI's recommendations are reflected in the current setting, several others are not.

- **Non-Discrimination Ombudsman**

13. The mandate of the Non-Discrimination Ombudsman (NDO) covers all the grounds listed in the 2014 anti-discrimination law and the institution is mandated to promote equality and non-discrimination, including through research and awareness-raising. The NDO can look into individual complaints, mediate between the parties involved with the aim of negotiating a reconciliation agreement or issue a reasoned opinion (assessment) of a case. The recommendations are not legally binding. The NDO can bring cases to the National Non-Discrimination and Equality Tribunal (see below), which can make binding decisions. The NDO may also provide assistance to victims of discrimination who want to claim compensation in court.

14. While the NDO can issue reports and general recommendations with regard to equality issues in employment, it cannot investigate individual cases of discrimination in this field. Such cases are dealt with by the Occupational Safety and Health Authority (OSHA).⁸ The OSHA, however, does not have the same expertise in the area of non-discrimination as the NDO⁹ and is not a fully independent body. ECRI notes that the Equality Ombudsman (see below), who examines discrimination on the grounds of gender and gender identity, has the right to investigate individual cases concerning the workplace.¹⁰ In ECRI's view, the NDO should have the same right.

15. In its fourth report (§ 31), ECRI recommended that the authorities extend the then existing Ombudsman for Minorities' field of activity by empowering her to bring matters before the courts *proprio motu* and to deal with complaints of discrimination on grounds of skin colour, language, religion or "race". ECRI also recommended that the authorities permit the Ombudsman for Minorities to open local and regional branch offices. ECRI stressed the need for the Ombudsman for Minorities to be provided with the requisite human and financial resources to allow the

⁷ The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2 which was published on 27 February 2018.

⁸ Non-discrimination Act (2014) : Chapter 4, Section 19(2); Non-Discrimination Ombudsman (2018): 48-49.

⁹ See also: Non-Discrimination Ombudsman (2018): 49.

¹⁰ Non-Discrimination Ombudsman (2018): 49.

implementation of these recommendations. This recommendation was subject to an interim follow-up procedure and was considered partially implemented.¹¹ With the introduction of the new Non-discrimination Act (2014), the Ombudsman for Minorities was replaced by the NDO with broader terms of reference. However, the NDO still cannot bring cases before the courts *proprio motu*.¹² The financial and human resources of the new Ombudsman have been increased, compared to the Ombudsman for Minorities, but it remains to be seen if they are sufficient given the broader mandate. The NDO does not have any local or regional offices.

16. ECRI recommends that the mandate of the Non-Discrimination Ombudsman be amended to include (i) the right to examine individual cases of alleged discrimination in employment; (ii) the right to bring cases before the courts *proprio motu*; and (iii) the opening of local and regional offices, for which adequate resources should be provided.

- **Equality Ombudsman**

17. The Equality Ombudsman (EO) is mandated to monitor and promote equality between men and women in Finland. Unlike the NDO, the EO's mandate also covers the field of employment. Following the amendment to the Act on Equality between Women and Men, the EO's mandate now also includes the ground of gender identity. However, no additional staff was provided to the institution in spite of the fact that this new aspect of its mandate requires a different technical expertise compared to gender equality issues. In this regard, ECRI notes that so far, the EO has not referred any cases related to gender identity to the National Non-Discrimination and Equality Tribunal.

18. ECRI recommends that the authorities increase the capacity and staff of the Equality Ombudsman in order to enable the institution to adequately deal with gender identity issues falling within its mandate.

- **National Non-Discrimination and Equality Tribunal**

19. The National Non-Discrimination and Equality Tribunal (NDET) was set up as an impartial and independent judicial body to give legal protection to those who consider that they have been discriminated against or victimised. It commenced its work in 2015. ECRI notes, however, that the 14 NDET members are all appointed by the government.¹³ The NDET can prohibit continued or repeated discrimination or victimisation and impose a conditional fine to enforce compliance with its injunctions and order payment of such a fine. The Tribunal's decisions are legally binding, but may be appealed to the competent administrative court. The NDET is also tasked to confirm any reconciliation reached between the parties as a result of the Ombudsmen's mediation in matters concerning discrimination, unless the reconciliation is contrary to law, clearly unreasonable or infringes upon the rights of a third party.¹⁴

20. Within the scope of the application of the Non-discrimination Act, the person being discriminated against, or with his or her consent, the NDO or an association promoting non-discrimination, may submit a case to the NDET for consideration. However, the NDET cannot consider cases falling under the Non-discrimination Act that are related to employment. Such cases fall exclusively within the mandate of the Occupational Safety and Health Authority (OSHA). Within the scope of the application of the Act on Equality between Women and Men, which includes the grounds of gender and gender identity, the NDET can consider cases related to employment. However, individuals by themselves cannot bring such cases to the

¹¹ ECRI (2016): 4.

¹² ECRI (2016): 4.

¹³ This is not in line with the criteria for independence set out in ECRI's revised GPR No. 2 § 23.

¹⁴ Non-Discrimination Act (2014): Chapter 4, Section 20 (1) and (3).

NDET for consideration. Only the EO or a central organisation of employers' associations or a central labour market organisation (trade union) may do so.

21. In its fourth report (§ 38), ECRI recommended that the authorities extend the scope of the mandate of the then National Discrimination Tribunal to enable it to award damages to victims, to give it a role in immigration matters and to empower it to also address cases of multiple discrimination. In its interim follow-up, ECRI concluded that this recommendation had been partially implemented. The new NDET can look into immigration issues from a non-discrimination angle and can also address cases of multiple-discrimination. However, it still cannot award compensation to victims, as was recommended by ECRI.¹⁵
22. The NDET has only three full-time staff members and one part-time staff member on a temporary basis. Given that the work-load has increased from 70 cases in 2017 to approximately double that number in 2018, ECRI notes that the staffing levels are currently insufficient.
23. ECRI recommends, as a matter of priority, that the National Non-Discrimination and Equality Tribunal should be empowered to deal with complaints of discrimination in employment on all prohibited grounds and not solely on the grounds of gender and gender identity; that the Tribunal should be empowered to grant compensation to victims of discrimination; and that the resources of the Tribunal should be substantially increased to enable it to fully carry out its mandate.

2. Hate speech¹⁶

24. The authorities informed ECRI that hate speech is covered by the criminal offence of ethnic agitation and aggravated ethnic agitation (Chapter 11, Section 10 and 10 (a) of the Criminal Code - see § 2), defamation (Chapter 24, Section 9), public incitement to an offence (Chapter 17, Section 10), and menace (Chapter 25, Section 7). In addition to criminal liability, Finnish law also provides for punishment of hate speech under civil liability, such as the prohibition of harassment (Section 14 (1)) of the Non-Discrimination Act.

- Data

25. The official hate crime statistics in Finland are collected by the Police University College, the Interior Ministry, the Prosecutor's Office, the Ministry of Justice and Statistics Finland.¹⁷ Suspected hate crimes, including hate speech incidents, reported to the police are divided¹⁸ into the following different subcategories: (i) racist crimes (ethnicity or nationality); (ii) crimes against religion or belief; (iii) crimes concerning sexual orientation and trans identity and appearance; and (iv) crimes concerning disability and are documented in an annual hate crime report.¹⁹ These annual reports, which are published by the Police University

¹⁵ ECRI (2016): 4.

¹⁶ According to ECRI's GPR No. 15 on combating Hate Speech, "hate speech" shall mean the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of "race", colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status.

¹⁷ ECRI notes that this data does not cover all forms of hate speech as defined by ECRI (see footnote above). Some elements of hate speech, such as incitement to violence and threats, constitute criminal offences (see § 26, 49); and make up together with incidents of hate motivated violence, the overall category of hate crimes. For this reason, the sections on hate speech (section I.2) and violence (section I.3) do not exactly correspond to the hate crime categories as defined by OSCE/ODIHR and the Finnish authorities.

¹⁸ This data is gathered from searches of police crime reports in a nationwide electronic information system (PATJA) on the basis of hate crime codes, keywords (271 in total) and types of crimes.

¹⁹ FRA-EU (2018a): 47.

College, recorded 1165 hate incidents in 2017; 1079 in 2016, 1250 in 2015; 822 in 2014 and 833 in 2013.²⁰

26. According to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) hate crime data, based on the Police University College annual report, the 1165 hate crimes reported in 2017, included incidents of violence (see section I.3) and certain forms of hate speech. For example, 241 cases were classified as incitement to violence and 231 cases as threats.²¹ ECRI regrets that no comparable data is available for previous years. Although the figures for incitement to violence and threats did not include a breakdown of the criminal offences involved, 333 of them were motivated by racism and xenophobia; 81 by bias against Muslims; six by antisemitism; 13 by bias against Roma; 11 by bias against Christians; two by bias against members of other religions or beliefs and 16 by bias against LGBT persons. While Finnish data protection laws do not allow the recording of data on ethnicity,²² hate crimes against Roma persons started to be included, on the basis of their consent, as a new category in 2017, which ECRI welcomes.
27. The National Police Board data submitted to ECRI suggest that online hate speech incidents are dealt with under three types of crimes, (i) incitement to hatred; (ii) defamation and (iii) threats; and indicate that a total of 160 online hate speech incidents were recorded in 2015; 127 in 2016 and 282 in 2017. Furthermore, the Prosecutor's Office informed ECRI that 23 investigations concerning online hate speech were initiated in 2015, whereas this number was 24 in 2016 and 91 in 2017. While the number of prosecutions remained at 18 for both 2015 and 2016, it increased to 63 in 2017. ECRI was not informed about the outcome of these prosecutions.
28. ECRI notes that despite the generally good data collection system for hate crime at the police level²³, it is difficult to ascertain the exact number of hate speech cases from the overall recorded number of hate crime incidents. It also appears that hate speech incidents are classified under several criminal offences (§ 24). Given the increasing scale of the problem, as demonstrated below, a clearer distinction of hate speech cases and a detailed breakdown of this category would help to better understand trends in these areas. Moreover, both the authorities and civil society emphasised to ECRI that the available data on hate crimes refers to different stages of proceedings in relation to these crimes, leading to variations in statistics, from which one cannot always clearly understand the criminal justice response to these incidents,²⁴ and in particular, the number of prosecutions and the sentences imposed. ECRI considers that the lack of systematic data collection undermines any evaluation of the effectiveness of the relevant provisions and the possibility of obtaining a clear picture of the extent of hate crime and hate speech.
29. ECRI recommends that the authorities set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and homo/transphobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome and that this data is made available to the public.

- **Hate speech in political and other forms of public discourse**

30. ECRI notes with satisfaction that in 2015, all parliamentary parties signed again the Charter of European Political Parties for a Non-Racist Society²⁵ and that for the

²⁰ Police University College (2018): 21.

²¹ OSCE-ODIHR, Hate Crime Reporting: Finland <http://hatecrime.osce.org/finland?year=2017>

²² In practice, nationality or place of birth is used to indicate whether hate motive was based on ethnicity.

²³ ECRI (2016): 4-5.

²⁴ See also ECRI (2013), § 90.

²⁵ UN Human Rights Council (2017): § 52.

municipal elections of 2017 all major parties except the Finns Party required their candidates to sign a written statement against racism. Despite these commendable steps, however, some political figures have continued to make discriminatory remarks.²⁶

31. The arrival of 32,400 asylum seekers to Finland in 2015 as part of the European migration crisis²⁷ in that year has seen an escalation in anti-immigrant and anti-Muslim rhetoric in public discourse.²⁸ This influx was followed by an increase in inter-ethnic intolerance and polarisation in the country.²⁹ Some politicians have tried to attract voters by capitalising on constituents' fears over the costs of immigration and perceptions that foreigners are overrepresented in criminal activities or pose a threat to national identity. Certain members of the Finns Party in particular, are on record for having made islamophobic public statements. For example, in 2016, a member of Parliament stated that 'all terrorists are Muslims' and asked for "the removal of all Muslims from the country".³⁰ Reportedly, political candidates of immigrant origin faced racist comments and threats during the municipal election campaign in 2017.³¹
32. Verbal abuse and insults in public places, including public transport, frequently target people of a different appearance or skin colour to the majority population, such as Roma, immigrants, especially Somalis and individuals thought to be LGBT persons. According to a survey³² carried out in 2016, half of the LGBT respondents stated that they have been victims of harassment within the last five years. Roma respondents of the same survey said that Roma women in particular, due to their recognisable traditional dresses, often face insults when attending social services (see section I.4).
33. A recent FRA-EU survey in 2018 revealed that 63 % of persons of African descent in Finland have experienced racist harassment in the last five years,³³ which is the highest rate among the countries participating in the survey. However, only 30% of them reported these incidents.³⁴ The prejudice against Black persons was also illustrated by episodes of 'blackface portrayals'. For instance, in 2018, a group of university students' traditional "sitsfest" party sparked controversy when some of them appeared in 'blackface' makeup and rephrasing traditional songs with racist terminology.³⁵
34. ECRI notes with concern that Nazi swastikas have become more visible in public spaces in recent years. In December 2018, on Independence Day, hundreds of anti-immigration protesters gathered on a march through the streets of Helsinki,³⁶ leading the police to confiscate three Nazi flags and take their bearers into custody.³⁷ On a related note, ECRI welcomes the recent decision of the National Non-Discrimination and Equality Tribunal³⁸ concerning the public display of a Nazi

²⁶ Finnish League for Human Rights (2017).

²⁷ As defined in ECRI's Annual Report 2015.

²⁸ UN CERD (2017): para. 10; Annual Report of the Non-Discrimination Ombudsman (2016): 20.

²⁹ See also, FCNM Advisory Committee (2016): § 48.

³⁰ FRA-EU Database 2012-2017 on Anti-Muslim hatred: Finland.

³¹ Yle News (2017).

³² Ministry of Justice of Finland (2016): 19.

³³ FRA-EU- MIDIS II (2018b): 15.

³⁴ Ibid: 43.

³⁵ Yle (2018a).

³⁶ News Now Finland (2018).

³⁷ Helsinki Times (2018).

³⁸ Application No. 393/2018, Decision issued on 19 December 2018.

https://www.yvtltk.fi/material/attachments/ytaltk/tapausselosteet/jFpTF4Rlt/YVTltk-tapausseloste-19.12.2018-hairinta-hakaristolippu_L.pdf

flag in a student dorm window. In its decision, the Tribunal qualified this behaviour as a form of hate speech and found a violation of the prohibition of harassment under the Non-Discrimination Act.

35. Members of the indigenous Sámi community point out that racist remarks concerning them still occur in day-to-day life and that this phenomenon was stirred up with the recent discussion on the Arctic Railway Project.³⁹ ECRI notes that pejorative comments and prejudice against Sami can create an atmosphere in which members of the country's indigenous community are inhibited from freely expressing their culture, such as wearing traditional clothing or using their own language, in public places. Reports⁴⁰ also confirm that Sami clothing is negatively portrayed in the media. In some cases, Sami feel compelled to hide or deny their ethnic origin in order to avoid being confronted with negative stereotypes (see also section I.4).

- **Hate speech by extremist groups**

36. Certain extremist organisations also engage in the systematic use of hate speech, notably the Finnish branch of the Nordic Resistance Movement (PVL), a neo-Nazi group with a small following.⁴¹ Its activities include organising protests and inciting racial and religious hatred, often by propagating its extremist and violent ideology on the internet. Among others, in 2017, the group dressed several statues depicting female figures in different cities with a black face veil to 'remind Finnish people of the ongoing demographic change'.⁴² On another occasion, they published online material glorifying Adolf Hitler.⁴³ In 2017, the National Police Board lodged a case to dissolve the PVL following a fatal assault that took place during a demonstration organised by the group at Helsinki Central Station Square in 2016 (§§ 40 and 51).⁴⁴

- **Hate speech on the internet and in the media**

37. Several interlocutors indicated that hateful language against various minorities, including LGBT persons, has become prevalent in social networks and user-generated content, as has abusive language when referring to Roma. ECRI is concerned with the fact that a closed Facebook group in which racist comments, targeting for example refugees and Black persons, were made was moderated by several police officers. This was revealed by a group of investigative journalists in June 2017.⁴⁵ Similarly, a Finns Party member of parliament (MP) posted denigrating comments about Roma beggars on Facebook, calling them "criminals".⁴⁶
38. Civil society groups state that inflammatory discourse against the Jewish community is present in Finland.⁴⁷ It appears mostly on internet platforms, neo-Nazi websites or social networks. Examples of antisemitic hate speech include the websites Magneettimedia and MV-lehti. Reports⁴⁸ show that the former owner of

³⁹ This project plans to build a 500 kilometre railway through the Sami heartland to the Barents Sea/Arctic Ocean in the North. Many Sami oppose this because they fear it will interfere with their reindeer herding grounds and encourage large scale mining in the area, threatening their traditional way of life.

⁴⁰ Annual Report of the Non-Discrimination Ombudsman (2016), *op.cit.* 21.

⁴¹ Reportedly, it consists of 60-70 core members in Finland though the group may attract many more sympathisers during its rallies. This Movement was originally founded in Sweden and has branches in Norway and in Finland- See Hate Speech International (2017).

⁴² Hyökki, L. (2017), in European Islamophobia Report: 214.

⁴³ US Department of State (2017):12.

⁴⁴ Helsinki Times (2017b).

⁴⁵ Helsinki Times (2017a).

⁴⁶ Migrant Tales (2018).

⁴⁷ Migrant Tales (2017).

⁴⁸ US Department of State (2017):12.

Magneettimedia, who was convicted of ethnic agitation in 2014, has continued to spread antisemitic content through the newspaper KauppaSuomi, which is distributed through his large chain of department stores.

- **Measures taken by the authorities**

39. ECRI considers that hate speech is particularly worrying not only because it is often a first step in the process towards violence but also because of the pernicious effects it has on those who are targeted and on social cohesion in general. Appropriate responses include law enforcement channels (criminal, civil and administrative law sanctions) but also other mechanisms to counter its harmful effects, such as prevention, self-regulation and counter speech. ECRI notes with satisfaction that the various measures described below indicate both an awareness of the problem of hate speech in Finland and a certain political will to combat it on the part of the authorities.
40. As for criminal, civil and administrative law responses, ECRI welcomes the reaction of the authorities to some of the incidents already mentioned. For instance, in the case of Islamophobic comments by the Finns Party MP (§ 31), the District Court of Keski-Suomi⁴⁹ convicted the perpetrator of incitement of racial hatred and ordered him to pay a fine of €1160. In 2018, the Turku Court of Appeal⁵⁰ upheld an earlier judgment of the Pirkanmaa District Court, to order the dissolution of the Nordic Resistance Movement (PVL) (§ 36).⁵¹ Regarding the Facebook group mentioned in § 37, the authorities have taken administrative sanctions against the police officers involved.⁵² Despite these decisions, many interlocutors expressed concerns to ECRI about the relatively small number of hate crimes, including hate speech incidents, that have led to prosecutions.⁵³ In ECRI's view, the limited application of the relevant provisions, in particular in relation to ethnic agitation may give the impression to the public that hate speech is not a serious offence and can be engaged in with impunity. ECRI therefore urges the authorities to continue efforts to ensure that anyone who engages in hate speech is duly prosecuted and punished.
41. As regards the internet, ECRI is pleased to note the setting up of the Hate Speech Investigation Team in 2017,⁵⁴ which includes hate speech officers in every Police Department. These officers are involved in discussions on social media platforms to prevent and detect hate speech. A specialist group also investigates detected cases. Furthermore, the authorities informed ECRI that the police established a Net-tip system through which people can report online racist material. These intense efforts have already yielded positive results, as visible in the increasing number of investigations concerning online hate speech. (§ 27)
42. ECRI notes that the authorities have been taking diverse actions at different levels to combat hate speech. For instance, the Ministry of Justice has run a project entitled "TRUST - Good Relations in Finland (2016-2018)" with a view to promoting good relations between migrant groups and the local population, especially in

⁴⁹ Decision No. R 16/2618.

⁵⁰ The Turku Court of Appeal- Decision no. 777, 28.9.2018.

⁵¹ The Supreme Court, with its decision on 28 March 2019, temporarily suspended the activities of the PVL but the final decision dealing with the appeal of the PVL is still pending before the Supreme Court. See <https://korkeinoikeus.fi/fi/index/ajankohtaista/tiedotteet/2019/03/kkomyonsipohjoismaisellevastarintaliikkeellivalitusluvanjakielsivaliaikaisestisentoiminnan.html>

⁵² https://www.poliisi.fi/tieto_a_poliisista/tiedotteet/1/1/poliisien_suljettua_facebook-ryhmaa_koskeva_selvitys_on_valmistunut_poliisiryksikot_antoivat_yhdelle_vakavan_kirjallisen_huomautuksen_viidelle_tyonjohdollista_ohjausta_68314

⁵³ See similar, UN CERD (2017), *op.cit.*: para.10.

⁵⁴ This decision is a result of the mapping exercise conducted by the National Police Board which resulted in the adoption of the police Action Plan against hate speech and hate crimes in 2016. The Government allocated 10 million euros to the police to counter hate crimes, racism and xenophobia.

areas receiving asylum seekers, and to protecting these groups against hate speech. The project was piloted in seven municipalities with the involvement of asylum seeker reception centres, municipalities as well as civil society. Similarly, another action plan - "Meaningful in Finland" - was launched by the Ministry of Education and Culture in 2016 to prevent hate speech and racism and to foster social inclusion, containing measures in areas such as teacher training, youth work, sports and dialogue between religions. ECRI considers such initiatives as a good practice to combat hate speech, offering great potential to increase awareness about discrimination at local level and to help build an inclusive society.

43. ECRI welcomes the fact that the National Action Plan for the Prevention of Violent Radicalisation and Extremism of 2016 contains measures for the effective investigation of hate crimes as a means to reduce the underlying causes of this phenomenon. Similarly, the National Action Plan on Fundamental and Human Rights (2017-2019) includes measures addressing hate speech in all its four chapters. Lastly, ECRI notes with satisfaction the launching of another project in 2018 by the Ministry of Justice, namely "Against Hate (2017-2019)," that comprises the following objectives: i) to develop measures to identify, prevent and tackle hate crime and hate speech and to establish national networks to monitor and combat these incidents; ii) to develop monitoring systems for online hate speech and hate crime; iii) to share information between public authorities at the EU-level on good practices; and iv) to develop services assisting victims.⁵⁵
44. ECRI commends these positive and innovative steps taken by the Finnish authorities, but notes that these ad-hoc measures, mostly sustained by limited projects, lack overall coordination, which would render an effective evaluation of progress rather difficult. Furthermore, ECRI was informed by several interlocutors that the concept of hate speech used in these initiatives, which often involve different actors, also varies significantly. Against this background, ECRI encourages the authorities to take a more systematic and coordinated approach to preventing and combating hate speech while ensuring the long-term sustainability and impact of this initiative.
45. ECRI recommends that the authorities reinforce their responses against hate speech by setting up an inter-institutional working group to develop a comprehensive strategy to tackle effectively the problem of racist and homo-/transphobic hate speech. This group should include the relevant authorities, as well as equality bodies, civil society organisations and, as much as possible, media representatives. This strategy should make effective use of ECRI's General Policy Recommendation No.15 on Combating Hate Speech.
46. ECRI was informed that there is a significant level of bullying in schools and reports show that most such incidents are related to victims' ethnic origin⁵⁶ or sexual orientation (see § 105), which is a breeding ground for hate speech in the long run. Given the important role of schools as institutions in which to acquire social skills and fundamental values, such as tolerance and respect for others, ECRI considers it crucial to take measures against these incidents and takes positive note of the significant efforts made by the authorities so far. For example, the Ministry of Education and Culture Measures has continued its "KiVa Koulu (Nice school)" programme with a view to preventing and reducing bullying in schools. All schools in Finland providing basic education are now obliged to have a plan for protecting pupils from school bullying. ECRI was also informed that new national curricula, which entered into force in 2016, contain more dedicated and tailored measures for tackling all forms of intolerance and promoting diversity. ECRI commends these measures and encourages the authorities to continue monitoring the situation of bullying in schools closely.

⁵⁵ MFA (2018): 4.

⁵⁶ See also , UN CERD (2017): § 22.

47. Finally, ECRI places great importance on tackling hate speech through confronting and condemning it directly by counter speech that clearly shows its destructive and unacceptable character. As mentioned in ECRI's GPR No. 15, public figures can make an especially important contribution because the esteem in which they are held gives their voice a considerable influence. ECRI notes that on several occasions, including following the derogatory comments by police officers in a closed Facebook group (see § 37), public figures, including ministers, have engaged actively in counter speech. The Prime Minister in his 2018 New Year's speech stated that "Sowing hate speech is a crime".⁵⁷ However, various civil society organisations met by ECRI considered that such condemnations were not sufficiently frequent and that many groups against whom hate speech is directed feel insufficiently supported.
48. ECRI recommends that the authorities encourage speedy reactions by public figures and in particular politicians, that not only condemn all forms of racist and homo-/transphobic hate speech, but which also seek to reinforce the values which such speech threatens.

3. Racist and homo/transphobic violence

- Data

49. The collection of data on racist and homo-/transphobic violence has been subject to the same methodology as for hate speech (see § 25 in section I.2). As noted above, the annual report published by the Police University College recorded 1165 hate crimes in 2017; 1079 in 2016, 1250 in 2015; 822 in 2014 and 833 in 2013. The OSCE/ODIHR hate crime database, which does not include all forms of hate speech incidents as defined by ECRI (see footnote 15) in its overall breakdown and applies a different methodology, suggests that there were 1497 reported hate crimes in 2017, 1311 in 2016, 1704 in 2015, 954 in 2014 and 904 in 2013. Out of the 1497 cases in 2017, 753 cases concerned physical assault, 143 concerned damage to property, 13 cases concerned vandalism and eight cases concerned attacks against places of worship. As mentioned earlier (§ 28), the available data on hate crimes, which includes acts of hate speech and cannot be disaggregated, refers to different stages of proceedings and thus fails to give a clear picture of overall prosecution and sentencing. ECRI therefore refers to its recommendation in § 29 above.
50. Civil society representatives indicated that although sporadic incidents of racist violence had occurred previously, the number of hate crimes in Finland, in particular against refugees and Muslims, has increased since 2015. The 2017 annual hate crime report shows that the most common motivation for hate crimes was ethnic identity (69,8%), while hate crime based on religion also increased by 58% compared to 2016, mostly targeting Muslims, and constituted 20% of reported cases.⁵⁸ Examples of such acts of violence are mentioned below.

- Racist violence

51. While ECRI is pleased to note that organised and grave forms of hate-motivated attacks do not occur frequently in Finland, there have been cases of violence which resulted in death. In September 2016, a man died a week after being assaulted during a demonstration organised by the Nordic Resistance Movement (PVL) at Helsinki Station Square (see § 36).
52. During a terror attack in Turku on 18 August 2017, the attacker, who was a Moroccan asylum seeker, killed two people and wounded eight others.⁵⁹ This tragic incident reportedly triggered attacks, including arson, against reception centres for

⁵⁷ Yle (2018b).

⁵⁸ Daily Finland (2018).

⁵⁹ The New York Times (2017).

asylum seekers, and, in some cases, against their staff members.⁶⁰ According to the Immigration Service, the number of such incidents against reception centres increased by 30% in 2018 compared to 2017.⁶¹

53. According to FRA-EU data, 36 antisemitic criminal cases were recorded between 2013 and 2016.⁶² While no violent acts against persons occurred, sporadic cases of vandalism targeting the Jewish community, in particular desecration of graves, have been reported.

54. Reports have also documented incidents of assaults against Muslim women wearing headscarves in public places.⁶³ ECRI notes that Muslim women wearing visible religious symbols are particularly vulnerable due to the intersectionality of gender and religion, which can lead to feelings of isolation within a larger community and hinder the building of inclusive societies.⁶⁴

- **Homo-/transphobic violence**

55. As regards homo-/transphobic violence, in 2014 the authorities reported 40 cases with a bias motivation against LGBT persons to the OSCE/ODIHR, 82 cases in 2015 and 56 in 2016. According to the EU-FRA LGBT Survey⁶⁵, the average number of violent incidents per 1000 respondents in Finland in the year prior to participating in the survey was 333, while the EU average was 262.⁶⁶ NGOs consider that under-reporting remains an issue in Finland. For example, the same FRA-EU survey revealed that only 1% of respondents reported the most recent incident of hate-motivated harassment to the police, the EU average being 4%.⁶⁷ In this respect, ECRI is pleased to note the ongoing work within the Ministry of the Interior to draw up a strategy for crime prevention, which has included the organisation of workshops with LGBT NGOs.⁶⁸ ECRI considers these initiatives as very promising steps in tackling the problem of under-reporting that has been frequently observed among vulnerable groups due to insufficient trust in law enforcement bodies and therefore encourages the authorities to institutionalise such co-operation between the police and the LGBT community.

56. ECRI recommends that, in order to address the problem of underreporting, the authorities enhance co-operation between the police and vulnerable groups, including the LGBT community. Such co-operation could include the recruitment of Minorities Liaison Officers, including LGBT Liaison Officers to the police force.

- **Measures taken by the authorities**

57. Since ECRI's last report, seminars for police have been delivered on a wide range of topics, including training on preventing and combating hate crimes organised by the OSCE-ODIHR. Under the latter's Training Against Hate Crimes for Law Enforcement (TAHCLE) programme, some 900 police officers had received training by the end of 2018. On the same issue, the Ministry of Justice has supported the capacities of local authorities, in particular municipal policing, as part of a project called Proximity (2017-2019). While these activities have helped enhance the capacity of law enforcement bodies in this area, it has frequently been stressed that the police, state prosecution service and judiciary continue to experience problems - and to a certain extent confusion - in identifying hate crime

⁶⁰ FRA-EU (2016) : 4 ; Yle (2018c).

⁶¹ FRA-EU (2018d): 11.

⁶² FRA-EU (2018f): 37.

⁶³ Hyökki, L. and Jardi, P. (2015), in European Islamophobia Report: 137; FRA –EU (2016) : 6.

⁶⁴ See also ECRI GPR No.5 on Combating intolerance and discrimination against Muslims.

⁶⁵ FRA-EU (2014).

⁶⁶ Ibid : 60.

⁶⁷ Ibid: 77.

⁶⁸ Seta (2018).

and applying the legislation, and that the in-service training to remedy this situation is insufficient. ECRI therefore underlines the importance of the proper definition of hate crimes and urges the authorities to improve knowledge and expertise among the responsible law enforcement agencies in understanding and recognising hate crime dynamics.

58. ECRI recommends that the training activities for law enforcement officials and the judiciary on hate crime are scaled up. Such training should cover racist and homo-/transphobic hate crime. ECRI also recommends that the authorities carry out an impact assessment to evaluate the training to establish to what extent it contributes to the effective identification of hate crime and, if necessary, adjust it.
59. Particular concerns have also been expressed about the proper application of the legal framework. It was frequently brought to ECRI's attention that hate-motivated violence has not been classified consistently and the bias motivation is not always specified. While ECRI welcomes the guidelines adopted by the National Police Board, which require marking crime reports with a specific hate crime code in case of suspicion, it appears that these guidelines are not always adhered to in practice. According to the Police University College report, in 2017, the hate crime specific code was used in 39% of cases which were later identified as hate crime, whereas this rate was 23% in 2016.⁶⁹ While ECRI takes positive note of this incremental improvement, which signifies better recognition of hate crimes, it nevertheless stresses the need to establish clear standards in the treatment of hate motivated cases as well as ensuring the effective functioning of the justice system against such acts. Reiterating the crucial importance of effective investigation and prosecution as well as deterrent sanctioning of perpetrators, ECRI refers to the case law of the ECtHR, which obliges states to take all reasonable steps to establish whether violent incidents were racially motivated.⁷⁰ Furthermore, ECRI urges the authorities to provide detailed information to victims on the procedure for reporting racist violence, as well as information on any assistance, if any, available to them, such as medical, psycho-social or legal counselling.
60. ECRI recommends that the police and prosecution services should thoroughly investigate all cases of alleged hate crime and ensure that the possible existence of a bias motivation is consistently taken into consideration in police reports and investigations, as well as in any further judicial proceedings.
61. ECRI notes with regret reports about a lack of diversity in the police. Although the authorities have discussed the possibility of introducing quotas for applicants from minorities, this has not happened so far. Several interlocutors stated that this lack of diversity sometimes leads to mistrust of the police and a deterioration in the relationship between police and some communities. In this context, ECRI has heard accounts of negative police attitudes towards minorities on several occasions. ECRI considers it essential to encourage and facilitate diversity in the police so that it reflects the diversity of the population. It refers to its GPR No. 11 on combating racism and racial discrimination in policing, in particular explanatory memorandum § 80 which describes different types of positive measures, such as setting targets for recruitment of members of minority groups and monitoring their attainment.
62. ECRI notes with concern numerous allegations of ethnic profiling made to it. In spite of the fact that ethnic profiling was prohibited in Finland in 2015⁷¹, which ECRI welcomes, recent research⁷² suggested that it continues to be a common practice and that persons belonging to ethnic minorities were stopped and searched by the

⁶⁹ Police of Finland (2018).

⁷⁰ ECtHR (2015) *Natchova and others v. Bulgaria* [GC] (nos. 43577/98, 43579/98), §§ 160-168.

⁷¹ Aliens Act, §129 a.

⁷² Keskinen et al (2018).

police more often than the general population. Furthermore, inadequacies were found in registering the grounds for stops and ID-checks by the police. Reports indicate that there are plans to record the reasons for police controls in a central system to increase transparency and ex-post monitoring.⁷³ While endorsing such measures, ECRI nevertheless recalls its recommendation in its fourth report (§ 174) that an independent body should be set up to investigate misconduct by the police, in line with the recommendations in ECRI's General Policy Recommendation No. 11. ECRI urges the Finnish authorities to take further steps to set up such a body which could *inter alia* investigate alleged cases of racial discrimination by the police and ensure that perpetrators face justice. In this respect, ECRI welcomes the recent decision of the National Non-Discrimination and Equality Tribunal⁷⁴ in which it found ethnic profiling by law enforcement bodies discriminatory.

63. ECRI reiterates its recommendation that the authorities set up a body which is independent of the police and prosecution authorities entrusted with the investigation of alleged cases of racial discrimination and misconduct by the police. Furthermore, ECRI strongly recommends that diversity in the police is increased to better reflect the diversity of the population.

4. Integration Policies

- General background

64. In the history of the Finnish state, large-scale immigration is a relatively new phenomenon; with asylum-seekers and labour migrants arriving for the first time in the early 1990s. The main countries of origin were Russia, Estonia, Somalia and later also Afghanistan and Iraq. While migrants from Estonia and Russia continue to make up the largest immigrant groups, in recent years arrivals from the Middle East, in particular from Syria, have been increasing. In 2015, foreign-born persons made up slightly more than 6% of the total Finnish population of around 5.5 million, and children born in Finland to foreign-born parents accounted for a further 1%.⁷⁵ In that year, Finland received some 32,500 asylum seekers, a major increase on previous years, which posed challenges in terms of meeting their immediate housing needs as well as facilitating the long-term integration into Finnish society, including the labour market, of those who were allowed to remain in the country.⁷⁶ In 2018, the number of asylum seekers had dropped to around 2 400. Furthermore, according to the Ministry of Social Affairs and Health, there are an estimated 2 000 undocumented migrants living in Finland; while the City of Helsinki estimates that around 1 200 reside in the greater Helsinki area alone.⁷⁷
65. In addition to immigrants, other ethnic minority groups include the country's indigenous Sámi community, which is estimated to consist of around 10 000 persons, and a similarly sized community of Finnish Roma, which has existed in the country for several centuries. In terms of linguistic diversity, it should be noted that the country has a historical minority of Swedish mother-tongue speakers, constituting approximately 5.5% of the country's population; and Swedish is an official state language as well as Finnish.

⁷³ FRA-EU (2018c): 22.

⁷⁴ Application No. 337/2018, Decision issued on 19 December 2018.
https://www.yvtltk.fi/material/attachments/ytalkk/tapausselosteet/kmnnntSkQp/YVTltk-tapausseloste-19.12.2018-etninen_profilointi.pdf

⁷⁵ OECD, "Finding the way: A discussion of the Finnish migrant integration system." (2017): 4.

⁷⁶ OECD (2017): 4.

⁷⁷ In this context, ECRI refers to its GPR No. 16 on safeguarding irregularly present migrants from discrimination.

- **Policies and programmes**

66. Based on the Act on the Promotion of Immigrant Integration (2010),⁷⁸ the authorities adopted, in 2012, the first National Programme for the Integration of Immigrants (2012-2015) and a second Integration Action Plan in 2015. The authorities informed ECRI about plans to draft a new Integration Programme after the 2019 parliamentary elections. The Ministry of Economic Affairs and Employment is the lead government agency for integration issues. Finnish integration policy aims at promoting the social inclusion of immigrants in all areas of society, with an emphasis on employment, and supports integration as a two-way process, involving both the individual and the society at large. The priority areas are support for immigrant families, support for the employment of adult immigrants, well-managed settlement of refugees and beneficiaries of subsidiary protection in municipalities, co-operation between central and local government authorities and involvement of civil society in the integration process. The Action Plan covers both recently arrived migrants, including those seeking protection, and members of already established immigrant communities in Finland. While there is an on-going follow-up to the current Integration Action Plan, there have been no in-depth evaluations of either the first or the second Integration Plan. This would be useful in the context of designing and preparing the third Integration Plan.
67. ECRI is pleased to see that the authorities have undertaken, or are planning to undertake, a variety of research and survey work concerning the situation of groups of concern to ECRI in specific thematic areas, such as housing, health, income or social services. ECRI remains concerned, however, about the absence of a comprehensive data collection system in this regard. This is caused by an on-going disagreement about how to gather identity-related information (including on a person's ethnicity or religion) while fully respecting Finland's data protection rules. ECRI has raised this issue in its previous reports,⁷⁹ and reminds the authorities of the need to have reliable information about the social situation of vulnerable groups in order to plan adequate responses aimed at facilitating their integration.
68. ECRI reiterates its recommendation that the Finnish authorities consider ways of implementing a consistent and comprehensive system for collecting disaggregated data to monitor the situation of groups of concern to it, by using information broken down by categories such as ethnic origin, language, religion, gender and citizenship. The data should be gathered in various areas of public action with the authorities ensuring strict compliance with the principles of confidentiality, informed consent and voluntary self-identification of persons. The system should also take account of the possible existence of multiple or intersectional discrimination.

- **Refugees and beneficiaries of subsidiary protection**

69. Although the total number of migrants in Finland is relatively small by international comparison, some integration-related challenges are compounded by the limited historical experience among public institutions of how to organise the integration of newly-arrived migrants. Furthermore, the Finnish labour market is characterised by high-skills employment, with less than 6% of the workforce engaged in low-skills activities. This makes successful integration especially difficult for persons with low levels of formal education, a problem which particularly often affects individuals originating from states that suffer protracted armed conflict (e.g. Somalia, Afghanistan, Iraq or Syria) and, depending on the country of origin, also many women. It is therefore not surprising that labour market outcomes among those seeking protection are often poor.⁸⁰ Integrating newly-arrived refugees and beneficiaries of subsidiary protection into the labour market was further hampered

⁷⁸ Act 1386/2010, see also § 170 of ECRI's last report on Finland.

⁷⁹ ECRI (2013): §§ 184-186.

⁸⁰ OECD (2017): 4 and 7.

by economic conditions, with the unemployment rate rising during 2015 to just below 10%, which is an unusually high level for Finland.

70. The OECD, in a 2017 study, underlines the need to enhance co-ordination with regard to the implementation of integration policy. The 2015 increase in the number of those seeking protection in Finland led to some improvements in the co-ordination of policy and strategy. Increased policy co-ordination, however, has not always been translated into an effective co-ordination of implementation. As long as the number of asylum seekers had remained low, coordination gaps were less problematic; the sharp rise witnessed in 2015, however, required more fine-tuned implementation coordination.⁸¹ In this context, the co-operation between municipalities and the Public Employment Service (PES), which is acknowledged by both sides, is particularly important.
71. Municipalities have primary responsibility for the co-ordination of integration efforts in Finland. They are also responsible for the provision of basic education and childcare, as well as social assistance (income support). Integration courses include learning the local language(s) and information about Finnish society and culture.⁸² The PES is responsible for the integration of migrants who register as jobseekers, including the integration-promoting employment services.⁸³ ECRI visited some of the integration services in Helsinki, including a skills-building centre. It was impressed with the resources and dedication it found in place, including the use of innovative robotic technology to facilitate communication and language learning. ECRI considers it noteworthy that the training programme is tailored to the different needs and pre-existing levels of education and vocational skills of the migrants, rather than merely administering a one-size fits all approach. As the Finnish education system has very high-standards, it is even more important to ensure that new arrivals with little formal education receive the necessary assistance to bridge that gap as best as possible. ECRI also positively notes the gender-sensitive approach, which aims at improving the situation of female participants and overcoming particular socio-economic, as well as cultural, barriers to them finding suitable employment. ECRI was particularly impressed by the positive attitude of the Helsinki municipal authorities to migrants, welcoming the contribution they make to the city and encouraging their integration into Finnish society.
72. ECRI is aware that Helsinki has a more extensive experience than other municipalities as concerns integration and that its situation cannot be generalised for the whole country. NGOs met by ECRI raised concerns about uneven access to and quality of the integration courses in other areas. In some cases there are long waiting lists and municipalities receiving smaller numbers of newly-arrived persons face difficulties providing the training courses. The lead government ministry relies on regular tendering for selecting the providers of integration training, a practice that has been criticised for favouring price over quality.⁸⁴ In addition, services are only contracted for a fixed period, which might lead to a lack of continuity where there is a change of service provider. The authorities informed ECRI that the overall labour market participation rate of those who attended a one-year PES-assigned skills-building or training programme is relatively low, with approximately only 10% employed three months after completion of the course and an even lower figure for women. There is hence an urgent need to link those not yet employed with further training or schooling opportunities in order to build their

⁸¹ OECD (2017): 9.

⁸² In this respect, ECRI positively notes the 2018 changes concerning the Adult Basic Education Act, the Liberal Adult Education Act and the Vocational Education Act with a view to ensure more effective participation of migrants in the labour market.

⁸³ OECD (2017) Finding the Way: 8.

⁸⁴ YLE (2016, July 17), Competitive bidding for integration training under fire.

capacity. This situation highlights the necessity for very close co-operation between local authorities and a range of service providers to ensure that those who have not previously benefitted from the Finnish education system do not fall through the cracks. As the OECD has pointed out, integration efforts must ensure that the unprecedentedly high numbers of recently arrived migrants are not marginalised. Failure to do so could have a negative impact on general attitudes towards migrants, with negative consequences also for already established groups of immigrants.⁸⁵

73. ECRI recommends that the authorities (i) carry out an in-depth evaluation of the current Integration Action Plan; (ii) ensure equal access to, and quality of, integration courses across the country, using successful integration activities implemented by the City of Helsinki as much as possible as an example of best-practice; and (iii) review the skills-building and training programmes for refugees, migrants, and beneficiaries of subsidiary protection with the aim of strengthening them further and achieving higher success rates in labour market participation, paying particular attention to addressing the specific needs of women.

74. Family reunification requirements for refugees and beneficiaries of subsidiary protection have been tightened over recent years in Finland. In reaction to the migration crisis⁸⁶ of 2014-2015, legislative amendments were adopted in 2016 introducing, inter alia, new income requirements for all applicants, with exceptions only for those who launch an application within three months of having been informed that they have received refugee status (beneficiaries of subsidiary protection do not benefit from this exemption) or if the best interest of a child so requires or if there are exceptional reasons for an exemption. While the previous family reunification rules required a subsistence income only in cases where a partnership was newly formed after the initial arrival of the applicant in Finland, the new income requirement also applies to pre-existing partnerships. The law does not stipulate a specific amount, but the Finnish Immigration Service is tasked to calculate indicative figures, which currently average at around € 2 600 per month for a four-person household (child benefits included).

75. ECRI is concerned that the stricter family reunification rules are primarily motivated by the political ambition to reduce the number of new arrivals, rather than an aim to emphasise the importance of family reunification for successful integration. Moreover, the various difficulties, including discrimination, faced by many refugees and beneficiaries of subsidiary protection in the labour market (see below) can create undue obstacles to reaching the necessary income threshold.⁸⁷ This situation, in turn, carries the risk of contributing to the long-term social marginalisation of the persons concerned, which in turn is characterised by low income and a disruption of family life.

76. ECRI recommends that the authorities review the existing rules for family reunification for refugees and beneficiaries of subsidiary protection, and in particular the income requirement, with a view to facilitating family reunification as a potentially positive tool for integration.

- **People of African descent**

77. Although community organisations informed ECRI that, according to their experience, the overall situation of persons of African descent has somewhat improved over the past decade, severe challenges with regard to integration remain. This is also confirmed by statistical evidence. The EU-Minorities and Discrimination Survey (MIDIS II) of 2016 indicated that 60% of respondents of African descent had felt racially discriminated against in Finland in the

⁸⁵ OECD (2017): 4.

⁸⁶ As defined in ECRI's Annual Report 2015.

⁸⁷ Cf. ECRI's last report on Finland, § 160.

five-year period prior to the survey.⁸⁸ In the field of employment, 28% felt that they had been discriminated against when searching for work⁸⁹ and 20% with regard to accessing housing.⁹⁰ Furthermore, the number of Black persons who live at the at-risk-of-poverty rate (47% of respondents of African descent who were Finnish citizens and 54% for those who are non-citizens⁹¹) is about four times higher than for the general population. This seems to be directly related to extremely high unemployment rates among this population group (41.2% in 2014⁹²).

78. As mentioned above, the largest single ethnic group amongst people of African descent in Finland are Somalis (approximately 14,000), most of whom are Muslims. ECRI is particularly concerned about the potential for multiple and intersectional discrimination against members of this group⁹³ based on their nationality and religion, and, in the case of women, their gender. According to NGOs met by ECRI, the unemployment level among the Somali community is even higher than among other people of African descent in Finland in general. The same NGOs also informed ECRI that there is a high secondary school drop-out rate among children belonging to the second generation of the Somali immigrant community. In 2011, the authorities had established a Group of Experts on Somali issues to gather and disseminate information on exclusion of Somalis in Finland and to promote public dialogue. ECRI, in its last report, welcomed this and recommended that the group be supported and permitted to continue its work.⁹⁴ ECRI regrets that since then the group has been dissolved. While the authorities point out that, subsequently, Finnish-Somali civil society organisations have been supported, the relevant NGOs met by ECRI complained about a lack of consultation with people of African descent, and Somali organisations in particular, on issues pertaining to them. They also mentioned that they had not been involved in the design of the 2012 National Programme for the Integration of Immigrants or the 2015 Integration Action Plan.
79. A government-supported study on the association between discrimination and psychological and social wellbeing among Somali (as well as Russian and Kurdish) immigrants shows that experiences of discrimination have diminished trust in society, which severely hinders integration.⁹⁵ Furthermore, the study suggests that discrimination provokes increased reliance on one's own ethnic community at the expense of interactions with the wider Finnish society, resulting in withdrawal from public places in order to avoid potential discrimination.⁹⁶ It is obvious that such developments counteract attempts at integration and facilitate the emergence and perpetuation of so-called parallel societies.
80. ECRI recommends that the authorities take strong measures, in close co-operation with relevant community groups, to address and combat the discrimination against people of African descent, including in the areas of housing and employment. This should be done, *inter alia*, by participation in the UN-initiated International Decade for People of African Descent in order to organise awareness-raising events in which relevant associations from the housing- and labour markets can become involved. Furthermore, particular attention should be paid to the situation of

⁸⁸ EU-FRA "Being Black in Europe" (2018): 41.

⁸⁹ FRA (2018): 55.

⁹⁰ FRA (2018): 59.

⁹¹ FRA (2018): 63.

⁹² ENAR "Afrophobia in Europe – ENAR Shadow Report 2014-15", (2015): 19.

⁹³ ECRI (2013): §§ 116-120.

⁹⁴ ECRI (2013): §§118-120.

⁹⁵ Anu Castaneda / Shadia Rask et al. "The association between discrimination and psychological and social wellbeing: A population-based study of Russian, Somali and Kurdish migrants in Finland." In: *Psychology and Developing Societies* 27(2) 270-292, (2015): 285.

⁹⁶ Castaneda et al. (2015): 285-286.

members of the Somali community and adequate mechanisms should be set-up to replace the dissolved Group of Experts on Somali issues.

- **Roma**

81. Since 2009 the Finnish authorities have implemented the First National Policy on Roma, which aimed at promoting the inclusion and equal treatment of Finnish Roma⁹⁷ The policy focuses in particular on adjusting existing social services, including in the healthcare area, to better address the specific needs of members of the Roma minority, which is estimated to consist of around 10 000 persons.⁹⁸ The mid-term evaluation of the policy, carried out in 2013, indicated that progress had been accomplished in a number of areas. For example, the national policy increased awareness and coordination of Roma affairs at national level, in particular through the project “Building a national Roma Platform: from Policy to Practice”, which had been carried out together with regional Advisory Boards on Romani affairs and local Roma. Achievements have also been reported as regards access to and attendance at preschool and basic (primary and lower secondary) education.
82. However, Roma enrolment rates in education and obstacles to accessing employment remain problematic and continue to cause social marginalisation for many members of the Roma community. While the authorities underline that a growing number of Roma children continue directly with their upper secondary education after having completed basic education, they also informed ECRI that up to 20% of Roma children do not even complete their basic education. Such a high figure is particularly problematic in a country with a high-skills labour market, in which low levels of formal education carry the strong risk of unemployment and difficult access to housing for the individuals concerned. Roma NGOs met by ECRI estimated that in 2016, the unemployment rate among Roma in Finland was around two-thirds or even higher. Limited formal education compounded by prevalent prejudices against Roma also lead to discrimination in the labour market. Overcoming such stereotypes, in turn, requires adequate teaching of Roma history and culture in schools, which has not happened so far. ECRI notes positively that the authorities have plans to introduce this in the curriculum and strongly encourages them to do so as soon as possible.
83. Anti-Roma sentiments (see also section I.2) have also been reported by Roma users of social services, where some of them have allegedly been verbally insulted and harassed by other service users. Such incidents can pose significant obstacles to the stated aim of tailoring social services better towards addressing problems faced by Roma. ECRI therefore strongly encourages the authorities to take measures to prevent such harassment of Roma, including placing anti-discrimination information, for example in the form of leaflets or posters, in relevant locations to convey the message that harassment will not be tolerated on the premises of public institutions.
84. In preparation for a new, second National Roma Strategy (2018-2022), various studies were carried out by the authorities, including on Roma wellbeing and on equality of Roma in the housing sector. ECRI is pleased to note that several shortcomings of the first National Policy on Roma have been addressed in the design of the new Roma Strategy. The authorities conducted a wider consultation process with Roma groups and other stakeholders. The new strategy also places a particular emphasis on the role of municipalities. While the first policy started to

⁹⁷ It is estimated that about half of the Finnish Roma population lives in the greater Helsinki metropolitan area. See : CAHROM (2016), Thematic report by the group of experts on vocational education and training for Roma 16.

⁹⁸ In addition, approximately 500 Roma from other EU countries reside in Finland permanently and an estimated 3 000 come to the country during the summer months.

raise awareness of Roma issues at local level, a strong commitment from local authorities is needed to enable the implementation of Roma-centred activities. Roma NGOs reported a frequent lack of positive and concrete involvement of municipalities and mentioned that they often have better relationships with the national authorities than with the local ones. As many social services are the responsibility of local and regional authorities, their involvement in this strategy is crucial. In this context, it should also be noted that an on-going restructuring of regional authorities in Finland creates a degree of uncertainty with regard to the distribution of tasks and funds in the field of social services and health care, which could also affect the implementation of Roma-related activities at local level. As several of the existing programmes for Roma are designed with a long-term view, ensuring their continued funding is essential for their success.⁹⁹

85. According to the authorities, the new strategy will also be underpinned by the recognition of the importance of promoting the rights of Roma girls and women. ECRI commends this, also as an important step to fight multiple- and intersectional discrimination. Unlike the previous Roma policy, the new strategy also contains indicators to facilitate monitoring and evaluation.
86. ECRI recommends that the authorities ensure that (i) sufficient funding is provided to implement the National Roma Strategy (2018-2022); (ii) local and regional authorities are fully committed to the implementation of the strategy and the reform of regional authorities does not interrupt funding and implementation of Roma-related activities; (iii) completion rates of basic education increase substantially among Roma children; and (iv) the unemployment rate among Roma is significantly reduced, *inter alia* by supporting the increased use of vocational training programmes.

- Sámi

87. As stated earlier (§ 65), there are an estimated 10 000 Sámi people living in Finland. The country's Constitution, in Article 17(3), affirms the status of the Sámi as indigenous people. Furthermore, in January 2017, Finland initialled the Nordic Sámi Convention, which also affirms the status of the Sámi as an indigenous people and their right to maintain and develop their own language and culture. Regarding issues such as land rights, teaching of the Sámi language and other expressions of their separate identity, ECRI refers to the work of the Council of Europe's Advisory Committee of the Framework Convention for the Protection of National Minorities (FCNM).¹⁰⁰ It is estimated that currently around 60% of Finland's Sámi population reside outside of the designated Sámi homeland area, which is situated in the northern part of the country.¹⁰¹ This poses particular challenges with regard to a lack of awareness of Sámi culture among social service providers who are regularly interacting with Sámi, including children and the elderly, at local level in other parts of the country outside the Sámi homeland.
88. While the Ministry of Social Affairs and Health, the Sámi Parliament and the University of Lapland are cooperating on a research project to gain a better understanding of social exclusion of members of the Sámi community, which has already led to increased dialogue between those involved, ECRI notes that municipalities have generally abstained from becoming involved in this process. This is regrettable, as a strong involvement of the local authorities is necessary to promote a better integration of Sámi in day-to-day life.

⁹⁹ Cf. FCNM (2016): § 10.

¹⁰⁰ FCNM (2016).

¹⁰¹ The Sami Parliament of Finland: <https://www.samediggi.fi/sami-info/?lang=en>. ECRI notes that the Sámi Parliament is the self-government body of the Sámi and its main function is to protect the language and cultural autonomy in the Sámi homeland. See also FCNM (2016): § 95.

89. In its last report on Finland,¹⁰² ECRI recommended that the authorities take measures to teach the Sámi culture and their contribution to the country in schools, drawing on ECRI's GPR No. 10, and to increase awareness of the Sámi people among the majority population. Sámi representatives have also been advocating for broader nation-wide celebrations, including in schools, of the annual Sámi National Day on 6 February. The government informed ECRI about plans to include awareness of Sámi culture in the Social Studies/Citizenship Education classes for school years 4-6, in accordance with the 2014 Basic Education Curriculum. Furthermore, the national education authorities, in February 2018, issued a press release to encourage the celebration of the Sámi National Day in schools. In addition, the Sámi language and culture was also recognised by the National Agency for Education as the main theme for celebrating the European Year of Cultural Heritage 2018. While ECRI takes note of these positive steps, it does not consider them to be sufficient and systematic enough to address the underlying problem. ECRI was informed by Sámi representatives about what they perceive to be the persistent absence of knowledge about and respect for Sámi traditions among the general population. It also appears that, so far, school textbooks do not contain any explanations of Sámi culture. Better awareness in this respect could also help to avoid incidents of hate speech against Sámi (see section I.2), in particular in connection with protests by them against the Arctic Railway project which, as mentioned above, affects the Sámi homeland area and which many Sámi fear will have negative consequences for the local ecosystem and the traditional Sámi livelihoods and culture.

90. ECRI reiterates its recommendation that the authorities take measures to teach the Sámi culture and their contribution to the country in schools, drawing on ECRI's GPR No. 10, and conduct campaigns to increase the awareness of Sámi culture among the majority population. Furthermore, the authorities should make a determined effort to persuade relevant local authorities to actively participate in research and dialogue aimed at improving the social integration of members of the Sámi community.

- **Russian speakers**

91. The Russian speaking community in Finland is made up of various groups of immigrants originating from the ex-USSR. While in 2013, their number was estimated at around 66 000,¹⁰³ organisations of Russian speakers in Finland mentioned to ECRI that this number has in the meantime increased to around 77 000 as a result of further labour migration in recent years. In its last report,¹⁰⁴ ECRI strongly recommended that the authorities take measures to combat the discrimination and prejudice suffered by Russian speakers, in particular in the area of employment. ECRI is pleased to have received information from the Russian speaking community NGOs pointing to a strong decrease in overall discrimination against its members. The FCNM Advisory Committee also reported that access to health and social services in the Russian language had improved.¹⁰⁵

92. Organisations of Russian speakers, however, report a growing uneasiness towards them among some media outlets and certain public institutions as a result of the illegal annexation of Crimea by Russia and the armed conflict in Eastern Ukraine. Suspicions of political ties between Russian speaking community organisations and the Russian government seem, on occasion, to have undermined the hitherto good relationship between these organisations and the Finnish authorities, in particular with regard to state funding of social assistance

¹⁰² ECRI (2013): § 106.

¹⁰³ See FCNM (2016): 7, footnote 3.

¹⁰⁴ ECRI (2013): § 131.

¹⁰⁵ FCNM (2016): § 103.

activities by these organisations. ECRI encourages the authorities to continue its constructive engagement with and support for this community-

II. Topics specific to Finland

1. Interim follow-up recommendations of the fourth cycle

93. ECRI's fourth cycle interim follow-up recommendations are discussed above in sections I.1 (§§ 15 and 21 respectively) and section I.2 (§ 28).

2. Policies to Combat Discrimination and Intolerance against LGBT Persons¹⁰⁶

- Data

94. There is no official data on the size of the LGBT population in Finland.¹⁰⁷ According to the Article 11 (5) of the Personal Data Act, data concerning "the sexual preferences or sex life of a person" are considered as sensitive personal data, the processing of which is prohibited. The first EU-wide survey on LGBT people's experiences of discrimination organised by the EU's Agency for Fundamental Rights (FRA) and published in 2013 involved 3 437 respondents from Finland, out of which around 35% identified themselves as homosexual men, 24% as homosexual women, 28% as bisexual persons and 14% as transgender persons.¹⁰⁸ According to the country's statistics agency, by the end of 2016, there were 2 684 registered same-sex couples in Finland, out of which 1 052 were male same-sex couples and 1632 female same-sex couples. Of these registered same-sex couples, 651 had children aged between 0 and 17 years old.¹⁰⁹ From March 2017, when same-sex marriage became possible in Finland, until the end of March 2018, a total of 376 women and 174 men entered into same-sex marriages. In the same period, 1 502 women and 876 men changed their registered partnerships into same-sex marriages.¹¹⁰

95. According to the 2013 EU FRA LGBT survey, 44% of the participants in Finland were very open or fairly open about their LGBT background. During the preceding year 17% of them said they had felt discriminated against because of their LGBT identity.¹¹¹ On the 2017 edition of the Rainbow Europe Map, which assesses European countries' legislation and policies in the area of LGBT rights, Finland scored well, ranking 7th out of 49 countries.¹¹²

- Legislative issues

96. Sexual orientation is explicitly mentioned in the list of grounds of relevant provisions of the Criminal Code regarding hate- or bias-motivated offences, such as Chapter 11, Sections 10 and 10(a) on ethnic agitation and aggravated ethnic agitation respectively, as well as Chapter 6, Section 5(4) on aggravating circumstances (see also section I.1 above). While gender identity is not explicitly included in these provisions, it is mentioned in the preparatory work (the government "Bill"), which, as mentioned above, is of particular importance in the Finnish legal system when it comes to interpreting the intent and scope of a law (see also § 3). It can thus be concluded that both grounds are covered by the relevant parts of Finland's criminal law provisions.

97. The 2014 Non-Discrimination Act covers sexual orientation as a prohibited ground of discrimination and Non-discrimination Ombudsman (NDO) has a mandate that also includes sexual orientation. The NDO's mandate, however, does not extend

¹⁰⁶ For terminology, see the definitions set out in Council of Europe Commissioner for Human Rights 2011.

¹⁰⁷ Timo Makkonen T., et. al. (2010), Thematic Study Finland: 15.

¹⁰⁸ EU, FRA (2013), EU LGBT survey -Technical report: 25.

¹⁰⁹ Statistics Finland, Population.

¹¹⁰ Statistics Finland.

¹¹¹ EU LGBT Survey Data Explorer.

¹¹² ILGA Europe, Rainbow Europe Ranking (2017).

to the field of employment as this is dealt with by the Occupational Safety and Health Administration (OSHA) (see section 1.1). This has a negative impact on the monitoring of workplace discrimination as the OSHA does not have the same experience and technical competence in non-discrimination issues as the NDO. In this context, ECRI refers to its recommendation in § 16 above.

98. Since 2014, the Act on Equality between Women and Men explicitly includes gender identity. Gender identity was thus also added to the mandate of the Equality Ombudsman (see also ECRI's recommendation in section I.1).
99. The National Non-Discrimination and Equality Tribunal can take on cases concerning discrimination on the grounds of gender identity or sexual orientation, but in the area of employment it can only deal with gender identity cases and cannot deal with cases concerning sexual orientation. This is confusing and unsatisfactory and in this respect, ECRI refers to its priority recommendation in § 23 above.

- **Gender reassignment**

100. According to the Act on Legal Recognition of the Gender of Transsexuals, in force since 2003, the gender registered in the Population Information System can be changed if the applicant presents a medical certificate stating that the person permanently feels she or he belongs to the opposite gender, lives in that gender role, and has been sterilised or is infertile due to other reasons.¹¹³ In order to achieve the sterilisation required by the Transgender Act, the person usually undergoes hormone treatment. Alternatively, sterilisation can also be carried out by surgery.¹¹⁴ In this context, ECRI reminds the authorities of the recent judgment of the European Court of Human Rights in the joined cases of *A. P., Garçon and Nicot v France*, in which the Court held clearly that the sterilisation requirement was in breach of the right to respect for private life (Article 8 ECHR).¹¹⁵

101. ECRI recommends, as a matter of priority and in conformity with the case law of the European Court of Human Rights, that the Act on Legal Recognition of the Gender of Transsexuals should be amended to remove the requirement that persons seeking recognition in a gender other than that in which they were originally registered should be infertile or should undergo sterilisation as a precondition for legal recognition.

102. In 2002, the Ministry of Social Affairs and Health issued a decree to regulate relevant medical details of the gender reassignment procedure, in line with the provisions of the Act on Legal Recognition of the Gender of Transsexuals. A person concerned has to undergo a psychiatric monitoring process and receive a psychiatric diagnosis in order to obtain the medical certificate necessary for legal gender recognition.¹¹⁶ The national social insurance scheme covers the expenses for medical treatment in Finland where this is requested by transgender persons and is considered necessary by medical personnel involved in the psychiatric diagnostic process related to legal gender recognition.¹¹⁷ ECRI notes, however, that there have been severe delays in accessing the relevant health care services which form part of the gender reassignment procedure in Finland. The authorities

¹¹³ Act on legal recognition of the gender of transsexuals (No. 563/2002): Decree of the Ministry of Social Affairs and Health on the organisation of the examination and treatment aiming at the change of gender (No. 1053/2002). See also: Amnesty International (2014), *The state decides who I am*: 40-41.

¹¹⁴ SETA (2016), *The Cruel, Inhuman and Degrading Treatment of Trans and Intersex People in Finland*; Amnesty International (2014): 40-42.

¹¹⁵ ECtHR, application nos. 79885/12, 52471/13 and 52596/13, Judgement (6 April 2017).

¹¹⁶ Ministry of Social Affairs and Health (Decree No. 1053/2002); see also Amnesty International (2014): 40-41. - After a person has received a transgender diagnosis, it is possible to change one's name at the magistrate's office (cf. SETA (2018): 3-5).

¹¹⁷ See SETA (2016) for reported difficulties with the reimbursement of costs.

informed ECRI that there has been a large increase in the number of applications in recent years, resulting in prolonged waiting times as there are only two specialised centres in the country.

103. ECRI recommends that the authorities, in order to avoid the current lengthy delays, establish a third centre to provide the necessary health services to persons wishing to undergo gender reassignment. The authorities should also consider covering the costs for gender reassignment procedures carried out abroad in the interim period until a third centre is fully operational.

- **Access to goods and services, employment and health**

104. According to the EU FRA LGBT survey, 8% of the participants in Finland felt discriminated against because of their LGBT identity when searching for employment, and 15% felt that they were discriminated against while at work. Concerning housing, the figure was 9%. As regards healthcare, 8% of the participants said that they felt discriminated against by healthcare personnel.¹¹⁸ While these figures are not particularly high, ECRI has been informed by LGBT organisations that there is considerable under-reporting of LGBT issues and encourages the authorities to remain vigilant in this respect.

- **Education and awareness-raising**

105. In 2017, for the first time, the national school health survey included a question about how pupils identify themselves regarding their sexual orientation, as well as their gender identity. The results showed that non-heterosexual pupils experienced more bullying and intimidation than their heterosexual peers. The non-heterosexual pupils also scored lower when it came to assessing their own health status; but, on a positive note, they also generally felt that they can access and receive the support they need in their schools.¹¹⁹ ECRI encourages the authorities to continue monitoring the situation in schools (see also § 46) and to expand the relevant support services as and when necessary.

106. In 2013, the government stated that the National Core Curriculum for Basic Education was being renewed and that a revised version would include better coverage of LGBT issues.¹²⁰ While the 2014 National Core Curriculum for Basic Education includes, under the topic of Health Education for grades 7-9, a section on the “diversity of sexual development”¹²¹, it remains unclear if this topic includes any teaching about LGBT-related issues. In this context, and also given the results of the 2017 national school health survey mentioned in the previous paragraph, ECRI strongly encourages the authorities to make use of existing possibilities in the Core Curricula to include the promotion of LGBT awareness-raising and tolerance in school activities. This should also include adequate training of teachers to discuss sexual orientation and gender identity in an age-appropriate manner with their pupils. Co-operation with relevant civil society organisations in this field can also be useful. The NGO Seta, for example, has prepared a guidebook for teachers about how to integrate LGBT issues into curricula and organised a number of training sessions in schools. Another example is from the city of Tampere, where the local LGBT NGO Pirkanmaan Seta provides educational information about sexual orientation and gender identity for 8th grade pupils.¹²²

¹¹⁸ EU FRA LGBT Survey Data Explorer.

¹¹⁹ SETA (2018): 5.

¹²⁰ Council of Europe, Steering Committee for Human Rights (CDDH) (2013), Follow-up to Recommendation CM/Rec(2010)05, Finland.

¹²¹ Finnish National Board of Education (2014): 431.

¹²² SETA (2018): 5.

107. The Ministry of Justice is currently coordinating the EU-funded project Rainbow Rights, which aims at enhancing social acceptance of LGBT persons. Partners include LGBT NGOs and the Association of Municipalities. The project involves awareness-raising activities, including the production of videos to highlight existing challenges and good practices, as well as two small qualitative surveys carried out in 2017 on particular challenges faced by both elderly and young LGBT persons. These surveys included Intersex persons as well and during 2018, research was also carried out with regard to LGBTI and intersectional discrimination.

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of Finland are the following:

- ECRI recommends that the National Non-Discrimination and Equality Tribunal should be empowered to deal with complaints of discrimination in employment on all prohibited grounds and not solely on the grounds of gender and gender identity; that the Tribunal should be empowered to grant compensation to victims of discrimination; and that the resources of the Tribunal should be substantially increased to enable it to fully carry out its mandate.
- ECRI recommends as a matter of priority and in conformity with the case law of the European Court of Human Rights, that the Act on Legal Recognition of the Gender of Transsexuals should be amended to remove the requirement that persons seeking recognition in a gender other than that in which they were originally registered should be infertile or should undergo sterilisation as a precondition for legal recognition.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 5) ECRI recommends that the authorities bring Finland's criminal law into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) include the grounds of language and nationality (understood as citizenship) in the list of protected grounds in the Criminal Code's Chapter 11, Section 10 on ethnic agitation and Chapter 6, Section 5(4) on aggravating circumstances; and (ii) criminalise the creation or the leadership of a group which promotes racism, support for such a group, and participation in its activities.
2. (§ 11) ECRI recommends that the authorities bring Finland's civil and administrative law into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) include announced intention to discriminate, inciting another to discriminate or aiding another to discriminate as forms of discrimination in the Non-discrimination Act; (ii) introduce provisions that place public authorities under a duty to ensure that those parties to whom they award contracts, loans, grants or other benefits respect and promote a policy of non-discrimination; and (iii) introduce an obligation to suppress public financing of organisations which promote racism.
3. (§ 16) ECRI recommends that the mandate of the Non-Discrimination Ombudsman be amended to include (i) the right to examine individual cases of alleged discrimination in employment; (ii) the right to bring cases before the courts *proprio motu*; and (iii) the opening of local and regional offices, for which adequate resources should be provided.
4. (§ 18) ECRI recommends that the authorities increase the capacity and staff of the Equality Ombudsman in order to enable the institution to adequately deal with gender identity issues falling within its mandate.
5. (§ 23) ECRI recommends, as a matter of priority, that the National Non-Discrimination and Equality Tribunal should be empowered to deal with complaints of discrimination in employment on all prohibited grounds and not solely on the grounds of gender and gender identity; that the Tribunal should be empowered to grant compensation to victims of discrimination; and that the resources of the Tribunal should be substantially increased to enable it to fully carry out its mandate.
6. (§ 29) ECRI recommends that the authorities set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and homo/transphobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome and that this data is made available to the public.
7. (§ 45) ECRI recommends that the authorities reinforce their responses against hate speech by setting up an inter-institutional working group to develop a comprehensive strategy to tackle effectively the problem of racist and homo-/transphobic hate speech. This group should include the relevant authorities, as well as equality bodies, civil society organisations and, as much as possible, media representatives. This strategy should make effective use of ECRI's General Policy Recommendation No.15 on Combating Hate Speech.
8. (§ 48) ECRI recommends that the authorities encourage speedy reactions by public figures and in particular politicians, that not only condemn all forms of racist and homo-/transphobic hate speech, but which also seek to reinforce the values which such speech threatens.

9. (§ 56) ECRI recommends that, in order to address the problem of underreporting, the authorities enhance co-operation between the police and vulnerable groups, including the LGBT community. Such co-operation could include the recruitment of Minorities Liaison Officers, including LGBT Liaison Officers to the police force.
10. (§ 58) ECRI recommends that the training activities for law enforcement officials and the judiciary on hate crime are scaled up. Such training should cover racist and homo-/transphobic hate crime. ECRI also recommends that the authorities carry out an impact assessment to evaluate the training to establish to what extent it contributes to the effective identification of hate crime and, if necessary, adjust it.
11. (§ 60) ECRI recommends that the police and prosecution services should thoroughly investigate all cases of alleged hate crime and ensure that the possible existence of a bias motivation is consistently taken into consideration in police reports and investigations, as well as in any further judicial proceedings.
12. (§ 63) ECRI reiterates its recommendation that the authorities set up a body which is independent of the police and prosecution authorities entrusted with the investigation of alleged cases of racial discrimination and misconduct by the police. Furthermore, ECRI strongly recommends that diversity in the police is increased to better reflect the diversity of the population.
13. (§ 68) ECRI reiterates its recommendation that the Finnish authorities consider ways of implementing a consistent and comprehensive system for collecting disaggregated data to monitor the situation of groups of concern to it, by using information broken down by categories such as ethnic origin, language, religion, gender and citizenship. The data should be gathered in various areas of public action with the authorities ensuring strict compliance with the principles of confidentiality, informed consent and voluntary self-identification of persons. The system should also take account of the possible existence of multiple or intersectional discrimination.
14. (§ 73) ECRI recommends that the authorities (i) carry out an in-depth evaluation of the current Integration Action Plan; (ii) ensure equal access to, and quality of, integration courses across the country, using successful integration activities implemented by the City of Helsinki as much as possible as an example of best-practice; and (iii) review the skills-building and training programmes for refugees, migrants, and beneficiaries of subsidiary protection with the aim of strengthening them further and achieving higher success rates in labour market participation, paying particular attention to addressing the specific needs of women.
15. (§ 76) ECRI recommends that the authorities review the existing rules for family reunification for refugees and beneficiaries of subsidiary protection, and in particular the income requirement, with a view to facilitating family reunification as a potentially positive tool for integration.
16. (§ 80) ECRI recommends that the authorities take strong measures, in close co-operation with relevant community groups, to address and combat the discrimination against people of African descent, including in the areas of housing and employment. This should be done, inter alia, by participation in the UN-initiated International Decade for People of African Descent in order to organise awareness-raising events in which relevant associations from the housing- and labour markets can become involved. Furthermore, particular attention should be paid to the situation of members of the Somali community and adequate mechanisms should be set-up to replace the dissolved Group of Experts on Somali issues.
17. (§ 86) ECRI recommends that the authorities ensure that (i) sufficient funding is provided to implement the National Roma Strategy (2018-2022); (ii) local and regional authorities are fully committed to the implementation of the strategy and

the reform of regional authorities does not interrupt funding and implementation of Roma-related activities; (iii) completion rates of basic education increase substantially among Roma children; and (iv) the unemployment rate among Roma is significantly reduced, *inter alia* by supporting the increased use of vocational training programmes.

18. (§ 90) ECRI reiterates its recommendation that the authorities take measures to teach the Sámi culture and their contribution to the country in schools, drawing on ECRI's GPR No. 10, and conduct campaigns to increase the awareness of Sámi culture among the majority population. Furthermore, the authorities should make a determined effort to persuade relevant local authorities to actively participate in research and dialogue aimed at improving the social integration of members of the Sámi community.
19. (§ 101) ECRI recommends, as a matter of priority and in conformity with the case law of the European Court of Human Rights, that the Act on Legal Recognition of the Gender of Transsexuals should be amended to remove the requirement that persons seeking recognition in a gender other than that in which they were originally registered should be infertile or should undergo sterilisation as a pre-condition for legal recognition.
20. (§ 103) ECRI recommends that the authorities, in order to avoid the current lengthy delays, establish a third centre to provide the necessary health services to persons wishing to undergo gender reassignment. The authorities should also consider covering the costs for gender reassignment procedures carried out abroad in the interim period until a third centre is fully operational.

BIBLIOGRAPHY

This bibliography lists the main published sources used during the examination of the situation in Finland. It should not be considered as an exhaustive list of all sources of information available to ECRI during the preparation of the report.

European Commission against Racism and Intolerance (ECRI)

1. ECRI (2016), Conclusions on the implementation of the recommendations in respect of Finland subject to interim follow-up, CRI(2016)22.
2. ECRI (2013), Fourth report on Finland, CRI(2013)19.
3. ECRI (2007), Third report on Finland, CRI(2007)23.
4. ECRI (2002), Second report on Finland, CRI (2002)20.
5. ECRI (1997), First report on Finland, CRI(97)51.
6. ECRI (1996), General Policy Recommendation No. 1: Combating racism, xenophobia, antisemitism and intolerance, CRI(96)43.
7. ECRI (2018), General Policy Recommendation No. 2 revised: Equality bodies to combat racism and intolerance at national level, CRI(2018)06.
8. ECRI (1998a), General Policy Recommendation No. 3: Combating racism and intolerance against Roma/Gypsies, CRI(98)29.
9. ECRI (1998b), General Policy Recommendation No. 4: National surveys on the experience and perception of discrimination and racism from the point of view of potential victims, CRI(98)30.
10. ECRI (2000), General Policy Recommendation No. 5: Combating intolerance and discrimination against Muslims, CRI(2000)21.
11. ECRI (2001), General Policy Recommendation No. 6: Combating the dissemination of racist, xenophobic and antisemitic material via the Internet, CRI(2001)1.
12. ECRI (2003), General Policy Recommendation No. 7: National legislation to combat racism and racial discrimination, CRI(2003)8.
13. ECRI (2004a), General Policy Recommendation No.8: Combating racism while fighting terrorism, CRI(2004)26.
14. ECRI (2004b), General Policy Recommendation No.9: The fight against antisemitism, CRI(2004)37.
15. ECRI (2007a), General Policy Recommendation No.10: Combating racism and racial discrimination in and through school education, CRI(2007)6.
16. ECRI (2007b), General Policy Recommendation No.11: Combating racism and racial discrimination in policing, CRI(2007)39.
17. ECRI (2009), General Policy Recommendation No. 12: Combating racism and racial discrimination in the field of sport, CRI(2009)5.
18. ECRI (2011), General Policy Recommendation No.13: Combating anti-Gypsyism and discrimination against Roma, CRI(2011)37.
19. ECRI (2012), General Policy Recommendation No.14: Combating racism and racial discrimination in employment, 2012, CRI(2012)48.
20. ECRI (2016a), General Policy Recommendation No. 15: Combating Hate Speech, CRI(2016)15.
21. ECRI (2016b), General Policy Recommendation No. 16: Safeguarding irregularly present migrants from discrimination, CRI(2016)16.

Other sources

22. Amnesty International (2014), The state decides who I am – lack of legal gender recognition for transgender people in Europe.
23. Casteneda, A. E. et al. (2015), The Association between Discrimination and Psychological and Social Well-being: A Population-based Study of Russian, Somali and Kurdish Migrants in Thapa, K. and Kumar, R. (2015), Psychology and Developing Societies, 27(2) 270-292.

24. Council of Europe (CoE), Commissioner for Human Rights (2011), Discrimination on grounds of sexual orientation and gender identity in Europe, 2nd edition.
25. CoE, Ad hoc Committee of Experts on Roma and Traveller issues (CAHROM) (2016), Thematic report by the group of experts on vocational education and training for Roma.
26. CoE, Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) (2016), Fourth Opinion on Finland, ACFC/OP/IV(2016)002.
27. CoE, Steering Committee for Human Rights (CDDH) (2013), Follow-up to Recommendation CM/Rec(2010)05, Finland.
28. Daily Finland (2018, November 27), Hate crime reporting rises by 8% in 2017, <http://www.dailyfinland.fi/national/8114/Hate-crime-reporting-rises-by-8-in-2017>.
29. European Court of Human Rights (2015), Natchova and others v. Bulgaria [GC] (Application nos. 43577/98, 43579/98), judgment.
30. European Court of Human Rights (ECtHR) (2017), A.P., Garçon and Nicot v. France, (application nos. 79885/12, 52471/13 and 52596/13), judgment.
31. European Union (EU), Fundamental Rights Agency (FRA) (2012), Survey on fundamental rights of lesbian, gay, bisexual and transgender people in EU.
32. European Union (EU), Fundamental Rights Agency (FRA) (2013), EU LGBT survey -Technical report
33. European Union (EU), Fundamental Rights Agency (FRA) (2014), EU LGBT survey European Union lesbian, gay, bisexual and transgender survey - Main results.
34. European Union, Fundamental Rights Agency (FRA) (2016), Current migration situation in the EU: hate crime <https://fra.europa.eu/en/publication/2016/current-migration-situation-eu-hate-crime>
35. European Union, Fundamental Rights Agency (FRA) (2017a), Second European Union Minorities and Discrimination Survey (EU-MIDIS II), Main results.
36. European Union, Fundamental Rights Agency (FRA) (2017b), Second European Union Minorities and Discrimination Survey (EU-MIDIS II), Muslims - Selected findings.
37. European Union, Fundamental Rights Agency (FRA) (2018a), Hate crime recording and data collection practice across the EU.
38. European Union, Fundamental Rights Agency (FRA) (2018b), Second European Union Minorities and Discrimination Survey (EU-MIDIS II), Being Black in the EU.
39. European Union, Fundamental Rights Agency (FRA) (2018c), Periodic data collection on the migration situation in the EU, May Highlights, 1 March–30 April 2018, <https://fra.europa.eu/en/publication/2018/migration-overviews-may-2018>.
40. European Union, Fundamental Rights Agency (FRA) (2018d), Periodic data collection on the migration situation in the EU, September Highlights, 1 July–31 August 2018, <https://fra.europa.eu/en/publication/2018/migration-overviews-september-2018>
41. European Union, Fundamental Rights Agency (FRA), (2018e), Periodic data collection on the migration situation in the EU, November Highlights, 1 September–31 October 2018. <https://fra.europa.eu/en/publication/2018/migration-overviews-november-2018>
42. European Union Agency for Fundamental Rights (FRA) (2018f), Antisemitism- Overview of data available in the European Union 2007–2017.
43. European Union, Fundamental Rights Agency (FRA), Database 2012-2017 on Anti-Muslim hatred - <https://fra.europa.eu/en/databases/anti-muslim-hatred/home>
44. Finnish League for Human Rights (2017), Submission to the UN Committee on the Elimination of Racial Discrimination (CERD).
45. Hate Speech International (2017), Neo-Nazis in the North: The Nordic Resistance Movement in Finland, Sweden and Norway, <https://www.hate-speech.org/wp-content/uploads/2017/03/neo-nazis-in-the-north.pdf>.
46. Helsinki Times (2017a, June 5), Long Play: Secret police discussion board rife with racism, <http://www.helsinkitimes.fi/finland/finland-news/domestic/14801-long-play-secret-police-discussion-board-rife-with-racism.html>

47. Helsinki Times (2017b, December 1), Finnish court accepts motion to dissolve Nordic Resistance Movement, <http://www.helsingitimes.fi/finland/finland-news/domestic/15172-finnish-court-accepts-motion-to-dissolve-nordic-resistance-movement.html>
48. Helsinki Times (2018, December 7), Police confiscate three swastika flags during neo-Nazi protest in Helsinki, <http://www.helsingitimes.fi/finland/finland-news/domestic/16016-police-confiscate-three-swastika-flags-during-neo-nazi-protest-in-helsinki.html>
49. Hyökki, L. and Jardi, P. (2015), Islamophobia in Finland: National report 2015, in Foundation for Political, Economic and Social Research (SETA), European Islamophobia report 2015.
50. Hyökki, L. (2017), Islamophobia in Finland: National report 2017, in SETA, European Islamophobia report 2017.
51. International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)- Europe (2017), Rainbow Europe Ranking.
52. Keskinen, S. et al (2018), The Stopped – Ethnic Profiling in Finland, http://www.profiling.fi/wp-content/uploads/2018/04/The-Stopped_ENGL.pdf.
53. Makkonen, T., Ojanen, T. and Scheinin, M. (2010), Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity, EU FRA.
54. Migrant Tales (2018, April 6), Update: Prosecutor General Toiviainen will not file ethnic agitation charges against PS MP Juho Eerola, <http://www.migranttales.net/prosecutor-general-toiviainen-will-not-file-ethnic-agitation-charges-against-ps-mp-juho-eerola/>.
55. Migrant Tales (2017, November 28), Jewish Community of Helsinki: Hate speech is directly responsible for the rise of anti-Semitism in Finland, <http://www.migranttales.net/jewish-community-of-helsinki-hate-speech-is-directly-responsible-for-the-rise-in-anti-semitism-in-finland/>.
56. Ministry of Justice (2016), “I often find myself thinking how I should be or where I shouldn’t go” – Survey on hate speech and harassment and their influence on different minority groups, http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/76633/omso_7_2016_vipu-raportti_158_s.pdf?sequence=1&isAllowed=y.
57. NewsNow Finland (2018, December 7), Nazis, vigilantes and swastikas reveal the dark side of Independence Day, <http://newsnowfinland.fi/news-now-original/nazis-vigilantes-and-swastikas-reveal-the-dark-side-of-independence-day>.
58. Non-Discrimination Ombudsman (2018), Report of the Non-Discrimination Ombudsman to the Parliament.
59. Non-Discrimination Ombudsman (2017), Two years with the new Non-discrimination Act, Annual report of the Non-Discrimination Ombudsman 2016, <https://www.syrjinta.fi/documents/14490/0/Non-Discrimination+Ombudsman+Annual+report+of+2016/f0b2f4b7-d4ea-4733-a1ea-b5c2440fe392>.
60. Nwabuzo, O. (2015), “Afrophobia in Europe – ENAR Shadow Report 2014-15”, European Network Against Racism (ENAR).
61. Organisation for Economic Co-operation and Development (OECD) (2017), Finding the way: A discussion of the Finnish migrant integration system.
62. Organization for Security and Cooperation in Europe (OSCE)-Office for Democratic Institutions and Human Rights (ODIHR), Hate Crime Reporting: Finland 2017, <http://hatecrime.osce.org/finland?year=2017>.
63. Police of Finland (2018, November 26), The number of hate crimes stabilized after peak growth in 2015, https://www.poliisi.fi/about_the_police/press_releases/1/0/the_number_of_hate_crimes_stabilized_after_peak_growth_in_2015_76112.
64. Police University College (2018), Annual Hate Crime Report 2017, http://www.theseus.fi/bitstream/handle/10024/154780/POLAMK_Rap131_web.pdf?sequence=1&isAllowed=y.
65. Seta LGBTI Rights in Finland (Seta) (2016), The Cruel, Inhuman and Degrading Treatment of Trans and Intersex People in Finland
66. Seta (2018), Submission to ECRI Monitoring prom forma on LGBT issues.

67. The New York Times (2015, August 28), U.N. Urges the Netherlands to Stop Portrayals of 'Black Pete' Character, <https://www.nytimes.com/2015/08/29/world/europe/zwarte-piet-netherlands-united-nations.html>
68. The New York Times (2017, August 19), Fatal Knife Attack in Finland Is Investigated as Terrorism, <https://www.nytimes.com/2017/08/19/world/europe/turku-finland-attack.html>
69. United Nations (UN), Committee on the Elimination of Racial Discrimination (CERD) (2017), Concluding Observations on Finland, CERD/C/FIN/CO/23.
70. UN, Human Rights Council (2017), Working Group on the Universal Periodic Review, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, A/HRC/WG.6/27/FIN/1.
71. US Department of State, Bureau of Democracy, Human Rights and Labour (2017), Human Rights Report: Finland.
72. Yle News (2016a, July 17), Competitive bidding for integration training under fire, https://yle.fi/uutiset/osasto/news/competitive_bidding_for_integration_training_under_fire/9032083.
73. Yle News (2016b, December 30), Neo-Nazi group member gets 2-year prison sentence for Helsinki Railway Station attack, https://yle.fi/uutiset/osasto/news/neo-nazi_group_member_gets_2-year_prison_sentence_for_helsinki_railway_station_attack/9379918
74. Yle News (2017, April 5), Migrant candidates face racism, death threats in local election campaign, https://yle.fi/uutiset/osasto/news/migrant_candidates_face_racism_death_threats_in_local_election_campaign/9548693
75. Yle News (2018a, March 27), Blackface, racist song at student party spark controversy at Jyväskylä University, https://yle.fi/uutiset/osasto/news/blackface_racist_song_at_student_party_spark_controversy_at_jyvaskyla_university/10135187
76. Yle News (2018b, December 31), Sowing hate speech is a crime" PM says in New Year's address, https://yle.fi/uutiset/osasto/news/sowing_hate_speech_is_a_crime_pm_says_in_new_years_address/10577151
77. Yle News (2018c, August 2), Migri: Growing anxiety and unrest at Finland's reception centres, https://yle.fi/uutiset/osasto/news/migri_growing_anxiety_and_unrest_at_finlands_reception_centres/10334240.

