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# ECRI REPORT ON FINLAND

**(fourth monitoring cycle)**

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## FOREWORD

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

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

ECRI's country-by-country monitoring deals with all member States of the Council of Europe on an equal footing. The work is taking place in 5 year cycles, covering 9-10 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, and those of the third round at the end of the year 2007. Work on the fourth round reports started in January 2008.

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

ECRI's reports are not the result of inquiries or testimonial evidences. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on an important number of national and international written sources. The in situ visit allows for meeting directly the concerned circles (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 report of ECRI.

The fourth round country-by-country reports focus on implementation and evaluation. They examine the extent to which ECRI's main recommendations from previous reports have been followed and include an evaluation of policies adopted and measures taken. These reports also contain an analysis of new developments in the country in question.

Priority implementation is requested for a number of specific recommendations chosen from those made in the new report of the fourth round. No later than two years following the publication of this report, ECRI will implement a process of interim follow-up concerning these specific recommendations.

**The following report was drawn up by ECRI under its own and full responsibility. It covers the situation up to 22 June 2012 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposal made by ECRI.**



## SUMMARY

**Since the publication of ECRI's third report on Finland on 24 May 2007, progress has been made in a number of the fields covered by that report.**

The Finnish Criminal Code was amended in June 2011 to improve the provision that it is an aggravating circumstance to perpetrate an offence motivated, inter alia, by race, colour, ethnic or national origin, religion or beliefs. In addition, since 2011 anyone who makes publicly available or disseminates information, opinions or other material in which a given group is threatened, defamed or insulted on the ground, inter alia, of its race, colour, ethnic or national origin, religion or beliefs or any other similar ground will be liable to a fine or a prison sentence of not more than two years. Under the Criminal Code a website operator is also liable for any racist material posted on the site if it fails to remove this material while being aware of its content.

In 2008, the Ministry of the Interior established a Discrimination Monitoring Group to gather information on the efforts to combat discrimination against various population groups. The group's objective is to provide updated and objective information on the number of acts of discrimination that occur in Finland as well as on their origins and consequences. It also aims to improve policies concerning different fields of life, and it may be used to prepare and monitor policy programmes regarding different communities so as to evaluate the impact of proposed legislative measures.

In December 2009, the national policy on Roma was published. It includes the following measures: 1) increasing the participation of Roma children and young people in education; 2) consolidating the vocational training received by adult Roma and integrating them into employment; 3) promoting equal treatment for Roma and access by them to services; 4) preserving and developing the Roma language and culture; and 5) promoting equality for Roma as well as efforts for combating the discrimination they suffer.

The Ministry of the Interior has appointed a Group of Experts on Somali Issues with terms of reference from 18 April 2011 to 31 December 2012. Its task is to promote the integration of the Somali community, including by combating the exclusion it suffers.

Since September 2011 the residence requirement for acquiring Finnish citizenship has been reduced to five years uninterrupted residence or seven years for a period of cumulative residence.

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

Finland has not yet ratified ILO Convention No. 169 on Tribal and Indigenous Peoples in Independent Countries, although it informed ECRI of its intention to do so during the term of the current government.

The above-mentioned Discrimination Monitoring Group does not monitor discrimination on grounds of colour, nationality or language, although ECRI has been informed that communities such as the Somali community and other immigrant communities suffer various types of discrimination, including in the field of employment. The National Discrimination Tribunal is not empowered to award compensation to victims of discrimination, which discourages them from lodging complaints with it. Nor is this tribunal authorised to deal with cases of discrimination in employment or immigration matters. The Ombudsman for Minorities lacks the human and financial resources needed to duly perform her tasks and only has jurisdiction to deal with cases of discrimination on the ground of ethnic origin. In addition, although groups of concern to ECRI are also to be found outside the Helsinki area, this institution is based solely in that city. The regional boards of the Advisory Board for Ethnic Relations suffer from a

shortage of human and financial resources, which prevents them from performing their tasks effectively.

The majority population's knowledge about the Sámi remains inadequate, as does the education dispensed to Finnish pupils concerning this people. Roma continue to suffer discrimination and racism in various fields, including education, employment and housing.

Somalis are the least well-integrated group in the country and are the victims of racism, including racist violence, and of discrimination, inter alia, in employment.

Russian-speakers are also victims of discrimination in the field of employment.

The Aliens' Act contains discriminatory provisions, in particular Section 130 which provides that, at the request of the police or any other authority processing a matter concerning a foreigner, he or she must present his or her document or prove his or her identity in some other reliable manner. This provision considerably increases the risk of racial profiling of visible minorities. Section 121 of this act also provides for the detention of foreigners in order to establish their identity and in cases where, taking account of the foreigner's personal and other circumstances, there are reasonable grounds to believe that he or she will commit an offence in Finland.

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

ECRI recommends that Finland ratify ILO Convention No. 169 on Tribal and Indigenous Peoples in Independent Countries as soon as possible.

ECRI also recommends that the authorities improve measures taken to ensure monitoring of racist acts, in order to establish how these are dealt with by the competent authorities, namely the police, the prosecution service and the courts.\* ECRI also recommends that the Finnish authorities extend the 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 recommends that the Finnish authorities permit the Ombudsman for Minorities to open local and regional branch offices. ECRI stresses the need for the Ombudsman for Minorities to be provided with the requisite human and financial resources to allow the implementation of these recommendations.\*

ECRI recommends that Finnish authorities extend the scope of the National Discrimination Tribunal's mandate 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.\* ECRI recommends that the Finnish authorities allocate to the Advisory Board for Ethnic Relations, including its regional advisory boards, the human and financial resources necessary to enable it to fulfil its new mandate.

ECRI recommends that the Finnish authorities take further measures to combat the discrimination experienced in the employment sector by groups of concern to ECRI, by ensuring, inter alia, more rigorous implementation of the relevant legislation and by ensuring that employers and employment agencies are made more aware of the problem.

ECRI recommends that the Finnish authorities take measures to teach the Sámi culture and this minority's contribution to the country in schools and to increase awareness of the Sámi people among the majority population, including by conducting awareness-raising campaigns for the latter. Furthermore, ECRI recommends that the Finnish

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\* 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.

authorities implement the national policy on Roma without delay and allocate the necessary human and financial resources to it. It also recommends that they combat the prejudice against Roma, including by conducting awareness-raising campaigns concerning the contribution by this minority to Finnish society. Moreover, ECRI recommends that the Finnish authorities take measures to combat the discrimination and prejudice suffered by Russian-speakers, in particular in the area of employment.

Finally, ECRI strongly recommends that the Finnish authorities draw on its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, in particular section I, in order to combat any risk of racial profiling of visible minorities by the police when enforcing the Aliens' Act.



## FINDINGS AND RECOMMENDATIONS

### I. Existence and Application of Legal Provisions

#### International legal instruments

1. In its third report, ECRI recommended that Finland ratify ILO Convention No. 169 on Tribal and Indigenous Peoples in Independent Countries and the European Convention on Nationality as soon as possible. It also recommended that Finland reconsider its position concerning the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Furthermore, ECRI recommended that Finland ratify, as soon as possible, the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.
2. Finland ratified the Convention on Cybercrime on 24 May 2007, and this instrument entered into force for the country on 1 September 2007. On 25 May 2011, it also ratified the Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, which entered into force in respect of Finland with effect from 1 September of the same year.
3. Finland has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. In this connection, it has stated that it does not intend to ratify this instrument for the time being on account of “the existence of national, European and international legislation protecting the rights of migrant workers”. Finland nonetheless indicated that the Ministry of Foreign Affairs recently requested that all the bodies concerned provide information as to whether the obstacles to ratification of this convention could be removed. Finland also informed ECRI that a similar request was made in 1992 and 2004, but it was not deemed appropriate to ratify this convention. ECRI considers that ratification of this instrument would assist the authorities in their efforts to control irregular migration by eliminating incentives to exploit workers and to subject them to inhumane working conditions.
4. Finland has not yet ratified ILO Convention No. 169 on Tribal and Indigenous Peoples in Independent Countries. ECRI welcomes the assurances received from Finland concerning its intention to ratify this instrument during the term of the current government. ECRI is pleased to note that Finland ratified the European Convention on Nationality on 6 August 2008 and that this instrument entered into force on 1 December 2008.
5. ECRI recommends that Finland ratify ILO Convention No. 169 on Tribal and Indigenous Peoples in Independent Countries as soon as possible. It also recommends that Finland reconsider its position concerning the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and that it ratify this instrument.

#### The Finnish Nationality Act

6. In its third report, ECRI recommended that the Finnish authorities ensure that all naturalisation decisions be taken within a reasonable time and that the requirements are not applied in an excessively restrictive manner. It also recommended that they investigate and redress any discriminatory element in naturalisation decisions.

7. Finnish law has been amended since ECRI's third report. Since September 2011, the residence requirement for acquiring Finnish citizenship has been reduced to five years uninterrupted residence or seven years for a period of cumulative residence. Section 13 (1) of this law requires applicants to have satisfactory oral and written command of Finnish or Swedish or, instead of these, similar skills in the Finnish or Finnish-Swedish sign language, for the purpose of acquiring citizenship. According to new Section 17, this can be established, inter alia, by supplying a language studies certificate or a certificate attesting that they have followed a course of higher education in Finland. New Section 18b provides exceptions for persons who are incapable of expressing themselves on account of their state of health or sensory or speech impairment. In view of the recent adoption of these amendments, it is premature to evaluate their effect, particularly regarding the language proficiency requirements. However, based on ECRI's experience such requirements, if too stringent, can constitute an impediment to the acquisition of citizenship even for the most deserving applicants.
8. ECRI recommends that the Finnish authorities closely monitor the application of the new Nationality Act so as to evaluate to what extent the language proficiency requirements in this law constitute an obstacle to acquisition of Finnish nationality. If these requirements prove too hard to meet, ECRI recommends that the Finnish authorities amend the legislation so as to relax them.

#### **Criminal law provisions against racism and racial discrimination<sup>1</sup>**

9. In its third report, ECRI recommended that the Finnish authorities make further efforts to improve the implementation of the criminal law provisions in force against racism and racial discrimination. ECRI also recommended that the Finnish authorities strengthen their efforts to address under-reporting of cases of racism and racial discrimination. ECRI also considered that the authorities should take measures to ensure that potential victims of racism and racial discrimination are made more aware of their rights and of the existing avenues for redress.
10. The Criminal Code was amended in June 2011 so as to create a more comprehensive definition of the provision that it is an aggravating circumstance to perpetrate an offence motivated, inter alia, by race, colour, ethnic or national origin, religion or beliefs. In addition, anyone who makes publicly available or disseminates information, opinions or other material in which a given group is threatened, defamed or insulted on the ground, inter alia, of their race, colour, ethnic or national origin, religion or beliefs or any other similar ground will be liable to a fine or a prison sentence of not more than two years. Under the Criminal Code, a website operator is also liable for any racist material posted on the site if it fails to remove this material while being aware of its content. Since these amendments came into force only in mid-2011, it is difficult at this stage to evaluate how they have been applied by the courts.

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<sup>1</sup> In accordance with ECRI's General Policy Recommendation No. 7 on national legislation against racism and racial discrimination, racial discrimination means 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. Racism means 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.

11. The Finnish authorities have informed ECRI that, according to the latest police report of 2011, concerning 2010, during that year the police recorded 860 hate crime incidents. The Finnish authorities have also informed ECRI that, from 2006 to 2011, 17 cases of ethnic agitation<sup>2</sup> came before the courts, leading to 13 convictions and over the same period, the courts dealt with 82 cases of discrimination resulting in 42 convictions.<sup>3</sup> Concerning discrimination at work involving extortion,<sup>4</sup> the Finnish authorities informed ECRI that, between 2006 and 2011, the courts dealt with 25 cases resulting in 15 convictions. Lastly, in respect of discrimination at work,<sup>5</sup> the authorities informed ECRI that, over the same period, the courts heard 109 cases resulting in 52 convictions. ECRI notes nonetheless that there are still few convictions on charges of racism and/or racial discrimination, as such cases are rarely brought before the courts, although these phenomena exist in Finland.
12. ECRI notes information indicating that victims believe complaining to the courts is ineffective. That is why, to address this problem, three regional offices responsible for providing advice on discrimination-related matters were created<sup>6</sup> in co-operation with civil society actors and local authorities, among other partners. These offices, located in Turku, Tampere and Kotka, co-operate at local level with various players, such as the police. The office of the Ombudsman for Minorities<sup>7</sup> has trained the staff of these regional offices and co-ordinated their activities. ECRI has also been informed by the authorities that public agencies have published and distributed guidebooks and brochures for the victims of discrimination and racism; developed the regional anti-discrimination counselling system and trained counselling staff; provided training and empowerment programmes; and organised information and training

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<sup>2</sup> Chapter 11, Section 10 of the Criminal Code provides that a person who spreads statements or other information among the public where a certain national, ethnic, racial or religious group or a comparable population group is threatened, defamed or insulted shall be sentenced for *ethnic agitation* to a fine or to imprisonment for at most two years. This section was amended on 13 May 2011 (with effect from 1 June 2011). Section 10a was inserted, which reads as follows: "If in the ethnic agitation a person incites or induces into 1) genocide or the preparation of genocide, crime against humanity, aggravated crime against humanity, war crime, aggravated war crime, murder or manslaughter with terrorist intent or 2) other kind of serious violence than is covered in subsection 1, in such a way that the act clearly jeopardises public order and security, and ethnic agitation is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated ethnic agitation* to imprisonment for at least four months and at most four years."

<sup>3</sup> Chapter 11, Section 11 of the Criminal Code. This section provides, among others, that a person who in his/her trade or profession, service of the general public, exercise of official authority or other public function or in the arrangement of a public amusement or meeting, without a justified reason places someone in an unequal or an essentially inferior position owing to his/her race, national or ethnic origin, colour, language, sex, age, family ties, sexual preference, state of health, religion, political orientation, political or industrial activity or another comparable circumstance shall be sentenced, unless the act is punishable as extortionate industrial discrimination, for discrimination to a fine or to imprisonment for at most six months.

<sup>4</sup> Chapter 47, Section 3 a) of the Criminal Code. This section provides that if in the work discrimination an applicant for a job or an employee is placed in a considerably inferior position through the use of the job applicant's or the employee's economic or other distress, dependent position, lack of understanding, thoughtlessness or ignorance, the perpetrator shall, unless a more severe penalty is provided for the act elsewhere in the law, be sentenced for extortionate work discrimination to a fine or to imprisonment for at most two years.

<sup>5</sup> Chapter 47, Section 3. This section provides that An employer, or a representative thereof, who when advertising for a vacancy or selecting an employee, or during employment without an important and justifiable reason puts a applicant for a job or an employee in an inferior position because of race, national or ethnic origin, nationality, colour, language, sex, age, family status, sexual preference or state of health, or because of religion, political opinion, political or industrial activity or a comparable circumstance shall be sentenced for work discrimination to a fine or to imprisonment for at most six months.

<sup>6</sup> Under the project "Equality is the Priority (YES)" funded by the EU.

<sup>7</sup> For more information on this institution, see "Anti-discrimination bodies and other institutions" below.

meetings. ECRI welcomes these efforts, but considers that more should be done, since, as mentioned above, very few cases of racism or racial discrimination have been brought before the courts since ECRI's third report.

13. ECRI recommends that the Finnish authorities ensure that the criminal law provisions against racism and racial discrimination are more rigorously applied. ECRI recommends that the authorities take measures to assist victims to lodge complaints. Moreover, potential victims of racism and racial discrimination should be made aware of the relevant legislation and of existing avenues for redress.

#### **Civil and administrative law provisions against racial discrimination**

14. In its third report, ECRI recommended that the Finnish authorities keep the existing provisions against racial discrimination under review. In this connection, it drew their attention to its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.
15. A reform of the Non-Discrimination Act of 2004 was launched in 2008 with a view to broadening its scope. The amendments, which entered into force on 1 March 2009, prohibit all forms of discrimination regarding access to and the offer of goods, including housing, and the provision of public and private services.
16. The new amendments do not cover legal acts coming within the scope of private affairs and family life. The authorities explained that the reason for this lay in the preamble of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, which states, inter alia, that it is important, in the context of access to and provision of goods and services, to respect the principle of protection of private and family life and transactions carried out in this context. The authorities indicated that in the bill amending the Non-Discrimination Act the Government had explained that the concept of private affairs and family life referred to legal acts closely linked to an individual's private life. Under the bill, this typically concerned moveable or immovable property of which the owner has or had the enjoyment. According to the bill, with regard to the offer of goods, the prohibition of discrimination covers subletting relations. ECRI notes with concern that it follows that these amendments do not apply to the subletting of houses or flats currently or formerly occupied by their owners, since this comes within the scope of private affairs and family life. Consequently, these amendments create a situation where racial discrimination with regard to the subletting of accommodation currently or formerly occupied by the owner is permitted.
17. ECRI strongly recommends that the Finnish authorities amend the Non-Discrimination Act to ensure that it does not permit owners currently or formerly the occupants of accommodation to discriminate with regard to potential tenants.
18. The Finnish authorities informed ECRI that a new Equality Act is being prepared. Its objective will be to cover all grounds of discrimination and it will apply to all fields of life. The authorities have indicated that the responsibilities and powers of the bodies currently in charge of discrimination issues will be reviewed as necessary in preparing the new legislation. They indicated that it should be ready by October 2012 or in 2013.

19. ECRI recommends that the Finnish authorities take sections III and V of its General Policy Recommendation No. 7 into account when drawing up the new Equality Act. It also recommends that they consult all the relevant players, including NGOs and representatives of the groups of concern to ECRI.
20. In its third report, ECRI recommended that the Finnish authorities keep under review the existing civil and administrative law provisions against racial discrimination. It recommended in particular that they ensure the full application of the Non-Discrimination Act in employment discrimination cases.
21. The Finnish authorities informed ECRI that, in early 2008, the Ministry of the Interior established a Discrimination Monitoring Group to gather information on the efforts to combat discrimination against various population groups. They stated that this group's objective is to provide updated, objective information on the number of acts of discrimination that occur in Finland and on their origins and consequences. They also indicated that the group aims to improve policies concerning specific fields of life and that it could be used to prepare and monitor policy programmes regarding different communities so as to evaluate the impact of proposed legislative measures. The Legal Affairs Unit of the Ministry of the Interior co-ordinates the activities of this group, which, in 2008, commissioned the Finnish League for Human Rights to issue a report on discrimination in Finland. The Finnish authorities have stated that, at the beginning of 2010, the group drew up a four-year action plan for monitoring discrimination. Over the period 2010 to 2013, its reports have covered, or will cover, the following themes: education and leisure activities (2010), working life (2011), justice and security (2012) and social protection and health services. These studies will also look into the situation regarding discrimination on grounds, inter alia, of ethnic origin and religion.
22. The authorities stated that this group does not monitor discrimination on grounds of colour, nationality or language. In order to enable the group to examine, in a comprehensive manner, discrimination against Somalis and other immigrant communities, this loophole should be filled, since ECRI has received reports that these communities<sup>8</sup> suffer various types of discrimination, including in employment matters.<sup>9</sup> This should also lead the group to conduct more in-depth research into the application of the civil and administrative law provisions in force against racial discrimination, including in the field of employment.
23. ECRI recommends that the Finnish authorities ensure that the group responsible for monitoring discrimination also studies the situation regarding the existence of discrimination on grounds of colour, nationality and language.

### **Administration of justice**

24. In its third report, ECRI recommended that the Finnish authorities strengthen their efforts to ensure that all those involved in the criminal justice system, from lawyers to the police, prosecuting authorities and the courts, have thorough knowledge of the provisions in force against racism and racial discrimination and are fully aware of the need to actively and thoroughly counter all manifestations of these phenomena.

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<sup>8</sup> For more information on the situation of Somalis and other immigrants, see "Vulnerable/Target Groups" below.

<sup>9</sup> For more information on this matter, see "Discrimination in Various Fields" below.

25. The Finnish authorities informed ECRI that the question of racist and hate crime was discussed at a training session for members of the judiciary on the subject of infringements of freedom of expression held in the autumn of 2011. In 2012, training sessions relating to these categories of offences and the new legislation in these matters will be organised for prosecutors. ECRI takes note of these efforts, but considers that more should be done, since, as indicated above,<sup>10</sup> the legislation concerning racism and racial discrimination still needs to be applied with greater vigour.
26. ECRI recommends that the Finnish authorities reinforce the initial and in-service training for members of the justice system concerning the legislation in force against racism and racial discrimination so as to ensure that it is applied when necessary.

### **Anti-discrimination bodies and other institutions**

#### *- Ombudsman for Minorities*

27. In its third report, ECRI encouraged the Finnish authorities to keep under review the human and financial resources available to the Ombudsman for Minorities. It also recommended that they review the status of this institution in relation to the government authorities, bearing in mind the guidance provided by ECRI in its General Policy Recommendation No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level, concerning the need to ensure the independence of such bodies. ECRI further recommended that they confer on the Ombudsman for Minorities the powers necessary to protect complainants against victimisation.
28. The human resources at the disposal of the Ombudsman for Minorities have been slightly increased, since she can now increase her staff from nine to eleven through the recruitment of a communications officer and of a person to perform administrative duties. However, the Ombudsman for Minorities informed ECRI that when, prior to the 2011 elections, the government proposed broadening her office's field of action so that, in addition to complaints of discrimination on the ground of ethnic origin, for which the office is already competent, it would also deal with discrimination on other grounds (excluding gender), she refused since the proposal did not include the necessary increase in resources. The Ombudsman for Minorities informed ECRI that she is not empowered to bring cases before the courts. In addition, she solely has jurisdiction to deal with complaints of discrimination on grounds of ethnic origin or nationality, not those relating to skin colour, language, religion or race.
29. The Ombudsman for Minorities informed ECRI that between 800 and 900 persons contact her per year. Half of these contacts concern issues relating to immigration law,<sup>11</sup> while the other half concern problems of discrimination. These contacts, which may be made by telephone or in writing, allow the office of the Ombudsman for Minorities to provide advice and information on the authorities to which the complainant may turn. The Ombudsman for Minorities subsequently enters into contact with the relevant authorities to initiate a discussion and attempt to solve the problems. She also stated that she is in contact with the National Discrimination Tribunal, but regrets that it is not empowered to order compensation.<sup>12</sup> The Ombudsman for Minorities informed ECRI that establishment of local or regional branches is not being considered at the moment. ECRI nonetheless considers that this would be a means of

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<sup>10</sup> See "Criminal law provisions against racism and racial discrimination".

<sup>11</sup> For more information on this legislation, see "Vulnerable/Target Groups" below.

<sup>12</sup> See below for more information on this tribunal.

expanding her range of action, especially as groups of concern to ECRI are also to be found outside the Helsinki area, including in Lapland.

30. On 1 January 2008, the office of the Ombudsman for Minorities became an independent authority under the aegis of the Ministry of the Interior. The Ombudsman for Minorities informed ECRI that she does not encounter problems of independence as such, but deems it important that she have access to confidential documents, in particular police documents. The Ombudsman for Minorities also stated that, to enhance her autonomy, she had proposed to the government that, in the context of the preparation of the above-mentioned Equality Act,<sup>13</sup> her office should be attached to Parliament or to the Parliamentary Ombudsman

31. ECRI recommends that the Finnish authorities extend the 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 recommends that the Finnish authorities permit the Ombudsman for Minorities to open local and regional branch offices. ECRI stresses the need for the Ombudsman for Minorities to be provided with the requisite human and financial resources to allow the implementation of these recommendations.

- *National Discrimination Tribunal*

32. In its third report, ECRI invited the Finnish authorities to review the adequacy of the human and financial resources made available to the National Discrimination Tribunal and of the safeguards to guarantee its independence. ECRI also recommended that the authorities take steps to increase awareness of the existence and role of this institution among the general public. It further recommended that they consider the possibility of empowering this body to award compensation in cases of discrimination.

33. On 1 January 2008, the National Discrimination Tribunal (the Tribunal), which deals with cases of discrimination on the ground of ethnic origin, also became an independent authority under the aegis of the Ministry of the Interior. ECRI considers that even if this measure does not aim to encroach upon its independence, the authorities should ensure that they do not give the impression to the public that this body is not independent.

34. The Tribunal's mandate considerably reduces victims' interest since it is not authorised to award compensation, nor to examine cases of discrimination in immigration matters. The Tribunal is also not competent to deal with cases of multiple discrimination, for instance where a person suffers discrimination on grounds of both skin colour and religion. ECRI notes with concern that although the Tribunal is an important judicial institution and the only one of its kind, it lacks the human and financial resources it needs to carry out its tasks effectively. It has only two full-time members of staff. However, the Tribunal wishes an increase in its budget to cover operational costs, all the more so because the resources allocated to it to carry out its tasks has recently been considerably decreased.

35. The Tribunal informed ECRI of the measures it has taken to raise public awareness of its work, including publishing information on its website concerning procedural aspects, case-law, etc. The Tribunal has also produced brochures intended for, among others, NGOs and has taken steps to bring its activities to the knowledge of the media. The Tribunal's staff, who are based in

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<sup>13</sup> See "Civil and administrative law provisions against racial discrimination" above.

Helsinki, have also visited the rest of the country to promote knowledge of its existence and activities.

36. There is also a need for improved co-ordination between the Ombudsman for Minorities and the National Discrimination Tribunal. Nearly all cases of significance referred to the Tribunal are done so by the Ombudsman for Minorities. The Tribunal informed ECRI that the Ombudsman for Minorities had referred no cases to it in 2010 and 2011, whereas previously a bigger number of cases were brought before it by that institution. Since January 2012, the Ombudsman for Minorities has referred two cases to the Tribunal and it has received others from individuals. The Tribunal also informed ECRI that it had itself notified its concerns in this regard to both the authorities and the Ombudsman for Minorities, but to no avail. As already mentioned, the Ombudsman for Minorities regrets the fact that the Tribunal is not authorised to award compensation.

37. ECRI recommends that the Finnish authorities guarantee the independence of the National Discrimination Tribunal in accordance with its General Policy Recommendation No. 2. It also recommends that the Finnish authorities provide the Tribunal with the human and financial resources it needs to perform its tasks.

38. ECRI recommends that Finnish authorities extend the scope of the National Discrimination Tribunal's mandate 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 this connection, ECRI recommends that the authorities draw on its General Policy Recommendations Nos. 2 and 7 and seize the opportunity of the preparation of the above-mentioned Equality Act in order to implement these reforms.

39. ECRI recommends that the authorities take steps to improve co-ordination between the National Discrimination Tribunal and the Ombudsman for Minorities, inter alia, by empowering the former to award compensation and by allocating sufficient human and financial resources to the latter.

40. ECRI recommends that, in accordance with paragraph 26 of its General Policy Recommendation No. 7, the Finnish authorities ensure that the law guarantees free legal aid for victims of racial discrimination who wish to go before the courts.

- *Advisory Board for Ethnic Relations*

41. In its third report, ECRI encouraged the Finnish authorities to continue to draw upon the expertise and input of the Advisory Board for Ethnic Relations at both national and regional level. It recommended that they ensure that the human and financial resources available to the boards at both levels enabled them to work effectively and in close co-operation with one another.

42. The authorities informed ECRI that the Advisory Board for Ethnic Relations (the Board) is an advisory body – so its decisions are not binding – which works under the aegis of the Ministry of the Interior. It promotes interethnic dialogue and aims to promote an equal and diversified society. According to information provided by the Finnish authorities, the Board has a full-time secretary general and a full-time expert secretary.

43. The authorities indicated that since ECRI's third report, the Board has become increasingly well known for its expertise in immigration matters and that they consult it more frequently on such issues. They stated that this body has continued to influence attitudes towards immigrants and ethnic minorities within

Finnish society by distributing information, organising debates and appointing well-known public figures as goodwill ambassadors for interethnic relations. The authorities informed ECRI that, in spring 2011, the Government issued a new decree on the Board expanding its activities with regard to its assigned tasks, the duration of its mandate, its membership and its regional offshoots. This new decree authorises the Board to promote interethnic equality and to take action to improve immigrants' opportunities of participating in society. On 29 September 2011, the Government appointed the Board members for its fifth mandate (2011-2015), following which the Board set itself the following priorities: 1) promoting good interethnic relations; 2) promoting pluralism at municipal level; 3) supporting diversity in the workplace; 4) promoting the activities of immigrant organisations; and 5) improving the situation of young people from an immigrant background.

44. The Board informed ECRI that it is financed by the Ministry of the Interior, which allocated it a sum of € 30 000 in 2009, €60 000 in 2011 and €95 000 in 2012. Although it has benefited from regular increases in the funds allocated to it in the last three years, the Board informed ECRI that these resources are not sufficient to enable it to implement the ambitious programme it has set itself for the next four years.
45. The Board informed ECRI that the measures to be taken under its new mandate have not yet been determined in full, but that 2013 would be devoted to youth, while in 2012 the focus would be on immigrants' participation in the municipal elections taking place that year. In 2011, the Board conducted a campaign entitled "Together we can" to raise awareness of diversity issues among various stakeholders in society. The Board reported that 70 different events had been held as part of this campaign.
46. The Finnish authorities indicated that the new decree referred to above raised the number of regional advisory boards from four to seven. These fall under the authority of the Centres for Economic Development, Transport and the Environment. ECRI has been informed that these boards' shortage of human and financial resources prevents them from performing their tasks effectively. None of them has a full-time secretary or co-ordinator, for example.
47. ECRI recommends that the Finnish authorities allocate to the Advisory Board for Ethnic Relations, including its regional advisory boards, the human and financial resources necessary to enable it to fulfil its new mandate.
48. ECRI notes that co-operation between the various specialised anti-discrimination bodies and institutions has been stepped up, since the Ombudsman for Minorities now sits, in an expert capacity, on the Advisory Board for Ethnic Relations. However, ECRI notes with regret that the Advisory Board for Romani Affairs does not have a representative sitting on the Advisory Board for Ethnic Relations.

## **II. Discrimination in Various Fields**

### **Education**

#### **- Sámi Language Act**

49. In its third report, ECRI encouraged the Finnish authorities to monitor the implementation of the Sámi Language Act<sup>14</sup> and of the right of Sámi to mother tongue education. It recommended that they take the necessary measures to

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<sup>14</sup> For more information on this group, see "Vulnerable/Target Groups" below.

ensure a satisfactory implementation of these rights in co-operation with the representatives of the Sámi people.

50. The Finnish authorities have informed ECRI that on 24 September 2010, the Ministry of Education and Culture set up a working group to prepare a draft programme for the revival of Sámi languages. The task of this group is to assess the situation with regard to the three Sámi languages spoken in Finland, including Inari Sámi and Skolt Sámi, and measures taken to improve the situation. On the basis of the assessment, the working group will draft a proposal for a comprehensive, long-term programme to revive Sámi. The work of the group is directed by a steering group, within which all three Sámi languages are represented by members of the Sámi Parliament. The revival programme must include, among others, proposals concerning the research and planning of the Sámi languages, the teaching in and of Sámi, the setting-up of Sámi day care centres to enable children to use the Sámi languages as well as proposals concerning other areas of societal life in which the right of the Sámi to maintain and develop their language and culture is supported at national level. The Finnish authorities have indicated to ECRI that the above-mentioned working group has almost completed its work and will submit its conclusions to the Ministry of Education and Culture.
51. The Finnish authorities have informed ECRI that children who speak Sámi as their mother tongue and who live in the Sámi Homeland have the right to receive basic education in their language, under the law and in accordance with the recommendation made by ECRI in its third report. General education and secondary vocational education may be delivered in the Sámi languages, which can also be chosen as an elective subject. Municipalities located in the Sámi Homeland receive subsidies for the teaching in and of Sámi languages if there are at least three pupils. As stated below, the authorities have pointed out to ECRI that it is also possible to study these languages outside the Sámi Homeland and that separate subsidies are available for this purpose. The authorities have indicated to ECRI that under the amended Act on the Sámi Training Centre, which entered into force on 1 May 2010, this centre is required, inter alia, to implement special measures to improve the occupational qualifications of the Sámi population and to provide training geared to the needs of the economy in the Sámi Homeland. To this end, the centre provides, inter alia, occupational training and language courses and produces and develops relevant teaching materials. Under the new act, the centre may also run language courses at national level. The act further requires the centre to work with educational establishments, universities and other institutions providing training for the Sámi population, whether in their Homeland or elsewhere. Sámi representatives have informed ECRI, however, that Sámi language education outside their Homeland remains unsatisfactory, even though this is where the majority of Sámi live. They therefore hope that the programme to revive the Sámi languages will provide a solution to this problem. In addition, civil society actors have indicated that there is a shortage of teachers providing teaching of and in Sámi languages.
52. ECRI encourages the Finnish authorities to continue measures taken to revive Sámi languages and recommends that they train a sufficient number of teachers for this purpose. ECRI recommends that the Finnish authorities take further measures to ensure that Sámi languages are taught both in the Sámi Homeland and outside it. ECRI recommends that the Finnish authorities provide the human and financial resources required for these efforts.

- *Language teaching to pupils of non-Finnish and non-Swedish mother tongue (other than that provided under the Sámi Language Act)*
53. In its third report, ECRI encouraged the Finnish authorities to intensify their efforts to ensure adequate provision of mother tongue education and specialised teaching of Finnish and Swedish as a second language to non-Finnish or Swedish mother tongue pupils. To this end, it encouraged the Finnish authorities to intensify their efforts to train and recruit teachers and ensure adequate availability of teaching materials and financial resources.
  54. The authorities have informed ECRI that municipalities are not obliged to provide mother tongue teaching to children with an immigrant background.
  55. The Finnish authorities have, however, indicated to ECRI that immigrant children of nursery or school age can receive pre-elementary instruction designed for all pupils from an immigrant background who are not proficient in the Finnish or Swedish language. Pupils aged between 6 and 10 years receive 900 hours and older pupils 1 000 hours of preparatory instruction over the school year. The Finnish authorities have further indicated that, at present, some 17 000 pupils with a foreign mother tongue are receiving elementary education and that a curriculum specially designed for immigrants has been drafted to enable them to learn Finnish or Swedish as a second language. The authorities have indicated that since the beginning of 2006, schools have been receiving more and more state subsidies for pupils with a foreign mother tongue, and that since the beginning of 2010, these subsidies have been available for persons residing in the municipalities and who are aged between 6 and 17 years. Civil society actors have stated that the fact that children from an immigrant background receive Finnish or Swedish language instruction increases teachers' workload, prompting many of them to leave the areas where immigrants live. These actors were concerned, therefore, that there might be insufficient numbers of teachers in these areas, or of teachers with the appropriate skills. They also voiced concern about the lack of research on the Finnish- and Swedish-language tuition given to children from an immigrant background although there were issues with regard to access to these courses and to the quality of the tuition.
  56. The authorities have informed ECRI that measures are being taken to teach children from an immigrant background their mother tongue. This teaching is not mother tongue and literature teaching within the meaning of the Basic Education Act, but is regarded as supplementary teaching eligible for state subsidies. This teaching is available for two hours of instruction per week for each group, the minimum number of pupils per group being four. The Finnish authorities have informed ECRI that the budget for 2011 included 2 million euros for a scheme to train and guide teachers from an immigrant background. They have also indicated that several universities offer teachers initial and in-service training in multiculturalism. As regards initial training, however, the modules on this subject are elective only. ECRI encourages these good initiatives which make it easier for children with an immigrant background to integrate.
  57. The Finnish authorities have indicated that the Ministry of Education and Culture has promulgated a decree on the criteria for granting additional subsidies to Sámi and Roma pupils and those with a foreign mother tongue, for their basic and secondary education. The decree states that, if a school does not provide mother tongue tuition for Sámi pupils in accordance with the Basic Education Act, a separate subsidy may be granted for such tuition. These subsidies are to be granted for a minimum of two hours' tuition per week per group, the minimum number of pupils per group being two. With regard to the

Romany language, the authorities have informed ECRI that since 2009, the National Council for Education has awarded separate subsidies to support the revival of the Romany language at national level, by giving Roma of all ages and from various parts of the country, the opportunity to speak their language on a regular basis. These subsidies are available to municipalities and organisations. In 2011, activities of this kind were conducted in 14 towns and villages. According to civil society actors, however, although central government provides considerable funds for the teaching of Romany, municipalities could improve the way this education is organised. For a more detailed examination of these issues, ECRI refers to the Opinion of the Advisory Committee of the Framework Convention on the Protection of National Minorities adopted on 14 October 2010.<sup>15</sup>

58. The authorities have informed ECRI that in 2009, some € 9 million were allocated for teaching Sámi languages, Romany or other foreign mother tongues and for teaching Finnish or Swedish as a second language. This sum amounted to around 12 million euros in total for 2010 and 2011.

59. ECRI encourages the Finnish authorities to continue providing children from an immigrant background with Finnish or Swedish language instruction. It recommends that they ensure that municipalities are required to provide such instruction and that teachers receive initial and in-service training for this purpose.

- *Racist acts in schools*

60. In its third report, ECRI strongly recommended that the Finnish authorities address the issue of racist bullying and harassment in schools and take resolute action to counter such phenomena.

61. ECRI notes with concern information provided by the Finnish authorities that racist acts in schools against Roma children are continuing, especially in primary schools, the most serious problem being racist insults. Harassment (together with other factors such as illness and family events) contributes to a higher level of absenteeism among these children. The authorities referred to a study carried out among pupils, teachers and parents, which showed a rise in racist harassment in relation to 2000 and 2001. They indicated to ECRI that a project to combat all forms of harassment in schools began five years ago and that 90% of pupils are participating in it. ECRI is concerned at reports from civil society actors indicating that, according to research, preteen pupils from an immigrant background are more likely to be victimised than their peers. Civil society actors have further noted that the discrimination in schools experienced by virtually all groups of concern to ECRI has an impact on the learning abilities of pupils from these groups and leads to them being excluded from extracurricular activities of the kind popular in the country, such as ice hockey, which in turn compounds the problem of segregation.

62. Although the zero-tolerance rule is applied for racism in many schools, the information received by ECRI indicates that pupils are receiving, as victims, insufficient assistance and advice to help them cope with their traumatic experiences. While bullying of pupils of Russian background in Finnish schools appears to have decreased, Somalis continue to encounter racism and prejudice in schools.

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<sup>15</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Finland adopted on 14 October 2010, ACFC/OP/111/(2010)007, paragraphs 19, 70, 135, 141 and 144.

63. ECRI strongly recommends that the authorities tackle the problem of racism and discrimination in schools, drawing, inter alia, on paragraph II of its General Policy Recommendation No. 10, which calls on member States to ensure that schools are obliged to incorporate the fight against racism and racial discrimination as well as respect for diversity into the way that they are run by taking a series of measures, such as setting up a system to monitor racist incidents at school and compiling data on these phenomena in order to devise long-term policies to counter them.

## Employment

64. In its third report, ECRI took the view that there should be a stronger focus on racial discrimination and measures to improve attitudes among employers as concerns recruitment of members of minority groups and immigrants. ECRI also called for initiatives aimed at ameliorating the system for recognition of qualifications gained abroad and efforts to ensure that language requirements do not unnecessarily reduce the immigrants' ability to access the labour market.
65. ECRI takes note of the information provided by the Finnish authorities that occupational safety and health authorities monitor compliance with the Non-Discrimination Act (21/2004) in working life, including recruitment. However, discrimination in employment, which affects Russian-speakers, immigrants and Roma as well as Muslims, including Somalis<sup>16</sup>, still remains a problem in Finland. Studies, including research carried out by the Ombudsman for Minorities, have shown that, although they are generally well-educated, with a good command of Finnish, Russian-speakers have a much higher rate of unemployment than the rest of the population. As regards Roma, the Finnish authorities have indicated to ECRI that one of the main obstacles preventing them from accessing the labour market, in addition to discrimination and negative attitudes, is poor education and lack of training and professional experience. A study on Roma employment conducted in 2008 in companies showed, however, that many employers are reluctant to recruit Roma even when they have the requisite qualifications for the job, which would also explain why unemployment in this community stands at 40%. ECRI welcomes, therefore, the Finnish authorities' assurances that a guide designed to promote Roma participation in the labour market to be published in 2012, is being prepared. Representatives of the Roma community have indicated to ECRI that, although local employment agencies are required by law to recruit someone to assist Roma with job seeking, only five persons are currently employed in this capacity, in the south of the country. In addition, representatives of the Somali community have informed ECRI that there is high unemployment in this community (50%), even among those who are well-educated.
66. The authorities have informed ECRI that in 2009 the Ministry of Employment and the Economy organised trainings on equality, anti-discrimination and diversity; a guidebook on equality, non-discrimination and diversity and a brochure on the benefits of a diverse workforce were prepared and disseminated. The Finnish authorities also informed ECRI that in 2010, the Ministry of Employment and the Economy published a study on good practice in managing diversity in the public as well as private sector entitled *Success from diversity – vitality from difference*, which was circulated to companies and public bodies. The authorities have also indicated that, in 2011, the Ministry of Employment and the Economy launched a research project to develop the system for monitoring discrimination in the employment sector and to measure this phenomenon in recruitment. This project is part of the horizontal *Equality is the Priority (YES)* project and is being conducted in close co-operation with the

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<sup>16</sup> For more information on these groups, see "Vulnerable/Target Groups" below.

above-mentioned group responsible for monitoring discrimination.<sup>17</sup> The findings of this research project<sup>18</sup>, which was published in May 2012, show, inter alia, that job seekers with a Russian name had to send twice as many applications as those with a Finnish name before being invited to a job interview. The Finnish authorities have further indicated that in 2012, at national level, the focus will be on awareness-raising activities and public debates on discrimination in recruitment. Another aim will be to promote diversity in the workplace and in companies by supporting voluntary initiatives such as the diversity charter. While welcoming these measures, ECRI considers that more should be done to counter discrimination in the employment sector.

67. ECRI recommends that the Finnish authorities take further measures to combat the discrimination experienced in the employment sector by groups of concern to ECRI, by ensuring, inter alia, more rigorous implementation of the relevant legislation and by seeing to it that employers and employment agencies are made more aware of the problem.
68. Civil society actors have drawn attention to the discriminatory working conditions faced by immigrants, including as regards pay and allowances, which are not always compliant with Finnish regulations. NGOs point out that many immigrant workers are in a situation of extreme dependence on their employers, since losing their job could also lead to the loss of their residence permit and hence deportation. This dependence is compounded by a lack of awareness of the current regulations, which means they are disinclined to file complaints about discrimination. ECRI notes with concern NGO reports indicating that workers from Russia and the Baltic States which have recently joined the EU are being discriminated against in terms of their working conditions, which are in some cases unfair and inhumane, and also in terms of pay. According to these NGOs, monitoring of these working conditions is hampered by a lack of resources, and even where a violation is found to have occurred, the penalties imposed on companies are not sufficiently dissuasive.
69. Civil society organisations would like adequately resourced measures to be taken to improve the situation of immigrants in the labour market. They have stressed that the Government's programme on immigration<sup>19</sup> should treat newcomers not merely as workers, but as individuals with needs, wishes and expectations. Therefore, state and municipal administrations should extend their social, educational and health care provision to meet the needs of new immigrants.
70. ECRI is concerned about the situation of seasonal workers, (many of them from Thailand and certain countries of eastern and central Europe) who come to Finland to pick berries and who do not have an employment relationship in accordance with Section 1(1) of the Employment Contracts Act (55/2001)<sup>20</sup>. These workers have entrepreneur status and their activities are not taxable. The Ombudsman for Minorities has raised the issue of the risk that these workers could become victims of human trafficking, as whenever there are fewer berries, their income falls, making it difficult for them to repay the loans they incurred to pay for the journey to Finland. In addition, the companies

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<sup>17</sup> See "Existence and Application of Legal Provisions - Civil and administrative law provisions against racial discrimination".

<sup>18</sup> Discrimination in the Finnish Labor Market - An Overview and a Field Experiment on Recruitment.

<sup>19</sup> See "Vulnerable/Target Groups - Other non-citizens" below.

<sup>20</sup> The Employment Contracts Act applies to contracts entered into by an employee, or jointly by several employees as a team, agreeing personally to perform work for an employer under the employer's direction and supervision in return for pay or some other remuneration.

which buy the berries from them do not provide them with any wage guarantees. The Ombudsman for Minorities considers it important that labour inspectors monitor the situation of seasonal workers in Finland.

71. The recognition of foreign qualifications continues to pose a problem. Representatives of the Russian-speaking community have informed ECRI that the procedure often takes several years.
72. ECRI strongly recommends that the Finnish authorities take measures to combat discrimination against and exploitation of immigrants in the employment sector. To this end, it recommends that they, inter alia, inform them of their rights and ensure that the penalties imposed on companies which violate the law on this subject are sufficiently dissuasive.
73. ECRI recommends that the Finnish authorities address the issue of seasonal workers, by ensuring that their situation is monitored by labour inspectors.
74. ECRI recommends that the Finnish authorities reduce the time taken to recognise foreign qualifications in order to ensure that immigrant workers are integrated into the labour market more quickly and in a more satisfactory manner.

## Housing

75. The situation of groups of concern to ECRI, in particular Roma and Somalis, in the housing sector remains a matter for concern. Some of these groups, for example, are discriminated against in access to housing and are highly concentrated in social housing since approximately 75% of children who speak a language other than Finnish or Swedish live in housing of this kind compared with 23% of children who speak one or other of these languages. Civil society actors consider that, at national level, the authorities should give more attention to the problem of de facto segregation in the housing sector. In addition, there is a link with racial discrimination in employment of the kind experienced, as indicated above, by groups of concern to ECRI, which results in higher unemployment among these groups and hence their overrepresentation in neighbourhoods with social housing and de facto segregation of their children in local schools. ECRI therefore considers that any policy designed to address the housing problems facing these communities must take account of this fact. In addition, it has been reported that there is a disproportionate number of homeless persons among the immigrant population. 40% of homeless families and 9% of homeless single people in Finland are of immigrant origin, although they account for only 3.1% of the population at large. Civil society actors have emphasised the need to carry out research on discrimination in private-sector housing and on the reasons why immigrants are more likely to end up homeless than non-immigrants.
76. A study published by the European Union's Fundamental Rights Agency in 2009<sup>21</sup> shows that half of Roma interviewed had experienced differential treatment because of their ethnic origin while seeking housing. They were of the opinion that their ethnic origin was the reason they had had to wait so long for housing or that it was in a bad condition. They were also of the opinion that Roma faced problems in finding housing in the private sector even if they could afford to pay higher rents. Roma who were interviewed for the study had been on the waiting list for six years and when they finally received housing, the conditions and size of the apartment, or its proximity to public services were unsatisfactory. Finally, they also saw the authorities' attempts to house them in

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<sup>21</sup>Finland RAXEN National Focal Point, Thematic Study, Housing Conditions of Roma and Travellers 2009, p. 25, [http://fra.europa.eu/fraWebsite/attachments/RAXEN-Roma%20Housing-Finland\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/RAXEN-Roma%20Housing-Finland_en.pdf).

the same area as problematic and discriminatory. With regard to Somalis, representatives of this community have informed ECRI that because Somali families tend to be large, they have difficulty finding social housing that is sufficiently spacious and face waits of over six years.

77. The Finnish authorities have informed ECRI that the national policy on Roma<sup>22</sup> has identified the implementation of measures to resolve the problems facing members of this community in the housing sector as a priority. Accordingly, in December 2010, in its decision of principle on guidelines relating to the national policy on Roma,<sup>23</sup> the Ministry of Environment commissioned a study which showed that Roma persons face discrimination in housing. The authorities have further indicated to ECRI that in 2012, regional seminars based on the results of this study have been organised for housing authorities and Roma communities jointly with the regional Advisory Boards for Ethnic Relations. Finally, the authorities refer to the Non-Discrimination Act that was amended in 2009 to extend its scope to publicly available housing. They have further indicated that the above-mentioned Ministry of the Environment study will also examine complaints filed with the Ombudsman for Minorities over the past ten years.
78. ECRI recommends that the Finnish authorities take measures to combat the problems facing groups of concern to ECRI in the housing sector, including by carrying out the necessary research and by developing policies to combat racial discrimination in this area which are supported by appropriate human and financial resources.
79. ECRI recommends that the authorities take into account the socio-economic origins of the problems encountered by groups of concern to ECRI in the housing sector, ensuring that any policy developed to remedy such problems includes education and employment issues.
80. ECRI recommends that the Finnish authorities carry out research to establish the reasons for the disproportionate number of homeless immigrants and take measures to combat this phenomenon.

## Health

81. Civil society actors have indicated that the lack of resources for diagnosis and health care needed by refugees who have suffered torture, persecution and violence is a major problem. In their opinion, this is preventing them from obtaining the necessary treatment and may be a barrier to their integration. The lack of health care professionals who speak the languages most commonly used among immigrants is another issue of concern for civil society actors. In addition, the situation of irregular immigrants merits a closer look, since fear of deportation and lack of information means that many of them do not seek treatment, even in emergencies. Civil society actors recall that the Finnish Constitution provides for access to health care for all and call for better provision as regards the information given to irregular immigrants about their rights.
82. The Finnish authorities have adopted a policy to promote health care under which they have started to become aware of the barriers encountered by immigrants in social and health services. They recognise that health and culture are closely linked and have urged central and local authorities to take account of cultural factors when providing health care services to immigrants

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<sup>22</sup> For more information on this policy and on the situation of Roma in general, see “Vulnerable/target groups” below.

<sup>23</sup> For more information on this issue, see “Vulnerable/Target Groups” below.

and other foreigners. Civil society welcomes this policy, but is of the opinion that the authorities, at both national and local level, should allocate more human and financial resources to health care for immigrants.

83. ECRI recommends that the Finnish authorities take measures to facilitate access to health care for all groups of concern to ECRI, including refugees suffering from trauma and irregular immigrants, specifically ensuring that they have the necessary information and that they benefit from their rights.

### **Access to public places**

84. In its third report, ECRI recommended that the Finnish authorities strengthen their efforts to counter racial discrimination in access to public places. To this end, it called for more effective implementation of the relevant anti-discrimination legislation in force and further measures to raise awareness of discrimination among those involved in the service sector.
85. Roma representatives have indicated to ECRI that members of their community, in particular women, are discriminated against in public places such as shops. The Ombudsman for Minorities has also mentioned cases of security guards constantly following members of groups of concern to ECRI as they shopped. Civil society actors further indicate that Roma and immigrants, including Muslims, are discriminated against in access to bars and nightclubs, but that they tend not to file complaints as it is difficult to prove the discriminatory motive for the refusals they encounter. According to civil society actors, the problem of racial discrimination in access to public places is not taken sufficiently seriously, leading to a degree of impunity in this area.
86. ECRI recommends that the Finnish authorities counter racial discrimination in access to public places by conducting awareness campaigns on this subject and by ensuring the implementation of existing legislation on this subject.

### **III. Racist Violence**

87. In its third report, ECRI strongly recommended that the Finnish authorities strengthen their efforts to prevent racially-motivated violence and punish the perpetrators, including by countering the activities of locally-organised violent groups. They also encouraged them to improve the monitoring of racist incidents by the police and recommended that a monitoring system be introduced within the prosecution service and the courts.
88. ECRI notes that according to police statistics, the number of racist crimes has declined. According to the latest police report from 2010, 860 hate crimes incidents were recorded, of which 741 had a racist nature.–Somalis, Turks, Iraqis and Russian-speakers are the most common victims. Roma are also victims of racist violence, albeit to a lesser extent. Although the Finnish authorities have informed that they are not aware of any murders committed with racist motives, representatives of the Muslim community have reported to ECRI that there have been racist murders, mainly committed by racist groups which publish hate messages on their websites.<sup>24</sup> These representatives indicated that they were satisfied with their collaboration with the police and with the Ministry of the Interior in combating racist crime. They also stated that they were working with these agencies to introduce a system of protection.

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<sup>24</sup> For more information on the Internet, see “Racism in Public Discourse” below.

89. The authorities have indicated that there are no statistics on the number of arrests or imprisonments for racist crime.<sup>25</sup> Civil society actors confirm that little research has been done on how the prosecution service and the courts deal with offences of this type and that information about investigations, prosecutions and sentences is fairly scarce. These actors indicated that the only detailed study on the subject was conducted in 2008 in the Helsinki area. It shows that there is no difference between the length of investigations and trials relating to this type of offence and those relating to other types. The same is true for convictions handed down by the courts. It has been noted, however, that prosecutors, by their own admission, almost never request that the racist motive of a criminal offence be taken into account, even when it is obvious. Indeed, they prefer instead to invoke attack on the person's honour as an aggravating circumstance. ECRI therefore considers that there is a need for better monitoring of racist acts, including of the manner in which they are handled by the police, the prosecution service and the courts.
90. ECRI strongly recommends that the Finnish authorities ensure that racist crimes are duly punished, by making sure that those who commit such crimes are prosecuted and that the prosecutor as well as the courts implement the relevant legislation. ECRI recommends that the authorities improve measures taken to ensure monitoring of racist acts, in order to establish how these are dealt with by the competent authorities, namely the police, the prosecution service and the courts.

#### **IV. Racism in Public Discourse**

##### **Political discourse**

91. In its third report, ECRI called on the Finnish authorities to consider the adoption of legal provisions targeting specifically the use of racist and xenophobic discourse by exponents of political parties. In this respect, ECRI drew the attention of the Finnish authorities to the relevant provisions contained in its General Policy Recommendation No. 7.
92. In the 2011 parliamentary election, the True Finns Party, which is a party with xenophobic tendencies, gained greater support and became one of four large parties. Its parliamentary group adopted a statement calling for the suppression of all specific measures for minority groups - in the name of equality. This statement received very little support from other political actors and does not appear to have had an impact on the government's policy. However, representatives of groups of concern to ECRI have reported to it an increase, after the 2011 elections, in everyday racism, including in the streets and shops, proving that this kind of discourse has had a direct impact on the lives of the groups concerned. Several politicians of the True Finns Party - parliamentarians and members of municipal assemblies - have been convicted for racist/xenophobic discourse. In June 2012 one of the leading parliamentarians of this party was fined by the Supreme Court for disturbing religious peace and for xenophobic agitation. The politician characterised the judgment as the opinion of a few individuals. The other parties considered this to be as an improper criticism of the judiciary by a representative of the legislative power and forced him to resign from the chair of the Administration Committee. Reckless statements by the above-mentioned politicians and the fact that they have been punished for them appear to have been one of the reasons for the decline in their party's popularity in 2012.

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<sup>25</sup> According to the latest police report dated 2009, 1 007 hate motivated offences were committed that year, of which 858 were of a racist nature.

93. ECRI notes the reports from civil society actors indicating a return to more moderate political discourse during and since the presidential elections in the first half of 2012. These actors indicated, however, that they are awaiting the municipal elections in October 2012 to see whether this tendency is confirmed, as the above-mentioned party draws most of its support from the regions. ECRI therefore wishes to call for a degree of vigilance and to remind political leaders that they should avoid using racist and/or xenophobic discourse for electoral purposes. The Charter of European Political Parties for a Non-Racist Society and ECRI's Declaration on the use of racist, antisemitic and xenophobic elements in political discourse contain useful guidelines on improving political discourse regarding groups of concern to ECRI.
94. ECRI recommends that the Finnish authorities take steps to ensure that politicians act responsibly when dealing with matters relating to groups of concern to it. It recommends, inter alia, that they bring to politicians' attention the Charter of European Political Parties for a Non-Racist Society and ECRI's Declaration on the use of racist, antisemitic and xenophobic elements in political discourse.

## Media

95. In its third report, ECRI encouraged the Finnish authorities to impress on the media, without encroaching on their editorial independence, the need to ensure that reporting does not contribute to creating an atmosphere of hostility and rejection towards members of any minority groups. It recommended that they engage in a debate with the media and members of other relevant civil society groups on how this could best be achieved.
96. Civil society actors report that some media in Finland do not have much respect for minorities in general, and that racism, antisemitism and xenophobia are expressed openly by them. Representatives of the Muslim community have indicated to ECRI that the media avoid mentioning a person's religious affiliation in the case of events occurring in Finland, but that they have a tendency to equate Islam with terrorism. ECRI has received information indicating that certain media stir up prejudice against Somalis. In addition, it has been noted that the presence of Roma beggars from Bulgaria and Romania on the streets of Helsinki has sparked virulent debate over the past three years, some of the comments and articles published in the media being of a racist character. Civil society actors have also drawn ECRI's attention to the existence of television programmes and series that spread stereotypes about Roma.
97. The media can play a positive role in matters affecting groups of concern to ECRI, having drawn attention, for example, to the plight of Thai seasonal workers, mentioned above.<sup>26</sup> ECRI is therefore of the opinion that the authorities should encourage the media in this respect.
98. ECRI recommends that the Finnish authorities encourage the media, by whatever means are practically available and without encroaching on their editorial independence, to ensure that the information and programmes they broadcast do not contribute to breeding a climate of hostility towards members of groups of concern to ECRI. It also recommends that the authorities support any initiatives taken by the media in this field and allocate to them with the necessary resources to provide initial and in-service training in human rights in general and racism issues in particular.

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<sup>26</sup> See "Discrimination in Various Fields" above.

## Internet

99. In its third report, ECRI recommended that the Finnish authorities strengthen their efforts to counter the dissemination of racist material on the Internet.
100. ECRI notes with concern that racism on the Internet remains a problem in Finland, including on discussion forums, blogs and social networks. Reports of racist written material have been received from the Ombudsman for Minorities. There have also been reports indicating that similar material can be found as regards efforts by the Sámi to develop their languages. That is why ECRI welcomes the Finnish authorities' information indicating that the police has stepped up measures to, inter alia, combat racism on the Internet. In addition, the Ministry of Transport and Communication and the Finnish Federation for Communication and Teleinformatics have jointly prepared a code of ethics for Internet providers. In March 2010, the police launched an online service for reporting, for example, racist or xenophobic material on the Internet. The authorities have also informed ECRI that virtual community police officers are operating on the Internet and facilitate contact with the police. In addition, as indicated above,<sup>27</sup> since June 2011, any operator of a site can be held liable under the Criminal Code for any racist messages posted there if the operator is aware of the messages and fails to delete them. The Finnish authorities have informed ECRI that a new Appendix has been included in the Guidelines for Journalists, which was adopted by the Council for Mass Media in September 2011 and came into force on 1 October 2011. Under the new Appendix, the media are committed to removing any inappropriate messages from their public online forums. The Appendix further requires that the editorial offices monitor their websites and try to prevent the publication of content that violates privacy and human dignity, including discrimination, violence and hatred towards an individual or group. Most of these measures having been adopted only recently, however, their impact is difficult to measure at present. Civil society actors have informed ECRI that the police does not have the necessary resources to solve this problem. The police itself has informed ECRI about the difficulty of combating this phenomenon given its scale. ECRI therefore hopes that the Finnish authorities will do their utmost to tackle the problem of racism on the Internet.
101. ECRI recommends that the Finnish authorities take all necessary measures to combat racism on the Internet, including by conducting awareness campaigns to this effect and by ensuring the implementation of the relevant legislation, in accordance with the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. It further recommends that they grant the police the resources it needs to combat racism on the Internet.

## V. Vulnerable/Target Groups

### Sámi

102. In its third report, ECRI recommended that the Finnish authorities do their utmost to ensure a successful conclusion to the ongoing process aimed at the preparation of a bill on land use in the Sámi Homeland.
103. With regard to the land rights of the Sámi people, ECRI refers to the Opinion of the Advisory Committee on the Framework Convention for the Protection of

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<sup>27</sup> See "Existence and Application of Legal Provisions - Criminal law provisions against racism and racial discrimination".

National Minorities adopted on 14 October 2010, in which the issue was considered.<sup>28</sup>

104. In its third report, ECRI reiterated its call to the Finnish authorities to improve knowledge of Sámi, their status as an indigenous people and their history among the general population, including by ensuring that school education contain adequate teaching and information about the Sámi and by means of awareness-raising measures for the general public.
105. Sámi representatives reported to ECRI that most of the proposals which they have made recently to the Finnish Government concerning issues affecting their community have been taken into account. However, they also reported that civil servants do not receive training in the culture of this minority and issues affecting it. The authorities have informed ECRI that the national education plan mentions multiculturalism and that teaching must refer to the Sámi as an indigenous people as well as to the other groups of concern to ECRI. However, ECRI understands that teaching of Sámi culture and about the Sámi people in schools is still rare. When such teaching is provided, the issues are addressed only superficially. Moreover, the education which pupils receive about this ethnic minority often depends on the goodwill of the teachers. Textbooks contain very little information about the Sámi. ECRI was informed that, as a result, it is possible for a pupil to leave school without ever having heard about the Sámi and the Ombudsman for Minorities has stated that few Finns know that their country is one of the few in Europe in which an indigenous people lives.
106. ECRI recommends that the Finnish authorities take measures to teach the Sámi culture and the minority's contribution to the country in schools, drawing on its General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school. Moreover, ECRI recommends that the Finnish authorities take measures to increase awareness of the Sámi people among the majority population, including by conducting awareness-raising campaigns for the latter.

## Roma

107. In its third report, ECRI strongly recommended that the Finnish authorities draw up, in close co-operation with Roma communities, a comprehensive strategy aimed at improving the situation of Roma in Finland and make available adequate resources to implement it. ECRI recommended that the areas of education, housing, employment, relations with the police and the situation in prisons be given priority in the elaboration of such a strategy. ECRI believed that the strategy should also bring together the various initiatives that are carried out by different sectors and at different levels of the administration, set clear targets and provide methods for evaluating progress achieved.
108. There are approximately 11 000 Roma in Finland. In general, ECRI notes with interest that Roma representatives believe that the needs of their community were taken into account during the preparation of the national policy on Roma, which they welcome. However, they believe that there remains the issue of the measures taken under this policy having concrete results, in practice, in the daily lives of Roma. The Finnish authorities informed ECRI that the national policy on Roma was published in December 2009. It includes the following measures: 1) increasing the participation of Roma children and young people in education; 2) consolidating the vocational training received by adult Roma and

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<sup>28</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Finland adopted on 14 October 2010, ACFC/OP/III(2010)007, paragraphs 50 to 57.

integrating them into employment; 3) promoting equal treatment for Roma and access by them to services; 4) preserving and developing the Roma language and culture; and 5) promoting equality for Roma as well as efforts for combating the discrimination they suffer.

109. The Finnish authorities indicated that on the basis of the above-mentioned policy, in December 2010, the Government approved a decision in principle concerning guidelines relating to it. Under the decision, various government departments must implement the measures defined as falling within their responsibility in accordance with the resources available. The authorities informed ECRI that the new government programme provides for implementation of the national policy on Roma during the term of the current government. They also indicated that they are going to set up a working group responsible for monitoring implementation of the policy and that a timetable will be drawn up to that end. The group will be chaired by a senior official from the Ministry for Social Affairs and Health and will comprise representatives of the six government departments concerned, the Finnish Association of Municipalities, the Advisory Board for Roma Affairs, five Roma NGOs, the Ombudsman for Minorities as well as the National Education Directorate. The authorities report that 50% of the members of the working group will be Roma. Moreover, the funding which each government department will receive to implement the measures under the national policy on Roma for which it is responsible will be determined.
110. ECRI welcomes the elaboration by the Finnish authorities of a national policy on Roma and their assurances that the policy will be implemented during the term of the current government. However, as the policy was published in 2009, ECRI believes that, given the above-mentioned problems<sup>29</sup> encountered by Roma, among others, in the areas of education, employment and housing, it is now time for the authorities to implement the policy with the necessary human and financial resources.
111. Representatives of the Roma community report that they are consulted during the planning of measures concerning their community, but are excluded from the subsequent decision-making process. They also informed ECRI of the need for adequate funding for implementing and monitoring the national policy on Roma, given that the budgetary allocation for this purpose is not yet sufficient, which they believe demands clear political will. ECRI wishes to recall in this regard, the preamble to its General Policy Recommendation No. 13 on combating anti-Gypsyism and discrimination against Roma, in which it underlines that any policy intended to improve the situation of Roma requires not only a long-term investment, but also clear political will and the involvement of Roma themselves. On this matter, the above-mentioned Advisory Board for Roma Affairs is a body comprising 50% Roma, the other members being government representatives. The Chair of the Board is a member of Parliament and the Vice-Chair is a Roma representative. However, this body, which is under the aegis of the Ministry of Health and Social Affairs and is responsible, among others, for monitoring the situation of Roma, for informing the authorities about it as well as for taking measures to combat the discrimination they suffer, only has one permanent staff member (the Secretary). ECRI considers, therefore, that more measures should be taken to involve Roma in policies which concern them.

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<sup>29</sup> See "Discrimination in Various Fields".

112. Roma representatives informed ECRI that there is still prejudice against Roma and that the negative attitudes among the majority population are strongest towards them and Somalis.<sup>30</sup>
113. ECRI strongly recommends that the Finnish authorities implement the national policy on Roma without delay, by allocating the necessary human and financial resources to it. ECRI also recommends that they involve Roma representatives in the conception, framing, implementation and evaluating of the policies that concern them, in accordance with paragraph 2 of its General Policy Recommendation No. 13. It recommends that they combat prejudice against Roma, including by conducting awareness-raising campaigns concerning, among others, the contribution by this minority to Finnish society. In general, ECRI recommends that the Finnish authorities draw on its General Policy Recommendation No. 13 for any measures taken as concerns Roma.
114. Representatives of the Roma community informed ECRI that relations between Roma and the police<sup>31</sup> vary from region to region, and are good in some. However, ECRI was also informed that Roma are victims of racial profiling and that there are cases of police violence when members of this community are arrested, but that not much information is available on the subject. Moreover, Roma representatives indicated to ECRI that the police evict Roma, who have mainly come from Bulgaria and Romania to beg, from the sites they set up without making sure that they have alternative accommodation. With regard to prisons, Roma representatives referred to discrimination towards Roma, who are, for instance, often placed in solitary confinement.
115. ECRI recommends that the Finnish authorities take the necessary measures to combat any discrimination against Roma in their dealings with the police and within prisons. With regard to the police, it recommends that they draw on paragraph 9 of its General Policy Recommendation No. 13.

### **Somali community**

116. In its third report, ECRI strongly recommended that the Finnish authorities investigate and address problems of racism and discrimination faced by the Somali community in Finland.
117. Representatives of the Somali community indicated to ECRI that approximately 14 000 Somalis live in Finland, of whom almost 4 500 have Finnish nationality and around 450 are asylum seekers. Most members of this community are aged under 35 years. The representatives of the Somali community reported that Somalis suffer racism related to their colour, their religion (because they are Muslims) and their immigrant background. They also deplored the fact that although Somalis have been living in Finland for around 20 years, they are the least well integrated group in the country. Apart from the above-mentioned problems of discrimination in the areas of education, employment, housing and negative public discourse concerning them,<sup>32</sup> Somalis also encounter difficulties regarding family reunification. Representatives of the community reported that approximately 6 000 Somalis are waiting for residence permits for Finland applied for in the context of family reunification<sup>33</sup> and that it has become much more difficult to obtain such permits, many applications having been turned down. Civil society actors confirmed this trend, pointing out to ECRI that 70%

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<sup>30</sup> For more information on Somalis, see “Somali community” below.

<sup>31</sup> For more information on the police, see “Conduct of Law Enforcement Officials” below.

<sup>32</sup> See “Discrimination in Various Fields” and “Racism in Public Discourse”.

<sup>33</sup> The Finnish authorities have informed ECRI that in June 2012 there were pending approximately 5,500 residence permit applications filed by Somali nationals on grounds of family ties.

of family reunification applications submitted by Somalis are turned down. ECRI is concerned by the high level of rejection of family reunification applications submitted by Somalis and hopes that it is not the result of discriminatory decision-making. Although applications for family reunification were previously submitted by the family member residing in Finland, since 2012, the onus has been placed on the relative living abroad to do so in a Finnish consulate or embassy. For Somalis, the nearest Finnish embassies are in Addis Abeba (Ethiopia) and Nairobi (Kenya). Many Somalis do not have the proper identification documentation and have difficulties in getting a visa to these countries. However, the Finnish embassies in these countries only process applications by those applicants who can present the proper identification documents and a visa. Moreover, the cost of making the trip from Somalia to Ethiopia or Kenya is relatively high and two separate trips are often required. Furthermore, if the family member enters these countries as an asylum seeker, he/she has difficulties in acquiring a residence permit. ECRI notes the difficulties which individuals may face as the United Nations High Commissioner for Refugees (UNHCR) has noted that refugees often do not have legal recognition of their residence in the first country where they apply for asylum.<sup>34</sup> Concerning the application for family unification, the Finnish authorities have informed ECRI that at the beginning of 2012, Finland introduced residence permit cards with biometric identification. This has meant that applicants are fingerprinted, when they file their applications for a residence permit and international protection. Therefore applicants must file the application in person.

118. The Finnish authorities indicated to ECRI that the Ministry of the Interior has appointed a Group of Experts on Somali Issues<sup>35</sup> with terms of reference from 18 April 2011 to 31 December 2012. Its task is to promote the integration of the Somali community, among others, by combating the exclusion it suffers. The group is made up of government officials, representatives of the Somali community, researchers and NGOs. The authorities indicated to ECRI that the group will gather together and disseminate information so that decisions are taken and public dialogue is initiated. Representatives of the Somali community reported that the group had only formally been set up at the end of 2011 and had met three times by the start of 2012. They also indicated that its terms of reference were still being defined. The group has a secretary and a Chair, who are both senior officials, and has been provided with a budget. Representatives of the Somali community also reported that all members of the group are volunteers working on the ground. ECRI welcomes the establishment of the group, which it was, however, unable to meet during its visit in February 2012, although a meeting with it had been requested and planned. The Finnish authorities have reported that the group will submit a report on its activities and make recommendations at the end of 2012. ECRI hopes, however, that the group will receive the necessary support for the performance of its tasks, including in financial terms.
119. The authorities informed ECRI that, on the basis of a study on Finland conducted by the Fundamental Rights Agency, the Legal Affairs Unit of the Ministry of the Interior has prepared a report on the discrimination suffered by Somalis in Finland. On the basis of the collected information, a three-year project to prevent discrimination of persons belonging to visible ethnic minorities

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<sup>34</sup> Refugee Family Reunification, UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC), p.11.

<sup>35</sup> The Finnish authorities informed that the integration issues were transferred from Ministry of Interior to the Ministry of Employment and the Economy at the beginning of 2012, therefore the Group of Experts on Somali issue (or Somali Working Group) continues its activities as a project under the latter Ministry.

and to reduce their underrepresentation in governmental occupations (AFRO project) has been launched.

120. ECRI recommends that the authorities ensure that the Group of Experts on Somali Issues continues its work and that it makes some progress.

## Muslims

121. In its third report, ECRI recommended that the Finnish authorities monitor the situation as concerns Islamophobia in Finland and take swift action to counter any such manifestations as necessary. It encouraged them to co-operate with the representatives of the Muslim communities of Finland in order to find solutions to specific issues of concern to them.

### - *Tatars*

122. ECRI notes with interest that the situation of the Tatars in Finland, a Muslim minority of Turkish origin comprising some 800 individuals, is deemed generally satisfactory by its representatives. The latter indicated to ECRI that their community, which has lived in Finland for 140 years, is well integrated, has a higher level of education than the majority community and has been able to preserve its language, culture and religion. These representatives indicated that they own a building in Helsinki which houses a place of worship open to other Muslims. The Tatar community also has two cemeteries, one in Helsinki and the other in Turku, as well as plots in Christian cemeteries. Representatives of the minority nevertheless pointed out that the major challenge facing their community is preserving their linguistic identity. ECRI believes that this is a matter for the Advisory Committee on the Framework Convention for the Protection of National Minorities.

### - *Muslims from an immigrant background*

123. ECRI notes with interest the establishment in November 2006 of the Islamic Council of Finland, the aims of which include improving dialogue and co-operation between Muslims and other religious groups and fostering understanding of and respect for Islamic culture in Finland and Finnish culture by the Muslim minority. This council is also intended to prevent Islamism or anti-Muslim extremism taking hold in Finland. The council and its terms of reference were established by Muslims from an immigrant background on their own initiative.
124. Representatives of the Muslim immigrant community informed ECRI that their community numbers between 50 000 and 60 000 people, although the official figure is 9 500. They indicated an increase in Islamophobia in the country, especially in recent years, with Somalis, as indicated above,<sup>36</sup> being particularly affected, especially by racist violence. They also informed ECRI of a number of cases of incitement to hatred against Muslims which have been brought to court, including one in Tampere which resulted in imprisonment and a fine. Two other cases have been brought against two politicians who were members of the above-mentioned populist party;<sup>37</sup> in one case, the accused was acquitted, while the other was currently under appeal.
125. Representatives of the Muslim immigrant community stated that there is no actual mosque in Finland and confirmed that they use premises belonging to the Tatar minority and other places of worship in Helsinki and throughout the country. They indicated that the current mayor of Helsinki is positively disposed

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<sup>36</sup> See "Racist Violence" above.

<sup>37</sup> See "Existence and Application of Legal Provisions - Anti-discrimination bodies and other institutions".

towards the idea of building a mosque in the city. ECRI therefore notes that there is no major obstacle in this regard and hopes that practical steps will be taken as soon as possible so that a mosque is built in Helsinki. These representatives also indicated that, although it is very difficult to find sites for Muslim cemeteries, the current government is open to the idea and the Education Ministry has already allocated €30 000 for the purpose.

126. ECRI recommends that the Finnish authorities take measures to combat any manifestations of Islamophobia, including by politicians, by ensuring that the relevant legislation is enforced. It also recommends that they draw on its General Policy Recommendation No.5 on combating intolerance and discrimination against Muslims. ECRI encourages the Finnish authorities in their dialogue with the Muslims from an immigrant background concerning the construction of a mosque and Muslim cemeteries and recommends that they ensure that the matter is resolved at the earliest opportunity.

### **Russian-speakers**

127. In its third report, ECRI strongly recommended that the Finnish authorities organise a thorough reflection on the findings and recommendations contained in the report of the ad hoc working group of the Advisory Board for Ethnic Relations on the Russian-speaking population. Such reflection should include ways to improve consultation mechanisms to effectively address issues that are specifically relevant to this part of the Finnish population. It also recommended that the Finnish authorities tackle the problems and concerns of the Russian-speaking community.

128. The Russian speaking community includes 51 683 people and is the third-largest linguistic group in the country after Finnish and Swedish-speakers. The Finnish authorities confirmed to ECRI that the Finnish Association of Russian-Speaking Organisations has been represented on the Advisory Board for Ethnic Relations (ETNO) since 2005. In 2008, this board held a seminar on the life of Russians in Finland to raise public awareness of the discrimination they suffer. The authorities indicated that the seminar received wide media coverage. Some NGOs reported that Russian-speakers are subject to prejudice and hostility, partly for historical reasons, with women and children being particularly affected. Moreover, Russian-speakers are sometimes denied access to banking services, on the grounds of efforts to combat money laundering.

129. The office of the Ombudsman for Minorities considered the situation of Russian-speakers in Finland in a study published in 2009. That study while raising problems and questions related e.g. to education and placement in working life, also described challenges specific to Russian-speakers. In 2010, the office of the Ombudsman for Minorities published another study on the situation of Russian-speakers in the area of employment. The Finnish authorities have further informed ECRI that in May 2012, a study on discrimination in employment was also published. These studies showed that Russian-speakers suffer discrimination, including in the employment sector.

130. Representatives of the Russian-speaking community confirmed to ECRI that one of the main problems they face is discrimination in employment.<sup>38</sup> For instance, in spite of having been educated in Finland and speaking Finnish or Swedish better than Russian, second-generation Russian-speakers encounter difficulties in finding employment, often because they have non-Finnish names. They also face prejudice. For instance, they are often asked if they have a

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<sup>38</sup> See "Existence and Application of Legal Provisions - Discrimination in various fields" for more information on this matter.

residence permit. As a consequence, many emigrate to find employment, resulting in a loss of labour for Finland, although the country contributed to their education. The authorities indicated to ECRI that they were aware of the above-mentioned study published in 2010 and were, among others, taking measures to raise awareness among employers. However, these measures concern all groups, not just Russian-speakers.

131. ECRI strongly recommends that the Finnish authorities take measures to combat the discrimination and prejudice suffered by Russian-speakers, in particular in the area of employment. To this end, it recommends that they inform members of this community of the measures available to them for asserting their rights and offer them assistance in this respect. ECRI also recommends that the Finnish authorities raise employers' awareness of legislation on racial discrimination and ensure that it is enforced as necessary.

## **Jews**

132. In its third report, ECRI encouraged the Finnish authorities closely to monitor the situation as concerns manifestations of antisemitism in Finland and to continue to react to any manifestations that might occur. It drew their attention to its General Policy Recommendation No. 9 on the fight against antisemitism.

133. The Jewish community in Finland comprises 1 500 to 1 600 people, most of whom live in Helsinki. ECRI welcomes information from their representatives according to which they are very well integrated in society. They also reported that although there is no organised antisemitism, occasional and marginal instances do occur. They added that few antisemitic acts are committed, but members of the Jewish community do receive verbal threats, of which the authorities are aware. Representatives of the Jewish community also stated that the police send officers to ensure their safety during major festivities.

134. ECRI welcomes the fact that Finland is one of the countries which commemorate the Holocaust on 27 January. The event is called "Day for the commemoration of the victims of persecution" in Finnish, while in Swedish and English the term "Holocaust" is used.

135. The authorities reported that education about the Holocaust, which mentions all the victims, was added to the national education curriculum in 2010. Representatives of the Jewish community indicated to ECRI that pupils receive education about the Holocaust and that it is mentioned in textbooks but with very few details. In some schools, teachers spend much time on the subject, which includes arranging visits to former concentration camps. However, representatives of the Jewish community report that teaching about the Holocaust depends on the goodwill of the teachers. There is therefore a need for more in-depth and uniform teaching about the Holocaust. The Finnish authorities informed ECRI of a travelling exhibition on the Holocaust organised in conjunction with the Anne Frank Foundation, which was inaugurated on 6 March 2012 and will tour the entire country.

136. ECRI recommends that the Finnish authorities take more measures to ensure teaching about the Holocaust in schools, drawing on its General Policy Recommendation No. 9.

## **Refugees and asylum seekers**

137. In its third report, ECRI strongly recommended that the Finnish authorities ensure that asylum seekers are not removed from the country pending the examination of their asylum appeals. It also recommended that the Finnish authorities ensure that asylum seekers' right to legal protection, including

access to legal assistance, is safeguarded in all cases, including in case of appeal. In its third report, ECRI encouraged the Finnish authorities to continue their efforts to ensure that asylum applications are processed within a reasonable time.

138. The Finnish authorities have informed ECRI that the accelerated procedure may be used if an asylum seeker comes from a safe country of origin, if the application is deemed to be manifestly unfounded or if the applicant has subsequently made another application. In addition to these situations, an application may be dismissed if the applicant has arrived from a safe country of asylum where he or she enjoyed or could have enjoyed protection and where he or she may be returned, or if the applicant may be sent to another State which, under the Council Regulation on determining the State responsible for examining an asylum application, is responsible for processing the asylum application. The Finnish authorities confirmed that if an asylum application is rejected under the accelerated procedure, the asylum seeker may be removed from the country immediately or on the eighth day following the date on which he or she is notified of the decision, even if he or she has lodged an appeal, unless an administrative court has ordered a stay of execution. The authorities nevertheless indicated that the asylum seeker may appeal against the deportation order, even though the Aliens' Act<sup>39</sup> does not require the authorities to await the court's decision on the stay of execution. The authorities claim that, in practice, the police wait for the relevant decision. However, civil society actors informed ECRI that the police do not always wait for the court decision before deporting asylum seekers whose applications have been rejected under the accelerated procedure. They also indicated to ECRI that the accelerated procedure takes a few weeks to a month, while processing an asylum application under the normal procedure can take from one to three years. The authorities have indicated that in 2011 the average processing time in the normal procedure was 370 days. ECRI therefore notes that the normal procedure remains quite lengthy. With regard to the accelerated procedure, the Finnish authorities have informed ECRI that each asylum application is processed individually and no lists of safe country of origin are used.
139. ECRI reiterates to the authorities its recommendation that they ensure that no asylum seeker whose application has been rejected and is awaiting a court ruling is deported before the proceedings are completed.
140. The Finnish authorities have informed ECRI that the Ministry of the Interior appointed a working group to improve the efficiency of immigration management. In this connection, it will consider, among other things, whether it is possible to speed up the processing of asylum claims and will assess the resources needed for that purpose.
141. ECRI recommends that the Finnish authorities take measures to shorten the processing of asylum applications under the normal procedure.
142. The Finnish authorities indicated to ECRI that the Aliens' Act was amended in 2009 because of implementation by Finland of Directive 2005/85/EC on minimum standards on procedures in member States for granting and withdrawing refugee status. Under the amendment, applicants for international protection must be informed in their mother tongue or a language which they may reasonably be supposed to understand, of their rights and obligations, as soon as possible after they lodge their applications. The Finnish authorities informed ECRI that, in spring 2011, the Ministry of the Interior established a project to study the situation regarding the legal assistance provided for

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<sup>39</sup> See "Other non-nationals" below for more information on this Act.

applicants for international protection and to conduct an initial review of the possible need to alter the granting, payment and funding of such assistance. The steering group in charge of the project proposed that individual legal assistance should be provided only under the Legal Aid Act. The Finnish authorities also informed ECRI that reception centres will continue to grant and fund the legal advice. The authorities also indicated to ECRI that they are currently taking measures to clarify the rules concerning the legal assistance to be proposed to asylum seekers.

143. Asylum seekers may receive legal assistance from the Legal Aid Office, lawyers' practices or lawyers who are on a list to be found in reception centres. When considering asylum claims, the Helsinki Administrative Court may also grant legal aid without requiring asylum seekers to provide declarations on their financial situation. Asylum seekers are entitled to the services of translators. The authorities are required to provide an interpreter or translator for foreigners who understand neither Finnish nor Swedish or cannot be understood because of a disability or an illness. In addition, asylum seekers may call on the services of translators or interpreters at their own expense in the event of appeals or administrative problems.
144. The Finnish authorities have informed ECRI that the law on the reception of applicants for international protection came into force on 1 September 2011. They have indicated that it includes provisions on issues such as the responsibilities of the authorities, the organisation of reception services, the reimbursement of reception costs, the representation of unaccompanied minors and databases used to store personal data. Moreover, the authorities have indicated that the government programme on immigration from 2012 to 2020 will include measures on international protection.
145. In its third report, ECRI recommended that the Finnish authorities avoid placing asylum seekers in detention to the greatest extent possible. It strongly recommended that the Finnish authorities ensure that, when detention of asylum seekers is necessary, the persons concerned are not accommodated in police establishments or alongside convicted persons or criminal suspects, but in facilities that cater for their specific situation and needs.
146. The authorities report that the Metsälä holding centre for irregular immigrants in Helsinki has a capacity of 40 persons and is the only centre of its kind in the country. They have indicated that as a result, foreigners are also held in various police and border guard detention facilities, in accordance with the law. The Finnish authorities have informed ECRI that they are working on a bill according to which foreigners being held must be kept separately from persons who have been deprived of their liberty in application of criminal law. They further indicated that, persons aged under 18 years may only be held in police detention facilities if their parents, guardians or other adult relatives are also there. The authorities assert, however, that the police avoid holding minors in such detention facilities even if they are with adult members of their families.
147. Civil society actors informed ECRI that asylum seekers held in places of deprivation of liberty such as police facilities are only allowed to spend one hour a day outdoors and that the conditions there are unacceptable for them, mainly because of the trauma which many of them suffer from. They also stated that the Government had attempted to open another holding centre, but that the Finance Ministry refused the funding.

148. ECRI again recommends that the Finnish authorities take measures to ensure that asylum seekers are not held in places of deprivation of liberty but in appropriate facilities. It therefore recommends that they build such facilities as soon as possible.
149. The Finnish authorities have informed ECRI that the Aliens' Act was amended in spring 2011 in application of the Returns Directive (2008/115/EC). Consequently, foreigners may be held for up to six months and this period may be extended by 12 months for justifiable reasons. The authorities asserted that detention does not reach the maximum period in practice.
150. In its third report, ECRI urged the Finnish authorities to discontinue the practice of issuing residence permits which do not grant access to basic rights to persons who are allowed to stay in Finland.
151. The authorities have indicated that Section 51 of the Aliens' Act provides that foreigners living in Finland are granted temporary residence permits (B permits) if they cannot be removed from the country. However, this section provides that their family living abroad will not be granted a residence permit because of their family ties. In 2009, 19 such permits were granted in the context of asylum applications, but the figure was only two in 2010. In addition, asylum seekers are allowed to work after three months only if their identity is reliably established, otherwise they have to wait six months. Civil society actors confirmed that there are few asylum seekers on the labour market. The main reasons seem to be problems with proficiency in Finnish or Swedish and with the recognition of foreign qualifications.
152. ECRI recommends that the Finnish authorities take measures to give asylum seekers better access to the labour market, among others, by granting them access to free language courses.
153. In its third report, ECRI recommended that the right of unaccompanied minor children to obtain asylum and family reunification be fully respected in all cases.
154. Amendments to the Aliens' Act which came into force recently introduced a test to determine the age of minor asylum seekers and provide that the authorities may only grant them residence permits if they are still minors on the date of a decision taken in their favour, except in case of circumstances beyond their control. In this respect, the Ombudsman for Minorities believes that this procedure does not take proper account of the best interests of the children, as the age they give is increasingly called into question; moreover, they often see the test to determine their age as a constraint because it is not based on genuine consent. A child is entitled to refuse the age test, but this is taken as a negative factor in the overall evaluation of his/her application. Civil society actors reported that although legislation allowing the age of unaccompanied minors to be checked does exist, it is technically difficult and the results are unreliable. They therefore recommend the use of psychological tests. Although ECRI has been informed of cases of false claims that justify the use of age testing on unaccompanied minors, the authorities were unable to provide statistics on the matter. It therefore hopes that this measure is not disproportionate in relation to the problems encountered.
155. ECRI recommends that the Finnish authorities ensure that the use of tests to determine the age of unaccompanied minors is subject to the genuine consent of the persons with the relevant legal capacity. In order to avoid abuses, ECRI also recommends that they ensure that the measure is not disproportionate.

156. According to the Ombudsman for Minorities, the asylum procedure for minors is lengthy and complex. The adults who deal with the children change and the methods of the authorities differ depending on the children's place of residence. There is no system whereby the same official deals with an unaccompanied minor throughout the entire procedure. After receiving residence permits, fewer and fewer children enjoy the right to family reunification. The Finnish authorities report that on 14 January 2010, the Ombudsman for Minorities published a study entitled *The Best Interests of the Child in Asylum and Refugee Procedures in Finland*. This study concluded that, in practice, the best interest of the child is not always assessed effectively during the asylum procedure or is not the main reference criterion. The Finnish authorities nevertheless indicated that the current government programme pays particular attention to children as asylum seekers and that it includes plans to prohibit the detention of unaccompanied minors and provide schooling for all children covered by activities related to reception. ECRI notes the authorities' assurances and hopes that these plans will be implemented as soon as possible, given the particularly vulnerable situation of unaccompanied minors. In this connection, it draws their attention to Article 37 of the Convention on the Rights of the Child, which provides, inter alia, that the detention of a child should be used only as a measure of last resort, that it should be for the shortest appropriate period of time and that the child should be treated with humanity and respect for the inherent dignity of the human person. This article also provides that any child detained should be separated from adults unless it is in the child's best interest and that the child should have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority. The child also has the right to a prompt decision on any such action.
157. ECRI urges the Finnish authorities to put an end, as soon as possible, to the detention of unaccompanied minors.
158. ECRI has been informed by specialists that problems related to family reunification are an obstacle to the integration of refugees, given the stress involved, as the refugees have to devote all their financial resources and all their energy to getting their families to join them in the country. According to the specialists, refugees are not able to begin the process of integration until the problem of reunification has been settled. The authorities informed ECRI that a study on the question of family reunification was published in April 2012. The report proposes that a project be set up for amending the provisions of the Aliens Act on residence permits based on family ties.
159. The Aliens' Act provides that, within the context of family reunification, an asylum seeker must prove that he or she has adequate resources for the authorities to grant residence permits to one or more members of his or her family, if the application is made after his or her arrival in Finland. The Finnish authorities have also indicated that under Section 39 of the Aliens Act an exemption may also be granted in individual cases, eg. if it is in the best interest of child. The Ombudsman for Minorities draws attention to the high level of income required. Moreover, she indicates that less and less children benefit from family reunification. The income requirements also have gender equality implications, as women's incomes are often lower than men's, which makes reunification with their husband and/or their children more difficult. The Ombudsman for Minorities recommends that the authorities ensure that the income requirements are examined on a case-by-case basis, taking account of the situation and resources of the family. ECRI notes that, apart from refugees allowed in under the quotas agreed with the UNHCR, Finland no longer pays the travel expenses of people entering the country for the purpose of family

reunification, which represents a further obstacle for refugees, most of whom have limited resources. The Finnish authorities informed that there are exceptional individual cases in which the Immigration Service may decide to compensate for the travel costs. A reduction in the costs relating to family reunification, including in terms of visas and administrative procedures, would facilitate family reunification for refugees.

160. ECRI recommends that the Finnish authorities amend the provisions concerning family reunification so as to ensure that they are not discriminatory on the grounds of age or gender. ECRI recommends that the authorities show more flexibility in connection with the requirements concerning the income that a person seeking family reunification must have at his or her disposal.

161. In its third report, ECRI recommended that the Finnish authorities take the lead in placing public debate on asylum securely in the realm of human rights.

162. As stated above,<sup>40</sup> public discourse concerning asylum seekers and refugees has become more hostile, especially since the electoral success of the above-mentioned populist party, although, as also mentioned above,<sup>41</sup> the situation was calmer during and after the presidential elections in the first half of 2012. ECRI hopes that this situation will continue and that political parties will in future abstain from stigmatising asylum seekers and refugees.

#### **Other non-nationals**

##### *- Aliens' Act*

163. ECRI notes with concern that the above-mentioned Aliens' Act includes discriminatory provisions. For instance, Section 121 of this law provides for the detention of foreigners in order to establish their identity and in cases where, taking account of a foreigner's personal and other circumstances, there are reasonable grounds to believe that he or she will commit an offence in Finland. With regard to the latter condition, ECRI notes with concern that the authorities indicated that when a person has been accused of an offence or the prosecuting authorities have started investigations under this section, the person may be deported before proceedings against him or her commence. Sections 123 to 129 of the Act set out the modalities for detention under Section 121, including the fact that a District Court must be notified of the detention without delay and that a hearing must be held before it as soon as possible to determine whether the detention should be continued. The act also provides that the District Court will rehear the matter concerning the detention of a foreigner, if it is continued, no later than two weeks after the decision ordering detention.<sup>42</sup> ECRI notes that Section 129 of the Act provides that a decision on detention made by the authorities or a district court is not subject to appeal. Moreover, although it also provides that the person held in detention may make a complaint on the matter at any time, it does not indicate to which body, under what procedure or what the consequences of such complaints may be, and merely states that the complaints will be dealt with urgently.

164. Section 130 of the Aliens' Act further provides that, at the request of the police or other authorities processing a matter concerning a foreigner, the latter must present his or her travel document or prove his or her identity in some other reliable manner. The authorities have pointed out that under Section 10 of the Police Act (493/1995) a police officer may, in order to perform his/her duties,

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<sup>40</sup> See, "Racism in Public Discourse".

<sup>41</sup> Ibid.

<sup>42</sup> Section 128.

order any person to provide information on his/her name, personnel identity code or date of birth and nationality and the place where s/he can be reached. ECRI nevertheless notes with concern that, every year, the Finnish police hold immigration control weeks, during which they stop and question foreigners in places where, according to the authorities, disturbances cause particular problems or where they know that undocumented immigrants live in order to check the foreigners' identity and Finnish residence permit. The authorities explained that the checks are conducted under Section 212 of the Aliens' Act, which provides, inter alia, that the Finnish Immigration Service, police and the Border Guard supervise compliance with the provisions of the act and any provisions issued under it. In this connection, ECRI wishes to draw the Finnish authorities' attention to the fact that there is a risk of measures of this kind leading to racial profiling of visible minorities.

165. ECRI strongly recommends that the Finnish authorities draw on its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, in particular section I, in order to combat any risk of racial profiling of visible minorities, among others, by the police when enforcing the Aliens' Act.

- *National Integration Programme*

166. In its third report, ECRI recommended that the Finnish authorities include a strong focus against racism, racial discrimination and prejudice in their integration policies and that they consistently present such a focus to the public as forming an integral part of Finland's integration policies. In this context, it strongly recommended that the Finnish authorities take further steps towards a demonstrable and consistent public commitment against racism and racial discrimination in all forms. ECRI urged the Finnish authorities to pursue their efforts to promote an integrated society in Finland through tackling racial discrimination in daily life. To this end, it recommended that as part of their integration policies the Finnish authorities devise measures aimed at the majority population, including civil servants and other key groups. In particular, it recommended that the measures aimed at combating racism and racial discrimination set out in the Government Immigration Policy Programme be implemented through the allocation of adequate resources.

167. The new Act on the Promotion of Integration of Immigrants came into force on 1 September 2011. The act seeks to ensure that more immigrants receive assistance with integration upon their arrival in Finland. Its aim is to make sure that all immigrants receive essential information about their rights and duties in Finland, as well as the various structures and services in Finnish society. Apart from the information aspect, the major new development in the text is the provision for initial analysis of the situation of all immigrants, not just those who are unemployed or in receipt of subsistence allowances. This means that groups currently excluded from integration measures, such as housewives, will be entitled to an initial analysis of their situation. This analysis will determine whether the individual concerned needs an integration programme which includes integration training and other support measures intended to help him or her find employment.

168. The authorities have indicated to ECRI that the national integration programme adopted under the Act on the Promotion of Integration of Immigrants, which focused on the participatory integration of immigrants in their communities, will come to an end at the end of May 2012. They indicated that immigrants who wish to settle in Finland must do so in a given municipality. However, ECRI believes that in order to avoid the isolation of immigrants and to facilitate their integration, the authorities should show flexibility and consult them about the places where they wish to live. The authorities also indicated to ECRI that the

government refunds the costs borne by municipalities in receiving refugees and immigrants. The latter receive guidance concerning employment, language, etc., which requires a great deal of resources. However, the authorities themselves acknowledge that the human and financial resources allocated for implementing the Act on the Promotion of Integration are inadequate. Moreover, they underlined the need to ensure co-ordination between all authorities in order to achieve that. ECRI also notes that no measures aimed at the majority population, including civil servants, were taken under the programme.

169. ECRI recommends that the Finnish authorities show flexibility concerning the place of residence of immigrants who settle in Finland and consider their situations on a case-by-case basis.

170. ECRI strongly recommends that the Finnish authorities allocate the human and financial resources needed for implementing the Act on the Promotion of Integration. It also recommends that they ensure proper co-ordination between all the authorities entrusted with the implementation of this act. In addition, in order to foster an integrated society, ECRI recommends that the Finnish authorities also take measures aimed at civil servants (for instance, diversity training) and the majority population (such as campaigns to promote the idea of a multicultural society).

171. The Advisory Board for Ethnic Relations indicated that immigrants from third countries must have had a residence permit for two years to be able to take part in municipal elections, whereas those from EU countries can do so after 52 days' residence. The board indicated that the participation rate of third-country nationals in the last municipal elections had been very low (between 15% and 19%), which led it to co-operate with various political parties on the matter.

## **VI. Conduct of law enforcement officials**

172. In its third report, ECRI recommended that the Finnish authorities establish an independent body to investigate all allegations of misconduct by law enforcement officials and particularly allegations of racism and racial discrimination.

173. The authorities have indicated to ECRI that the question of the establishment of an independent body to investigate complaints of police misconduct and racial discrimination by police officers was debated at length, but that it was decided that the current legal system was satisfactory and that no such body was necessary. Accordingly, the admissibility of complaints lodged against police officers continues to be examined by, among others, the National Police Board. The Principal State Prosecutor is responsible only for cases involving police officers suspected of having committed offences. In this connection, ECRI wishes to draw the Finnish authorities' attention to section II.10 of its General Policy Recommendation No. 11, which recommends the establishment of a body, independent of the police and prosecution authorities, entrusted with the investigation of alleged cases of racial discrimination and racially-motivated misconduct by the police. Such a body seems all the more necessary as reports indicate that relations between the police and immigrants are marked by suspicion and mistrust, which must be due in part to the above-mentioned provisions of the Aliens' Act,<sup>43</sup> which, in fact, allows racial profiling.

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<sup>43</sup> See "Vulnerable/Target Groups- Other non-nationals".

174. ECRI reiterates its recommendation that the authorities set up an independent body to investigate misconduct by the police, in accordance with its General Policy Recommendation No. 11.
175. The authorities informed ECRI that a group has been set up to improve relations between the police and Roma and Somalis. A co-operation forum involving the police and ethnic minorities, including Roma, has also been set up. The authorities have also indicated that a campaign has been conducted with Roma to improve their relations with the police. Representatives of the Roma community indicated to ECRI that there has been some improvement in police attitudes towards Roma, who have provided them with training concerning, among others, their traditions. The authorities nevertheless indicate that there is a lack of resources for grassroots policing.
176. The authorities indicated to ECRI that the police receive basic training, inter alia, in tolerance, the fight against racism and cultural diversity. They also receive initial and in-service training on human rights, general legislation, fundamental rights and the Constitution. The authorities have informed ECRI that the police receive training in ethical issues and interaction with the various groups of concern to ECRI. ECRI welcomes these measures, but it believes that more should be done, in particular to provide initial and in-service training concerning the legislation in force on racism and racial discrimination. It also notes that civil society believes that the police should receive additional training to improve their relations with immigrants.
177. ECRI recommends that the Finnish authorities step up the initial and in-service training received by police officers, including as regards international standards on racism and racial discrimination. It also draws their attention to paragraph 16 of its General Policy Recommendation No. 11.
178. In its third report, ECRI recommended that the Finnish authorities take steps to encourage applications from and recruitment of members of minority groups in the police force.
179. The authorities have informed ECRI that 17 people from an immigrant background graduated from the Police Academy three years ago, but that they are unaware of their ethnic identity because the collection of information of that kind is prohibited.<sup>44</sup> The authorities assure ECRI that they actively recruit people from an immigrant background, but that the latter very often do not have good command of Finnish, especially in writing. Civil society actors are concerned by the current uniformity of the police, which does not reflect the diversity of the population. ECRI believes that more could be done to recruit members of groups of concern to it, in particular since second-generation immigrants who have been educated entirely in Finland should not encounter the language problems mentioned by the authorities.
180. ECRI recommends that the Finnish authorities recruit members of under-represented minority groups to the police, in accordance with paragraph 17 of its General Policy Recommendation No. 10.

## **VII. Education and Awareness-raising**

181. In its third report, ECRI recommended that the Finnish authorities consider making human rights, including the right to be free from racism and racial discrimination, a compulsory subject at both primary and secondary school level. It recommended that the Finnish authorities take further steps to ensure

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<sup>44</sup> For more information on the collection of ethnic data, see “Monitoring Racism and Racial Discrimination” below.

that education in diversity is delivered in practice in compulsory education at all levels and to improve knowledge and understanding among schoolchildren concerning the various minority groups composing Finnish society today. It underlined the importance of ensuring that teachers are fully trained in the subjects mentioned above.

182. The authorities have indicated to ECRI that schools provide education in, among others, democracy and tolerance among other subjects. However, they also indicated that human rights are not taught as a subject as such, but in a cross-cutting manner. They also indicate that the programme of the current government includes plans to introduce courses on multiculturalism in basic education. Funding will also be allocated to extracurricular activities in all municipalities in order to boost education in tolerance. Moreover, the authorities have indicated that additional resources have been allocated to universities for teacher training, and that several offer initial and in-service training in multiculturalism. However, the authorities have indicated that in the case of initial training, the modules are only optional. ECRI therefore believes that the authorities should take more measures to provide school education in human rights in general and the fight against racial discrimination in particular, and to train teachers to work with pupils from diverse backgrounds.
183. ECRI recommends that the authorities take more measures to teach human rights at school, drawing on its General Policy Recommendation No. 10, in particular section II. It also recommends that they take more measures to prepare all teaching staff to work in a multicultural environment in accordance with section III of this General Policy Recommendation.

### **VIII. Monitoring Racism and Racial Discrimination**

184. In its third report, ECRI recommended that the Finnish authorities improve their systems for monitoring the situation of minority groups in different areas of life by collecting relevant information broken down according to categories such as religion, language, nationality and national or ethnic origin. It recommended that they ensure that this is done in all cases with due respect to the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group. These systems should be elaborated in close co-operation with all the relevant players, including civil society organisations and take into consideration the gender dimension, particularly from the point of view of possible double or multiple discrimination. It also recommended that they improve monitoring of the implementation of the Non-Discrimination Act throughout the justice system. It encouraged the Finnish authorities to continue to support attitude surveys among the general public and key groups to monitor attitudes towards minority groups and studies to examine perceptions of members of minority groups as regards racism and racial discrimination.
185. The Ministry of the Interior has launched an action plan to monitor discrimination with the aim of implementing a national system for monitoring discrimination, which will facilitate, among others, the collection of data and statistics. Moreover, the Migration Department of the Ministry of the Interior has set up a monitoring mechanism for integration and ethnic relations to collect, centralise and compare relevant information and assess the effectiveness of the various measures more effectively. In particular, this covers immigrants' living conditions, the services available to them, their skills and training as well as their participation in the labour market. However, as the authorities have informed ECRI that the law does not allow the collection of data based on criteria such as religion, language or ethnic origin, the two systems will only be

able to gather incomplete information. That is why ECRI believes that the recommendations made on the matter in the third report are still relevant.

186. ECRI recommends that the Finnish authorities consider ways of implementing a consistent and comprehensive system for collecting data to monitor the situation of groups of concern to it, by using information broken down by categories such as ethnic origin, language, religion and citizenship. The data should be gathered in various areas of public action and the authorities should ensure 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 double or multiple discrimination.



## INTERIM FOLLOW-UP RECOMMENDATIONS

The three specific recommendations for which ECRI requests priority implementation from the Finnish authorities are the following:

- ECRI recommends that the Finnish authorities extend the 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 recommends that the Finnish authorities permit the Ombudsman for Minorities to open local and regional branch offices. ECRI stresses the need for the Ombudsman for Minorities to be provided with the requisite human and financial resources to allow the implementation of these recommendations.
- ECRI recommends that Finnish authorities extend the scope of the National Discrimination Tribunal's mandate to enable it to award damages to victims, to give it a role in immigration matters and to enable it to also address cases of multiple discrimination. In this connection, ECRI recommends that the authorities draw on its General Policy Recommendations Nos. 2 and 7 and seize the opportunity of the preparation of the above-mentioned Equality Act in order to implement these reforms.
- ECRI recommends that the authorities improve measures taken to ensure monitoring of racist acts, in order to establish how these are dealt with by the competent authorities, namely the police, the prosecution service and the courts.

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



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