



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

Distr.
GENERAL

CERD/C/FIN/CO/19
13 March 2009

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventy-fourth session
16 February-6 March 2009

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

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

FINLAND

1. The Committee considered the seventeenth, eighteenth and nineteenth periodic reports of Finland (CERD/C/FIN/19), submitted in one document, at its 1918th and 1919th meetings (CERD/C/SR.1918 and 1919), held on 25 and 26 February 2009. At its 1929th meeting (CERD/C/SR.1929), held on 5 March 2009, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the State party's report, which has been prepared in conformity with the reporting guidelines, and its comprehensive written replies to the list of issues as well as for the oral presentation and further clarifications given in responses to the questions posed orally by the Committee, which show further progress in the implementation of the Convention. It commends the efforts by the State party to address the issues raised by the Committee in its previous concluding observations (CERD/C/63/CO/5).

3. The Committee appreciates the frank and open dialogue with the delegation headed by the Director of the Ministry for Foreign Affairs and composed of experts from different

ministries, as well as a Member of Parliament, and the State party's frank acknowledgment of the existence of racial discrimination within segments of Finnish society.

4. The Committee notes with appreciation the State party's close collaboration with civil society in the elaboration of the report.

B. Positive aspects

5. The Committee welcomes the adoption of the Non-Discrimination Act of 2004 whose purpose is to foster and safeguard equality and to enhance the protection provided by law to victims of discrimination in cases that fall under the scope of the Act.

6. The Committee welcomes the establishment of the National Discrimination Tribunal, a permanent and independent body promoting legal protection, as well as the strengthening of the institution of the Ombudsman for Minorities, both institutions supervising compliance with the provisions of the Non-Discrimination Act of 2004 from the viewpoint of ethnic origin. It also welcomes the fact that, as of 1 January 2008, the Ombudsman for Minorities and the National Discrimination Tribunal have been transferred to the Ministry of the Interior as independent authorities.

7. The Committee welcomes the adoption by Parliament, as orally stated by the delegation, of an amendment to the Aliens Act which will allow holders of a temporary permit (so-called B permit) to be granted a work permit.

8. The Committee notes with appreciation the State party's accession to the 1961 Convention on the reduction of statelessness and the State party's ratification of Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

9. The Committee notes with appreciation that the Penal Code was supplemented in 2003 with a provision to criminalize participation in the activity of a criminal organization which aims at ethnic agitation against a certain population group as well as with a provision for racist motives to be taken into account as aggravating factor allowing for more severe punishment.

10. The Committee commends the State party for having designed an intervention programme for the prevention of bullying at school (which frequently affects children of minority and immigrant background), which will be introduced in all comprehensive schools in 2009-2011.

11. The Committee welcomes the adoption, in May 2008, of the Internal Security Programme, which aims at improving the security of immigrants and ethnic minorities, as well as reducing violence, combating organized crime and preventing cybercrime and Internet-related risks.

C. Concerns and recommendations

12. While taking note of the information regarding certain ethnic groups and of explanations given by the delegation with regard to legislative provisions preventing the State party from identifying ethnic groups in a census or otherwise drawing a distinction between citizens on the grounds of ethnic, linguistic or religious origin, the Committee expresses concern regarding the lack of statistical data in the report of the State party on the ethnic composition of its population.

In accordance with paragraphs 10 to 12 of its revised reporting guidelines (CERD/C/2007/1), the Committee recommends that the State party provide information on the composition of its population, the use of mother tongues, languages commonly spoken or other indicators of ethnic diversity, together with any information from targeted social surveys conducted on a voluntary basis, with full respect for the privacy and anonymity of the individuals concerned, so as to be able to evaluate the situation of its population in the economic, social and cultural fields. The State party should also provide the Committee with information on the ethnic composition of the prison population.

13. The Committee takes note of the explanations given in paragraphs 74 and 75 of the State party's report and its replies to the lists of issues (p. 10 of the written replies) according to which an amendment to the Act on the Sámi Parliament is not warranted at present and that the Sámi Parliament considers that the definition of "Sámi" should be discussed at the Nordic level in order to find a common definition. The Committee reiterates its opinion, however, that the State party's approach to the definition of who may be considered a Sámi and thus fall under the relevant legislation established in favour of the Sámi, as defined by the Act on the Sámi Parliament and the specific interpretation provided thereon by the Supreme Administrative Court, is too restrictive.

The Committee reiterates its recommendation that the State party give more adequate weight to self-identification by individuals concerned, as indicated in the Committee's general recommendation No. 8 (1990).

14. While appreciating the State party's acknowledgement that the prevailing legal uncertainty surrounding the question of Sámi land rights is potentially harmful to inter-ethnic relations in the areas concerned, the Committee reiterates its concern about the limited progress achieved in resolving Sámi rights issues and the State party's failure to adhere to the International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. (arts. 5(d)(v), 5(e) (vi) and 6)

The Committee draws once again the State party's attention to general recommendation No. 23 (1997) on the rights of indigenous peoples which, inter alia, calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources. The Committee renews its appeal to the State party to find an adequate settlement of the land dispute together with the Sámi people and its recommendations that it adheres to ILO Convention No. 169 as soon as possible. It recommends that the State party take effective measures to ensure that the so-

called study on land rights in Upper Lapland result in concrete action, including the adoption of new legislation, in consultation with the communities affected. The State party is also encouraged to continue negotiations with relevant ministries and the Sámi Parliament on the establishment of a new preparatory body in charge of reaching a solution for the land use right issue in the Sámi Homeland.

15. The Committee notes that the State party has adopted measures to combat racist and xenophobic attitudes among the young through, inter alia, the allowance of grants to support projects for the promotion of multiculturalism and anti-racist works and awareness-raising measures directed at both teachers and students in basic and secondary level education. The Committee also notes that school-specific curricula include the prevention of bullying. However, it remains concerned at the persistence of racist and xenophobic attitudes among many sectors of the population.

The Committee encourages the State party to continue its efforts to monitor all tendencies which may give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. It also recommends that the State party continue to promote, at all levels of education, general awareness of diversity and multiculturalism and expand its programme aimed at prevention of bullying which affects disproportionately pupils from an immigrant background by hampering their integration into society. It further encourages the State party to target Finn adults in its strategies to combat racist and xenophobic attitudes.

16. The Committee notes the State party's continuous efforts to combat racist propaganda and the spread of racist and xenophobic material on the Internet. These include, inter alia, the reform of the legislation on the freedom of expression in 2004, which authorizes the release of information identifying the sender if the message, *prima facie*, is likely to constitute a criminal offence. They also include the adoption in May 2008 of the Internal Security Programme and the setting up of an Internet crime-reporting system. The Committee remains concerned, however, about the persistence of this problem.

The Committee encourages the State party to continue its efforts at the national and international levels to combat contemporary manifestations of racial discrimination, such as racist propaganda on the Internet and to find ways and means to block the use of the Internet for racist purposes. The Committee requests the State party to proceed with the process of ratification of the Additional Protocol to the European Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through use of computers as indicated in its seventeenth, eighteenth and nineteenth periodic reports.

17. The Committee expresses concern about de facto segregation in housing encountered by both immigrants and Roma. (art.3)

The Committee recommends that the State party ensure compliance with the law against discrimination in the allocation of housing and in its next periodic report supply information on the measures taken to address such segregation.

18. While welcoming the efforts made by the State party to eliminate discrimination against the Roma, such as the nominations of contact persons for Roma in local employment offices and the training of local employment staff on the Roma culture and ethnic equality, the Committee remains concerned about the limited enjoyment by members of the Roma community of the rights enshrined in the Convention, especially the rights to education, employment, housing and access to public places. The Committee is particularly concerned about the high rate of unemployment among the Roma people, owing to the fact that they lack basic education. (arts. 2, 5 and 6)

In light of its general recommendation no. 27 (2000) on discrimination against Roma, the Committee recommends that the State party strengthen its efforts to increase the level of education of members of Roma communities, inter alia by raising awareness about the possibility for Roma children to receive instruction in their mother tongue, and by further promoting the recruitment of Roma teachers. It also encourages the State party to increase employment opportunities for Roma, including by training unemployed Roma for the labour market, as well as ensuring that they have equal access to housing and public places. The State party should also increase its efforts to combat negative attitudes and prevailing stereotypes concerning Roma, in particular among employers.

19. The Committee notes the State party's continued commitment to the integration of persons of foreign origin. Nevertheless, it remains concerned that despite such efforts, de facto discrimination against persons of foreign origin, including Somalis, persists in a number of areas. It is particularly concerned about the lower employment rate among persons of immigrant origin, especially women, and the difficulties that persons with an immigrant background and aliens continue to face when trying to access service places, such as bars and restaurants. While noting with appreciation the publication of instructions for ensuring equal treatment in client services, the Committee remains concerned at the obstacles faced by immigrants to subscribe to contractual services such as insurance policies and mobile phone services. (arts. 5 (e) and (f))

The Committee recommends that the State party intensify its efforts to combat discrimination against persons of foreign origin. In particular, the State party should further improve the effectiveness of its legislation and policies aimed at eliminating discrimination in the labour market and improving employment opportunities for persons with immigrant backgrounds. The State party is invited to provide additional information, in its next periodic report, on the revision process of the Integration Act, which is aimed at providing a customised integration plan to persons who are likely to stay in Finland for more than a year.

20. The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

21. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

(A/CONF.189/12, chap. I), when implementing the Convention in its domestic legal order, particularly as regards articles 2 to 7 of the Convention. The Committee also urges that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level. The Committee further encourages the State party to participate actively and comprehensively in the Preparatory Committee for the Durban Review Conference, as well as in the Durban Review Conference in 2009.

22. The Committee recommends that the State party's reports be made readily available to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in its official and national languages.

23. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

24. The Committee invites the State party to update its core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies, held in June 2006 (HRI/GEN/2/Rev.4).

25. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present concluding observations, on its follow-up to the recommendations contained in paragraphs 14, 16 and 19 above.

26. The Committee recommends that the State party submit its twentieth, twenty-first and twenty-second periodic reports in a single document, due on 13 August 2011, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.
