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IHF Focus:

Security services and data protection; conscientious objection; protection of ethnic minorities; intolerance, xenophobia and racial discrimination.

The decision of the National Board of Forestry to start logging in important reindeer herding territory kept the protection of the rights of the Sami in the focus of human rights issues in Finland in 1998. Other concerns were the apparent insufficient protection and accuracy of data gathered and disseminated by Finnish security police, and increasing intolerance and xenophobia, including the failure of law enforcement officials to react to it properly.

Security Services and Data Protection

In Finland, companies which were considered to be of "great national importance" – including high technology companies – could ask security police to provide them with information on job applicants. In 1997, security police replied to over 6,000 requests for information submitted by various state bodies and companies. By law, this information was not allowed to touch upon issues such as the race or ethnic origin, political or sexual orientation. The person concerned did not have access to this information. Individuals did, however, have the right to request that the ombudsman for data protection check that security police had submitted such information in a legal manner. In practice, the ombudsman could check not the veracity of that information.²

In August, the Finnish ombudsman for data protection took up a case which challenged the reliability of information on individuals gathered by the Finnish security police (Supo).

- Information provided by the security police on an individual who applied for a job in a high-technology company falsely claimed that the applicant had been convicted of severe ill-treatment and fraud.³

The reaction of the security police in the above-mentioned case gave serious cause

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COOPERATING ORGANIZATIONS:

The European Roma Rights Center – Human Rights Without Frontiers – Mental Disability Advocacy Center

for concern with regard to the legal protection of an individual. Security police declined responsibility for the false information, stating simply that the information was already incorrect when they had received it. Such a statement implied that the security police were not willing to take responsibility for verifying the sensitive information they distributed.

Conscientious Objection

The amendments to the Conscription Act (19/1998), which came into effect on 1 February, reduced the minimum length of military service from eight months to six months, the average term being seven. On 15 December, the Finnish parliament adopted an act on alternative civilian service, the length of which remained 13 months. 4

The failure to shorten alternative civilian service led to a situation in which the difference in length of non-military service and military service was no longer based on the concept of equality. Moreover, the length of civilian service could be regarded as punitive.

The Finnish government justified this differential treatment by claiming that military service was generally more strenuous than civilian service, and that conscientious objectors who had completed their service did not have additional service that would correspond to the reservist military maneuvers for which conscripts were liable.

Protection of Ethnic Minorities

The Sami 5

Several legal measures taken in the 1990s have improved the formal protection of the cultural and language rights of the indigenous Sami people. The 1995 amendments to the constitution guaranteed the Sami the right to maintain and develop their own languages and cultures, laid down the basis for their cultural autonomy. According to the travaux préparatoires to the law, the purposes of this provision included safeguarding the traditional practice of reindeer herding as an important part of Sami culture. The Act on the Sami Thing, formerly the Sami Parliament, regulated the election of this body, conferred new powers on it to better protect and develop the Sami languages and cultures, obliging government

authorities to negotiate with the Sami Thing before taking measures in Sami homelands that could have far-reaching consequences for the Sami as an indigenous people.

However, no law has been adopted to concretely deal with Sami land rights, a fact that has prevented Finland from ratifying the ILO Convention on Indigenous Peoples.

In contradiction to the positive legal measures, state-owned companies - administered by the National Board of Forestry - were allowed to carry out activities such as logging, soil cultivation, and construction of forest truck roads, within reindeer herding areas. These measures have caused irreparable damage to the environment in some traditional Sami areas, thus threatening the Sami's culture and traditional way of life. The Sami have not been consulted about such activities on a regular basis.

- In November, the National Board of Forestry started logging in the so-called Peurakaira (Sodankylä municipality), affecting an area of some 58,000 hectares within the territory of the Lapland Reindeer Herders' Association. The area contained, almost exclusively, forests which were classified as old woodlands, and where logging had never been carried out. It provided a great deal of essential winter reindeer feedstock, and was of vital importance for reindeer herding. In addition to logging, the National Board of Forestry planned a dense network of forest truck roads and other soil cultivation in Peurakaira.

The reindeer herders of the Association virtually unanimously opposed the logging. They negotiated with, and appealed to, the National Board of Forestry not to realize the plan, which was drawn up cover the period to the year 2003. In addition to the Peurakaira district, the National Board of Forestry also had logging plans for the Alipalkinen and Keskipalkinen districts, in the southern and central part of the Lapland Reindeer Herders' Association area.

According to experts, the implementation of the plans would lead to a severe crisis for reindeer herding in the Lapland Reindeer Herders' Association area. Among other things, the natural feeding of reindeer would be hampered, causing substantial costs for reindeer herders, and resulting in a sharp reduction in the profitability of herding, or even destroying it.

In November, the Association initiated legal proceedings against the National Board of Forestry, seeking it to stop the plans. It was the first legal action based on article

27 of the ICCPR in the history of reindeer herding in Finland in which the plaintiff was the entire reindeer herders' association instead of individual herders.

Intolerance, Xenophobia and Racial Discrimination

Misconduct by Law Enforce Officials

According to a 1997 decision of the government on the promotion of tolerance and combating racism, police were to work actively to prevent racism and its primary causes. Furthermore, in June 1997, the Ministry of the Interior issued new instructions for the police on this issue. They stipulated, among other things, that police were to monitor racist groups, and intervene immediately when such groups breached the law. Police were also to react more sensitively to racially motivated incidents, and investigate all allegations of racial discrimination and incitement against an ethnic group.⁶

In contrast to the above-mentioned instructions, disciplinary measures against a police officer - who appeared to have reacted correctly to racially motivated violence – demonstrated a severe setback to the government-stated aims to combat racism and xenophobia.

- Between November 1997 and January 1998, Erkki Kanerva, a police inspector working in the Joensuu police district (eastern Finland), revealed in the media that racially motivated violence in the town of Joensuu had occurred, partially, with the connivance of local police officers. According to Kanerva, in some cases, an officer released alleged perpetrators of racial violence whom he had arrested. No preliminary investigations had been carried out in those cases, nor had charges been raised against the alleged perpetrators. When Kanerva complained to his superiors about such inconsistencies in police work, he was moved to another job within the police force. In the winter of 1998, the Central Criminal Police investigated Kanerva's allegations, but no charges were brought against the officers, nor were they suspended from office during the investigation. In contrast, Kanerva was suspended from office on 4 September 1998, pending investigation on charges that he had given "unfounded information" during the investigation. In December, however, the Civil Service Committee lifted the suspension, citing a procedural error; the suspension was illegal because Kanerva had been on sick leave when the decision on suspension was made.⁷

Racial violence has been a serious problem in Joensuu for several years. Recently, a group of foreigners requested that the chief public prosecutor look into the conduct of the police in Joensuu. At the time of writing, the matter was still under investigation.

According to a recommendation by the European Commission against Racism and Intolerance (ECRI), all cases of suspected police misconduct should be investigated by an independent body.⁸ The Finnish Helsinki Committee stressed that, as long as no such independent body exists in Finland, critical evaluation of police conduct should be encouraged within the police forces, not suppressed.

Police Register on Roma

The possible existence of a police register on convictions of Roma was the subject of controversy. At the time of writing it was unclear on which grounds the register was kept.

According to Finland's Second Periodic Report under the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment,⁹ the police maintained "a special computerized register of the Romany population." The Personal Data Files Act (section 6.2) prohibits the creation of any register that would record the racial or ethnic origin of a person. In April, the Finnish delegation stated to the UN Human Rights Committee that a register on the Roma population had existed in the past, for the purpose of investigating crimes, but had since been abolished. ¹⁰

Discrimination

According to article 11(9) of the penal code, a person who, in the exercise of his/her trade or profession or official authority, without a justified reason, refused someone entry to an event on the basis of race, national or ethnic origin, color, language or another comparable reason was guilty of discrimination. Such discrimination could be punished with a fine or imprisonment for up to six months.

Despite the ban on discrimination, immigrants, foreigners, and Roma were frequently refused entry to or service at restaurants and similar places on the grounds of their ethnic origin.

- In July, four Roma women were refused entry to several restaurants in the Helsinki region. Seven out of thirteen "tested" restaurants refused entry, only four let the women in without any further questions.¹¹

- Three men of African origin were not allowed to enter a Helsinki night club on the pretext that they could not produce the required membership card. Immediately following this incident, two participants of a youth campaign against racism were allowed in without a membership card. When discussing confidentially with the staff, they were told that the actual reason for the denial of entry was that "people of their kind" had "caused so much trouble." Due to lack of evidence, however, neither the doorman nor the owner of the night club faced charges.¹²

Prosecution for Racial Discrimination

The number of racial discrimination cases brought before the courts was low, despite the fact that the rate of actual incidents was alarmingly high.¹³

According to a survey conducted in 1997, 46 percent of all immigrants seeking employment felt that they had not been hired because of their ethnicity. Sixty-one percent of all immigrants had experienced racial harassment in public places, and 28 percent had been refused entry to a restaurant or other recreational facility on the grounds of their ethnicity.

Only 10 percent of incidents of racial discrimination were reported to the police. This pattern of non-reporting was clearly interrelated to the lack of trust in public authorities, including the police.¹⁴ In addition, it might be an indication of insufficient knowledge of the Finnish legal system.

Racially Motivated Violence

According to the above-mentioned 1997 survey, about 18 percent of all immigrants had fallen victim of a crime such as robbery, theft, or violence on grounds of their ethnic origin. Thirty-five percent of victims to racially motivated crimes did not report the incident to the police.¹⁵ Furthermore, another 1997 survey showed that 44 percent of all African men had experienced racist violence during the past seven years.¹⁶

In March 1997, police forces were given instructions to record all racially motivated offences.¹⁷ On 30 December 1998, the Police Department of the Ministry of the Interior published a study on violent offences against foreigners. According to it, in 1997, 13 percent of the offences against foreigners were racially motivated, while 17 percent might have been racially motivated. Most of the recorded offences (92

percent) were either petty assaults or assaults, and about five percent were aggravated violent offences. The victims of the offences belonged to 83 different nationalities, the highest number of them being Somalis and Russians.¹⁸

The study reflected only the cases reported to the police, and the new recording system was not yet watertight. Moreover, offences against persons belonging to national minorities were not included in the statistics.

FOOTNOTES:

1. Based on the Annual Report 1998 of the Finnish Helsinki Committee.
2. Ibid.; Helsingin Sanomat, 23 September 1998.
3. Helsingin Sanomat, 25 August 1998.
4. International Covenant on Civil and Political Rights; Comments and Additional Information to the Fourth Periodic Report by Finland, the Finnish League for Human Rights, in cooperation with the Lawyers Group, Amnesty International Finnish Section and the Association of Foreigners in Finland, March 1998; Human Rights in Finland: 1998 Audit, the Finnish League for Human Rights, December 1998.
5. Based on International Covenant on Civil and Political Rights; Comments and Additional Information to the Fourth Periodic Report by Finland, the Finnish League for Human Rights, in cooperation with the Lawyers Group, Amnesty International Finnish Section and the Association of Foreigners in Finland, March 1998.
6. Reg. No. 15/011/97.
7. Helsingin Sanomat, 3 and 5 September 1998, 1 October 1998, 3 and 17 December 1998.
8. European Commission Against Racism and Intolerance (Council of Europe). ECRI's country by country approach, CRI (97)51, Report on Finland.
9. CAT/C/25/Add. 7.
10. International Covenant on Civil and Political Rights; Comments and Additional Information to the Fourth Periodic Report by Finland, the Finnish League for Human Rights, in cooperation with the Lawyers Group, Amnesty International Finnish Section and the Association of Foreigners in Finland, March 1998; Human Rights in Finland: 1998 Audit, the Finnish League for Human Rights, December 1998.
11. Helsingin Sanomat, 12 July 1998.
12. Helsingin Sanomat, 19 July 1998.
13. In 1997, thirty-six offences of discrimination were reported. Generally, most such cases were related to ethnic origin. Helsingin Sanomat, 19 July 1998.
14. Inga Jasinskaja-Lahti and Karmela Liebkind, "Maahanmuuttajien onnistuneen integroitumisen esteitä" (Obstacles to the Successful Integration of Immigrants), in

Harry Schulman and Vesa Kanninen (eds.), *Sovussa vai syrjässä? Ulkomaalaisten integroituminen Helsinkiin (In Harmony or Aside? The integration of immigrants to Helsinki)*, the Information Center of the City of Helsinki, 1997.

15. Ibid.

16. Maaria Ylänkö, "Afrikkalaisten integraationäkymät – pohdintoja Suomen lähtökohdista vastaanottajamaana (Integration Prospects of the Africans – Considerations on Finland's Points of Departure as a Recipient Country)", in Harry Schulman and Vesa Kanninen (eds.); *Sovussa vai syrjässä? Ulkomaalaisten integroituminen Helsinkiin (In Harmony or Aside? The Integration of Immigrants to Helsinki)*, the Information Center of the City of Helsinki, 1997.

17. 13th and 14th Periodic Report of the Government of Finland to the International Convention on Elimination of All Forms of Racial Discrimination, Publications of the Ministry for Foreign Affairs, March 1998.

18. *Ulkomaalaisiin kohdistuneet väkivaltarikokset Suomessa 1997 alueellisesti tarkasteltuna (Violent Offences against Foreigners in 1997, Examined on a Regional Basis)*, the Ministry of the Interior, Police Department, June 1998.

