

IHf FOCUS: Intolerance; xenophobia and racial discrimination; protection of asylum seekers and immigrants.

Intolerance and ethnic discrimination were at the centre of human rights concerns in Finland in 2000. According to one study, approximately ten percent of Finns entertained a highly racist worldview. In terms of discrimination, some 40 percent of foreigners had experienced discrimination in obtaining work, i.e. 2.5 times more often than the population at large.

The June amendments to the Aliens' Act seriously restricted the protection of asylum seekers and, *inter alia*, brought about a new accelerated asylum procedure to prevent asylum seekers from so-called "safe" countries of origin or asylum from staying in Finland.

In November, the UN Committee on Economic, Social and Cultural Rights criticised the lack of data relating to the application of the Covenant on Economic, Social and Cultural Rights in case law, prevailing racial attitudes, perpetual discrimination against minorities, and regretted the weakening of the public health care system.

Intolerance, Xenophobia and Racial Discrimination

In January, the Finnish League for Human Rights initiated the monitoring of racism, ethnic discrimination and related phenomena in Finland, as well as the development and maintenance of a database of relevant research, statistics and other information sources. One of the results of the project was the report *Racism in Finland 2000*, published in November.¹

According to the report, it was by no means easy to assess how people's attitudes towards immigrants or "foreigners" developed in the latter half of the 1990s. A number of studies showed that during the recession of the early 1990s the level of tolerance was lower than today; other studies argued that especially young people had increasingly assumed intolerant and

racist attitudes. In general, however, it seemed that approximately ten percent of Finns held a highly racist view, which was somewhat less than the European average. In the countryside and small cities the attitudes were less tolerant than in big cities, particularly among men. However, no racist populist parties has emerged in Finland.

In terms of discrimination though, the situation seemed more gloomy. For example, in the Helsinki area, where a great number of immigrants lived, some 40 percent of them had experienced discrimination in obtaining work. In 1999, unemployment among immigrants remained 2.5 times greater than among the population at large. The number of racially motivated violent acts seemed to have stabilized, although no completely reliable statistics were available on this issue.

The most serious racist incidents took place in the city of Vantaa, where Somali and Finnish groups clashed violently several times. Media coverage of these clashes was extensive and by no means objective. For example, the expression "racial war" was widely used, although only the activities of small groups of people were in question. In general, the media failed to adequately consider how they could avoid producing and re-enforcing racist attitudes.

The most worrying legislative development was the amendment of the Aliens Act in April. The law was adopted primarily due to the flow of Romani asylum seekers to Finland and the adoption of the amendments was interpreted as a sign of "hidden racism" in Finland.²

On the other hand, a number of positive steps against racism were taken during the year 2000. In November, for example, the Government adopted an "Action Programme Against Racism". In the same month, the Academy of Finland launched a new comprehensive research framework (SYREENI), which was to produce informa-

tion for dealing with issues of ethnicity and discrimination in an increasingly multicultural country.

CERD Concerns⁵

In August 2000, the UN Committee on the Elimination of Racial Discrimination considered the 15th periodic report of Finland on the implementation of the International Covenant on the Elimination of All Forms of Racial Discrimination.

The CERD commended the legislative measures adopted by the Government with the view to combating racial discrimination, including the new Constitution, the new Act on the Integration of Immigrants and Reception of Asylum Seekers, and the Personal Act, among others. It welcomed Finland's efforts to establish an institutionalised system for protection against racial discrimination and the promotion of rights of minorities, mainly Sami and Roma.

The CERD reiterated its concern over the absence of law prohibiting organizations that promoted and incited racial discrimination and a provision in the Penal Code declaring any dissemination of ideas based on racial superiority or hatred to be punishable by law. The CERD was also concerned that Roma continued to be subjected to discrimination, and reiterated its regret that the question of the land ownership of the Sami had not been resolved. The CERD also voiced its concern over the increased number of racist acts.

The CERD recommended, *inter alia*, that the anti-discriminatory legislation be adopted to better combat acts of racism; that Finland consider adopting provisions for increasing sentences for racially motivated crimes, particularly racial violence; that additional measures be taken at national and municipal levels to improve the situation of the Roma minority; and that all available measures be taken to guarantee the legal safeguards of asylum seekers.

Protection of Refugees and Immigrants

Aliens' Act

On 20 June the Parliament adopted amendments to the Aliens' Act with a great majority. The amendments were effect as of 10 July 2000, aimed at accelerating the asylum seeking procedure. Human rights organizations criticised the changes, which they claimed will weaken the legal protection of asylum seekers in Finland.

The main reason for changing the law was to prevent asylum seekers with "manifestly unfounded" applications from staying in Finland. Preparations for the amendment were prompted by the sudden arrival of more than 1,500 Slovak Roma in Finland in 1999.⁴

Under the amended Act, the Directorate of Immigration has seven days to make a decision on a "manifestly unfounded" asylum application if the applicant comes from a so-called "safe" country of origin or asylum. Although the asylum seeker has a right to file an appeal to the Helsinki Administrative Court within 30 days, the decision of the Directorate of Immigration could be enforced within eight days (out of which at least five were working days), whether or not the actual appeal or the appeal on the suspension of enforcement was decided. The eight-day time limit with regard to enforcement also applied to other "manifestly unfounded" applications.

In addition to the new accelerated procedure, amendments were made with regard to renewed asylum applications. If an applicant who was previously denied asylum could not produce new substantial evidence to support his/her application, he/she could be deported immediately after notification of the negative decision. Immediate deportation can now also take place if the applicant has arrived from a state party to the Dublin Convention.

Human rights and refugee organizations criticised the amendments as unnecessary in the first place. It was pointed out that in Finland the number of asylum seek-

ers had remained very low compared to the other European Union countries.⁵ Moreover, the most recent amendment to the Act had only come into effect in May 1999. Critics maintained that the main problem was not the law *per se*, but rather the insufficient resources of the Directorate of Immigration and poor management of the asylum procedure. Critics also pointed out that the amendments had been prepared too hastily by the Ministry of the Interior. Parliament required, *inter alia*, that the Aliens' Act should be reviewed and made more clear, coherent and unambiguous.

The amendments were criticised for four particular reasons: Firstly, the accelerated procedure did not meet the minimum conditions of a fair trial. The five-working-day time limit would not allow for efficient legal aid, and it was feared that due to the time limit, the right to appeal and the possibility to suspend the sentence would remain a dead letter. Secondly, the law was criticised for reintroducing the legally vague concept of "a safe country of origin." NGOs feared that in practice this would mean that an unofficial list of safe countries would be drawn up in the Directorate of Immigration, outside democratic control. Another point of concern was that the individual examination of applications would be endangered. Thirdly, NGOs also claimed that having five different procedures, four of which were accelerated, was too complicated and therefore weakened the legal protection of asylum seekers. Finally, the more complicated procedures and the strict time limits would mean an increased demand for legal aid and interpreters.

In September, the Refugee Advice Centre (RAC) noted that the main concerns raised before the amendments were passed were proven to be well-grounded. Having the rapid asylum procedure as an overriding aim has meant that less attention has been paid to other viewpoints. According to the RAC, asylum seekers from the so-called "safe" countries were in a manifestly unfair position compared with

other asylum seekers. Apart from the accelerated procedure, the main problems included superficial asylum interviews, inadequate communication of information by the authorities and insufficient provision of legal aid.⁶

Social Rights

CESCR Concerns⁷

On 15 and 16 November the UN Committee on Economic, Social and Cultural Rights (CESCR) considered Finland's fourth periodic on the implementation of the Covenant on Economic, Social and Cultural Rights.

The CESCR commended the ratification of the Additional Protocol to the European Social Charter providing for a system of collective complaints. The Committee noted as positive aspects the adoption of a program on the integration of immigrants and the proposal of action to prevent ethnic discrimination and racism. It also welcomed the inclusion of age as prohibited grounds for discrimination.

The Committee expressed concern that there was no case law data suggesting that the Covenant had been directly invoked before the courts, noting that lawyers and judges may not be sufficiently aware of the rights in question. It recommended ensuring that all judges and lawyers receive further training provided free of charge to familiarise them with the provisions of the Covenant.

The UN Committee regretted that despite many initiatives to combat racial discrimination, racist attitudes prevailed among the population, perpetuating discrimination against minorities and foreigners, especially regarding employment.

It also reiterated concern that although collective sectors of professional activity contained provisions for the determination of minimum wages, no minimum wage was guaranteed nationally.

The Committee was concerned about the alarming proportions of violence against women.

It reiterated its regret at the absence of comparative statistical information on the extent of the problem, in addition to the lack of information on the remedies, rehabilitation and services provided for victims. The Committee further regretted the weakening of the public health care system. Particular concern was voiced over inequality with regard to levels of health care provision depending on the place of residence, which affected vulnerable groups especially. The Committee requested information on the services available in municipalities particularly for persons with mental disabilities and recommended that adequate resources be afforded to public health services and that the cost of private health care remain af-

fordable to all sectors of society.

The Committee also recommended that a National Plan of Action be formulated and implemented for the protection and promotion of human rights, according to Paragraph 71 of the Vienna Declaration and Programme of Action. The Committee urged the finalising of the review of the legislation concerning the Sami population with a view to ratifying ILO Convention No. 169, and to settle the question of Sami land title as a matter of high priority. In addition, the Committee requested information on whether the Roma enjoy their economic, social and cultural rights. Efforts to combat racism and xenophobia should be continued and strengthened.

Endnotes

- ¹ Timo Makkonen (Finnish League for Human Rights), *Rasismi Suomessa vuonna 2000*, 2000.
- ² See Protection of Refugees and Immigrants.
- ³ UN/CERD, "Committee on Elimination of Racial Discrimination Concludes Fifty-Seventh Session", press release, 25 August 2000.
- ⁴ The Government imposed a new six-month visa requirement on Slovak citizens as of 15 January. Visa-free travel had been resumed on 6 November 1999 after an earlier four-month visa requirement. A total of 365 Slovak asylum seekers had arrived in Finland after the resumption. (*Helsingin Sanomat*, 15 January 2000.)
- ⁵ In 1999, altogether 3,106 persons sought asylum in Finland, which was less than one percent of the total number of asylum seekers within the European Union (*Järjestöjen kannanotto ulkomaalaislain muutosesityksestä*, 29 March 2000).
- ⁶ Refugee Advice Center, Memorandum, 11 September 2000.
- ⁷ Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant, Concluding Observations of the Committee on Economic, Social and Cultural Rights, Finland, E/C.12/1/Add.52, 1 December 2000.