

# ECRI

European Commission against Racism and Intolerance  
Commission européenne contre le racisme et l'intolérance

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## European Commission against Racism and Intolerance

### Third report on Finland

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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.*

*One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.*

*The country-by-country approach deals with all member States of the Council of Europe on an equal footing. The work is taking place in 4/5 year cycles, covering 9/10 countries per year. The reports of the first round were completed at the end of 1998 and those of the second round at the end of the year 2002. Work on the third round reports started in January 2003.*

*The third round reports focus on "implementation". They examine if ECRI's main recommendations from previous reports have been followed and implemented, and if so, with what degree of success and effectiveness. The third round reports deal also with "specific issues", chosen according to the different situations in the various countries, and examined in more depth in each report.*

*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 propose, if they consider it necessary, amendments to 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 following report was drawn up by ECRI under its own and full responsibility. It covers the situation as of 15 December 2006 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.***

### ***Executive summary***

Since the publication of ECRI's second report on Finland on 14 December 2001, progress has been made in a number of the fields highlighted in that report. Finland has ratified Protocol No. 12 to the European Convention on Human Rights and strengthened its legal and institutional framework against racism and racial discrimination. This is reflected in both criminal law, which now includes a provision expressly establishing the racist motivation of an offence as an aggravating circumstance, and in civil and administrative law, with the introduction of comprehensive anti-discrimination provisions and the establishment of the National Discrimination Tribunal. The Ombudsman for Minorities has played a particularly important role in improving minority groups' access to remedies against discrimination and violation of other rights. The mechanisms for consultation of minority groups have been significantly developed through the establishment of regional boards which complement the work carried out at the national level by the Advisory Board for Ethnic Relations and the Advisory Board for Roma Affairs. A recently adopted Government Immigration Policy Programme aimed at promoting work-related immigration contains clear Government commitments in the field of combating racism and racial discrimination.

However, a number of recommendations made in ECRI's second report have not been implemented, or have only been partially implemented, and certain problems related to racism and intolerance persist. There is a need for a more consistent public commitment against racism and racial discrimination in all its forms in order to promote genuine ownership by society as a whole of the fight against these phenomena. The implementation of the existing institutional and legal frameworks against racism and racial discrimination still needs to be improved, including through evaluation measures. More targeted and effective measures are necessary to address the discrimination, prejudice and disadvantage that Roma, non-citizens, including members of Russian-speaking and Somali communities, and Finnish citizens of non-Finnish origin continue to experience. The rights of Sámi as an indigenous people still need to be fully implemented. Public, and notably political discourse around asylum issues has not improved since ECRI's second report and certain policies in the field of asylum, notably as concerns the granting of residence permits, raise ECRI's concern.

In this report, ECRI recommends that the Finnish authorities take further action in a number of areas. These areas include: the need to build a strong anti-discrimination focus into all strategies aimed at promoting an integrated society and to broaden the scope of these strategies to include wider sections of Finnish society than is the case at present; the need to improve the implementation of the criminal law provisions in force, notably through better recording and investigation of racially-motivated offences, especially racist violence; and the need to improve the implementation of existing civil and administrative law provisions, especially as concerns employment and public authorities' compliance with their new duty to promote equality. In this report, ECRI also recommends that the Finnish authorities adopt a comprehensive strategy to improve the situation of the Roma communities; that they increase their ability to cater for the specific needs of the Russian-speaking communities; and that they take further measures to fully implement the rights of the Sámi. ECRI also recommends that the Finnish authorities take the lead in placing public debate on asylum in the realm of human rights and that they discontinue certain policies and practices in the field of asylum which may endanger these rights.

## I. FOLLOW-UP TO ECRI'S SECOND REPORT ON FINLAND

### International legal instruments

1. In its second report, ECRI recommended that Finland ratify Protocol No. 12 to the European Convention on Human Rights (ECHR), which provides for a general prohibition of discrimination. It also recommended that Finland ratify the European Social Charter (Revised) and the European Convention on Nationality. ECRI is pleased to note that Finland ratified Protocol No. 12 in December 2004 and the European Social Charter (Revised) in June 2002. As concerns the European Convention on Nationality, the Finnish authorities have underlined that the main obstacles to ratification of this convention were removed through the adoption, in 2003, of the new Nationality Act<sup>1</sup>. A bill on ratification of the European Convention on Nationality is therefore expected to be submitted to the Finnish Parliament early in 2007.
2. In its second report, ECRI also recommended that Finland ratify the ILO Convention No. 169 on Tribal and Indigenous People in Independent Countries. As noted in that report, the main barrier to ratification of this convention by Finland was the unresolved issue of land rights in the Sámi Homeland. ECRI notes that since then, progress has been made on the issue of land rights and the Finnish authorities have stated that depending on the outcome of work underway in this field<sup>2</sup>, the inter-Ministerial procedure for ratification of the the ILO Convention No. 169 may start in 2007.
3. In its second report, ECRI furthermore recommended that Finland sign and ratify the European Convention on the Legal Status of Migrant Workers. The Finnish authorities have reported that they have considered this recommendation together with the question concerning the ratification of the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families, which entered into force since ECRI's second report. However, the Finnish authorities do not plan to sign or ratify these instruments.
4. Since the publication of ECRI's second report on Finland, the Convention on Cybercrime and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems have been opened for signature and ratification and have entered into force. These instruments were signed by Finland in November 2001 and January 2003 respectively. ECRI is pleased to note that the Government has submitted a bill to the Finnish Parliament on the ratification of the Convention on Cybercrime and that it intends to submit a bill on the ratification of the Additional Protocol to the Finnish Parliament by the end of 2007.

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<sup>1</sup> See below, Constitutional provisions and other basic provisions – Citizenship legislation.

<sup>2</sup> See below, Vulnerable groups – Sámi communities.

#### Recommendations:

5. ECRI recommends that the Finnish authorities ratify the European Convention on Nationality and the ILO Convention No. 169 on Tribal and Indigenous People in Independent Countries as soon as possible. It recommends that they reconsider their position concerning the ratification of the European Convention on the Legal Status of Migrant Workers and the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families. ECRI furthermore recommends that the Finnish authorities ratify the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems as soon as possible.

#### Constitutional provisions and other basic provisions

##### - *Citizenship legislation*

6. Since ECRI's second report, a new Nationality Act was adopted and came into effect in Finland in June 2003. One of the main new elements introduced by the Act is the acceptance of multiple nationality as a general principle, a change that ECRI welcomes as facilitating the acquisition of Finnish citizenship. In this respect, ECRI notes that since the entry into force of the new legislation, the number of applications for naturalisation has increased. ECRI also notes however, that applicants for naturalisation have in some cases complained about the excessively long duration of the naturalisation procedure and the restrictive implementation made by the Directorate of Immigration of some of the requirements applicants must meet for naturalisation (notably the one relating to command of Finnish or Swedish). ECRI understands that these complaints have also in some cases pointed at patterns of discrimination in these areas. ECRI notes that the Ombudsman for Minorities has taken up these issues with the Chancellor of Justice.

#### Recommendations:

7. ECRI encourages the Finnish authorities in their efforts to facilitate the acquisition of Finnish citizenship, notably through the acceptance of multiple nationality as a general principle. It recommends that the Finnish authorities ensure that all naturalisation decisions are taken within a reasonable time, that the requirements for naturalisation are not applied in an excessively restrictive manner and that they investigate and redress any possible patterns of discrimination in naturalisation decisions.

#### Criminal law provisions

8. In its second report, ECRI examined the criminal law provisions against racism and racial discrimination in force in Finland, namely Section 8 of Chapter 11 of the Criminal Code (ethnic agitation); Section 9 of Chapter 11 (discrimination in the exercise of a profession or in the provision of a public service) and Section 3 of Chapter 47 (employment discrimination). ECRI recommended that the Finnish authorities complement these provisions with a provision establishing the racist motivation of an offence as a specific aggravating circumstance in sentencing and a provision aimed at combating racist organisations and the dissemination of racist ideas.

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9. ECRI is pleased to note that since then, the Finnish authorities have introduced provisions in both areas. Thus, the racist motivation of an offence is now explicitly included among the grounds for increasing punishment<sup>3</sup>, and a provision prohibiting participation in the activities of a criminal organisation, with the aim of *inter alia* committing the offence of ethnic agitation, has been introduced<sup>4</sup>.
  10. In its second report, ECRI also examined the implementation of the provisions in force against racism and racial discrimination. ECRI noted that these provisions appeared to be under-used and made a number of recommendations to improve their implementation. These recommendations essentially addressed the need to improve police follow-up of complaints of racism and racial discrimination and to raise awareness of the legislation in force against racism and racial discrimination among the general public and potential victims of these phenomena.
  11. Although the Finnish authorities have taken a number of measures in these areas, the impact of these initiatives on the practical implementation of the provisions against racism and racial discrimination appears to be limited. Civil society organisations have stressed, for instance, that the provisions against ethnic agitation are still considerably under-used, especially when it comes to countering racist material posted on the Internet<sup>5</sup> or statements coming from persons in visible public positions, notably at local level. Official figures indicate that in the period 2002-2004, there were 3 prosecutions and 2 convictions for ethnic agitation.
  12. As concerns the provisions against discrimination, ECRI notes that there has been a marked increase in the number of reports of discrimination in the exercise of a profession or in the provision of a public service that are made to the police (44 in 2003 and 93 in 2004). It has been highlighted that these figures may reflect the fact that, following the introduction of civil and administrative law provisions against discrimination in 2004<sup>6</sup>, there is greater general awareness in Finnish society of the fact that discrimination is unlawful. ECRI notes however, that only a limited number of persons are prosecuted and sentenced – official figures indicate 59 prosecutions and 57 sentences in the period 2002 – 2004. The Finnish authorities have underlined the difficulties in establishing discrimination in criminal law cases. In this connection, they have also stressed that the introduction of civil provisions against discrimination, with a shared burden of proof between the alleged victim and perpetrator, has improved access to justice for victims of racial discrimination. ECRI deals with this issue in another part of this report<sup>7</sup>.
  13. As regards the implementation of the provision that establishes the racist motivation of an offence as an aggravating circumstance in sentencing, the Finnish authorities have reported that this provision was applied in 10 cases in 2004 and in 14 cases in 2005. The authorities underline that these figures may

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<sup>3</sup>Section 5 of Chapter 6 of the Criminal Code (Grounds increasing the punishment) reads: “ The following are grounds for increasing the punishment: [...] (4) the offence has been directed at a person belonging to a national, racial, ethnic or other population group due to his/her membership in such a group”.

<sup>4</sup> Section 1a. of Chapter 17 of the Criminal Code.

<sup>5</sup> See below, Media.

<sup>6</sup>See below, Civil and administrative law provisions.

<sup>7</sup> See below, Civil and administrative law provisions.

in part reflect the fact that judges do not always explicitly state in their decisions that the aggravating circumstance has been applied. Even taking this factor into account however, ECRI notes that these figures are far from reflecting the situation concerning racially-motivated offences as reported by civil society organisations. In this respect, it has been highlighted that the police sometimes fail to take the racist motivation of offences reported to them into account or to duly investigate any such motivations. ECRI notes that the Ombudsman for Minorities has raised this issue with the Ministry of Interior. The Finnish authorities have underlined that as recommended by ECRI in its second report, work has been carried out since then to improve police recording and investigation of racist incidents. This work has included specific police training on how to identify racially motivated offences and carry out pre-trial investigations effectively and more general training on racism and racial discrimination. It has also included activities to improve relations and mutual knowledge between the police and minority groups and initiatives to raise awareness among potential victims of racist incidents of their rights. The authorities have highlighted that this work will continue.

14. More generally, under-reporting of cases related to racism and racial discrimination still appears to be topical in Finland. For instance, there is research that estimates that only about 15% of those who experience racial discrimination report these cases to criminal justice institutions. Reasons for this still include lack of trust in the outcome of the proceedings and insufficient awareness among victims of racism and racial discrimination of their rights. ECRI is pleased to note, that as part of the Government Immigration Policy Programme<sup>8</sup>, the Finnish authorities have committed to a “zero-tolerance” programme against racism and racial discrimination, which addresses general issues of implementation of the provisions mentioned above, including under-reporting. These commitments include: lowering the threshold to intervene in cases of racial discrimination and racism; strengthening the opportunities for the police and the judiciary to intervene in racially-motivated crime through training and information; reinforcing support and advice services for victims of racism and racial discrimination; and improving efficiency in tackling incitement to racial hatred.

#### **Recommendations:**

15. ECRI recommends that the Finnish authorities make further efforts to improve the implementation of the criminal law provisions in force against racism and racial discrimination.
16. To this end, it recommends that they strengthen their efforts to ensure that all those involved in the criminal justice system, from lawyers to the police, prosecuting authorities and the courts, are equipped with 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.
17. ECRI also recommends that the Finnish authorities strengthen their efforts to address under-reporting of cases of racism and racial discrimination. These efforts should include further initiatives to ensure that the police duly record and investigate these cases. They should also include measures to raise the

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<sup>8</sup> See below, Promoting an integrated society.

awareness among potential victims of racism and racial discrimination of their rights and the existing mechanisms for redress.

### Civil and administrative law provisions

18. In its second report, ECRI recommended that Finland introduce comprehensive civil and administrative antidiscrimination legislation covering all fields of life. ECRI is pleased to note that the Non-Discrimination Act entered into force in Finland in February 2004. The Act, which was adopted in order to transpose the two European Union Directives on equal treatment<sup>9</sup> into domestic law, covers discrimination on grounds of *inter alia* ethnic or national origin, nationality, language and religion and in a number of fields, which vary according to the grounds in question. Victims of discrimination on any of the grounds mentioned above may file a claim for compensation in a regular court. In addition, victims of discrimination on grounds of ethnic origin can turn to the Ombudsman for Minorities or the Non-Discrimination Tribunal<sup>10</sup>, except for cases of discrimination in the field of employment. These cases are dealt with in the first instance by the Occupational Health and Safety Authority irrespective of the ground of discrimination at stake.
19. ECRI notes that a number of elements included in its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination (hereafter: General Policy Recommendation No. 7) are reflected in the Non-Discrimination Act. For instance, although the material scope of this inclusion is limited<sup>11</sup>, nationality (i.e. citizenship) has been included among the prohibited grounds of discrimination. In addition, the Act places public authorities under a duty to promote equality and requires them to draw up equality plans to this end. ECRI welcomes this measure, which in its opinion has a strong potential to bring about change in administrative practice and secure equal rights in practice for all persons living in Finland. It notes, however, that there are no mechanisms at present in the legislation to enforce this duty and that so far only a relatively small number of public authorities have drawn up equality plans.
20. ECRI also notes that other aspects of General Policy Recommendation No. 7 are not reflected in the Non-Discrimination Act. Thus for instance, non-governmental organisations cannot bring legal action on behalf or in support of victims of discrimination. Furthermore, a number of areas that ECRI recommended be covered by antidiscrimination legislation, such as the activities of the police, border control officials and prison personnel, or the private (i.e. transactions between individuals) housing market are outside the scope of application of the Non-Discrimination Act.
21. As concerns implementation, it has generally been reported to ECRI that the provisions establishing a shared burden of proof between the alleged victim and perpetrator, coupled with the availability of accessible avenues for redress

<sup>9</sup> Directive 2000/43/EC of the Council of the European Union implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Directive 2000/78/EC of the Council of the European Union establishing a general framework for equal treatment in employment and occupation.

<sup>10</sup> See below, Specialised bodies and other institutions.

<sup>11</sup> The Non-Discrimination Act provides that the Act does not apply to the implementation of provisions governing entry into and residence in the country by foreigners, or the placing of foreigners in a different position for a reason deriving from their legal status under the law.

represented by the Ombudsman for Minorities and the Non-Discrimination Tribunal, have resulted in better access to justice for victims of discrimination. However, although information is available on the cases of discrimination dealt with by these institutions<sup>12</sup>, ECRI understands that no comprehensive picture is available at present on the overall implementation of the Non-Discrimination Act, including for instance, the extent to which claims for compensation have been filed with and awarded by the courts and the number of cases dealt with by the Occupational Health and Safety Authority under the non-Discrimination Act. In this respect, it has been highlighted that the Authority, which is responsible for supervising employers' compliance with anti-discrimination legislation both under the Non-Discrimination Act and under the existing criminal law provisions against employment discrimination (Section 3 of Chapter 47 of the Criminal Code<sup>13</sup>), still tends to rely excessively on the latter provisions, to which stricter rules on evidence apply. It has been stressed that this approach negatively affects the implementation of the Non-Discrimination Act in the employment field.

#### **Recommendations:**

22. ECRI encourages the Finnish authorities in their efforts to ensure that civil and administrative law provisions provide adequate protection against discrimination. It recommends that they keep the existing provisions against racial discrimination under review. In this respect, ECRI draws the attention of the Finnish authorities to its General Policy Recommendation No.7, in particular as concerns the following issues: (i) the areas that should be covered by antidiscrimination legislation<sup>14</sup>; (ii) the need to ensure that organisations with a legitimate interest in combating racial discrimination are entitled to bring discrimination cases<sup>15</sup>; and (iii) the need to ensure that adequate mechanisms for enforcement of the public authorities' duty to promote equality are available<sup>16</sup>.
23. ECRI recommends that the Finnish authorities closely monitor the implementation of the existing civil and administrative law provisions against racial discrimination<sup>17</sup>. In particular, it recommends that attention be paid to ensuring that the Non-Discrimination Act is fully applied in employment discrimination cases.

#### **Specialised bodies and other institutions**

24. There are a number of bodies in Finland – some of which were established since ECRI's last report -- whose mandates cover issues relevant to minority groups, including non-citizens, to the implementation of the principle of equality and to the promotion of an integrated society. In addition to the Ombudsman for Minorities, the National Discrimination Tribunal and the Advisory Board for

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<sup>12</sup> See below, Specialised bodies and other institutions.

<sup>13</sup> See above, Criminal law provisions.

<sup>14</sup> ECRI General Policy Recommendation N°7, paragraph 7 (and paragraphs 17-26 of the Explanatory Memorandum).

<sup>15</sup> ECRI General Policy Recommendation N°7, paragraph 25 (and paragraph 56 of the Explanatory Memorandum).

<sup>16</sup> ECRI General Policy Recommendation N°7, paragraph 8 (and paragraph 27 of the Explanatory Memorandum).

<sup>17</sup> See below, Monitoring the situation.

Ethnic Relations (which are dealt with in this section), these bodies include the Advisory Board for Roma Affairs<sup>18</sup>, the Advisory Board for Sámi Affairs and the Advisory Board on Minority Affairs, which works with the Ombudsman for Minorities to develop co-operation among different authorities with the aim of preventing ethnic discrimination. The work of the Ombudsman for Minorities has been highlighted as particularly effective and having made a tangible improvement in minority groups' access to institutional remedies against discrimination and violation of other rights. However, it has also been highlighted that there is a need to evaluate the work of these bodies in order to assess what measures, if any, are necessary to ensure that they can fully serve the purpose for which they have been created.

- **Ombudsman for Minorities**

25. At the time of ECRI's second report, the Ombudsman for Minorities had just been established with the task of advancing the status and legal protection of non-citizens and ethnic minorities and promoting equality, non-discrimination and good ethnic relations in Finland. The Ombudsman for Minorities helps with the implementation of the Non-Discrimination Act<sup>19</sup> including by providing assistance and advice to victims of ethnic discrimination and issuing recommendations to the authorities. ECRI notes that while the overall number of complaints dealt with by the Ombudsman has remained relatively stable in the period 2003-2005 (704 cases processed and 1 508 contacts in 2005), the nature of these complaints has changed since the entry into force of the Non-Discrimination Act, with more complaints being filed concerning discrimination and other inappropriate treatment and less on issues of application of the Aliens Act.
26. In its second report, ECRI recommended that the Office of the Ombudsman for Minorities be given the necessary powers and resources to carry out its work effectively. As mentioned above, there is general agreement that the Ombudsman for Minorities has carried out very valuable work since its establishment, although human and financial resources need to be kept under review, as this institution becomes increasingly known and accessible to victims of ethnic discrimination and more generally, members of ethnic minorities and non-citizens. However, ECRI notes that the close ties existing between the Ombudsman for Minorities and the Ministry of Labour as concerns both resources and operating conditions, may limit the effectiveness of the work of this institution. In this respect, ECRI considers that the status of this institution in relation to the governmental authorities should be reconsidered at an early opportunity, for instance when the Non-Discrimination Act is reviewed. Finally, ECRI notes that the Ombudsman for Minorities does not have formal powers to protect complainants against adverse treatment they may incur for pursuing their rights under the Non-Discrimination Act (victimisation), an aspect which weakens the ability of this institution to provide effective protection against ethnic discrimination.

<sup>18</sup> See below, Vulnerable groups – Roma communities.

<sup>19</sup> See above, Civil and administrative law provisions.

- **Non-Discrimination Tribunal**

27. Since ECRI's second report, a National Discrimination Tribunal has been established in Finland<sup>20</sup> as a body responsible for adjudicating complaints of ethnic discrimination. The Tribunal has powers to issue decisions discontinuing discrimination and victimisation, impose conditional fines in case its decisions are not followed and confirm a conciliation settlement reached between the parties. The decisions of the Tribunal are legally binding and enforceable.
28. The National Discrimination Tribunal can be seized by individuals and by the Ombudsman for Minorities. ECRI notes that, since its establishment in 2004, the Tribunal has dealt with approximately 40 cases -- some of which were communicated by the Ombudsman for Minorities -- and issued six decisions discontinuing discrimination. ECRI notes that these figures are particularly low. As a way of increasing access to this institution by victims of discrimination, it has been suggested that the Non-Discrimination Tribunal could be given powers to order compensation in cases of discrimination instead of just conditional fines. More generally, it has been highlighted that the Non-Discrimination Tribunal is not well known by the general public. It has also been suggested that more resources and greater independence from governmental authorities may increase the effectiveness and raise the profile of this institution.

- **Advisory Board for Ethnic Relations**

29. In its second report, ECRI recommended that the Finnish authorities draw upon the expertise and input of the Advisory Board for Ethnic Relations (ETNO), a body bringing together representatives of national and local government, political parties, minority groups and labour market organisations and providing a platform for dialogue and advice to the authorities on matters relevant to ethnic minority groups and the promotion of an integrated society. It has been reported to ECRI that ETNO has continued to perform its function as a forum for bringing issues to the attention of the public and a useful channel for interaction between the government authorities, the Parliament and civil society. However, the ability of ETNO to adequately cater for the interests of certain minority groups has also been questioned<sup>21</sup>. Perhaps the most important development concerning ETNO since ECRI's second report is the establishment of three regional Boards, with composition and functions similar to those of the national board. The challenge is now therefore to co-ordinate the work between the regional boards and the national board.

**Recommendations:**

30. ECRI encourages the Finnish authorities in their efforts to ensure that policies in the field of protecting the rights of members of minority groups, implementing equality and non-discrimination and promoting an integrated society are supported by *ad hoc* institutional frameworks. It recommends however, that the Finnish authorities focus on evaluating the work of the various bodies that operate in these fields with a view to identifying any measures that may be necessary to improve their effectiveness. It also recommends that the Finnish authorities closely monitor the impact of measures taken to this end.

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<sup>20</sup> Law 22/2004.

<sup>21</sup> See below, Vulnerable groups – Russian-speaking communities.

31. ECRI recommends that the Finnish authorities strengthen their efforts to ensure that the Ombudsman for Minorities can carry out its mandate in as effective a manner as possible. To this end, it encourages the Finnish authorities to keep the human and financial resources available to the Ombudsman for Minorities under review. It also recommends that the Finnish authorities review the status of this institution in relation with the governmental authorities, keeping 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. Finally, ECRI recommends that the Finnish authorities provide the Ombudsman for Minorities with powers to protect complainants against victimisation.
32. ECRI recommends that the Finnish authorities take further measures to ensure that the effectiveness of the National Discrimination Tribunal is improved. To this end, ECRI invites the Finnish authorities to review the adequacy of the human and financial resources available to this institution and of the safeguards to guarantee its independence. ECRI also recommends that the Finnish authorities take steps to increase awareness about the existence and functions of the Non-Discrimination Tribunal among the general public. ECRI furthermore recommends that the Finnish authorities consider the possibility of attributing to the National Discrimination Tribunal the power to order compensation in cases of discrimination.
33. ECRI encourages the Finnish authorities to continue to draw upon the expertise and input of the ETNO at both national and regional level. It recommends that the Finnish authorities ensure that human and financial resources available to these boards at both levels enable them to work effectively and in close co-operation with each other.

### **Education and awareness-raising**

34. In its second report, ECRI stressed the importance of ensuring that teaching of human rights and education in diversity are covered at all levels of the school system. It also recommended that the Finnish authorities take steps to increase knowledge and understanding among schoolchildren concerning the various minority groups composing Finnish society today.
35. As concerns teaching of human rights, ECRI notes that the Finnish authorities are currently discussing how to improve such teaching as part of their efforts to integrate Global Education in the Finnish education system. However, at present teaching of human rights is still imparted as part of other subjects and not as a separate compulsory subject.
36. As regards education in diversity, the Finnish authorities have stressed that the new core curricula for basic education in force since August 2006 provide that teaching must take into account national and local specific features, the Sámi as indigenous people and the national minorities, and pay attention to the increased diversity of Finnish culture resulting from the immigration of persons with different cultural backgrounds into Finland. However, civil society organisations, including organisations representing national minorities and the Sámi indigenous people, have shared with ECRI their view that so far, such teaching remains largely insufficient.

37. ECRI notes that research carried out since ECRI's second report<sup>22</sup> points at particularly negative attitudes towards immigrants among adolescents (15-17 year-olds) and that there are worrying reports of racist incidents including racist bullying in schools.

#### **Recommendations:**

38. ECRI recommends that the Finnish authorities strengthen their efforts to improve teaching of human rights as part of other subjects and in extra-curricular activities. In the longer term however, ECRI considers that the Finnish authorities should 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.
39. ECRI recommends that the Finnish authorities take further steps to ensure 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.
40. ECRI underlines the importance of ensuring that teachers are fully trained in the subjects mentioned above.

### **Reception and status of non-citizens**

#### **- Refugees and asylum seekers**

41. In its second report, ECRI examined certain aspects of asylum policies and practices in Finland. It recommended that the Finnish authorities address the concerns expressed in that report, including through the amendments to the Aliens Act that were under preparation at that time. However, ECRI notes that the new Aliens Act which came into force in 2004, has left the situation concerning most areas it highlighted practically unchanged. For instance, ECRI notes that when asylum applications are processed in an accelerated procedure, an appeal against a negative asylum decision or a request made by an asylum seeker to the Administrative Court to stay deportation still do not suspend the deportation order. In its second report, ECRI also recommended that the Finnish authorities ensure that the shorter time limits applying to the accelerated procedure do not hinder asylum seekers' access to legal assistance. In this respect, ECRI notes that a report prepared by the Ombudsman for Minorities in 2005 on this question concludes that although the accelerated procedure cannot be said to jeopardize legal protection in all cases, it does entail a risk of undermining legal protection, especially as concerns the right of appeal.
42. In its second report, ECRI recommended that the Finnish authorities take measures to shorten the long waiting periods for first decisions on asylum applications. ECRI notes that since then, these waiting periods have been reduced, due *inter alia* to an intensification of the operations of the Directorate of Immigration in 2004-2005. However, ECRI understands that as regards the normal procedure, waiting periods are now increasing again. Civil society organisations report for instance, that it can take several months, and in some cases over a year, before an interview can be arranged with the Directorate of Immigration.

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<sup>22</sup> See below, Monitoring the situation and Promoting an integrated society.

43. In its second report, ECRI also drew the attention of the Finnish authorities to the need to address the situation of unaccompanied minors seeking asylum, in particular the waiting periods for decisions and the possibility of being reunited with their families in Finland. ECRI notes that asylum applications by unaccompanied minors are now processed more rapidly, although civil society organisations highlight that in some cases children still have to wait several months before an interview. As concerns family reunification, the Finnish authorities stress that residence permit applications filed by these children's family members are prioritised and that the Aliens Act has been amended to enlarge the family reunification facilities in accordance with the provisions of the European Union's Directive on the right to family reunification<sup>23</sup>. However, civil society organisations underline that unaccompanied minors are increasingly granted temporary residence permits (B-permits)<sup>24</sup>, which do not entitle them to family reunification.
44. In its second report, ECRI stressed that detention of asylum seekers should be avoided to the greatest extent possible and that, when detention is necessary, asylum seekers should not be detained alongside convicted persons or criminal suspects, but accommodated in facilities that cater for their specific situation and needs. ECRI welcomes the fact that since then, the opening of a closed reception centre for asylum seekers in Helsinki is reported to have considerably improved the situation of asylum seekers who are detained, including in terms of the availability of special facilities for certain categories of asylum seekers (such as families and women) and access to legal assistance. However, ECRI has been informed that when the centre is full or if the person to be detained is far away from it, asylum seekers are still held at police stations.
45. More generally, ECRI notes that the context of negative public and media attention on issues concerning asylum seekers, which it highlighted in its second report, has continued. In this respect, ECRI notes that asylum seekers have sometimes been presented in political discourse including at high level, in a manner that is not respectful of these persons' dignity and that places the debate around asylum seekers in the realm of preventing abuse of the procedure rather than protecting human rights.

#### **Recommendations:**

46. ECRI strongly recommends that the Finnish authorities ensure that asylum seekers are not removed from the country pending the examination of their asylum appeals. It also recommends that the Finnish authorities ensure that the asylum seeker's right to legal protection, including access to legal assistance, is safeguarded in all cases, including asylum appeals.
47. ECRI encourages the Finnish authorities in their efforts to ensure that asylum applications are processed within a reasonable time.
48. ECRI recommends that the right of unaccompanied minor children to obtain asylum and family reunification with their families in Finland is fully respected in all cases.

<sup>23</sup> Council Directive 2003/86/EC of 22 September 2003.

<sup>24</sup> See below, this section.

49. ECRI recommends that the Finnish authorities avoid detention of asylum seekers to the greatest extent possible. It strongly recommends 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.
50. ECRI recommends that the Finnish authorities take the lead in placing public debate on asylum securely in the realm of human rights.
51. ECRI notes that since its second report, the Directorate of Immigration has initiated a practice whereby a growing number of asylum seekers from certain countries are granted temporary residence permits (so-called B-permits) under Section 51 of the Aliens Act<sup>25</sup>. ECRI is seriously concerned by the fact that the holder of a B-permit is not entitled to a number of basic rights, including the right to work and to family reunification. In addition, since access to other basic rights in Finland is linked to possession of continuous or permanent residence, holders of B-permits are also not entitled to these rights, which include education, social welfare, full health care and access to integration plans<sup>26</sup>. The authorities have reported to ECRI that, in practice, most children with B-permits have been allowed to go to school in the municipalities where they reside. ECRI also notes, however, that in some instances this has not been the case. The authorities have also reported to ECRI that they are examining the possibility of reviewing the Aliens Act so as to enable holders of B-permits to work. As concerns accommodation, it has been reported to ECRI that, in practice, most holders of B-permits are housed in reception centres for asylum seekers in spite of the fact that their asylum claims have been turned down.

#### **Recommendations:**

52. ECRI urges 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.

#### **Employment**

53. In its second report, ECRI recommended that the Finnish authorities make further efforts to combat racial discrimination in employment. As mentioned in another part of this report<sup>27</sup>, ECRI considers that the positive development represented by the introduction of civil and administrative provisions against racial discrimination should be consolidated by a more effective implementation of these provisions in the field of employment. More generally, it has been reported to ECRI that more needs to be done to improve employers' attitudes towards immigrants. In this respect, ECRI's attention has been drawn to research carried out since its last report, according to which at least for certain minority groups, obtaining Finnish education has had no positive impact on their position in the labour market.

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<sup>25</sup> In 2005, B-permits were issued to 259 persons (i.e. in approximately 43% of cases where an asylum seeker received a residence permit).

<sup>26</sup> See below, Promoting an integrated society – Promoting an integrated society through targeted support for members of minority groups.

<sup>27</sup> See above, Civil and administrative law provisions.

54. In its second report, ECRI also recommended that the Finnish authorities introduce more flexibility in the recognition of qualifications gained abroad and in the requirement for fluency in both Finnish and Swedish for certain jobs. Since then, ECRI has received information indicating that both aspects continue to constitute important barriers to immigrants' access to the labour market. ECRI notes that since its second report, the Ombudsman for Minorities has taken action in cases where language proficiency in Finnish and/or Swedish, or Finnish nationality, were unnecessarily required. The Finnish authorities have pointed out that the Government Immigration Policy Programme<sup>28</sup> contains measures in the field of facilitating immigrants' access to the labour market, which include improvements in the system for recognition of qualifications gained outside Finland.

#### **Recommendations:**

55. ECRI recommends that the Finnish authorities intensify their efforts to address the underprivileged position of members of minority groups, including immigrants, in the labour market. These efforts should include a stronger focus on racial discrimination and measures to improve attitudes among employers as concerns recruitment of members of these groups. They should also include initiatives aimed at ameliorating the system for recognition of qualifications gained outside Finland and efforts to ensure that language requirements do not unnecessarily reduce the immigrants' ability to access the labour market.

#### **Access to public services**

##### **- Access to education**

56. In its second report, ECRI encouraged the Finnish authorities to improve provision of mother tongue education for non-Finnish or Swedish mother tongue children, notably through increased training and recruitment of teachers. The Finnish authorities report that they have taken a number of measures -- for instance, a working group of the Ministry of Education has been set up to examine the needs for teacher training in this area. They have also highlighted that mother tongue education is offered in a variety of languages (52 in 2003). However, representatives of minority groups have underlined that mother tongue education is still far from meeting their needs<sup>29</sup>. In this respect, while teacher training is reported to be still an important factor, it has been highlighted that lack of teaching material and insufficient funding also negatively affect the availability of mother tongue education to non-Finnish or non-Swedish mother tongue children.
57. Improvements in teacher training, teaching materials and funding are also reportedly needed to ensure adequate provision of specialised teaching in Finnish (or Swedish) as a second language to non-Finnish or Swedish mother tongue children. In this respect, the Finnish authorities report that they intend to extend the existing courses designed to assist immigrant pupils in making the transition to a new school environment in Finland from six months to one year.

<sup>28</sup> See below, Promoting an integrated society.

<sup>29</sup> See below, Vulnerable groups – Roma communities, Vulnerable groups – Russian-speaking communities, Vulnerable groups – Sámi communities.

58. As mentioned in other parts of this report<sup>30</sup>, racist bullying and harassment in schools are reported to be not uncommon in Finnish schools. Although the Finnish authorities seem to be aware of this problem – ECRI notes, for instance that the proposed National Action Plan for Reducing crime<sup>31</sup> envisages measures to tackle racist bullying and violence in schools more effectively – it does not appear to ECRI that this issue has yet been addressed with the necessary determination.

**Recommendations:**

59. ECRI encourages 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 encourages the Finnish authorities to intensify their efforts to train and recruit teachers and ensure adequate availability of teaching materials and financial resources.
60. ECRI strongly recommends that the Finnish authorities address the issue of racist bullying and harassment in schools and take resolute action to counter such phenomena.

- **Access to public places**

61. Since its last report, where the problem of discriminatory refusals of access to public places was highlighted, ECRI has continued to receive consistent reports according to which members of minority groups, notably Roma and immigrants, are often refused access to restaurants, bars and other public places. ECRI notes that since its last report, cases of discrimination have been adjudicated by the National Discrimination Tribunal and brought before the Courts, although it has been reported to ECRI that fines imposed and compensation granted were rather modest and that security personnel were more easily prosecuted and held responsible than managers and owners. ECRI is pleased to note that guidelines to ensure equality in customer service were recently issued jointly by the Ministry of Interior, the Ombudsman for Minorities and civil society organisations.

**Recommendations:**

62. ECRI recommends that the Finnish authorities strengthen their efforts to counter racial discrimination in access to public places. These efforts should include a more effective implementation of the relevant anti-discrimination legislation in force and further measures to raise the awareness of discrimination among those involved in the service sector.

**Vulnerable groups**

- **Roma communities**

63. In its second report, ECRI noted that the members of Roma communities in Finland faced prejudice, disadvantage and discrimination in different areas of life, including education, employment, housing and access to services. Although

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<sup>30</sup> See above, Education and awareness-raising and below, Vulnerable groups – Russian-speaking communities.

<sup>31</sup> See below, Racist violence.

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some initiatives have been taken in this direction, it has been reported to ECRI that the overall situation of the Roma population of Finland has not improved in a visible manner. It has repeatedly been stressed that in order to bring about significant progress, a clear commitment should be made by the Finnish authorities to addressing the different areas of disadvantage faced by the Roma simultaneously through an integrated approach, and that such commitment could take the form of a comprehensive strategy. In this respect, ECRI notes that Finland has equipped itself with a system of consultative bodies on issues relevant to the Roma communities, which would be central to the effective elaboration of any such strategy. ECRI welcomes the fact that since its last report, this system has been extended through the establishment of four Regional Boards for Roma Affairs, which can ensure that policies at national level reflect local priorities and needs and that such policies are then implemented effectively at the regional level.

64. Since ECRI's last report, the situation of the Roma in the compulsory school system has been examined in a survey published by the National Board of Education. ECRI notes that the survey contains recommendations for action in a number of areas that were also highlighted in ECRI's second report. In the framework of the ROM-EQUAL project, Roma teaching assistants are being trained, an initiative that is hoped will have a favourable impact on both the employment of Roma as assistants and on improving the education of Roma children. In this respect, it has been highlighted that Roma teaching assistants may also contribute significantly to addressing the still disproportionate use made of different types of special education for Roma children. This issue, which is also addressed in the National Board of Education's report remains topical for ECRI, in spite of improvements in certain municipalities since its last report. In the field of Romany language education, children's participation in such education is reported to be still modest and the availability of the relevant resources, teachers and teaching materials is still limited. ECRI notes that the members of the Roma communities have expressed a strong desire for this situation to change. Another field in which little progress has been reported is the teaching of Roma culture and history in the school curricula, an area highlighted in ECRI's second report and addressed by the recommendations of the National Board of Education's report.
65. ECRI notes that housing continues to be one of the main areas where the Roma of Finland experience discrimination and disadvantage. For instance, in 2005 most of the complaints filed by Roma with the Ombudsman for Minorities concerned housing. ECRI notes that this institution has played an active role in addressing the housing problems faced by Roma, including by promoting co-operation and dialogue between Roma representatives and municipal authorities in specific areas. Discrimination is reported to be particularly pervasive in the private housing market, which members of the Roma communities rarely, if ever, access in practice. In this respect, ECRI notes that the private (i.e. transactions between individuals) housing market is not covered by primary antidiscrimination legislation<sup>32</sup>.
66. As concerns employment, the Finnish authorities and civil society organisations have drawn ECRI's attention to the ROM-EQUAL project, mentioned above. ECRI welcomes this initiative, although it notes reports that so far, only a small number of the persons trained as part of the project have found employment as

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<sup>32</sup> See above, Civil and administrative law provisions.

Roma teaching assistants. In its second report, ECRI drew the attention of the Finnish authorities to problems of discrimination faced by Roma in employment. Since then, ECRI has continued to receive numerous complaints of racial discrimination concerning Roma applicants for jobs. The Finnish authorities have reported that, following an initiative in this sense from the Ombudsman for Minorities, the Ministry of Labour has improved the services aimed at promoting Roma employment, although representatives of some Roma communities have underlined that the results of these measures have been minimal.

67. Another area where Roma representatives report that problems have not decreased since ECRI's second report, is relations with the police. Discriminatory police checks and failure to deal professionally with complaints of racism and racial discrimination concerning Roma are still reported to be commonplace. Persisting problems are also reported concerning the position of Roma prison inmates, both in terms of segregation resulting from the need to protect these persons from the hostility of other prisoners and in terms of unprofessional and sometimes discriminatory behaviour of prison personnel. ECRI is aware that the situation has been regularly examined by the Parliamentary Ombudsman and that a report containing recommendations was produced in 2003 by the Roma Unit of the Criminal Sanctions Agency. ECRI is not aware, however, of the current state of implementation of such recommendations.

#### **Recommendations:**

68. ECRI strongly recommends that the Finnish authorities draw up, in close co-operation with the Roma communities, a comprehensive strategy aimed at improving the situation of the Roma in Finland and make available adequate resources to implement it. ECRI recommends that the areas highlighted above as concerns education, housing, employment, relations with the police and the situation in prisons be given priority in the elaboration of such a strategy. 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.

#### **- *Russian-speaking communities***

69. In its second report, ECRI recommended that the Finnish authorities pay more attention to the specific problems of disadvantage and discrimination faced by the Russian-speaking communities of Finland. ECRI notes that since then, an *ad hoc* working group of the Advisory Board for Ethnic Relations (ETNO) has prepared a report on the situation of the Russian-speaking population, which includes detailed recommendations addressing all of the areas mentioned in this section. ECRI understands, however that little, if any, follow-up has been given by the Finnish authorities to the findings and recommendations of this report. In particular, ECRI regrets that a proposal to set up a separate Advisory Board dealing with issues specifically relevant to the Russian-speaking population has not been followed and that there are no plans at the moment to do so.
70. In its second report, ECRI recommended that action be taken to combat negative societal attitudes and manifestations of intolerance towards the members of Russian-speaking communities. However, representatives of these communities have indicated to ECRI that lack of determined action on the part of the Finnish authorities has allowed these attitudes and manifestations to

intensify since ECRI's second report. ECRI is concerned at reports indicating that Russian-speakers have been the targets of violence, in at least one case resulting in death, and that the racist motivation of these acts has not always been adequately dealt with by the police. Racial harassment of Russian-speakers and racist bullying of Russian-speaking children at school have also been frequently reported. In addition, ECRI's attention has been drawn to the presence of anti-Russian material on the Internet inciting to racial hatred, and to the use of derogatory expressions to designate Russian-speakers as well as negative portrayal of these persons in the media.

71. In its second report, ECRI also recommended that the Finnish authorities improve the provision of mother tongue education for Russian mother-tongue pupils. ECRI notes, however, that the initiatives of the Finnish authorities in this field have been of limited scope and that availability of this type of education is still reported to be far from meeting the needs of the members of the communities concerned. In addition, ECRI notes reports according to which professional interpretation for Russian-speakers, including in circumstances where it is required by law, is not always available, especially outside the Helsinki area.

#### **Recommendations:**

72. ECRI recommends that the Finnish authorities improve their ability to address the specific situation and needs of the Russian-speaking population of Finland. To this end, it strongly recommends that the Finnish authorities organise a thorough reflection on the findings and recommendations contained in the report of the *ad hoc* working group of ETNO 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.
73. ECRI recommends that the Finnish authorities tackle the problems and concerns highlighted above through the effective implementation of the recommendations made in the corresponding parts of this report<sup>33</sup>.

#### **- Muslim and Somali communities**

74. ECRI is concerned at reports indicating that the members of the Somali communities of Finland, who number approximately 6 000 persons, are particularly vulnerable to problems of racism and racial discrimination. Since its second report, ECRI has received reports of racially-motivated violence and other offences having been committed against the members of these communities, often connected with the activities of locally-organised violent groups, including skinhead gangs. The press, in particular at the local level, is reported to have been increasingly instrumental to creating a hostile atmosphere around Somalis, notably by stating, sometimes erroneously and most times unnecessarily, the Somali origin of persons suspected of or involved in criminal activities. Racial discrimination is also reported to be a significant phenomenon for the members of these communities – research indicates that Somali and Arabs are the surveyed groups that give most importance to

<sup>33</sup> See above, Criminal law provisions and Access to public services – Access to education. See below, Racist violence and Media.

discrimination as a factor affecting their process of adaptation to life in Finland<sup>34</sup>.

75. In addition to Somalis, the Muslims of Finland include persons from Iraq, Bosnia and Herzegovina, Turkey and other countries. Generally speaking, the Finnish authorities and civil society organisations agree to say that manifestations of Islamophobia, for instance in media and public discourse, have not been prevalent in Finland since ECRI's second report. However, insults targeting Muslim individuals do occur and are reported to intensify in connection with world events. It has also been reported that although a considerable portion of recorded racially-motivated incidents are directed against Muslims, it is not possible on the basis of the information collected by the police to detect the extent to which anti-Muslim sentiment plays a role in these incidents. Furthermore, ECRI notes that the Muslims of Finland do not have access to adequate burial ground. It notes that in order to address this and other problems of concern to the Muslim communities, the Ombudsman for Minorities has promoted the creation of a co-ordinating body that brings together representatives of different Muslim organisations and groups. ECRI understands that this body will be formally established in the coming months.

#### **Recommendations:**

76. ECRI strongly recommends that the Finnish authorities pay attention to investigating and addressing problems of racism and discrimination faced by the Somali communities of Finland.
77. ECRI recommends that the Finnish authorities monitor the situation as concerns Islamophobia in Finland and take swift action to counter any such manifestations as necessary. It encourages the Finnish authorities to co-operate with the representatives of the Muslim communities of Finland in order to find solutions to specific issues of their concern.

#### **- Sámi communities**

78. In its second report, ECRI recommended that the Finnish authorities intensify their efforts to resolve the issue of controversy concerning land rights in the Sámi Homeland, in close co-operation with the representatives of the Sámi indigenous people. ECRI notes that since then, the Government authorities and the Sámi Parliament have made important progress towards the finalisation of a bill, which leaves aside the controversial question of property rights and focuses instead on use of land in the Sámi Homeland. The Finnish authorities have reported that the final decision on this bill will be taken by a ministerial working group headed by the Prime Minister. However, ECRI understands that the timetable for this has not yet been determined.
79. In its second report, ECRI also recommended that the Finnish authorities improve the opportunities for Sámi people to use their languages in contacts with the authorities in the Sámi Homeland and that they improve the implementation of the right of Sámi to mother tongue education. ECRI notes that a new Sámi Language Act, in force since January 2004, strengthens the right of the Sámi to use their languages in contacts with the authorities. Some problems in the implementation of this Act have been reported, including lack of

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<sup>34</sup> See below, Monitoring the situation and Promoting an integrated society.

adequate knowledge of Sámi languages among the authorities and insufficient resources, although ECRI understands that a more precise picture of the situation will be available in 2007, when the application of the Act is reviewed. Some progress has also been registered with regard to implementing the right of Sámi to mother tongue education, for instance as concerns the training of teachers in one of the Sámi languages and the availability of teaching materials. However, considerably more progress is reportedly needed to ensure that the right to mother tongue education is respected, especially outside the Sámi Homeland.

80. In its second report, ECRI recommended that the Finnish authorities take measures to improve knowledge about the Sámi among the majority population, in order to counter persisting stereotypical attitudes towards this group. However, it does not appear to ECRI that much progress has been made in this area. Sámi representatives report that even after the recent reform<sup>35</sup>, the core curricula for compulsory and general upper secondary education contain hardly any references to the Sámi as an indigenous people and their history. As a result, textbooks also lack adequate information about the Sámi. Furthermore, the Sámi Parliament representatives have reported to ECRI that it has not yet been able to secure funds for a national awareness-raising campaign to promote the image of Sámi as an indigenous people among the general public. ECRI considers that this would be all the more desirable in the light of negative press reports concerning the Sámi that have appeared in the local press in the Northern part of Finland but sometimes also in other parts of the country since ECRI's second report, especially in connection with controversies concerning the use of land.

#### **Recommendations:**

81. ECRI recommends 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.
82. ECRI encourages the Finnish authorities to monitor the implementation of the Sámi Language Act and of the right of Sámi to mother tongue education. It recommends that they take the necessary measures to ensure a satisfactory implementation of these rights in co-operation with the representatives of the Sámi indigenous people.
83. ECRI reiterates its call on 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.

#### **Antisemitism**

84. Manifestations of antisemitism in Finland since ECRI's second report have included threats, signs displayed at demonstrations and graffiti. A book with antisemitic content was also published, but the distributor was fined and the book removed from circulation. There have also been some cases where letters with antisemitic content have been published in newspapers. ECRI notes,

<sup>35</sup> See above, Education and awareness raising.

however, that the persons responsible have been or are being prosecuted under the provisions against ethnic agitation<sup>36</sup>. Manifestations of antisemitism are reported to intensify in connection with world events, and notably events in the Middle East, when they tend to take the form of antisemitic criticism of the policies of the State of Israel and associations between these and Jews in general. These manifestations are reported to come essentially from skinhead groups and exponents of the far left. ECRI notes that in general, the representatives of the Jewish communities have valued positively the response made by the Finnish authorities to the manifestations of antisemitism that have occurred in Finland since ECRI's second report.

#### **Recommendations:**

85. ECRI encourages the Finnish authorities to closely monitor the situation as concerns manifestations of antisemitism in Finland and to continue to react to any manifestations that may occur. It draws the attention of the Finnish authorities to its General Policy Recommendation No. 9 on the fight against antisemitism<sup>37</sup>, which contains practical guidance on measures governments can take to prevent and counter antisemitism.

#### **Racist violence**

86. It has been reported to ECRI both by the Finnish authorities and some civil society groups that although racist violence exists in Finland, it is essentially a spontaneous and not a politically-organised phenomenon. However, ECRI also notes reports according to which locally-organised violent groups are active in a number of municipalities and resort to racially-motivated violent actions. According to the Police Report on Racist Crime in Finland, 522 racist crimes were reported to the police in 2003, 558 in 2004 and 669 in 2005. Although these figures include non-violent crimes, ECRI notes that the latter make up for a considerable part of the total figure – for instance, between 35 and 40% of all racist crimes consist in assault and battery (including attempts). Victims of these crimes include non-citizens, Finnish citizens of Roma or non-Finnish background and Finnish citizens of Finnish background. ECRI has addressed the issue of the response of the criminal justice system to racially-motivated crime in other parts of this report<sup>38</sup>. It notes that the National Council for Crime Prevention has proposed a National Action Plan for Reducing Crime which includes a section on racist violence.

#### **Recommendations:**

87. ECRI strongly recommends 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.

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<sup>36</sup> See above Criminal law provisions.

<sup>37</sup> CRI (2004) 37: ECRI General Policy Recommendation N°9 on the fight against antisemitism, European Commission against Racism and Intolerance, Council of Europe, June 2004

<sup>38</sup> See above, Criminal law provisions.

## Media

88. In its second report, ECRI considered that a more balanced media reporting on issues relating to minority groups and the problems of racism and racial discrimination in Finland would be desirable. Although generally speaking, the mainstream broadcast and print media at national level are said to report on these issues in a more balanced manner, unbalanced and sometimes racist or xenophobic reporting in the local press has been highlighted. Unnecessary mention by the media of the ethnic origin of persons involved or suspected to be involved in criminal activities has also continued to be reported as a problem since ECRI's second report<sup>39</sup>. As one possible way of improving the situation, in its second report ECRI stressed that increased participation of members of minority groups in the media should be encouraged. ECRI notes that since then, some initiatives have been taken in this field – for instance, a media education, training and work placement project for immigrants and ethnic minorities which includes the Finnish Broadcasting Company among its partners was initiated in May 2005.
89. In its second report, ECRI also addressed the problem of dissemination of racist, antisemitic and xenophobic material on the Internet. Since then, ECRI has continued to receive information indicating a wide presence of such material both on websites and in messages posted in public chat rooms. ECRI notes that since its second report, the Ombudsman for Minorities, the police and civil society organisations have worked with Internet Service Providers so as to increase the latter's vigilance over the dissemination of racist material in the sites hosted by them. ECRI also understands that criminal investigations have been carried out in some cases, although it is not aware of their results.

### Recommendations:

90. ECRI encourages 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. ECRI recommends that the Finnish authorities engage in a debate with the media and members of other relevant civil society groups on how this could best be achieved.
91. ECRI recommends that the Finnish authorities strengthen their efforts to counter the dissemination of racist material on the Internet.

### Use of racist and xenophobic discourse in politics

92. In its second report, ECRI stressed that politicians should speak out against any manifestations of racism in political debate and in society in general. It also stressed that politicians should avoid allowing assumptions by media and public opinion on issues relating to asylum-seekers and refugees to influence the tone and content of political debate. As mentioned in another part of this report, ECRI considers that the latter recommendation has not been followed<sup>40</sup>. ECRI has also continued to receive reports according to which some politicians at local level have resorted to racist or xenophobic propaganda targeting different minority groups, including immigrants and asylum seekers. ECRI reiterates that

<sup>39</sup> See below, Vulnerable groups – Muslims and Somali communities.

<sup>40</sup> See above Reception and status of non-citizens – Refugees and asylum-seekers.

political parties must resist the temptation to approach issues relating to minority groups, including immigrants and asylum seekers, in a negative fashion and should preferably emphasise the positive contribution made by different minority groups to Finnish society, economy and culture. ECRI's firm position is that political parties should take a stand against any forms of racism, discrimination and xenophobia.

#### **Recommendations:**

93. ECRI urges 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 draws the attention of the Finnish authorities to the relevant provisions contained in its General Policy Recommendation N°7<sup>41</sup>.

#### **Conduct of law enforcement officials**

94. In its second report, ECRI recommended that Finland establish a mechanism for independent enquiry into incidents and areas of conflicts between the police and minority groups. ECRI notes that no such body has been established in Finland.
95. In its second report, ECRI considered that efforts should be made in Finland in order to encourage applications from and recruitment of members of minority groups in the police force. The Finnish authorities have stressed that there are members of minority groups working as police officers in Finland, although their number is not known. They have also stressed that a number of applicants with immigrant background have sought admission to the National Police School, but that many of them were refused admission because of insufficient knowledge of Finnish or Swedish.

#### **Recommendations:**

96. ECRI recommends 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.
97. ECRI recommends that the Finnish authorities take steps to encourage applications from and recruitment of members of minority groups in the police force.

#### **Monitoring the situation**

98. In its second report, ECRI recommended that the Finnish authorities consider collecting data which would enable them to monitor the position of minority groups in areas such as education, employment, etc. There have been no significant developments in this area since ECRI's second report. Data is still only collected on the basis of nationality. The Finnish authorities have reported to ECRI that, according to Finnish law, it is not possible to compile statistics on the basis of people's ethnic origin. They have also stressed that some members of minority groups are rather reluctant about the collection of such data. On the other hand, civil society organisations have stressed that lack of data broken

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<sup>41</sup> ECRI General Policy Recommendation N°7, paragraph 16 (and paragraph 36 of the Explanatory Memorandum).

down according to categories such as ethnic origin negatively affects the ability to monitor the situation of minority groups (especially those who possess Finnish citizenship, such as the members of national minorities or second generation immigrants) and thus to detect possible patterns of discrimination concerning them.

99. As noted in other parts of this report, the information currently available in Finland concerning the implementation of the legal provisions in force against racism and racial discrimination is patchy and insufficient overall. Although, as recommended by ECRI in its second report, the police record racist incidents that are reported to them, some reports indicate that this is not always done professionally or systematically<sup>42</sup>. At other levels of the criminal justice system (the prosecution and the courts), monitoring is not carried out systematically or in a manner that would ensure coherence with police statistics. For instance, since 2004 the courts have compiled statistics on the application of the racist aggravating circumstance<sup>43</sup>, but at the stage of criminal investigations statistics have been compiled on a different basis. Furthermore, as mentioned above<sup>44</sup>, there is no comprehensive picture on the implementation of the Non-Discrimination Act throughout the justice system.
100. ECRI notes, however, that both the question of collecting data to monitor the position of minority groups in different fields of life and the issue of monitoring the implementation of the legal provisions in force against racism and racial discrimination are at present being examined in the framework of the project “Making Equality a Reality with Adequate Data” (MERA).
101. In its second report, ECRI welcomed that a number of attitude surveys had been undertaken, both among the general public and among key groups such as the police, border control officials, teachers, nurses and other occupational groups to monitor attitudes towards minority groups. It also welcomed studies that had been carried out to examine the perceptions of members of minority groups as regards racism and racial discrimination. ECRI is pleased to note that these studies have continued and that they are a useful source of knowledge, particularly as they make it possible to monitor trends in the evolution of such attitudes and perceptions<sup>45</sup>.

#### **Recommendations:**

102. ECRI recommends 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 recommends 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 actors, including civil society organisations and take into consideration the gender dimension, particularly from the point of view of possible double or multiple discrimination.

<sup>42</sup>See above, criminal law provisions; Vulnerable groups – Roma communities; Vulnerable groups – Russian-speaking communities.

<sup>43</sup> See above, criminal law provisions.

<sup>44</sup> Civil and administrative law provisions.

<sup>45</sup> See below, Promoting an integrated society.

103. ECRI encourages the Finnish authorities in their efforts to collect readily available data on the implementation of the legal provisions in force against racism and racial discrimination. It encourages the Finnish authorities to improve the monitoring of racist incidents by the police and recommends that a monitoring system be introduced within the prosecuting authorities and the courts. ECRI also recommends that the Finnish authorities improve monitoring of the implementation of the Non-Discrimination Act throughout the justice system.
104. ECRI encourages 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.

## II. SPECIFIC ISSUES

### Promoting an integrated society

105. In its second report, ECRI noted that although the number of non-citizens living in Finland was still relatively small (at that time 1.8% of the total population), the upward trend in the number of non-citizens registered in previous years required that special attention be given to integration policies in Finland. Today, the non-citizen population of Finland stands at approximately 2,5% of the total population (approximately 125 000 persons) and integration is accordingly becoming a more topical issue, to which a recent decision of the Finnish Government to actively promote work-related immigration into Finland<sup>46</sup> confers additional importance. Beyond the issues pertaining to non-citizens, policies to promote an integrated society in Finland are also of relevance to improving the situation of other minority groups, such as the Roma, for many of whom full participation in society has not yet become a reality.
106. Both the Finnish authorities and civil society organisations have on different occasions indicated to ECRI that the prevailing idea of integration in Finland is that of a two-way process involving and mutually enriching the members of both majority and minority groups. ECRI welcomes this approach. It stresses, however, that for this approach to be effectively translated into practice it is necessary for integration policies to address simultaneously discrimination, racism and prejudice on the one hand and, on the other, any possible gaps in members of minority groups' skills (for instance relating to language, education, professional competencies or knowledge of society) which negatively affect these persons' ability to fully participate in Finnish society. It is also necessary that the focus on combating discrimination and racism be explicitly and consistently presented to the public as forming an integral part of integration policies. In this connection, ECRI notes that the Finnish authorities have recently adopted a Government Immigration Policy Programme whose primary aim is to promote work-related immigration into Finland and that, alongside measures targeted at immigrants themselves, the Programme covers the fight against racism and racial discrimination as a way to promote a "pluralistic, multicultural and non-discriminatory society".
107. ECRI notes that, since its last report, progress has been made in Finland on these two intertwined aspects of integration, which are examined below.

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<sup>46</sup> See below, this section.

However, ECRI considers that it is now necessary to build on such progress in order to move faster towards an integrated society.

- ***Promoting an integrated society through a strong focus on combating racism, racial discrimination and prejudice***

108. Since ECRI's second report, Finland has taken a number of steps to counter racism and racial discrimination, which have been highlighted in different parts of this report. For instance, the legal and institutional framework for combating these phenomena has been complemented and further refined and is now by and large comprehensive. However, it has consistently been reported to ECRI by different segments of civil society, including non-governmental organisations, academics and researchers, that there is a certain lack of genuine public ownership of the overall fight against racism and racial discrimination in Finland, both among the authorities and in society. It has also been noted that this is likely to be at the origin of the fact that the legal and institutional frameworks mentioned above are not always effectively or systematically applied. Such a lack of ownership is also reflected in the fact that issues of racism and racial discrimination are rarely discussed in public debate, including political debate and the media, an aspect that ECRI had already highlighted in its second report as needing to be addressed. In fact, even when unfortunate incidents provide clear opportunities to speak about such issues, the tendency is reportedly towards avoiding addressing these issues publicly in an extensive manner. In ECRI's opinion, for individual measures against racism and discrimination to be fully effective, it is necessary that they are seen by society as forming an integral part of a more general public commitment against racism and discrimination. In this respect, ECRI underlines the crucial role that leadership from the authorities has in promoting society's ownership of the fight against racism and discrimination.

109. In its second report, ECRI dealt extensively with discrimination in daily life in fields such as employment, housing, access to places and certain facilities, and contacts with public authorities. As mentioned in other parts of this report, these phenomena are still present in Finland today and representatives of minority groups have underlined how discrimination in daily life runs counter to their determination and willingness to participate fully in society. On the other hand ECRI also notes that research carried out on the process of adaptation of members of certain immigrant groups to Finnish society has highlighted some positive trends since ECRI's last report, for instance in terms of access to the job market, although progress and problems encountered vary according to different groups. Research conducted since ECRI's second report has also contributed to shedding light on attitudes towards immigrants among the general population and civil servants, two more areas addressed by ECRI in that report, which are closely linked to discrimination in daily life and the challenge of promoting an integrated society. ECRI notes that such research indicates improvements in general attitudes, although there are groups, such as young boys, whose attitudes towards immigrants are particularly negative<sup>47</sup>. Civil servants also appear to be more favourably disposed towards immigrants, although such progress seems to be greater among certain professions such as teachers, and more modest in others, such as the police. Improvements are also reported in attitudes towards colleagues of immigrant origin, including within the police. More generally, however, civil servants' attitudes seem to be

<sup>47</sup> See above, Education and awareness raising and Access to public services – Access to education.

more reserved as the perceived differences of culture and appearance between the majority and immigrant groups become wider.

#### **Recommendations:**

110. ECRI encourages the Finnish authorities in their efforts to promote a concept of integration as a two-way process involving and mutually enriching both the majority and the minority population. To this end, it recommends 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.
111. ECRI also strongly recommends that the Finnish authorities take further steps towards a demonstrable and consistent public commitment against racism and racial discrimination in all its forms, in order to set the example and promote ownership by society as a whole of the fight against these phenomena. Such a commitment should include active promotion of public debate on these issues.
112. ECRI urges 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 recommends 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 recommends 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.

#### **- *Promoting an integrated society through targeted support for members of minority groups***

113. In its second report, ECRI underlined the need for effective measures to help immigrants who come to Finland to make the transition into Finnish society, including the provision of training in the official language(s), work-related training and general knowledge about the functioning of society to those who need such support. ECRI recommended that attention be paid to ensuring that the provision of such support be as diversified and adapted to the individual circumstances of the person concerned as possible. It noted that the Act on the Integration of Immigrants and Reception of Asylum Seekers, which requires municipalities to prepare integration programmes and set up integration plans for unemployed immigrants, was being evaluated. Since then, the evaluation has indicated that immigrants, instructors and authorities have in general valued positively the training provided as part of the integration programmes, although some areas in need of improvement were identified. The Finnish authorities have underlined that since ECRI's second report the Act has been changed, including in order to take the results of the evaluation into account and measures to improve the training programmes for immigrants have been taken. Thus, for instance, funds for these programmes have been increased, the categories of persons entitled to integration programmes have been extended, and the relevant administrative procedures have been streamlined. However, it has been reported to ECRI that the provision of training programmes for immigrants is still characterised by a lack of long-term planning which negatively affects the overall effectiveness of such programmes and that further clarification of the responsibilities within the different levels of the administration in the provision of training for immigrants would be beneficial. Furthermore, it

has been pointed out that there are still categories of immigrants, including many housewives and elderly people, who are still outside the scope of the training programmes.

114. ECRI hopes that the integration courses will provide immigrants coming to Finland with increasingly effective opportunities to make a smooth transition to and fully participate in Finnish society. As mentioned above however, beyond immigrants coming to Finland, policies to promote an integrated society are of relevance for all members of minority groups covered by ECRI's work, including those who are Finnish citizens or who have lived in Finland for a long time -- ECRI notes, for instance, that many have expressed the wish that the Government Immigration Policy Programme mentioned above could cover these persons as well. ECRI stresses that, in this broader sense, promoting integration through targeted support for members of minority groups entails an approach that includes positive measures (i.e. measures designed to counter the disadvantage experienced by persons belonging to minority groups or to facilitate their full participation in all fields of life) as a way to bring about full and effective equality. ECRI welcomes the fact that positive measures are already taken in Finland to support members of some disadvantaged groups in specific areas. It stresses however, that the situation of disadvantage affecting the members of certain minority groups may sometimes warrant a more proactive use of these measures in order to progress more swiftly towards an integrated society.

#### **Recommendations:**

115. ECRI encourages the Finnish authorities to strengthen their efforts to provide training in the official language(s), work-related training and general knowledge about the functioning of Finnish society to immigrants who need such support. It recommends that the Finnish authorities improve the effectiveness of such training by providing sustainable financial commitment and by further clarifying the responsibilities of the different institutions involved in the provision of training. It also recommends that the Finnish authorities further diversify the offer of training courses, so as to ensure that they meet the needs of a diverse immigrant population as much as is reasonably possible.
116. ECRI encourages the Finnish authorities to consider extending the use of positive measures to prevent or compensate the disadvantage experienced by members of minority groups and to facilitate their full participation in all spheres of life.

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