



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

Distr.
GENERAL

CERD/C/63/CO/5
10 December 2003

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-third session
4-22 August 2003

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

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

FINLAND

1. The Committee considered the sixteenth periodic report of Finland (CERD/C/409/Add.2), which was due in 2001, at its 1600th and 1601st meetings (CERD/C/SR.1600 and 1601), held on 14 and 15 August 2003. At its 1611th meeting (CERD/C/SR.1611), held on 22 August 2003, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report, which was submitted by the State party on time, and the additional oral information provided by the delegation. It expresses satisfaction at the fact that non-governmental organizations were invited to participate in the preparation of the report.

3. The Committee also welcomes the attendance of a competent delegation and expresses its appreciation for the constructive responses provided to the questions raised.

B. Positive aspects

4. The Committee acknowledges that the extensive and detailed report of the State party is in conformity with the reporting guidelines and that it addresses the concerns and recommendations formulated by the Committee after the consideration of the State party's previous report.

5. The Committee commends the State party's excellent record of ratification of international human rights instruments.
6. The Committee notes with appreciation that the State party made the optional declaration provided for in article 14 of the Convention in 1994 and has ratified the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meetings of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.
7. The Committee welcomes the adoption, on 22 March 2001, of a Plan of Action to combat ethnic discrimination and racism aiming to support and develop measures enhancing good inter-ethnic relations and preventing ethnic discrimination and racism in Finnish society. In this connection, the Committee also welcomes the appointment, on 1 September 2001, within the framework of the Plan of Action, of a Minority Ombudsman.
8. The Committee also welcomes the programmes and institutions put in place as well as the research and studies undertaken by the State party for the promotion and protection of human rights, in particular those regarding minorities, in conformity with paragraphs 92 to 98 of the Durban Programme of Action.
9. The Committee welcomes the approval in January 2003 of a government bill revising the Penal Code and including "racist motives" as aggravating circumstances of a crime. It also notes with satisfaction the introduction of a provision punishing participation in organizations which promote or incite racial discrimination.
10. The Committee equally notes with satisfaction that the Ministry of Labour is preparing a government bill whereby two important directives of the European Community, Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, will be implemented.

C. Concerns and recommendations

11. The Committee is of the opinion that the State party's approach to the definition of who may be considered a Sami and thus fall under the relevant legislation established in favour of the Sami, as illustrated by the Act on the Sami Parliament and the specific interpretation placed thereon by the Supreme Administrative Court, is too restrictive.

The Committee considers that by relying mainly, if not exclusively, on the criteria of the language spoken and the taxes levied on a person's ancestors, the State party is not taking into account to a sufficient degree the criterion of self-identification. Accordingly, the Committee suggests that the State party give more adequate weight to self-identification by the individual, as indicated in general recommendation VIII.

12. While the Committee notes the continuous efforts undertaken by the State party to solve the issue of Sami land rights, it regrets that the problem has not yet been resolved and that Finland has so far not adhered to International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The Committee draws the State party's attention to general recommendation XXIII on the rights of indigenous peoples

which, inter alia, calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources.

In this regard, the Committee refers to its previous concluding observations and again urges the State party to find an adequate settlement of the land dispute together with the Sami people, and recommends that it adhere to ILO Convention No. 169 as soon as possible. Furthermore, the Committee requests that the State party provide additional information on this issue in its next periodic report.

13. The Committee is concerned about the significant number of allegations which have been brought to its attention reflecting the existence of racist and xenophobic attitudes among some sectors of the population, notably among the young.

The Committee encourages the State party to continue to monitor all tendencies which may give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. The Committee further recommends that the State party continue to promote at all levels of education general awareness of diversity and multiculturalism and put into practice effective measures to facilitate the integration of minority groups in Finnish society.

14. While the Committee takes note of the efforts undertaken by the State party in monitoring the spread of racist, discriminatory and xenophobic material on the Internet, it is concerned about the continued occurrence of this phenomenon.

The Committee recalls that article 4 of the Convention is applicable to the phenomenon of racism on the Internet and that the fundamental principle of respect for human dignity requires all States to combat dissemination of racial hatred and incitement to racial hatred. It recommends that the State party take appropriate measures to combat racist propaganda on the Internet and that it provide in its next periodic report information on the development of the situation and measures taken in this field.

15. Concern is also expressed about the “accelerated procedure” provided for in the revised Aliens Act. Under the new provisions, the “accelerated procedure” applies to certain categories of asylum application and, if the application is rejected and entry is refused, could lead to the immediate expulsion of the asylum-seeker. Although such a negative decision can be appealed, it may be enforced within eight days irrespective of an appeal, which would thus have no suspensive effect. In the Committee’s opinion, such narrow time limits may not allow for the proper utilization of the appeal procedure available and may result in an irreversible situation even if the decision of the administrative authorities were overturned on appeal.

The Committee urges the State party to guarantee respect for the legal safeguards for asylum-seekers and to ensure that all its asylum procedures conform to its international obligations in this field.

16. With respect to article 5, the Committee is concerned about the difficulties faced by Roma in the fields of employment, housing and education, as well as about reported cases of discrimination in daily life such as denial of access to public places, restaurants or bars.

The Committee draws the attention of the State party to its general recommendation XXVII on discrimination against Roma and recommends that the State party take all necessary measures with a view to promoting tolerance and overcoming prejudices and negative stereotypes in order to avoid any form of discrimination against members of the Roma community.

17. The Committee notes that one of the reasons victims of acts of racial discrimination are reluctant to file a complaint before the competent authorities is the assumption that the complaint would not lead to any result.

The Committee recommends that the State party disseminate as widely as possible information on and raise public awareness of the domestic remedies available against acts of racial discrimination, the legal avenues for obtaining compensation in cases of discrimination and the individual complaint procedure under article 14 of the Convention.

18. The Committee encourages the State party to continue to consult with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

19. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on further action plans or other measures it has taken to implement the Durban Declaration and Programme of Action at the national level.

20. The Committee recommends that the State party continue the practice of making the reports readily available to the public from the time they are submitted and that it similarly publicize the observations of the Committee on these reports.

21. The Committee recommends that the State party submit its seventeenth, eighteenth and nineteenth periodic reports jointly in one document, due on 13 August 2007, and that it address all points raised in the present concluding observations.
