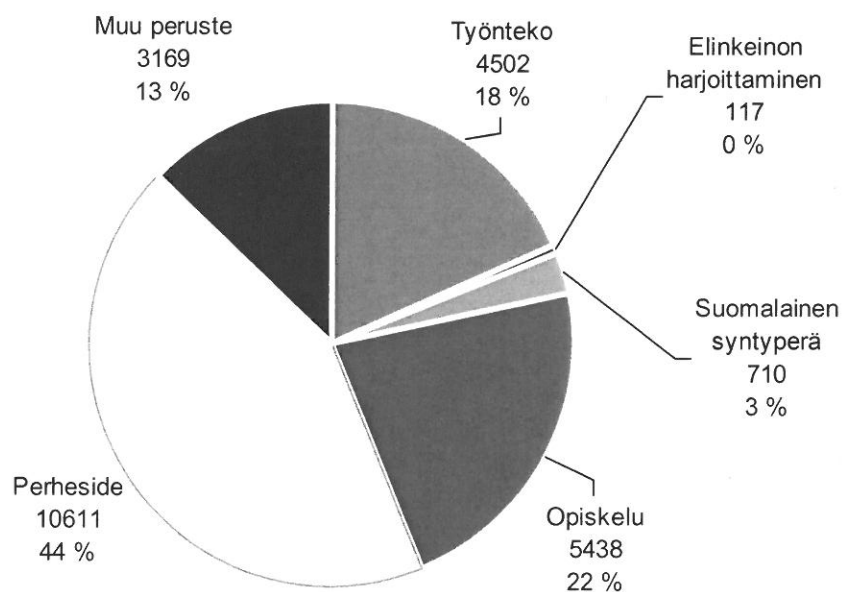


**Vireille tulleet oleskelulupahakemukset**

Hakuperuste	Hakijamäärä 2008	Hakijamäärä 2009	Hakijamäärä 2010	Muutos-% vrt. 2009 – 2010
Työnteko	6 848	3 953	4 502	+ 14
Elinkeinonharjoittaminen	67	95	117	+ 23
Suomalainen syntyperä	486	697	710	+ 2
Opiskelu	4 832	4 653	5 438	+ 17
Muu peruste (*)	3 247	2 883	3 169	+ 10
Perheside, avioliitto tms.	2 223	2 342	2 441	+ 4
Perheside, lapset	3 184	3 540	4 251	+ 20
Perheside, muu omainen	1 185	1 819	2 857	+ 57
Perheside, Suomen kansalaisen perheenjäsen	832	808	1 062	+ 31
<b>Yhteensä</b>	<b>22 904</b>	<b>20 790</b>	<b>24 547</b>	<b>+18</b>

(\*) Taulukoissa kohdassa *Muu peruste* asioista suuri osa koskee työperusteista maahanmuuttoa, kts.luku 8, jossa kuvataan tarkemmin se, mitä hakuperusteella "muu peruste" tarkoitetaan.

**Vireille tulleet oleskelulupahakemukset hakuperusteittain vuonna 2010**

... ja päättyen siihen, kun asiaan on tehty ensimmäinen ratkaisu.

## 2.2. Vireille tulleet oleskelulupahakemukset vuonna 2007

Kaikkiaan oleskelulupahakemuksia alla mainituilla eri perusteilla tuli vireille vuonna 2007 yhteensä 19 804, kun määrä vuonna 2006 oli 16 116. Vireille tulleiden oleskelulupahakemusten määrässä tapahtui kasvua noin 23 % (ero 3 688 hakemusta).

VIREILLE TULLEET OLESKELULUPAHAKEMUKSET		
Hakuperuste	Hakijamäärä 2006	Hakijamäärä 2007
Työnteko	3 895	6 179
Elinkeinonharjoittaminen	104	80
Suomalainen syntyperä	538	435
Opiskelu	3 508	3 986
Muu peruste (*)	2 590	3 154
Perheside, avioliitto tms.	1 976	1 930
Perheside, lapset	2 146	2 534
Perheside, muu omainen	656	873
Perheside, Suomen kansalaisen perheenjäsen	700	633
<b>Yhteensä</b>	<b>16 116</b>	<b>19 804</b>



#### 4. Oleskelulupapäätökset

Päätöksiä (sekä kielteisiä että myönteisiä) kaikkiin eri perusteilla vireille laitettuihin oleskelulupahakemuksiin tehtiin vuonna 2010 yhteensä 20 320. Päätösmäärä kasvoi merkittävästi: vuonna 2009 vastaava päätösmäärä oli 18 260 (ero 2 060 päätöstä).<sup>2</sup>

Myönteisten päätösten osuus kaikista oleskelulupapäätöksistä oli 80 % vuonna 2010. Vuoden 2009 vastaava myönteisten päätösten osuus oli 83 %. Kielteisten päätösten suhteellinen määrä on kasvanut. Myönteisten ja kielteisten päätösten suhteet vaihtelevat huomattavasti hakuperusteittain. Oheisesta viime vuosien päätöksiä kuvaavasta taulukosta ja katsauksen luvuista 5–8 ilmenee tarkemmin myönnettyjen lupien määrä.

##### Oleskelulupapäätökset hakuperusteittain

Hakuperuste	Vuosi 2008			Vuosi 2009			Vuosi 2010		
	myönt.	kielt.	yht.	myönt.	kielt.	yht.	myönt.	kielt.	yht.
Työnteko	5 930	949	6 879	2 883	1 087	3 970	2 987	865	3 852
Elinkeinonharjoittaja	67	10	77	57	13	70	43	35	78
Suomalainen syntyperä	395	98	493	474	159	633	494	276	770
Opiskelu	4 496	319	4 815	3 993	334	4 327	4 490	505	4 995
Muu peruste	2 934	160	3 094	2 497	190	2 687	2 649	218	2 867
Perheside, avioliitto tms.	1 981	286	2 267	1 674	302	1 976	1 754	540	2 294
Perheside, lapset	2 763	247	3 010	2 654	342	2 996	2 720	589	3 309
Perheside, muu omainen	325	414	736	246	525	771	242	788	1 030
Perheside, Suomen kansalaisen perheenjäsen	715	116	831	730	100	830	943	182	1 125
Yht.	19 606	2 599	22 205	15 208	3 052	18 260	16 322	3 998	20 320

<sup>2</sup> Puhuttaessa katsauksessa päätösten kokonaispäätösmääristä mukana ovat kielteisten ja myönteisten päätösten lisäksi myös mm. raukeamispäätökset. Myönteisten ja kielteisten päätösten summa on tämän johdosta aina hieman tätä päätösten kokonaismäärää pienempi.

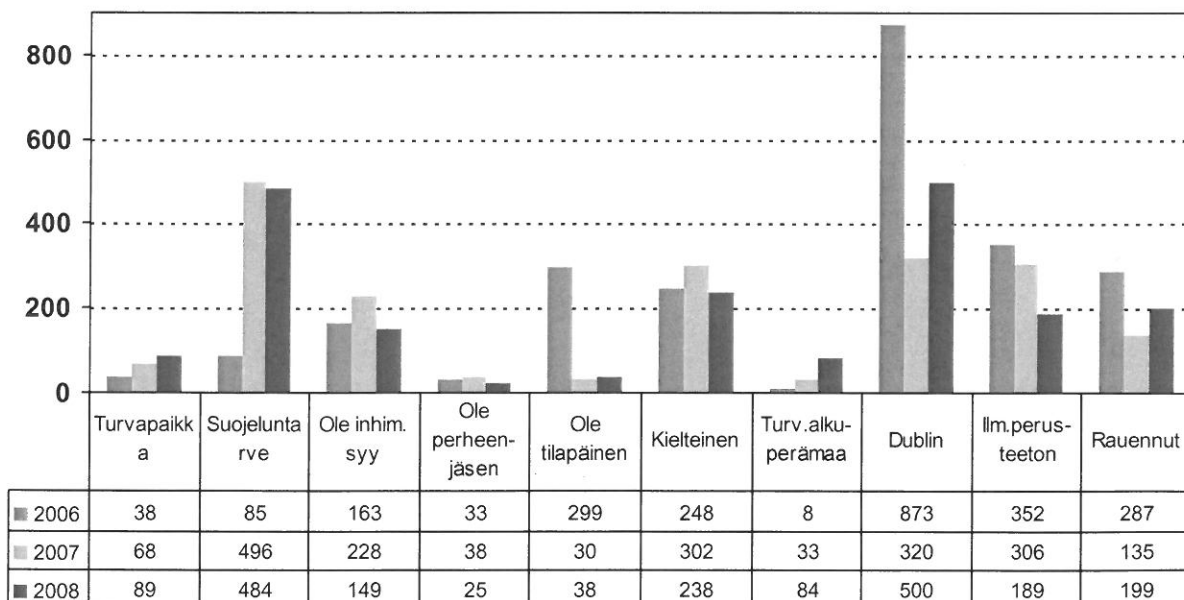


OLESKELULUPAPÄÄTÖKSET						
Hakuperuste	2006			2007		
	myönteinen	kielteinen	yhteensä	myönteinen	kielteinen	yhteensä
Työnteko	2 872	343	3 215	5 274	565	5839
Elinkeinonharjoittaminen	58	18	76	65	13	78
Suomalainen syntyperä	368	47	415	375	33	408
Opiskelu	3 196	91	3 287	3 815	153	3 968
Muu peruste (*)	2 186	158	2 344	2 698	152	2 850
Perheside, avio- liitto tms.	1 483	279	1 762	1722	324	2 046
Perheside, lapset	1 917	222	2 139	2 335	219	2 554
Perheside, muu omainen	95	384	479	231	450	681
Perheside, Suo- men kansalaisen puoliso	612	91	703	689	106	795
<b>Yhteensä</b>	<b>12 787</b>	<b>1 633</b>	<b>14 420</b>	<b>17 204</b>	<b>2 015</b>	<b>19 219</b>

#### 4. Kansainvälistä suojelua koskevat päätökset

##### 4.1. Kaikki hakijat

Turvapaikkayksikkö ratkaisi vuonna 2008 yhteensä 1995 kansainvälistä suojelua koskevaa hakemusta. Alla olevaan taulukkoon on merkitty lisäksi kahden edeltävän vuoden päätösmäärät.

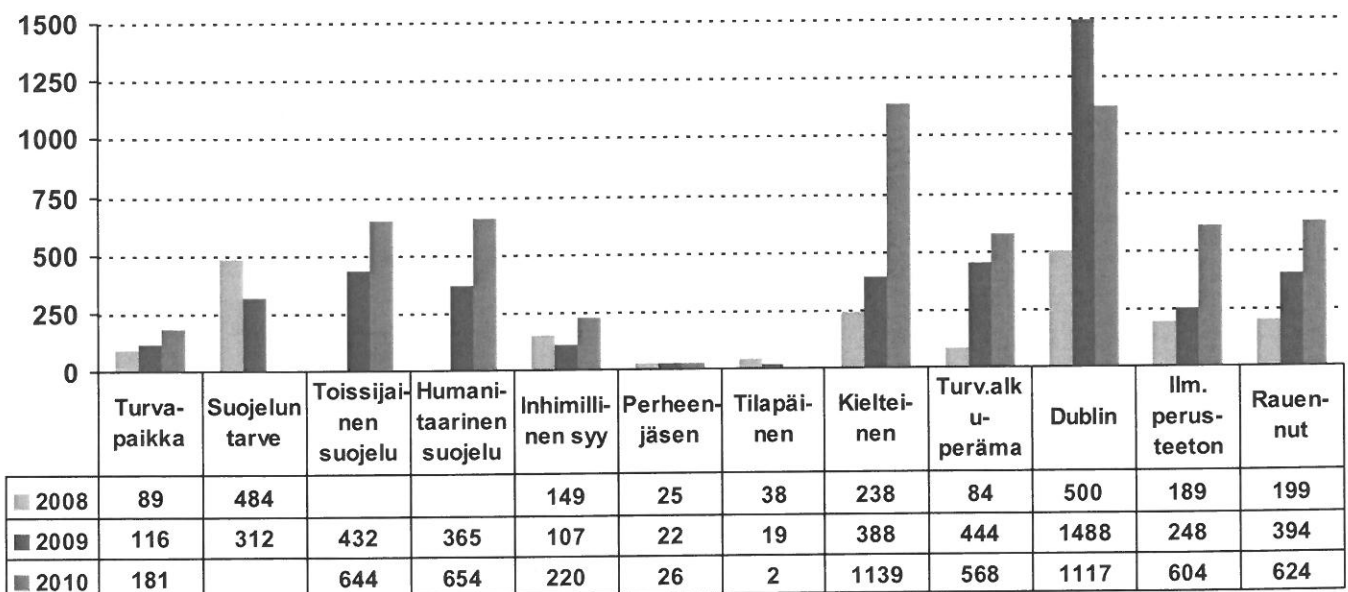


## 4 Kansainvälistä suojelua koskevat päätökset

### 4.1 Kaikki hakijat

Turvapaikkayksikkö teki vuonna 2010 päätöksen yhteensä 5 837 turvapaikanhakijalle. Tämä on huomattavasti enemmän kuin aiempina vuosina: vuonna 2009 päätöksiä tehtiin 4 335 ja vuonna 2008 yhteensä 1 995. Kasvua oli 35 % edelliseen vuoteen ja 193 % vuoteen 2008 verrattuna.

**Turvapaikkapäätökset<sup>10</sup> vuosina 2008–2010**



<sup>10</sup> Oleskelulupia suojeluntarpeen perusteella myönnettiin 31.5.2009 asti ja oleskelulupia toissijaisen- ja humanitaarisen suojelun perusteella on myönnetty 1.6.2009 alkaen. Taulukko ei sisällä myönnettyjä oleskelulupia muiden syiden (kuten opiskelu, työnteko) perusteella.

### Päätösten prosenttiosuudet, 2009 ja 2010, kaikki hakijat

	Miehet		Naiset	
	2009	2010	2009	2010
Turvapaikka	2 %	3 %	4 %	5 %
Suojelun tarve	7 %		8 %	
Toissijainen suojelu	8 %	9 %	16 %	17 %
Humanitaarinen suojelu	10 %	14 %	5 %	5 %
Inhimillinen syy	2 %	3 %	4 %	5 %
Oleskelulupa, muu syy	0,5 %	1 %	0 %	1 %
Tilapäinen	0,5 %	0 %	0 %	0 %
<b>Myönteiset yhteensä</b>	<b>30 %</b>	<b>30 %</b>	<b>37 %</b>	<b>33 %</b>
Kielteinen	9 %	21 %	8 %	16 %
Turvallinen alkuperämaa	8 %	7 %	18 %	17 %
Dublin	38 %	20 %	23 %	15 %
Ilmeisen perusteeton	6 %	10 %	6 %	10 %
<b>Kielteiset yhteensä</b>	<b>61 %</b>	<b>58 %</b>	<b>55 %</b>	<b>58 %</b>
Rauennut	9 %	11 %	8 %	9 %

Taulukosta ilmenee, että uudet lupaperusteet toissijainen suojelu ja humanitaarinen suojelu ovat painottuneet sukupuolijaon osalta eri tavoin. Naisille on myönnetty suhteessa enemmän toissijaista suojelua ja miehille puolestaan humanitaarista suojelua. Syynä on naishakijoiden suurempi suhteellinen osuus Somalian kuin Irakin kansalaisissa. Somalian kansalaisille on myönnetty aiempina vuosina pääosin toissijaista suojelua ja Irakin kansalaisille humanitaarista suojelua.<sup>16</sup>

Naisille tehdyissä kielteisissä päätöksissä on ollut lievää kasvua, mikä johtuu nais- ja mieshakijoiden tasaisesta suhteesta bulgarialais- ja romanialaishakijoissa. Lisäksi normaalimenettelyssä annettuja kielteisiä päätöksiä on tehty Irakin ja Somalian kansalaisille suhteessa selvästi enemmän kuin vuonna 2009. Esimerkiksi vuonna 2009 yhdellekään irakilaisnaiselle ei annettu kielteistä päätöstä normaalimenettelyssä, kun niitä vuonna 2010 annettiin 30 kappaletta.

#### 4.5 Sukupuolijakauma alaikäisiä koskevien päätösten osalta

Yksintulleille alaikäisille pojille annettiin vuonna 2010 yhteensä 242 päätöstä ja tytöille 87 päätöstä (2009: 333 pojille / 99 tytöille).<sup>17</sup> Näistä myönteisten päätösten osuus pojilla oli 75 % (181) ja tytöillä 92 % (80).

<sup>16</sup> Vuoden 2011 päätöstilastoissa on odotettavissa muutos aiempaan johtuen uudesta linjauksesta irakilaisia koskevassa ratkaisukäytännössä. Jatkossa irakilaisille myönnetään suhteessa enemmän oleskelulupia toissijaisen suojelun perusteella.

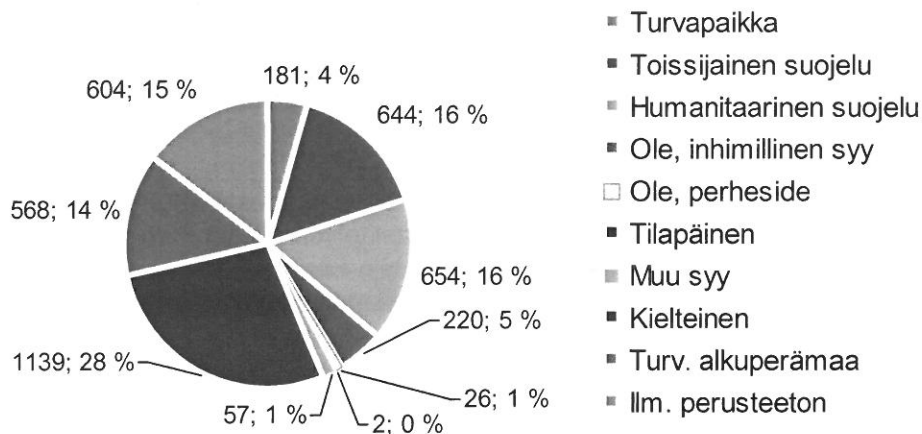
<sup>17</sup> Yhden henkilön sukupuolta ei ole merkitty rekisteriin.



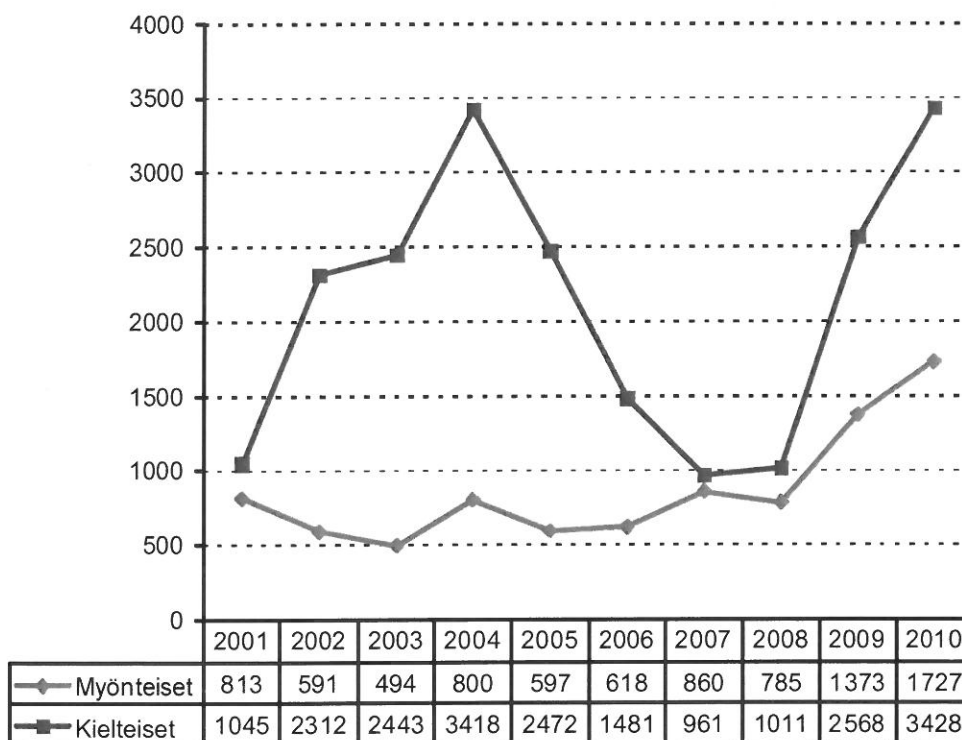
raston linjauksesta olla palauttamatta turvapaikanhakijoita Kreikkaan sekä suuresta EU-kansalaisten hakijamäärästä, mikä vähensi Dublin-päätösten osuutta.

Tarkasteltaessa ainoastaan aineellisesti tutkittuja hakemuksia, eli muita kuin Dublin-päätöksiä tai hakemusten raukeamisia, eri päätöstyyppit jakaantuvat seuraavan kaavion mukaisesti.

#### Aineellisesti ratkaistut hakemukset 2010



#### Myönteiset ja kielteiset päätökset lukumäärinä<sup>12</sup> vuosina 2001–2010



<sup>12</sup> Taulukko ei sisällä raukeamispäätöksiä eikä oleskelulupia muiden syiden, kuten työnteen tai opiskelun perusteella.





**PERMANENT MISSION OF FINLAND  
GENEVA**

GEN7062-95

### **VERBAL NOTE**

The Permanent Mission of Finland to the United Nations and other International Organisations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to the request for information, dated 12 April 2011, on national action plans to combat racism, has the honour to submit the attached reply of the Government of Finland and a copy of the national action plan "Monitoring of discrimination in Finland – Action Plan 2010-2013".

The Permanent Mission wishes to inform the Office that a reply with the same contents has also been submitted to the request to provide information on the implementation of the General Assembly resolution A/RES/65/240.

The Permanent Mission of Finland to the United Nations and other International Organisations avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, 21 June 2011



Enclosures: (1) the written reply by the Government of Finland and (2) a copy of the national action plan "Monitoring of discrimination in Finland – Action Plan 2010-2013"

The Office of the United Nations High Commissioner for Human Rights  
Geneva

## Implementation of the Durban Declaration and Platform for Action in Finland

The Legal Affairs Unit of the Ministry of the Interior is responsible for coordination of equality and non-discrimination policies at the level of the Council of State. The Ministry of the Interior draws attention to the national policy against discrimination as a part of implementation of the Durban Programme of Action. Even though no actual National Action Plan for the implementation of the Durban Programme of Action has been drawn up in Finland, most of the objectives of Programme of Action have been taken into consideration as part of immigration, non-discrimination and human rights policies. Essential Action Plans and Strategies in these areas are the Government Immigration Policy Programme, Government Report to Parliament on the Human Rights Policy of Finland, Finland's National Policy on Roma, National Action Programme to Combat Discrimination, and Internal Security Programme. In summer 2011 the Government will at the request by the Parliament commence preparation of the National Human Rights Programme. The Programme will contain also themes included in the Durban Programme of Action.

As to composition and measures regarding policy against discrimination, the following aspects should be stressed. In connection to reorganization of administration carried out in 2008, an area of responsibility regarding equality was founded within the Legal Affairs Unit of the Ministry of the Interior.

Its tasks comprise of:

- 1) assisting and monitoring equality planning of the authorities,
- 2) implementing the Monitoring System of Discrimination and developing it,
- 3) consolidating coordination and developing functions in the field of combating racism and ethnic discrimination to the extent they relate jointly to new and old ethnic minorities,
- 4) consolidating EU's programmes and projects to the extent they relate to all or several of the following grounds for discrimination: ethnic origin, religion and conviction, age, disability and sexual orientation.

According to the Non-Discrimination Act the authorities have the responsibility to actively foster equality and non-discrimination. According to the Act the authorities shall draw up a plan for fostering of ethnic equality (equality plan). The Legal Affairs Unit of the Ministry of the Interior has during 2008 - 2010 compiled a group of experts to evaluate equality planning of the authorities. The group of experts conducted a survey on the situation of equality planning in the municipalities, prepared an equality strategy and the Ministry's equality plan in cooperation with other departments and units within the Ministry, issued new general plans concerning contents of equality plans, published a guide regarding equality planning and organized training and briefings to the authorities in several locations around Finland as a part of the YES project, which is financed by the European Union's Progress programme.

In 2008 in connection to the YES project altogether 10 workshops for equality planning were organized to the authorities. To these workshops altogether 200 government officials from the Police, the Border Guard and the Emergency Response Centre Administration participated. The aim of the workshops was to give support to the development process which the Ministry of the Interior had commenced within its own administrative sector concerning equality planning within the administration. In 2010 in several locations around Finland altogether 14 one day training and workshops concerning equality planning were organized to the authorities of municipalities and regional administration and to different administrative sectors of the Ministry of the Interior, the Ministry of Employment and the Economy and Ministry of Education and Culture. Immigrant organisations have participated in training,

and it has included, inter alia, legislation prohibiting racism and good practices to intervene racism. Target groups for training have been especially those authorities which have not yet drawn up an equality plan or which have been updating their existing plan. Altogether 276 government officials have participated in the training. In the training following issues were stressed: identification and intervention concerning discrimination, the principles of good governance and noticing the needs and situations of customers and employees who represent different minorities while planning the functioning and services of an authority.

The Ministry of the Interior set in the beginning of 2008 the Monitoring of Discrimination project. The aim of the project is to collect information on realization of non-discrimination for different population groups. The aim of the Monitoring System of Discrimination that will be put into effect is to give updated and objective information on the amount, nature, causes and consequences of discrimination in Finland. When collecting information the legislation concerning privacy and ethical questions related to research will be taken into account. Implementation of the Monitoring System of Discrimination does not aim to replace the monitoring of the state of affairs relating to equality that is carried out by the independent supervisory bodies (judicial and supervisory authorities) but rather it is based on the internal need of the Council of State to collect information on the realization of the fundamental rights to improve the policy against discrimination. The Monitoring System of Discrimination can also be utilized when preparing and monitoring policy programmes concerning different population groups, evaluating the effect of legislative projects and reporting on implementation of the international human rights conventions.

The Monitoring Group of Discrimination is responsible for the implementation of the Monitoring System of Discrimination. A permanent research and statistics subgroup functions in connection to the Group. This subgroup coordinates measures aimed at developing studies and statistics. The tasks of the Monitoring Group of Discrimination comprise of a) coordinating and implementing the national monitoring system of discrimination, b) defining quantitative and qualitative requirements for different surveys which are carried out on a yearly basis, c) collecting information on state of affairs regarding discrimination among different population groups, d) maintaining a website that collects information on discrimination, e) developing research and statistics in coordination with research institutes and organisations maintaining statistics and f) informing and training different actors on state of affairs regarding discrimination, on development of monitoring of discrimination and on possible need for information. The Legal Affairs Unit of the Ministry of the Interior coordinates the functioning of the Group. In 2008 the Monitoring Group of Discrimination commissioned a report on Discrimination in Finland. The Finnish League for Human Rights was responsible for the report. Furthermore during 2008 and 2009 the Monitoring Group of Discrimination commissioned surveys regarding possibilities to conciliate the obligation to avoid conflict among the Roma and the cases of work discrimination found by the Regional Occupational Safety and Health Inspectorates.

From the beginning of 2010 the monitoring of discrimination has been carried out according to a four-year plan drawn up by the Monitoring Group of Discrimination (see appendix). During 2010 - 2013 monitoring of discrimination will be put into effect through annual discrimination surveys that cover all prohibited grounds of discrimination and a wide report on Discrimination in Finland that is realized every four years. The annual discrimination surveys include the following issues that are essential in realization of equality: Education and Leisure (2010), Work (2011), Justice and Safety (2012) and Social and Health Services (2013). In discrimination surveys the manifestation of discrimination is examined in relation to all prohibited grounds of discrimination. Of the grounds of discrimination ethnic origin, age, religion and conviction, disability and sexual orientation are included. Apart from sexual orientation gender is taken into account from the perspective of multiple discrimination. The Discrimination Survey of 2010 was published in March 2011 and it dealt with discrimination in

education and leisure time and discrimination experienced by young people belonging to sexual and gender minorities who study at the upper secondary education. The study indicated that children and young people who belong to minority groups have more experiences with discrimination and bullying than other coevals. Based on the said survey and a survey realized within the YES4 project studying discrimination experiences of children and young people, the Ombudsman for Minorities and the Ombudsman for Children in Finland published a recommendation for prevention and reduction of discrimination experienced by children and young people. According to the recommendation schools should, inter alia, draw up equality plans, in which measures to detect, prevent and intervene discrimination and bullying would be defined.

The Discrimination Surveys and reports on Discrimination in Finland produced by the Monitoring Group of Discrimination are published in the website of the monitoring of discrimination. They form a part of the [www.equality.fi](http://www.equality.fi) -website. The Monitoring Group of Discrimination maintains a section containing information on discrimination which is under construction at the moment. Information on discrimination produced by different actors will be collected to the section. The information on discrimination is classified according to a three-tier model to categories of subjective experiences of discrimination, discrimination cases reported to the authorities and discrimination cases verified in the Court.

The Legal Affairs Unit of the Ministry of the Interior has implemented several projects which aim also at abolishing racial discrimination. The most significant of these is the YES project which receives funding under the EU's Progress programme (priority axis: non-discrimination).

The EU's policy against discrimination has been implemented in Finland within the YES project. The YES project is a part of the European Commission's Progress programme which aims at assisting national authorities responsible for promotion of equality and non-discrimination. The Legal Affairs Unit of the Ministry of the Interior administers the YES project. The YES project has received support for one year at a time since the beginning of 2007. At this moment a fourth year of the project is ongoing. The project aims at diminishing discrimination and promoting acceptance of a diverse society by a) providing research information on different forms of discrimination, b) supporting the authorities in recognizing discrimination and creation of frameworks and functions that promote equality, c) empowering groups at risk of discrimination inter alia by training the trainers and d) producing information on equality and diversity to the needs of the authorities and experts as well as to the needs of the general public.

Research information has been produced inter alia on handling of racist crime in the Finnish legal system (YES1), the amount of hate crime (YES2), equality in the school system from the perspective of special needs education (YES2) and discrimination experienced by children and young people belonging to sexual and gender minorities in school and leisure. The aim has been to distribute research information as widely as possible to the knowledge of the authorities in briefings, seminars and workshops. The aim has also been to jointly discuss the solutions to diminish discrimination.

The authorities on several administrative sectors and levels have been trained both in questions related to discrimination in general and in drawing up equality plan required in the Non-Discrimination Act. During the third year of the project (1 November 2009 - 30 October 2010) the specific objective was to assist quantitative and qualitative development of equality planning through training and information given. Six regional invitational workshops to those authorities who still lack an equality plan and to eight sector-specific workshops were organized. Furthermore an online-training regarding the equality legislation has been created to the disposal of the authorities.

The civil society and in particular the activeness of the groups which are in risk of discrimination have been supported via empowering programmes of organisations. Activities have included, inter alia, workshops on civil rights and discrimination and training on applying for project funding.

Examples of the briefings carried out in connection to the project are, inter alia, the Diversity Days in which discrimination and equality issues are discussed widely and the [www.equality.fi](http://www.equality.fi) -website which contains information and links on the subject matter. The primary target groups in both are the authorities and the experts.

The Ministry of the Interior has financed and implemented jointly with NGOs an information campaign "Discrimination-free Zone" which invites organisations to declare themselves as discrimination-free. The organisations which have declared themselves as discrimination-free should place a Discrimination-free Zone -traffic sign to a visible location in the premises of the organisation. Over 300 organisations have joined the campaign (government bodies, schools, universities, companies, organisations and political parties are involved).

The Legal Affairs Unit of the Ministry of the Interior has during 2007 - 2009 participated in Building Inclusion -project coordinated by the Spanish Ministry of Social Affairs and Health. In the national section of the project (Equality in Housing project) the realization of equality in housing of immigrants and Roma in the metropolitan area was looked into during summer 2008. According to the qualitative results (45 immigrants from nine different language groups and nine Roma were interviewed) immigrants and Roma witness discrimination based on their ethnic background regarding services in particular. The results indicated that areal centralization of immigrants in the metropolitan area at the level of apartment houses and blocks has formed. The immigrants interviewed, of whom half had a refugee background, did not hope for areal centralization.

In 2010 "Special Needs Class in the Course of Life" survey was published. The survey focused on young people with disabilities, Roma and immigrant backgrounds, who studied in special education classes and their experiences of studying in special education class, and the impact of this to their equal possibilities to advance in studies during the different phases of their educational careers. In 2008 a study on the course of suspected crimes containing racist features in the criminal proceedings was published. In 2009 a study on suspected hate crimes reported to the police in 2009 in Finland was published. The study on suspected hate crimes is carried out annually and the studies regarding 2008 and 2009 show that the amount of suspected hate crimes has increased. In 2010 a survey on the living conditions of the disabled was published as a part of a project called "Free". The project is financed by the European Refugee Fund. Additionally as a part of the Internal Security Programme implemented by the Ministry of the Interior a survey on security threats of ethnic minorities has been carried out.

#### Advisory Board for Ethnic Relations (ETNO)

The Government appointed the Advisory Board for a three-year period 2008 - 2011 (352/2008). In addition to the National Advisory Board four regional ETNOs and working groups which discuss various thematic entities have been functioning during this time. The fifth term will begin in autumn 2011, and according to the new Government Decree (298/2011) the Advisory Board will be appointed for a four-year period 2011 - 2015 and the amount of regional ETNOs will be increased from four to seven.

Advisory Board for Ethnic Relations is appointed by the Government. It is attached to the Ministry of the Interior. The functions of the Advisory Board are to develop dialogue between the authorities, NGOs, labour market organisations and political parties represented in the Parliament in national, regional and local level. The Advisory Board assists the authorities as an expert in immigration policy to develop a society which is ethnically equal and diverse and to promote good ethnic relations.

During 2008 - 2011 ETNO has actively for its part aimed at influencing racist and xenophobic attitudes, inter alia, by distributing information, organizing annually the Forum for Ethnic Relations, giving public statements, advancing participation of immigrants and ethnic minorities and appointing people in influential positions for Goodwill Ambassadors to promote diverse society and to combat racism.

#### AFRO project coordinated by the Ministry of the Interior

Composition of the civil service should match composition of the population the civil service is serving. In Finland immigrants are underrepresented in several professions among the public sector, inter alia, in central administration and security sector. The aim of the AFRO 1 project was to influence attitudinal atmosphere and to increase the representation of third country citizens in the tasks of the public administration. The training which prepared for tasks in the public sector was given to 20 persons. In addition to the training they participated in practical training in ministries and other posts of the Public Sector. The project was carried out during 2010. In the AFRO 2 project which will be carried out during 2011 one of the objectives is to encourage third country citizens belonging to minorities to seek their way to police and fireman training, inter alia, through access courses and thus influence attitudinal atmosphere.

#### The Working Group against Racism within ETNO and the Goodwill Ambassador model

In the Advisory Board for Good Ethnic Relations a Working Group against Racism was functioning during 2005 - 2008. The task of the Working Group was to develop approaches a) to monitor ethnic relations, b) to intervene in negative phenomena and events and c) to diffuse good practices. The responsibility of the Working Group was to prepare a proposal to handle and to intervene racist events and phenomena and to develop the Goodwill Ambassador model. The Advisory Board appoints to Goodwill Ambassadors persons who have in their own personal and professional lives promoted development of a society free of racism and discrimination. The aim of the model is to get publicity to the work done against racism, and to highlight the issues related to discrimination. The Goodwill Ambassador model has continued during 2008 - 2011 and there are 14 Goodwill Ambassadors at the moment.

#### The engagement of the political parties represented in the Parliament to promote racism-free society

In March 2011 the Advisory Board organized in cooperation with the Office of the Ombudsman for Minorities and the Finnish League for Human Rights a venue where political parties signed the Charter of European Political Parties for a Non-racist Society. All political parties represented in the Parliament signed the Charter. In total there were 11 signatories, of which 10 had signed the Charter already earlier. Therefore these 10 parties renewed their commitment.

#### Together we can! -campaign

The Ministry of the Interior and ETNO launched Together we can! -campaign in 2011. The aim of the campaign is to enhance confluence and interaction of different population groups and people in everyday life and through this diminish prejudices. The campaign continues throughout 2011.

The Ministry of the Interior, ETNO and the Minister of Migration and European Affairs have recommended that ministries and organizations of the Public Administration, private enterprises, organisations and religious communities and political parties would participate in the campaign. By May 2011 approximately 50 campaign events has been organized in different locations around Finland.

The actions of the Police in prevention and investigation of hate crimes

The Police has emphasized prevention of racism and discrimination and augmentation of tolerance by various means. The threshold for intervening racist acts has been diminished substantially and they are investigated without delay when possible. The Police cooperates continuously with prosecutors at the local level and with the state prosecutors concerning hate crimes, and especially racist crimes, so that the police and the prosecutors would be able to take into consideration the special characteristics of racist crimes. The basic police training (diploma in police studies) includes information on the pre-trial investigation of crimes.

The training of the Police has been developed through various measures in order to intervene in a more efficient manner hate crimes and cases of discrimination which have been reported to the Police. The continuing training on investigation of hate crimes is organized annually for the personnel of the Police.

The role of the Police in cooperation in combating racism and discrimination

The Police has widely collaborated with the authorities representing several sectors of administration and cooperated with NGOs in national, regional as well as local level to combat discrimination and racism.

The Police has participated during several years in the SEIS -project in which the authorities representing several sectors of administration and representatives of various organisations also participate. The Police has also participated in the YES -project.

The Police has participated in several international seminars and training seminars.

In 2010 the National Police Board founded a forum for cooperation between the Police and ethnic minorities.

Promotion of tolerance in the Police

In professional basic, continuing and additional training of police officers the promotion of tolerance has been paid attention to.

In continuing and additional training of police officers several training seminars are arranged annually. In the seminars issues related to fundamental and human rights and ethical police work are being discussed, and the knowledge on multiculturalism and different religions is increased.

Recruiting of minorities to the Police

Persons belonging to minorities have sought their way to police training, and they have also been recruited. In order to recruit even more candidates who represent minorities, inter alia, application requirements have been renewed to the appropriate extent.

Offences with a racist motive which have been reported to the Police

The Police College has since 1997 carried out on an annual basis a survey of offences with a racist motive, which have been reported to the Police in the previous year. Since 2008, the survey has covered hate crimes which have been reported to the Police and in which the reasons for victimization have been ethnic origin, religion or conviction, sexual orientation and disability.

The aim of the survey has been to give information on hate crime which has been reported to the Police, but also depict the phenomenon in a wider perspective.

#### Racism on the internet and measures of the Police

The development of internet surveillance has been emphasized, for example, by increasing resources directed at the surveillance and deepening cooperation with different providers of internet services.

An essential part of the strengthening of the internet surveillance is to educate the citizens to report actively on suspected online crime through a tip off system that is being constructed.

During 2010 the Police received 1028 tip offs related to racism of which 22 led to measures.

The Police has also cooperated with, inter alia, the Ministry of Transport and Communications and FiCom (Finnish Federation for Communications and Teleinformatics) to draw up Voluntary Guidelines for providers of internet services. The Voluntary Guidelines were published in March 2010.

The Police also operates in the social media via IRC-gallery, Facebook and YouTube.

#### Finnish legislation on racist, xenophobic and hate crimes

Under section 6 of the Constitution of Finland, all people are equal before the law and nobody may, without an acceptable reason, be discriminated against on grounds of gender, age, origin, language, religion, conviction, opinion, health, disability or other reason connected with the person in question. This provision is a statement of the main principle regarding non-discrimination, equality, and the ban on discrimination which is an independent human right enshrined in international human rights conventions.

#### Ethnic agitation

The main provision covering hatred speech is Section 10 in Chapter 11 in the Criminal Code (Ethnic agitation). In practise it criminalises public distribution of racist material, speech and other messages.

Criminal Code, Chapter 11, Section 10 - Ethnic agitation:

A person who spreads statements or other information among the public where a certain national, ethnic, racial or religious group or a comparable population group is threatened, defamed or insulted shall be sentenced for ethnic agitation to a fine or to imprisonment for at most two years.

#### Other hate motivated crimes

Another important provision is Section 5, paragraph 4 in Chapter 6 in the Criminal Code. It gives grounds for increasing the punishment if a crime has been motivated by hatred towards a specific group, such as an ethnic minority. In practise this means that if, for example, an assault is directed to a member of a specific ethnic group and the motivation behind the assault is hatred towards that ethnic group this can be regarded as grounds for increasing the punishment for the assault.

Criminal Code, Chapter 6, Section 5 – Grounds increasing the punishment:

(1) The following are grounds for increasing the punishment:

- (1) the methodical nature of the criminal activity,
- (2) commission of the offence as a member of a group organised for serious



- offences,
- (3) commission of the offence for remuneration,
  - (4) directing of the offence at a person belonging to a national, racial, ethnic or other population group due to his or her membership in such a group, and
  - (5) the criminal history of the perpetrator, if the relation between it and the new offence, due to the similarity between the offences or otherwise, shows that the perpetrator is apparently heedless of the prohibitions and commands of the law.

#### Current changes to criminal law

Finland is currently ratifying the additional protocol to the CoE Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189). In the same process the Finnish legislation is being amended to meet the requirements of the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law.

The Parliament accepted the Convention and the required changes to the Criminal Code in March 2011. The new provisions will come into force 1 June 2011.

For example, a new aggravated provision on ethnic agitation will be added in the Criminal Code. It will be applicable mainly in cases of public agitation to genocide or other serious forms of crimes against humanity. A maximum penalty for aggravated ethnic agitation will be 4 years of imprisonment. Also it has been approved that the scope of the provision on ethnic agitation will be widened to cover not only agitation against ethnic groups, but also against other minorities such as sexual minorities and people with disabilities. Some other amendments on the provision will also be made to tackle the increasing number of racist crimes committed on the internet.

The provision on grounds increasing the punishment will also be amended so that it covers not only crimes with racist motivation, but also other types of hate crimes. For this reason sexual orientation and disability will be added to the list.

Liability of legal persons for racist and other hate crimes committed for their benefit will also be increased.

#### Measures in the field of employment and working life

One of the aims of the national YES – Equality is Priority -project has been to combat discrimination and promote diversity in society. In 2010 the Ministry of Employment and the Economy carried out a mapping exercise on good practices in diversity management in both private and public sectors. Based on the results, a publication called Success from diversity – vitality from difference was produced and distributed to companies and public sector organisations.

In 2009, a research review on discrimination in recruitment was conducted by the University of Helsinki (commissioned by the Ministry of Employment and the Economy). According to the review, Finnish research on recruitment discrimination is still fairly scant. It was especially noted that there is no research on recruitment discrimination in Finland to be explicitly classified as field experiments.

Therefore, in 2011, the Ministry of Employment and the Economy will launch a research project in order to develop the monitoring system of discrimination in employment and to measure discrimination in recruitment. The research project is part of the horizontal YES – Equality is Priority project and it will be conducted in close co-operation with the National Monitoring Group on

Discrimination, co-ordinated by the Ministry of the Interior. One of the methodologies to be utilized in this research project will most likely be the “situation testing”, developed by the ILO.

In 2012, the focus of our national activities will be on raising awareness and opening public debate especially on the discrimination in recruitment. Another aim will be to promote diversity in working life and business by supporting voluntary initiatives such as Diversity Charters.

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# **MONITORING OF DISCRIMINATION IN FINLAND – ACTION PLAN 2010–2013**

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## Background:

In 2006, in collaboration with the European Commission, a broad-based working group set up by the Ministry of Labour drafted a proposal for a national discrimination monitoring system (MERA project: Monitoring of Discrimination in Finland – a Proposal, labour administration publication 374/2007)<sup>1</sup>. Developing the monitoring system relates to the implementation of national and international law concerning equality and the monitoring of its effectiveness. The work of preparing the implementation of the monitoring system was transferred to the Ministry of the Interior in 2008 in connection with the administrative reform. On 27 August 2008, the Ministry of the Interior set up a project for implementing a discrimination monitoring system<sup>2</sup>. The purpose of the system is to give up-to-date and objective information on the incidence, nature, causes and consequences of discrimination in Finland. In collecting data for the system, factors to be taken into consideration include legislation on the protection of privacy and ethical issues relating to research. The body responsible for implementing the monitoring system is the Discrimination Monitoring Group<sup>3</sup>. The Group's activities are supervised by the Legal Affairs Department of the Ministry of the Interior. In 2008 the Discrimination Monitoring Group commissioned the drafting of a report 'Discrimination in Finland' as a purchased service. The Finnish League for Human Rights was selected to draft the report. In addition, during 2008 and 2009, the Monitoring Group commissioned surveys on possibilities for mediation in cases involving the Roma avoidance obligation and in cases of workplace discrimination brought before the Occupational Safety and Health districts.

The Discrimination Monitoring Action Plan 2010–2013 is based on the proposal made by the MERA project for a national discrimination monitoring system. The proposal has been revised on the basis of development recommendations made by the Monitoring Group in the period 2008–2009. Consideration has also been given in the proposed actions to needs for information on the enforcement of human rights treaties and the monitoring of their implementation. The discrimination monitoring system is not intended to replace the monitoring of the equality situation carried out by independent supervisory bodies (legal and supervisory authorities), but it is based on the Government's internal need to collect data on the implementation of fundamental rights with a view to improving anti-discrimination policy in different areas of life. The discrimination monitoring system can also be utilised in preparing and monitoring policy programmes relating to various population groups, assessing the impacts of legislative projects and reporting on the implementation of international human rights treaties.

## Membership and tasks of the Discrimination Monitoring Group

The Monitoring Group will continue to operate on a broad basis and it will be supplemented by the addition of two new representatives. The following organisations are represented in the Monitoring Group for 2010–2013:

- The Ministry of the Interior
- The Ministry of Justice
- The Ministry of Education
- The Ministry of Social Affairs and Health
- The Ministry of Employment and the Economy
- The Ministry for Foreign Affairs

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<sup>1</sup> The preparation of the monitoring system began in the Ministry of Labour in 1998 when a report on racism and ethnic discrimination monitoring in Finland was published

<sup>2</sup> Ministry of the Interior 107:00/2008

<sup>3</sup> The composition of the Monitoring Group is given in Appendix I.

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- The Regional State Administrative Agency for Southern Finland/Occupational Safety and Health
- The Office of the Ombudsman for Minorities
- The Office of the Ombudsman for Children in Finland
- The Office of the Data Protection Ombudsman
- The National Research Institute of Legal Policy OPTULA
- The National Institute for Health and Welfare THL
- The Institute of Migration
- The Finnish Youth Research Society
- The Advisory Board on Romani Affairs RONK
- The National Council on Disability VANE
- The Association of Finnish Local and Regional Authorities
- The Confederation of Finnish Industries EK
- The Central Organisation of Finnish Trade Unions SAK
- SSG – Finland's Sámi Central Organization
- The Finnish Disability Forum
- Sexual Equality SETA
- SPF The Association of Swedish-Speaking Pensioners
- The Finnish Islamic Council SINE
- SONDIP – The Union of Multicultural Associations in South-West Finland
- The Finnish League for Human Rights
- The Finnish Red Cross
- The Family Federation

In addition, the Monitoring Group consults experts from various bodies as considered necessary. The Ministry of the Interior Legal Affairs Unit coordinates the Discrimination Monitoring Group's activities.

The tasks of the Monitoring Group are:

1. To coordinate and implement the national discrimination monitoring system
2. To define the formal requirements and content of the annual discrimination surveys on different areas of life
3. To collect data on the situation regarding discrimination in different population groups and to maintain a web page where data on discrimination is collated
4. To develop research and statistics on discrimination in cooperation with research institutes and the organisations responsible for keeping statistics
5. To provide information and training for various actors on discrimination situations, the development of discrimination monitoring and any information needs arising

The Discrimination Monitoring Group meets three times a year. The first meeting of the year (planning meeting) is held in January-February, the second (analysis meeting) on completion of the annual survey on discrimination and the third (monitoring meeting) in November-December. The Ministry of the Interior Legal Affairs Unit may also convene extraordinary meetings.

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A permanent research and statistics sub-group operates under the Monitoring Group. Its task is to coordinate actions that are aimed at developing research and statistical work. The following bodies are represented on the research and statistics sub-committee:

- The Ministry of the Interior
- The Ministry of Social Affairs and Health
- The Ministry of Employment and the Economy
- The National Research Institute of Legal Policy OPTULA
- The National Institute for Health and Welfare THL
- Statistics Finland
- The Population Research Institute
- SPF The Association of Swedish-Speaking Pensioners
- The Central Organisation of Finnish Trade Unions SAK
- The Confederation of Finnish Industries EK
- The Finnish Association on Intellectual and Developmental Disabilities (FAIDD)
- The Finnish League for Human Rights

## **The discrimination monitoring system**

### ***Discrimination surveys and the report on Discrimination in Finland***

During the period 2010–2013 the monitoring of discrimination will be implemented by means of discrimination surveys covering all grounds of discrimination to be conducted annually, and extensive reports on Discrimination in Finland covering all areas of life to be drafted every four years. The annual discrimination surveys will deal with the following areas of life, which are crucial for the implementation of equality:

1. Education and recreation
2. Working life
3. Access to justice and security
4. Social welfare and health services

The discrimination surveys will examine discrimination based on all grounds of discrimination, which include ethnic origin, age, religion and conviction, disability and sexual orientation. In addition, discrimination based on gender is considered from the perspective of multiple discrimination criteria. The surveys consist of

1. A general part that examines the existing data on discrimination by area of life for all groups (data on complaints by bodies supervising legality, criminal statistics, court statistics, key research concerning the area of life concerned, barometers, etc.)
-

2. An empirical part that collects new data on discrimination situations by area of life (recruitment, discrimination in access to education) or various issues differentiated by ground of discrimination (ageing persons in recruitment situations, etc.) The research methods are agreed on separately and include interviews, questionnaires and discrimination testing.

The Discrimination in Finland report published every four years collates and analyses data collected by means of the discrimination surveys and includes concrete proposals for action aimed at developing anti-discrimination policies in different areas of life. The members of the Discrimination Monitoring Group bring the development proposals before the decision-making organs of their own organisations (Ministries' Management Groups, Boards of the organisations concerned etc.)

The Legal Affairs Unit implements a competitive tendering process and selects the body responsible for producing the Discrimination in Finland report on the basis of tenders received. The Act on Public Contracts (348/2007), section 72, and the General Terms of Public Procurement 1994 are applied as appropriate. The criteria for the selection of a supplier are:

- Price 40%
- Quality/content 40%
- Experience and competence of person/persons offering the service 20%

### ***Actions for developing research and statistical work***

The purpose of collecting data on discrimination is to develop statistical theory and research activities relating to discrimination. The planning and practical implementation of actions is the responsibility of the research and statistics sub-group of the Discrimination Monitoring Group. The actions are intended to create structures enabling cooperation between the different organisations producing research and statistical data. The long-term objective of the activities is to integrate the discrimination perspective into existing research and statistical projects concerning different areas of life, and to reinforce the status of discrimination research in Finnish scientific policy.

### ***Discrimination monitoring web pages and collection of discrimination data***

The discrimination surveys produced by the Monitoring Group and the Discrimination in Finland report are to be published on the discrimination monitoring web pages, which will form part of the equality.fi website. The Monitoring Group will maintain a discrimination data section to be constructed for the site, where data on discrimination produced by various bodies will be collected. Data on discrimination will be classified according to a three-step life cycle model as follows:

1. Subjective experiences of discrimination<sup>4</sup>
2. Notified cases of discrimination<sup>5</sup>
3. Cases of discrimination verified by a court of law<sup>6</sup>

The Legal Affairs Unit of the Ministry of the Interior will be responsible for updating the website. In addition to discrimination data, the Monitoring Group will collect general information on

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<sup>4</sup> Victim studies, questionnaires, attitude studies, etc.

<sup>5</sup> Annual reports of supervisory bodies, criminal statistics, discrimination cases notified to NGOs, etc.

<sup>6</sup> Court statistics



different population groups for the equality.fi website. This data can be used, where applicable, in the context of the indirect measurement of discrimination. An annual summary (data report) will be published on the Monitoring Group's web page, giving the results of research, statistics and surveys on equality and discrimination published in the year concerned.

### ***Training***

The Discrimination Monitoring Group will conduct training for various target groups on the collection of discrimination data (research and statistics) and on the application of the data. The Monitoring Group is responsible for planning the content of training.

### **Actions planned for the years 2010–2013**

The Discrimination Monitoring Group will carry out the actions specified in Tables 1–4 during the period 2010–2013.

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TABLE 1

Year 2010	Actions	Responsible bodies	Funding and schedule
Discrimination survey	<p><b>Education and recreation</b> survey of discrimination experienced by different groups in educational and recreational activities</p> <p>Empirical research on discrimination as experienced in secondary education institutions by young members of sexual minorities</p>	<p>Purchased service</p> <p>In addition: Monitoring Group, Med, MI, SETA</p>	Budget for discrimination monitoring autumn 2010
Developing research and statistical work	Developing statistics on workplace discrimination	<p>Research and statistics sub-group</p> <p>MEE, Statistics Finland, EK, SAK, Work Research Centre WRC, Regional State Administrative Agencies, Social Insurance Institution of Finland KELA, National Institute for Health and Welfare THL and MI</p>	part of official duties
Data report	Summary of key results of research, surveys and statistics on discrimination and equality in 2010 to be published on equality.fi website	MI/Legal Affairs Unit	part of official duties
Training	Training on collecting and compilation of statistics on discrimination data for NGOs	Monitoring Group	Budget for discrimination monitoring autumn 2010
Other actions (information, etc.)	Briefing for schools and publication of discrimination survey	MI/Legal Affairs Unit, Monitoring Group, and press and communications services of responsible ministries	

MINISTRY OF THE INTERIOR  
Legal Affairs Unit

TABLE 2

Year 2011	Actions	Responsible bodies	Funding and schedule
Discrimination survey	<b>Working life</b> survey of workplace discrimination and access to work  Empirical research on discrimination in recruitment situations (discrimination testing pilot method)	Purchased service  In addition: Monitoring Group, MEE, EK, SAK, MI, Centres for Economic Development, Transport and the Environment ELY	Budget for discrimination monitoring Possible additional funding to be investigated autumn 2011
Developing research and statistical work	Finding and developing research cooperation	Research and statistics sub-group, Åbo Akademi University, University of Lapland, Erik Castren Institute, (UH) Dept. of Social Studies, SSKH Swedish School of Social Science	part of official duties
Data report	Summary of key results of research, surveys and statistics on discrimination and equality in 2011 to be published on equality.fi website	MI/Legal Affairs Unit	part of official duties
Training	Discussion on discrimination with MPs	MI, Monitoring Group, Parliamentary Office	Budget for discrimination monitoring spring 2011
Other actions (information etc.)	Briefing on publication of report on workplace discrimination	MI/Legal Affairs Unit, Monitoring Group, press and communications services of responsible ministries	

TABLE 3

Year 2012	Actions	Responsible bodies	Funding and schedule
Discrimination survey	<p><b>Access to justice and security</b> survey on discrimination in activities of legal enforcement and supervisory authorities</p> <p>Empirical research on discrimination in security services experienced by persons belonging to ethnic groups (immigrants, Roma, Sámi)</p>	<p>Purchased service</p> <p>In addition: Monitoring Group, MEd, OPTULA</p>	Budget for discrimination monitoring autumn 2012
Developing research and statistical work	Developing statistics on discrimination sentences	Research and statistics sub-group Med, Statistics Finland, OPTULA, Chancellor of Justice, Parliamentary Ombudsman	part of official duties
Data report	Summary of key results of research, surveys and statistics on discrimination and equality in 2012 to be published on equality.fi website	MI/Legal Affairs Unit	part of official duties
Training	Training on use of discrimination data for journalists	Monitoring Group	Budget for discrimination monitoring spring 2012
Other actions (information, etc.)	Briefing on publication of report on discrimination in recreational activities	MI/Legal Affairs Unit, Monitoring Group, press and communications services of responsible ministries	

TABLE 4

Year 2013	Actions	Responsible bodies	Funding and schedule
Discrimination survey	<b>Social welfare and health services</b> survey of discrimination in social welfare and health services  Empirical study on equal opportunities for ageing and disabled persons in using SWH services	Purchased service  In addition: Monitoring Group, MI, VANE, the Central Union for the Welfare of the Aged	Budget for discrimination monitoring spring 2013
Discrimination in Finland report	Report on the discrimination situation for the period 2010–2013	Purchased service	Budget for discrimination monitoring autumn 2013
Developing research and statistical work	Developing research and statistical work in the ministries	Research and statistics sub-group, MI, MEd, MEE, MSAH, MJ, Advisory Board for Sectoral Research	part of official duties
Data report	Summary of key results of research, surveys and statistics on discrimination and equality in 2013 to be published on equality.fi website	MI/Legal Affairs Unit	part of official duties
Training	Training on discrimination monitoring for civil servants responsible for equality planning	Monitoring Group	Budget for discrimination monitoring
Other actions (information, etc.)	Briefing on publication of report on workplace discrimination	MI/Legal Affairs Unit, Monitoring Group, press and communications services of responsible ministries	

## Budget

An annual sum of EUR 50,000 has been earmarked in the Ministry of the Interior's budget for implementing the monitoring system. For the purpose of drafting discrimination surveys and for developing research and statistics, additional funding can be applied for by sector (ministries and other authorities). The additional funding is negotiated separately in connection with the actions in question by the members of the Discrimination Monitoring Group, who negotiate with the bodies they represent. Special funding for discrimination monitoring can also be applied for in connection with the European Commission's funding programme for discrimination monitoring.

## Information

The Discrimination Monitoring Group is responsible for planning information relating to discrimination monitoring. All surveys produced in connection with discrimination monitoring will be published on the website [www.equality.fi](http://www.equality.fi). Briefings will be held in connection with the publication of discrimination surveys, and, in addition, training events organised by the Monitoring Group will be used for disseminating information on discrimination monitoring. The members of the Monitoring Group are responsible for conveying information to the cooperation networks and the decision-making organs in their own sector.

## Monitoring the implementation of the Action Plan

The Discrimination Monitoring Group will follow up the implementation of the Action Plan at an evaluation meeting held at the end of the year. The Ministry of the Interior Legal Affairs Unit will prepare a report on the implementation of the Action Plan for the Discrimination Monitoring Group. The implementation of the Action Plan will also be examined in connection with the evaluation of the Legal Affairs Unit's performance agreement. Internal Affairs Administration's SITY working group on equality and gender equality will also follow the implementation of discrimination monitoring as part of their evaluation of equality and anti-discrimination activities.

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Taulukko 1. Epäiltyjen rasististen rikosten yleisimmät päärikosnimikkeet vuonna 2007 (Joronen 2008)

Rikosnimike	N	%
Pahoinpitely	176	25,2
Vahingonteko	115	16,5
Kunnianloukkaus	86	12,3
Laiton uhkaus	68	9,7
Lievä pahoinpitely	64	9,2
Syrjintä	47	6,7
Kotirauhan rikkominen	21	3
Lievä vahingonteko	18	2,6
Törkeän pahoinpitelyn yr	15	2,1
Muut	88	12,6
<b>YHTEENSA</b>	<b>698</b>	<b>100</b>

Taulukko 2. Epäiltyjen rasististen rikosten yleisimmät päärikosnimikkeet vuosina 2008 ja 2009 (Peutere 2010)

Rikosnimike	2008		2009	
	N	%	N	%
Pahoinpitely	374	32	391	28
Kunnianloukkaus	155	13	213	15
Laiton uhkaus	128	11	183	13
Lievä pahoinpitely	133	11	183	13
Vahingonteko	77	7	125	9
Kotirauhan rikkominen	35	3	61	4
Törkeä pahoinpitely	15	1	31	2
Lievä vahingonteko	21	2	24	2
Pahoinpitelyn yritys	10	1	21	2
Syrjintä	74	6	19	1
Järjestystä ylläpitävän henkilön vastustaminen	9	1	13	1
Muut rikosnimikkeet	132	11	121	9
<b>Yhteensä</b>	<b>1163</b>	<b>100</b>	<b>1385</b>	<b>100</b>

Taulukko 3. Rasistisia piirteitä sisältävät rikosjutut; rikosilmoitusten ja päärikost määrät vuosina 2007–2009 (Joronen 2008; Peutere 2009; Peutere 2010)

	2007	2008	2009
<b>Rikosilmoitukset</b>	454	755	858
<b>Rikosepäilyt</b>	698	1163	1385

Vuosien 2008 ja 2009 luvut eivät ole vertailukelpoisia vuoteen 2007 nähden menetelmän muutosten vuoksi.

Lähteet

Joronen, Mikko (2008). Poliisin tietoon tullut rasistinen rikollisuus Suomessa 2007. Poliisiammattikorkeakoulun raportteja 72. Poliisiammattikorkeakoulu, Tampere.  
 Peutere, Laura (2009). Poliisin tietoon tullut viharikollisuus Suomessa 2008. Poliisiammattikorkeakoulun raportteja 85. Poliisiammattikorkeakoulu, Tampere.  
 Peutere, Laura (2010). Poliisin tietoon tullut viharikollisuus Suomessa 2009. Poliisiammattikorkeakoulun raportteja 88. Poliisiammattikorkeakoulu, Tampere.

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Aikaväli 1.9.2007 0:00:00 - 14.4.2011 0:00:00

	Käsiteltävät asiat			Käsittelyratkaisut		Ratkaisujen lajit										KM syyteharkinta-aika	
	Avoinna kauden alussa	Saapuneet asiat	Yhteensä	Yhdistetty	Siirretty	Syyte	RV	SJP tpluop	SJP pros	ETL 4.3	ETL 4.4 pros	ETL 4.4. kust	S päätös	S ilmoitus	Yhteensä	Avoinna kauden lopussa	Syytehar-kinta-aika (kk)
Koko maa	13	152	165	2	14	48	0	6	47	14	22	3	4	0	144	5	3,71
						33,33%	0,00%	4,17%	32,64%	9,72%	15,28%	2,08%	2,78%	0,00%	100,00%		
KIIHOTTAMINEN KANSANRYHMÄKÖN VASTUSTAMINEN	6	28	34	1	9	11	0	0	4	5	2	1	1	0	24	0	3,00
%						45,83%	0,00%	0,00%	16,67%	20,83%	8,33%	4,17%	4,17%	0,00%	100,00%		
SYRJINTÄ	7	82	89	0	1	26	0	5	34	5	13	2	3	0	88	0	4,45
%						29,55%	0,00%	5,68%	38,64%	5,68%	14,77%	2,27%	3,41%	0,00%	100,00%		
KIIHOTTAMINEN KANSANRYHMÄKÖN VASTUSTAMINEN	0	12	12	0	2	4	0	1	2	1	0	0	0	0	8	2	3,76
%						50,00%	0,00%	12,50%	25,00%	12,50%	0,00%	0,00%	0,00%	0,00%	100,00%		
SYRJINTÄ	0	30	30	1	2	7	0	0	7	3	7	0	0	0	24	3	2,12
%						29,17%	0,00%	0,00%	29,17%	12,50%	29,17%	0,00%	0,00%	0,00%	100,00%		

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Aikaväli 1.9.2007 0:00:00 - 14.4.2011 0:00:00

Virastotunnus ja nimi	Käsiteltävät asiat			Käsittelyratkaisut		Ratkaisujen lajit										KM syyteharkinta-aika	
	Avoinna kauden alussa	Saapuneet asiat	Yhteensä	Yhdistetty	Siirretty	Syyte	Rm	SJP tpluop	SJP pros	ETL 4.3	ETL 4.4 pros	ETL 4.4. kust	S päätös	S ilmoitus	Yhteensä	Avoinna kauden lopussa	Syytehar-kinta-aika (kk)
Koko maa	13	152	165	2	14	48	0	6	47	14	22	3	4	0	144	5	3,71
						33,33%	0,00%	4,17%	32,64%	9,72%	15,28%	2,08%	2,78%	0,00%	100,00%		
901 VKSV	5	25	30	1	2	11	0	1	6	5	2	1	1	0	27	0	3,86
						40,74%	0,00%	0,14%	0,82%	0,69%	0,27%	0,14%	0,14%	0,00%	100,00%		

## Punishments by offence, 2007-2009

Offence	Year	Sentenced, total	Fines	Waivers of sentence	Charges dismissed	Lapsed cases	Attributed offences	Dismissed charges	Lapsed charges
11:10§; 11:8§ (578/1995) <i>Ethnic agitation</i>	2007	2	2	-	-	-	-	2	1
	2008	4	4	-	-	-	-	6	-
	2009	5	4	1	-	-	-	5	1
11:11§; 11:9§ (578/1995) <i>Discrimination</i>	2007	20	20	-	12	-	-	20	14
	2008	8	7	1	10	2	2	8	12
	2009	6	6	-	2	-	-	6	2

## Ulkomaalaisten vankeusvankien päärikos 1.4.2011

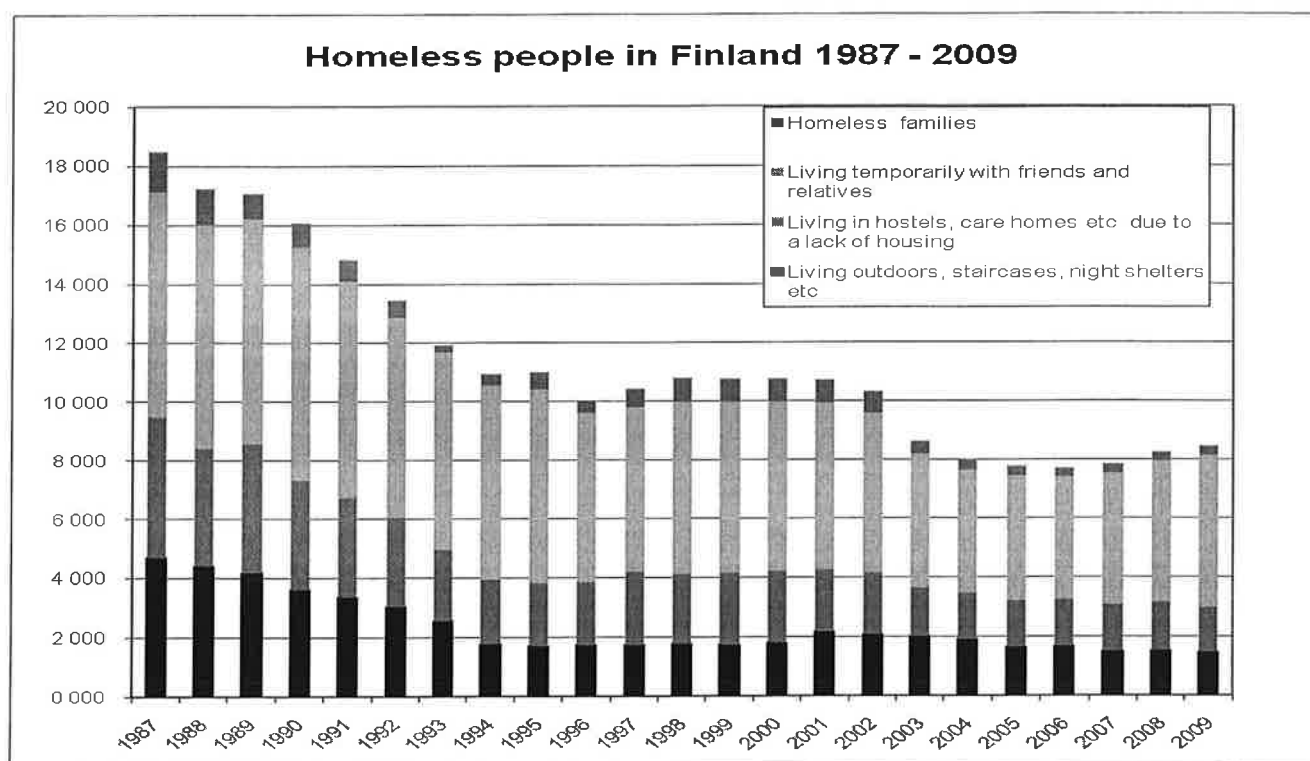
	Frequency	Percent	Valid Percent	Cumulative Percent
Afganistan	2	,9	,9	,9
Alankomaat	3	1,3	1,3	57,3
Albania	1	,4	,4	1,3
Algeria	2	,9	,9	2,2
Bosnia-Hertsegovina	1	,4	,4	2,6
Chile	2	,9	,9	3,5
Dominik Tv	2	,9	,9	5,3
Espanja	1	,4	,4	85,5
Etiopia	1	,4	,4	5,7
Gambia	3	1,3	1,3	37,4
Ghana	2	,9	,9	38,3
Irak	9	4,0	4,0	46,3
Iran	9	4,0	4,0	42,3
Iso-Britannia	1	,4	,4	95,2
Israel	1	,4	,4	46,7
Italia	2	,9	,9	47,6
Jugoslavia	1	,4	,4	96,5
Kiina	1	,4	,4	4,0
Kongon Tv	1	,4	,4	4,4
Latvia	5	2,2	2,2	49,8
Liettua	12	5,3	5,3	55,1
Marokko	2	,9	,9	55,9
Nigeria	11	4,8	4,8	62,1
Puola	6	2,6	2,6	64,8
Ranska	4	1,8	1,8	36,1
Romania	11	4,8	4,8	69,6
Ruotsi	13	5,7	5,7	91,2
Senegal	1	,4	,4	80,2
Serbia ja montenegro	4	1,8	1,8	98,2
Somalia	8	3,5	3,5	85,0
Tunisia	1	,4	,4	91,6
Turkki	4	1,8	1,8	93,4
Ukraina	3	1,3	1,3	94,7
Venäjä	23	10,1	10,1	79,7
Vietnam	3	1,3	1,3	81,5
Viro	65	28,6	28,6	34,4
Yhdysvallat	2	,9	,9	96,0
Kansalaisuudeton	3	1,3	1,3	99,6
Ei selvit	1	,4	,4	100,0
Total	227	100,0	100,0	

## Ulkomaalaisten vankeusvankien päärikos 1.4.2011

	Frequency	Percent	Valid Percent	Cumulative Percent
ryöstö	17	7,5	7,6	7,6
varkausrikokset	35	15,4	15,7	23,3
muu omaisuusrikos	6	2,6	2,7	26,0
henkirikos	13	5,7	5,8	31,8
muu väkivaltarikos	15	6,6	6,7	38,6
siveellisyyserikos	20	8,8	9,0	47,5
huumausainerikos	103	45,4	46,2	93,7
liikennejuopumus	4	1,8	1,8	95,5
muut rikokset	10	4,4	4,5	100,0

Total	223	98,2	100,0	
System Missing	4	1,8		
	227	100,0		

Table 9. Number of homeless people in Finland in 1987-2009.



**Liite 11.****Syrjintälautakuntaan vireille tulleet asiat ja ratkaisut 2009-2010**

	2009	2010	Yht. 09-10
<b>Vireille tulleet</b>	<b>23</b>	<b>12</b>	<b>35</b>
<b>Ratkaistu lautakunnassa</b>	<b>10</b>	<b>7</b>	<b>17</b>
<b>Ratkaistu puheenjohtajan päätöksellä</b>	<b>13</b>	<b>5</b>	<b>18</b>
<b>Kieltopäätöksiä</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Hallinto-oikeuksien lausuntopyyntöjä</b>	<b>5</b>	<b>0</b>	<b>5</b>
<b>Viranomaisten lausuntopyyntöjä</b>	<b>3</b>	<b>1</b>	<b>4</b>
<b>Yhdistysten lausuntopyyntöjä</b>	<b>0</b>	<b>1</b>	<b>1</b>



**SELOSTUS EDUSKUNNAN OIKEUSASIAMIEHEN TOIMINNASTA 2010-2011.**

**Kantelut:** Vuonna 2010 eduskunnan oikeusasiamiehelle tehtiin yhteensä 4034 kantelua. Kanteluita, joissa esitetään väitteitä viranomaistoiminnassa tapahtuneesta syrjinnästä tai rasistisesta kohtelusta, ei tilastoida omaksi ryhmäkseen. Asiasanalla 'syrjintä' löytyy eduskunnan oikeusasiamiehen kanslian diaarista ajanjaksolla 1.1.2010-11.4.2011 51 vireille tullutta kantelua. Asiasanalla 'rasismi' löytyy diaarista vastaavana ajankohtana vireille tulleita kanteluita yhteensä 9. Kanteluissa esitetyt syrjintäväitteet koskivat etnisen syrjinnän ohella muun muassa sukupuoleen, kieleen, työpaikan saantiin, tai esimerkiksi vammaisuuteen perustuvaa syrjintää.

Lisäksi on tavallista, että syrjintää koskevia väitteitä esitetään muun muassa asioissa, joissa on ollut kyse poliisin menettelystä rikosilmoituksen tutkinnassa. Omana ryhmänään nousevat esiin kantelut, jotka koskevat etniseen vähemmistöön kuuluvien vankien ja ulkomaalaisten kokemaan syrjintää vankiloissa.

Kirjallisessa kantelumenettelyssä on usein vaikea selvittää riittävällä varmuudella, onko väitettyä syrjintää tapahtunut. Syrjintää tai rasistisia asenteita koskevat kantelut ovatkin johtaneet vain hyvin harvoissa tapauksissa oikeusasiamiehen toimenpiteisiin. Tarkastuksilla vankiloihin ja muihin suljettuihin laitoksiin kiinnitetään aina huomiota etnisiin ja kielellisiin vähemmistöihin kuuluvien ja ulkomaalaisten henkilöiden asemaan ja yhdenvertaiseen kohteluun.

Kanteluiden käsittelykieli on joko suomi tai ruotsi. Saamenkieliset kantelut käännetään suomen kielelle ja niihin annetut ratkaisut saamen kielelle. Käytännössä myös muun muassa englanninkielisiä kanteluita on tutkittu ja kantelijalle annettu tieto oikeusasiamiehen kannanoton sisällöstä englanniksi. Tarvittaessa muunkielisiäkin kanteluita on käännetty ja otettu tutkittavaksi.

**Tiedottaminen:** Oikeusasiamiehen kanslia on aktiivisesti kehittänyt tiedottamista, jotta mahdolliset rasismin ja syrjinnän kohteeksi joutuneet saisivat tietoa oikeusasiamiehen toiminnasta. Kanslian verkkosivut ja oikeusasiamiehen toiminnasta kertovat esitteet, joihin sisältyy kantelulomake ja ohjeet kantelun tekemiseksi, on saatavilla suomen ja ruotsin ohella saameksi, englanniksi, saksaksi, ranskaksi, venäjäksi, viroksi ja viittomakielellä. [www.????](http://www.????)

Eduskunnan oikeusasiamiehelle tulee vuosittain joitakin **etnisiin vähemmistöihin kuuluvien vankien kohtelua** koskevia kanteluita. Lisäksi kysymys etniseen alkuperään perustuvasta syrjinnästä nousee esiin vankilatarkastuksilla, sillä niillä kiinnitetään erityistä huomiota etnisiin ja kielellisiin vähemmistöihin kuuluvien sekä ulkomaalaisten vankien asemaan.

Eräässä kanteluasiassa (4582/4/10, 30.3.2011) arvosteltiin sitä, että **romanivanki** joutui oman turvallisuutensa takia asumaan suljetulla osastolla. Vangin vanhemmat eivät myöskään ns. väistämisvelvollisuuden takia voineet käydä vankia tapaamassa. Oikeusasiamies katsoi, että asiassa ei ilmennyt aihetta epäillä virheellistä tai lainvastaista menettelyä. Kyseiset turvallisuusuhat olivat vankilan tiedossa ja tilannetta oli parantanut toisen turvallisuushakusi arvioitun vangin siirto toiseen laitokseen.

Yhdessä kanteluasiassa (4365/4/10, 31.3.2011) arvosteltiin sitä, että **ulkomaalainen vanki** asutettiin lyhyeksi ajaksi tupakoivan vangin kanssa samaan selliin. Kantelun mukaan nyt kyseessä ollut ulkomaalainen vanki ei myöskään ollut päässyt kuntosalille. Vankilasta saadusta selvityksestä kävi ilmi, että kyse oli tilan puutteesta johtunut lyhytaikainen vangin altistaminen tupakansavulle. Kuntosalille pääsemättömyys johtui selvityksen perusteella inhimillisestä erehdyksestä. Oikeusasiamies saattoi käsityksensä virheellisestä menettelystä vankilan tietoon.

**Vankilatarkastuksilla** tehdyt huomiot ja kanteluasioihin liittyvät selvitykset viittaavat yleisemminkin siihen, että etniseen alkuperään tai ulkomaalaistaustaan perustuvaa syrjintää ja rasismia ei esiinny niinkään vankilaviranomaisten kuin muiden vankien asenteiden vuoksi. Etnisiin vähemmistöihin kuuluvia ja ulkomaalaistaustaisia vankeja on jouduttu valitettavan usein asuttamaan suljetulle osastolle heidän omasta pyynnöstään heidän turvallisuutensa takaamiseksi. Tarkastuksilla vankilan henkilöstölle korostetaan heidän velvollisuuttaan huolehtia romani- ja muiden vähemmistöön kuuluvien vankien turvallisuudesta ja estää painostusta muiden vankien taholta.

Tarkastuksilla on käynyt ilmi, että eräissä vankiloissa on muita paremmin onnistuttu ylläpitämään sellainen ilmapiiri, jossa etnisiin vähemmistöihin kuuluviin ja ulkomaalaistaustaisiin vankeihin ei kohdistu syrjintää.

**Saamelais- ja romaniasiat:** Saamelaisten ja saamen kielen asemaa koskeneita kanteluita tai omana aloitteena tutkittavaksi tulleita asioita on viime vuosina ollut esillä hyvin vähän. Eräässä kantelussa arvosteltiin sitä, että Oulun kaupunki, ei ollut järjestänyt saamelaisen lapselle kokonaan **saamenkielistä päivähoitopaikkaa**.

Apulaisoikeusasiamies totesi ratkaisussaan muun muassa, että lasten päivähoidosta annetussa laissa ei ole määritelty yksityiskohtaisesti sitä, miten saamenkielinen päivähoito tulee kunnassa järjestää.

Kunnan on huolehdittava siitä, että päivähoitoa on saatavissa kunnan järjestämänä tai valvomana siinä laajuudessa ja sellaisin toimintamuodoin kuin kunnassa esiintyvä tarve edellyttää. Edelleen kunnan on huolehdittava siitä, että lasten päivähoitoa voidaan antaa lapsen äidinkielenä olevalla suomen-, ruotsin- tai saamenkielellä. Säännöksessä ei tehdä alueellisia rajauksia saamenkieliselle päivähoidolle, vaan säädös velvoittaa kaikkia kuntia.

Apulaisoikeusasiamies korosti, että **kunnan on otettava huomioon palvelujen järjestämisessä perustuslain 6 §:n yhdenvertaisen kohtelun ja syrjinnän vaatimukset** sekä asiakaslaissa säädetty oikeus saada sosiaalihuollon toteuttajalta laadultaan hyvää sosiaalihuoltoa ja hyvää kohtelua ilman syrjintää. Julkisen vallan on myös tuettava perheen ja muiden lapsen huolenpidosta vastaavien mahdollisuuksia turvata lapsen hyvinvointi ja yksilöllinen kasvu. Julkisen vallan on perustuslain 22 §:n mukaan turvattava perusoikeuksien ja ihmisoikeuksien toteutuminen. Tässä turvaamisessa on otettava huomioon saamelaisten erityisasema alkuperäiskansana ja edistettävä heille perustuslain mukaan kuuluvaa oikeutta ylläpitää ja kehittää omaa kieltään ja kulttuuriaan.

Apulaisoikeusasiamies saattoi sosiaali- ja terveysministeriön tietoon ja huomioon otettavaksi **varhaiskasvatuspalvelulainsäädännön kokonaisuudistuksessa** näkemykset saamenkielisen päivähoidon epätasa-arvoisesta asemasta verrattuna suomen- ja ruotsinkieliseen päivähoitoon. Asian valmistelussa tulee ottaa huomioon saamen kielen asema perustuslaissa ja kansainvälisissä sopimuksissa erityistä suojaa nauttivan pienen vähemmistönä olevan alkuperäiskansan äidinkielenä, joka on kansainvälisesti luokiteltu uhanalaiseksi kieleksi.

Yhdessä kantelussa arvosteltiin kunnan asuntotoimistoa siitä, että romaneille ei myönnetä asuntoja. Kantelija katsoi, että kyseessä on romaneiden syrjintä. Kunnanhallitus kiisti väitteet ja totesi, että kunnassa kohdellaan kaikkia asunnon tarvitsijoita samalla tavalla. Saadun selvityksen perusteella asiassa ei ilmennyt lainvastaista tai virheellistä menettelyä (1738/4/10, 17.12.2010).

**Ulkomaalaisasiat: Ulkomaalaiskanteluiksi luokitellaan lähinnä ulkomaalaislakiin ja kansalaisuuslakiin liittyvät asiat.** Kantelukohteina ovat useimmiten lupa- ja lausuntoviranomaiset, etenkin Ulkomaalaisvirasto, poliisi, sisäasiainministeriö, ulkoasiainministeriö ja ulkomaanedustustot sekä rajavalvontaa suorittava rajavartiolaitos. Vuonna 2010 ratkaistiin 67 ulkomaalaisasiaksi luokiteltua asiaa. Usein kantelun kohteena oli lupahakemusten pitkä käsittelyaika tai tyytymättömyys viranomaisen tekemään kielteiseen oleskelulupa- tai viisumipäätökseen. Toimenpiteisiin johtaneita väitteitä syrjinnästä tai rasismista ei kanteluissa ilmennyt.

Joissain kanteluissa viranomaisia on arvosteltu ulkomaalaisten suomalaisia paremmasta kohtelusta. Oikeusasiamiehelle kanneltiin esimerkiksi siitä, että tietyissä uimahalleissa tietyt uintipäivät oli varattu

maahanmuuttajanaishille (208/4/08, 17.6.2009). Myös maahanmuuttajamiehille oli omia uimahallivuoroja. Kantelija katsoi tällaisen käytännön syrjivän suomalaisia uimahallien käyttäjiä.

Apulaisoikeusasiamiehen saaman selvityksen mukaan maahanmuuttajien omille uintivuoroille oli kuitenkin olemassa erityistä tarvetta. Näin turvattiin heille uinnin opetus ja edistettiin heidän kotoutumistaan. Varattu uintiaika ei myöskään ollut epäsuhteessa käytettävissä oleviin yleisiin uintivuoroihin. Apulaisoikeusasiamies kiinnitti huomiota siihen, että syrjintäkielto sisältyy perustuslakiin ja yhdenvertaisuuslakiin sekä myös useaan Suomea sitovaan kansainväliseen ihmisoikeussopimukseen. Syrjintäkielto ei kuitenkaan estä **ns. positiivisia erityistoimia**, joilla pyritään edistämään muodollisen yhdenvertaisuuden sijasta myös tosiasiallista ja käytännössä toteutuvaa yhdenvertaisuutta. Perusoikeussäännösten tavoitteena on edistää juuri tosiasiallista yhdenvertaisuutta.

Tosiasiallinen yhdenvertaisuus voi edellyttää esimerkiksi sosiaalisesti, taloudellisesti ja muuten heikommassa asemassa olevan ryhmän muita parempaa kohtelua. Tiettyjen ihmisryhmien erilainen kohtelu ei siis kaikissa tilanteissa ole kiellettyä syrjintää.

Saadun selvityksen perusteella asiassa ei tullut esiin sellaista lainvastaista menettelyä, johon laillisuusvalvojan olisi tullut puuttua. Ratkaisussa todettiin, että maahanmuuttajien positiivinen erityiskohtelu on sallittua vain niin kauan kuin erityiskohtelu on tarpeellista todennettujen haittojen korjaamiseksi.