

2.2. Residence permit applications filed in 2008-2010

FILED RESIDENCE PERMIT APPLICATIONS				
Grounds for application	Number of applicants 2008	Number of applicants 2009	Number of applicants 2010	Change in per cent
Work	6,848	3,953	4,502	+14
Independent entrepreneur	67	95	117	+23
Finnish descent	486	697	710	+2
Studies	4,832	4,653	5,438	+17
Other ground*	3,247	2,883	3,169	+10
Family ties, marriage etc	2,223	2,342	2,441	+4
Family ties, children	3,184	3,540	4,251	+20
Family ties, Other relatives	1,185	11,819	2,857	+57
Family ties, spouse of a Finnish citizen	832	808	1,062	+31
Total	22,904	20,790	24,547	+18

* Most "other" cases concern work-based immigration.

Annex 1.2.

4. Decisions on Residence Permits

In 2010, there were a total of 20,320 decisions (both negative and positive) on residence permit applications filed on any ground. The number of decisions increased considerably: the corresponding figure was 18,260 in 2009 (difference 2,060 decisions)¹.

The share of positive decisions of all decisions on residence permits was 80 per cent in 2010. The corresponding figure was 83 per cent in 2009. The relative amount of negative decisions has increased. The share of positive and negative decisions varies considerably according to the ground for the application. The table on decisions in recent years below and in chapter 5-8 of the report contain more detailed information on the amount of granted permits.

Decisions on residence permits broken down according to the grounds for the application

	2008			2009			2010		
Grounds for application	Positive	Negative	Total	Positive	Negative	Total	Positive	Negative	Total
Work	5,930	949	6,879	2,883	1,087	3,970	2,987	865	3,852
Independent entrepreneur	67	10	77	57	13	70	43	35	78
Finnish descent	395	98	493	474	159	633	494	276	770
Studies	4,496	319	4,815	3,993	334	4,327	4,490	505	4,995
Other ground	2,934	160	3,094	2,497	190	2,687	2,649	218	2,867
Family ties, marriage etc	1,981	286	2,267	1,674	302	1,976	1,754	540	2,294
Family ties, children	2,763	247	3,010	2,654	342	2,996	2,720	589	3,309
Family ties, Other relatives	325	414	736	246	525	771	242	788	1,030
Family ties, family member of Finnish citizen	715	116	831	730	100	830	943	182	1,125
Total	19,606	2,599	22,205	15,208	3,052	18,260	16,322	3,998	20,320

¹ The total number of decisions contains positive and negative decisions, as well as dropped cases. The sum of positive and negative cases is therefore always smaller than the total number of decisions.

UNOFFICIAL TRANSLATION FOR INFORMATION PURPOSES ONLY

Passed at Helsinki on 20 February 2009

Act

on amending section 2 of the Non-Discrimination Act

In accordance with the decision of the Parliament

section 2(2) 4 of the Non-Discrimination Act (21/2004) of 20 January 2004 is amended as follows:

Section 2

Area of application

The Act is also applicable to discrimination on ethnic discrimination, when the question is about

4) provision to the public of generally available apartments, other movable or real property or services, with the exception for private transactions and transactions within the family.

This Act comes into force on 1 March 2009.

HE 82/2008

TyVM 13/2008

EV 170/2008

Council Directive 2000/43/EC (300L0043); Official Journal L 180, 19/07/2000 P. 0022 - 0026

Helsinki, 20 February 2009

President of the Republic

TARJA HALONEN

Justice Minister

Tuija Brax

UNOFFICIAL TRANSLATION FOR INFORMATION PURPOSES ONLY

Passed at Helsinki on 9 November 2007

Act on amending sections 4 and 21 of the Non-Discrimination Act

In accordance with the decision of the Parliament

sections 4(2) and 21 of the Non-Discrimination Act (21/2004) of 20 January 2004 are amended as follows:

Section 4

The obligation of authorities to promote equality

The authorities shall elaborate a plan for the promotion of equality (equality plan) to the extent the nature of the activities of each authority so warrant. General recommendations on the contents of the plan meant in this subsection are given by the Ministry of the Interior.

Section 21

Adjustment of the amount of the compensation

The maximum amount of the compensation enacted in section 9 above is adjusted to correspond to the change in the monetary value every three years by a decree by the Ministry of Employment and the Economy.

This Act comes into force on 1 January 2008.

Before the coming into force of this Act, measures for the implementation of the Act may be taken.

[Bill 90/2007](#)

Report of the Constitutional Committee 4/2007

Reply of the Parliament 48/2007

Helsinki, 9 November 2007

President of the Republic

TARJA HALONEN

Minister of Migration and European Affairs

Astrid Thors

UNOFFICIAL TRANSLATION FOR INFORMATION PURPOSES ONLY

Passed at Helsinki on 14 November 2011

Act on amending section 7 of the Non-Discrimination Act

In accordance with the decision of the Parliament

the heading of section 7 and section 7(1) of the Non-Discrimination Act (21/2004) of 20 January 2004 is amended as follows:

Section 7

Grounds justifying different treatment

The following conduct is not considered discrimination under this act:

- 1) a procedure based on an equality plan, and intended to implement the intention of this Act in practice;
- 2) justified different treatment, in due proportion, that is founded on a genuine and decisive requirement relating to a specific type of occupational activity and the performance of said activity;
- 3) different treatment based on age when it has a justified purpose that is objectively and appropriately founded and derives from employment policy, labour market or vocational training or some other comparable justified objective, or when the different treatment arises from age limits adopted in qualification for retirement or invalidity benefits within the social security system.

This Act comes into force on 1 December 2008.

[Bill 67/2008](#)

Report of the Employment and Equality Committee 4/2010

Reply of the Parliament 87/2010

Helsinki, 14 November 2008

President of the Republic

TARJA HALONEN

Minister of Labour

Tarja Cronberg

Annex 3.1.

4 Decisions on international protection

4.1 All applicants

In 2008, the Asylum Unit decided on a total of 1,995 applications for international protection. The table below also includes the figures of the two previous years.

Asylum decisions 2006-2008¹

	Asylum	Need of protection	Humane reason	Family member	Temporary	Negative	Safe country of origin	Dublin	Unfounded	Dropped/Expired
2006	38	85	163	33	299	248	8	873	352	287
2007	68	496	228	38	30	302	33	320	306	135
2008	89	484	149	25	38	238	84	500	189	199

¹ Until 31 May 2009, residence permits for need of protection were issued and since 1 June 2009 residence permits for secondary and humanitarian grounds were issued. The table does not contain residence permits on other grounds (work, study etc.).

4 Decisions on international protection

Annex 3.2.

4.1 All applicants

In 2010, the Asylum Unit decided on a total of 5,837 asylum applications. This is considerably more than during earlier years: 2009 – 4,335 decisions and 2008 – a total of 1,995 decisions. The increase was 35 per cent compared to the previous year and 193 per cent compared to 2008.

Asylum decisions 2008-2010¹

	Asylum	Need of protection	Subsidiary Protection	Humanitarian Protection	Humane reason	Family member	Temporary	Negative	Safe country of origin	Dublin	Unfounded	Dropped
2008	89	484	-	-	149	25	38	238	84	500	189	199
2009	116	312	432	365	107	22	19	388	444	1,488	248	394
2010	181	-	644	654	220	26	2	1,139	568	1,117	604	624

¹ Until 31 May 2009, residence permits for need of protection were issued and since 1 June 2009 residence permits for subsidiary protection and humanitarian protection grounds were issued. The table does not contain residence permits on other grounds (work, study etc.).

Annex 3.3.

Percentage (%) values of decisions 2009 and 2010, all applicants

	Men		Women	
	2009	2010	2009	2010
Asylum	2 %	3 %	4 %	5 %
Need of protection	7 %	-	8 %	
Subsidiary protection	8 %	9 %	16 %	17 %
Humanitarian protection	10 %	14 %	5 %	5 %
Humane grounds	2 %	3 %	4 %	5 %
Residence permit on other grounds	0,5 %	1 %	0 %	1 %
Temporary	0,5 %	0 %	0 %	0 %
Positive, total	30 %	30 %	37 %	33 %
Negative	9 %	21 %	8 %	16 %
Safe country of origin	8 %	7 %	18 %	17 %
Dublin	38 %	20 %	23 %	15 %
Perceptibly unfounded	6 %	10 %	6 %	10 %
Negative, total	61 %	58 %	55 %	58 %
Dropped/expired	9 %	11 %	8 %	9 %



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 -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 -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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APPENDIX I: Members of the Discrimination Monitoring Group	Error! Bookmark not defined.

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)¹. 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 system². 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 Group³. 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

¹ 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

² Ministry of the Interior 107:00/2008

³ The composition of the Monitoring Group is given in Appendix I.

- 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.

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 discrimination⁴
2. Notified cases of discrimination⁵
3. Cases of discrimination verified by a court of law⁶

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

⁴ Victim studies, questionnaires, attitude studies, etc.

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

⁶ 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.

TABLE 1

Year 2010	Actions	Responsible bodies	Funding and schedule
Discrimination survey	<p>Education and recreation 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	Working life 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>Access to justice and security 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	Social welfare and health services 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. 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.

UNOFFICIAL TRANSLATION FOR INFORMATION PURPOSES ONLY

Passed at Helsinki on 13 May 2011

Act

on the amendment of the Criminal Code

In accordance with the decision of the Parliament

section 5,4 of chapter 6, section 10 of chapter 11, sections 1 a, 1 and 24 of chapter 17 as well as section 10 of chapter 25 of the Criminal Code (39/1889) are amended,

such as they read, section 5,4 of chapter 6 in Act 515/2003, section 10 of chapter 11 in Act 212/2008, section 1 a,1 of chapter 17 in Act 1372/2003 and section 24 in Act 14/2011 and section 10 of chapter 25 in Act 650/2004, and

new sections 10 a and 15 are added to chapter 11 and a new section 13 is added to chapter 24, as follows:

Chapter 6:

Sentencing

Section 5

Grounds increasing the punishment

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

(4) Committing an offence with a motive based on race, skin colour, national or ethnic origin, religion or conviction, sexual orientation or disability, or with other comparable motives; and

Chapter 11:

War crimes and crimes against humanity

Section 10

Ethnic agitation

Any person who makes available to the public or otherwise among the public distributes or keeps available information, opinions or other messages, which threaten, slander or insult any group based on race, skin colour, national or ethnic origin, religion or conviction, sexual orientation or disability,

or with other comparable motives shall be sentenced for ethnic agitation to a fine or to imprisonment for at most two years.

Section 10 a

Aggravated ethnic agitation

If the ethnic agitation includes exhortations or persuasion

1) to commit genocide or preparation of genocide, a crime against humanity, an aggravated crime against humanity, a war crime, an aggravated war crime, murder or manslaughter for terrorist purposes, or

2) to commit other than in paragraph 1) meant acts of serious violence in such a way that the deed clearly endangers public order and security

and the ethnic agitation is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated ethnic agitation to imprisonment for at least four months and at most four years.

Section 15

Criminal responsibility of legal persons

The provisions on criminal responsibility of legal persons shall be applicable to ethnic agitation and aggravated ethnic agitation.

Chapter 17:

Offences against public order

Section 1 a

Participation in the activities of an organised criminal group

A person who

1) founds or organises an organised criminal group or recruits or attempts to recruit people to it,

2) supplies or seeks to supply a terrorist group with explosives, weapons, ammunition or substances or equipment intended for the preparation of these or with other dangerous objects or material,

3) arranges, attempts to arrange or provides training to an organised criminal group for criminal activity,

4) obtains or seeks to obtain or gives to a terrorist group premises or other facilities that it needs or means of transport or other implements that are especially important from the point of view of the activity of the group,

5) directly or indirectly by giving or raising funds for an organised criminal group in order to finance criminal activity,

6) manages important financial matters of a terrorist group or gives financial or legal advice that is very important from the point of view of such a group, or

7) actively promotes the attainment of the criminal goals of an organised criminal group in other substantial ways

and in this way participates in the activities of an organised criminal group, aiming at committing one or several criminal offences with the maximum punishment imprisonment for at least four years, or one or several of the criminal offences meant in section 10 of chapter 11 or section 9 of chapter 15, and if such criminal offences or their punishable attempts are committed, shall be sentenced for participates in the activities of an organised criminal group by to a fine or to imprisonment for at most two years.

Section 24

Criminal responsibility of legal persons

The provisions on criminal responsibility of legal persons shall be applicable to participation in the activities of an organised criminal group, arrangement of illegal immigration, aggravated arrangement of illegal immigration, animal welfare offences, aggravated animal welfare offences, organised gambling, **money game offence**, lottery offences, money collection offences, distribution of depictions of violence, distribution of sexually obscene pictures, aggravated distribution of sexually obscene pictures depicting children, possession of sexually obscene pictures depicting children and unlawful marketing of obscene material.

The provisions on criminal responsibility of legal persons shall also be applicable to public incitement to an offence meant in section 1, when the offence to which the incitement or persuasion refers to is

- 1) ethnic agitation or aggravated ethnic agitation or
- 2) aggravated defamation or menace, when the motive of the offence is race, skin colour, national or ethnic origin, religion or conviction, sexual orientation or disability, or another comparable motive.

Chapter 24:

Offences against privacy, public peace and personal reputation

Section 13

Criminal responsibility of legal persons

The provisions on criminal responsibility of legal persons shall be applicable to aggravated defamation, when the motive of the offence is race, skin colour, national or ethnic origin, religion or conviction, sexual orientation or disability, or another comparable motive.

Chapter 25:

Offences against personal liberty

Section 10

Criminal responsibility of legal persons

The provisions on criminal responsibility of legal persons are applicable to trafficking in human beings and aggravated trafficking in human beings.

The provisions on criminal responsibility of legal persons are applicable to menace, when the motive of the offence is race, skin colour, national or ethnic origin, religion or conviction, sexual orientation or disability, or another comparable motive.

This Act comes into force on 1 June 2011.

[HE 317/2010](#)

LaVM 39/2010

EV 332/2010

At Helsinki on 13 May 2011

President of the Republic

TARJA HALONEN

Minister of Justice

Tuija Brax

Table 1. Most common main offences in connection with suspected racist crimes
In 2007 (Joronen 2008)

Offence	N	%
Assault	176	25,2
Criminal damage	115	16,5
Defamation	86	12,3
Menace	68	9,7
Petty assault	64	9,2
Discrimination	47	6,7
Invasion of domestic premises	21	3
Petty criminal damage	18	2,6
Attempted aggravated assault	15	2,1
Other	88	12,6
TOTAL	698	100

Table 2. Most common main offences in connection with suspected racist crimes
In 2008 and 2009 (Peutere 2010)

Offence	2008		2009	
	N	%	N	%
Assault	374	32	391	28
Defamation	155	13	213	15
Menace	128	11	183	13
Petty assault	133	11	183	13
Criminal damage	77	7	125	9
Invasion of domestic premises	35	3	61	4
Aggravated assault	15	1	31	2
Petty criminal damage	21	2	24	2
Attempted assault	10	1	21	2
Discrimination	74	6	19	1
Resistance to a person maintaining public order	9	1	13	1
Other offences	132	11	121	9
Total	1163	100	1385	100

Table 3. Criminal cases containing racist features; number of reports of an offence and
of
main offences in 2007–2009 (Joronen 2008; Peutere 2009; Peutere 2010)

	2007	2008	2009
Reported offences	454	755	858
Suspected offences	698	1163	1385

The numbers of 2008 and 2009 are not comparable with 2007
because of different methodology.
Sources

Joronen, Mikko (2008). Racist crime known by the police in Finland 2007.
Reports of the Police College 72. Police College, Tampere.
Peutere, Laura (2009). Hate crime known by the police in Finland 2008.
Reports of the Police College 85. Police College, Tampere.

Peutere, Laura (2010). Hate crime known by the police in Finland 2009.
Reports of the Police College 88. Police College, Tampere.

Racist or xenophobic offences in police statistics 2006-2010

In the police study, all suspicions of a crime that the victim, the police or other concerned parties considered to be racist, or which contained clearly racist insults, were classified as racist crimes. In the target year of 2006, a total of 858 cases were reported as containing offences with racist features. The figure is 103 cases bigger than the previous year. The growth does not amount to the growth from 2007 to 2008 (152 cases), but is clearly more than in the years 2003 to 2007, where the growth was 30 cases at the most.

About a third of the racist crimes contained only verbal offences, such as insults or threats, and slightly more than half of the cases contained acts of physical violence. It seemed, on the basis of the case descriptions, that the majority of the cases (72 per cent) concerned racism by persons belonging to the main population towards ethnic or national minorities.

In 2009, a total of 1,385 racist offences were committed, i.e. cases where the most serious offence against injured party was a racist crime. As in previous years the most common of these was assault with a share of 28 per cent. In all, almost half of all main crime titles was assault crimes of different degrees and attempt thereof (46 per cent). Other common criminal offences were defamation (15 per cent), menace (13 per cent) and petty assault (13 per cent). The most common crime scenes for suspected offences containing racist features were public places outdoors, such as roads, streets or markets as well as restaurants and their forecourts. Different from the year before, the second most common crime scene is the apartment of the victim, where, in 2009, 18 per cent of the suspected offences were committed (9 per cent in 2008). As in previous years, the majority of racist crimes were committed during the evening and night.

Most victims were men (70 %). Among both female and male injured parties, the majority was 15 to 24 year old. As in previous years, men were more often victims of assault crimes, whereas women typically were victims of defamation crimes. A majority of those suspected of the offence were Finnish citizens (80 per cent), men (83 per cent), and most often 15 to 24 years of age.

A majority (58 per cent) of the injured parties of suspected racist offences were Finnish citizens. Twenty two per cent of them were born somewhere else than in Finland. Part of those injured parties that were born in Finland belonged, according to the description in the report, to the Roma minority, another part was e.g. children born in Finland to immigrant parents. Foreign citizens most often becoming victims were Somalis, Russians and Iraqis. In relation to the proportion of foreign citizens living in Finland, Somalis fell most often victims of racist crimes in 2009.

In the target year 2010 the police filed 860 reports on suspected hate crimes cases. There represents a 15 per cent decrease in comparison with the previous year. The majority, 86 per cent, of these cases were racist incidents. Cases motivated by the victim`s religious background constituted 6 per cent of the cases. Sexual orientation was the motive in 5 per cent of the cases, and 2.4 per cent it was disability. Five hate crimes (0.6 %) were identified as being based on the victim`s transgender identity or appearance.

In 2010, 741 reports of offences with racist overtones were found in the police information system. The reasons for these kind of racist offences were most often ethnicity and national minority.

See below in this Annex 6 the abstract and summary of the 2010 Report.

Proceeding of racist crimes in criminal process

A study on racist crimes was published in 2008. The study in English was entiteled "*Suspected crimes with racist characteristics in the criminal process: case study in Helsinki 2006*".

The study analyses information from pre-trial investigations, indictments and judgements of racist crimes cases. The study analysed how a suspicion of a crime with racist features proceed in the criminal procedure from pre-trial investigation to consideration of charges and to court trials. The research material covered crimes with racist features that had come to the attention of the police in Helsinki in 2006. The study also analysed how racist features of a crime are taken into account by the authorities during the different stages of the process. According to the study, crimes manifesting racist featured proceeded from the police to the prosecutor in the same manner as also other, non-racist crimes. The study can be read on Internet on the following website:

[http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/Raportteja73_Peutere_eng_suojattu/\\$file/Raportteja73_Peutere_eng_suojattu.pdf](http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/Raportteja73_Peutere_eng_suojattu/$file/Raportteja73_Peutere_eng_suojattu.pdf)

ABSTRACT

This report reviews suspected hate crimes reported to the police in Finland in 2010. The statistics are based on crime reports retrieved from the national police information system. Reports on racist crime have been published by the Police College of Finland and the Ministry of Interior's Police Department since 1998. In 2009 the system of compiling information on racist crime was developed into a more comprehensive system of monitoring hate crime. For the purpose of this report, hate crime has been defined as a crime against a person, group, somebody's property, institution, or a representative of these, motivated by prejudice or hostility towards the victim's real or perceived ethnic or national origin, religion or belief, sexual orientation, transgender identity or appearance, or disability.

In the target year, the police filed 860 reports on suspected hate crime cases. There represents a 15 per cent decrease in comparison with the previous year. The majority, 86 per cent, of the cases were racist incidents. Cases motivated by the victim's religious background constituted 6 per cent of the cases. Sexual orientation was the motive in 5 per cent of the cases, and in 2.4 per cent it was disability. Five hate crimes (0.6%) were identified as being based on the victim's transgender identity or appearance.

In the target year, 741 reports of offences with racist overtones were found in the police information system. In the majority of the cases, racism was directed towards a member of an ethnic or national minority by a member of the majority population. The most common suspected crimes were assaults. The most common scenes of the suspected racist crimes were public outdoor locations such as roads or city market places, as well as restaurants and their vicinity. As in previous years, the majority of racist crimes were committed in the evening and at night. In relation to the number of foreign citizens resident in Finland, the citizens of Somalia experienced the highest frequency of racially motivated crime in 2010.

In the majority of hate crimes based on religion, the target was Christianity. Most crimes were verbal insults or threats. The number of hate crimes motivated by the victim's real or perceived sexual orientation, transgender identity or appearance, is somewhat higher than in the previous year. Hate crimes based on the victim's disability mainly involved discrimination and verbal insults.

SUMMARY

This report reviews suspected hate crimes reported to the police in Finland in 2010. The statistics are based on crime reports retrieved from the national police information system. Reports on racist crime have been published by the Police College of Finland and the Ministry of Interior's Police Department since 1998. In 2009 the system of compiling information on racist crime was developed into a more comprehensive system of monitoring hate crime. For the purpose of this report, hate crime has been defined as a crime against a person, group, somebody's property, institution, or a representative of these, motivated by prejudice or hostility towards the victim's real or perceived ethnic or national origin, religion or belief, sexual orientation, transgender identity or appearance, or disability.

The Criminal Code of Finland does not contain definitions of the concepts 'racist crime' or 'hate crime'. A corresponding hate motivation is one of aggravating circumstances. According to police instructions, a report should be marked with a special code for statistical purposes if the crime is racially motivated. However, the use of the racism code could be improved. So far, there is no code for hate crimes more generally. The data collection for these statistics is based partly on the racism code used by the police and partly on the use of different search terms. The final classification of the reports as hate crimes is based on the narrative information about the incidents, written down by the officer who filed the report. To be exact, the data consists of suspected crimes, not actual crimes, as the decisions made by the prosecutor or court in relation to these cases are not described.

In the target year, the search criteria gave 860 such reports of an offence which were classified as suspected hate crime cases. There is a 15 per cent decrease in comparison to the previous year, when 1,007 cases were identified. The majority, 86 per cent, of the cases were classified as racist incidents. Cases motivated by the victim's religious background constituted 6 per cent of the cases. In 5 per cent of the cases the motive was sexual orientation and in 2.4 per cent it was disability. Five hate crimes were identified as being based on the victim's transgender identity or appearance (0.6%).

Racist crime

As in previous annual reports, a reported offence is classified as a racist crime case if either the victim or the police or any other involved party perceive the situation as racist, or if the incidence involves obviously racist slurs. In the target year, 741 reports of offences with racist overtones were found in the

police information system. This represents 146 cases fewer than the previous year.

Over one third (37%) of racist crime cases included verbal offences only, such as insults and threats. The proportion of cases in which physical violence was involved is about the same (38%). Based on the narrative description of the incidents, in the majority of the cases racism was directed towards a member of an ethnic or national minority by a member of the majority population.

The reports of racist offences included 1,168 principal offences, i.e. most severe offences towards a particular injured party. As in previous years, the most common suspected crimes were assaults, which constituted 31 per cent of all principal offences. Other common principal offences included defamation (15%), threat (14%) and petty assault (12%). Attempted assaults and various degrees of assault cases together constituted almost half (47%) of the principal offences. The most common scenes of the suspected racist crimes were public outdoor locations such as roads or city market places, as well as restaurants and their vicinity. Differing from the previous year, the next common location was the yard or staircase of the victim's apartment, which was the scene of 14 per cent of the suspected crimes (2009: 13%). As in previous years, the majority of racist crimes were committed in the evening and at night.

The majority of the injured parties were men (69%). The most common age group for both the male and female injured parties was 15-24 years old. As in the previous year, men were targets of assaults more commonly than women, whereas defamations were more common among female injured parties. The majority of the suspected offenders were Finnish citizens (80%), male (81%) and between 15 to 24 years old.

The majority (58%) of the injured parties in the suspected racist crimes were Finnish citizens. One third (31%) of the Finnish injured parties were born outside Finland. The narrative descriptions of the incidents revealed that some of the Finnish-born injured parties are second generation immigrants, for example, and some belong to the ethnic Roma minority. Among foreign citizens resident in Finland, citizens of Somalia, Russia and Iraq are most commonly victims of racist crime. In relation to the number of foreign citizens resident in Finland, citizens of Somalia experienced the highest frequency of racially motivated crime in 2010. The survey conducted by the European Agency for Fundamental Rights (FRA) in 2008 also indicates the poor position of Somalis in Finland. According to the survey, of all ethnic minority groups in Europe, the Somalis in Finland are among the groups that experience the highest levels of racist violence and discrimination.

A regional examination reveals that the majority (29%) of the police reports of racist cases were filed in Helsinki. A total of 42 per cent were filed in the Helsinki metropolitan area. The number of suspected racist crimes reported to the police in Helsinki decreased from the previous year, as did the number of cases in other larger cities. Instead, in some smaller municipalities the numbers increased in comparison with 2009. This increase may, in fact, be due either to changes in the way reports are written and filed or to real growth in racist crime.

Hate crime motivated by victim's religion or belief

In the target year, 52 cases of hate crimes motivated by religion were identified. This number is lower compared with the previous year, when 83 police reports were filed. The classification of these cases as hate crimes was primarily based on either the way in which the victim perceived the situation or on slurs that the suspect used during the incident.

In 19 cases Christianity was the target of the hate crime. In the previous year, there were more (44) cases of this kind. In 2008 the number was 15. In some cases the crime was committed against Christians or the Christian faith in general, while in other cases the insults referred to a specific religious group, such as Jehovah's Witnesses or Laestadians. Four hate crimes against Jews were identified; in the previous year the number was 10. The number of hate crimes against Muslims was almost the same as in the previous year. In the target year, 15 such cases were found, whereas there were 14 in 2009. Two reports were filed in the target year where the crime was against members of other individual religious groups. In 12 cases the religion targeted was not specified in the police report.

The majority of hate crimes based on religion involved verbal insults or threats (30/52). Physical violence was involved in 12 cases.

In addition to cases of hate crime identified in the target year, six other cases under investigation were located via the data search. These cases included a hate motive connected with religion, but they were not filed as actual reports due to the character of the cases. In these cases the targets were Christians, Muslims, and Jews, among others.

Hate crime motivated by victim's sexual orientation or transgender identity or appearance

A total of 41 cases of hate crime motivated by the victim's real or perceived sexual orientation were identified in the target year. The number is somewhat

higher than in the previous year, when 31 cases were identified. The data search located five cases of hate crime that were based on the victim's transgender identity or appearance, while in the previous year there were three such cases.

As with hate crime based on religion, the classification of these cases as hate crime was based primarily on either the victim's perception of the motive or on slurs made by the suspect during the incident. The majority of hate crimes based on sexual orientation or transgender identity or appearance were verbal threats and insults (22) or one-sided assaults (15). During 2010, five reports of offences were filed that concerned discrimination on the basis of belonging to the above-mentioned groups.

In the target year, one hate crime case motivated by sexual orientation or transgender identity or appearance included exceptionally many offences. Altogether 90 principal offences were filed in a case that involved a gas attack that occurred during a Pride parade in Helsinki in the summer of 2010. One principal offence concerned the invasion of people's freedom of political action, and the others were assaults.

In addition to actual hate crimes, there were four cases that included a hate motive based on sexual orientation and one case where the motive was the transgender identity or appearance of the injured party. However, these cases were not filed as actual reports of an offence.

Hate crime motivated by the victim's disability

In the target year, a total of 21 hate crimes based on the victim's disability were identified. In the previous year the number of these cases was 32. The majority of these cases were discrimination cases (8) and verbal insults or threats (6). In the previous year, only one case of discrimination based on disability was reported to the police. In addition to actual hate crimes, seven other cases under investigation included a hate motive based on disability.

Important to consider when assessing the results

When assessing the amount of hate crime reported to the police, it is important to consider the weaknesses concerning the method of this report and the difficulties concerning the interpretation of police reports. Statistics of racially motivated crime have been compiled for several years, and the police have been required to classify these cases in the police information system for over ten years now. The police have not been instructed to classify other types of hate crime. Therefore, there is no systematic pattern for recording other than

racist motivation in the report. With many cases reviewed for this report, the motive of the crime has been interpreted from weak clues only, such as insults shouted by the offender during the incident and recorded in the report of the offence by a police officer.

It is also possible that the differences between the numbers of cases reported to the police partly indicate how often members of various minority groups tend to report their experiences of crime to the police. The differences may also reflect the extent to which victims of crime express their own views about the motive behind the crime to the police, as well as the extent to which and in how much detail the police reveal and document these aspects. For example, a victim belonging to a sexual minority might not report the motive of a crime to avoid revealing his or her sexual orientation. The victim might be afraid of possible prejudice displayed by the police or of having to reveal his or her sexual orientation in public later in the court proceedings. The few studies concerning the topic indicate that only a small percentage of hate crimes are reported to the police at present.

During 2009–2010 there were no changes in the instructions that the police received with regard to filing a report of an offence or classifying various types of crime. The Finnish Criminal Code was amended in 2011 to better protect and take cognizance of other hate crime victims in addition to those of racist crime victims. Possibly these changes will be reflected in future reports on hate crime reported to the police. As religion, sexual orientation and disability, along with the victim's ethnic or national origin as a motive for a crime are now stated as aggravating circumstances, the police must pay attention to these kinds of motives in their preliminary investigation. However, the police have only been instructed to classify racist crimes in the police information system.

Cases on ethnic agitation and discrimination decided by prosecutors, all country (according to the offence)
B2/2

14 April 2011 10:28

Period from 1 September 2007 to 14 April 2011

Code and name of authority	For processing			Processed decisions		Categories of decisions										Average time for processing	
	Open cases in the beginning of the period	Cases arrived	Total number of cases	Combined	Transferred	Charges	RM?	Charges dropped	Charges dropped, procedural grounds	Section 4 (3) Act on Pre-trial Investig..	Section 4 (4) Act on Pre-trial Investig..., procedural	Section 4 (3) Act on Pre-trial Investig.., costs	Decision on charges	Notice of charges	Total	Open at end of period	Time for pressing charges, months
The whole country	13	152	165	2	14	48	0	6	47	14	22	3	4	0	144	5	3,71
						33,33 %	0 %	4,17 %	32,64 %	9,72 %	15,28 %	2,08 %	2,78 %	0 %	100 %		
901 Prosecutor General's Office	5	25	30	1	2	11	0	1	6	5	2	1	1	0	27	0	3,86
						40,74 %	0 %	0,14 %	0,82 %	0,69 %	0,27 %	0,14 %	0,14 %	0 %	100 %		
The whole country	13	152	165	2	14	48	0	6	47	14	22	3	4	0	144	5	3,71
						33,33 %	0 %	4,17 %	32,64 %	9,72 %	15,28 %	2,08 %	2,78 %	0 %	100 %		
601 West Usima a	0	3	3	1	0	0	0	0	1	1	0	0	0	0	2	0	0,78
						0,00 %	0,00 %	0,00 %	25,00 %	25,00 %	0,00 %	0,00 %	0,00 %	0,00 %	100,00 %		

607 Helsinki	2	26	28	0	3	9	0	1	3	4	5	1	1	0	24	1	2,40
						37,50 %	0,0 0 %	0,17 %	0,52 %	0,69 %	0,87 %	0,17 %	0,17 %	0,00 %	100, 00 %		
616 Central Finland	1	5	6	0	0	3	0	0	2	1	0	0	0	0	6	0	4,11
						50,00 %	0,0 0 %	0,00 %	5,56 %	2,78 %	0,00 %	0,00 %	0,00 %	0,00 %	100, 00 %		
618 Tavastia Proper	1	4	5	0	0	0	0	1	1	0	2	0	0	0	4	1	4,78
						0,00 %	0,0 0 %	6,25 %	6,25 %	0,00 %	12,50 %	0,00 %	0,00 %	0,00 %	100, 00 %		
634 Salpauss elkä	2	11	13	0	2	5	0	0	2	0	1	0	2	0	10	1	11,1 3
						50,00 %	0,0 0 %	3,70 %	2,00 %	0,00 %	1,00 %	0,00 %	2,00 %	0,00 %	100, 00 %		
648 Eastern Finland	2	8	10	0	0	1	0	2	2	1	3	0	0	0	9	1	3,72
						11,11 %	0,0 0 %	2,47 %	2,47 %	1,23 %	3,70 %	0,00 %	0,00 %	0,00 %	100, 00 %		
655 Oulu	0	6	6	0	2	0	0	0	3	0	1	0	0	0	4	0	2,10
						0,00 %	0,0 0 %	0,00 %	18,75 %	0,00 %	6,25 %	0,00 %	0,00 %	0,00 %	100, 00 %		
667 Lapland	0	10	10	0	1	4	0	0	2	0	3	0	0	0	9	0	2,95
						44,44	0,0 0 %	0,00 %	2,47 %	0,00 %	3,70 %	0,00 %	0,00 %	0,00 %	100, 00 %		
675 Tampere Region	0	16	16	0	1	7	0	0	4	1	2	1	0	0	15	0	1,32
						46,67 %	0,0 0 %	0,00 %	1,78 %	0,89 %	0,44 %	0,00 %	0,00 %	0,00 %	100, 00 %		
678	0	20	20	0	1	6	0	1	10	1	1	0	0	0	19	0	2,88

Western Finland						31,58	0,0 0 %	0,28 %	2,77 %	0,28 %	0,28 %	0,00 %	0,00 %	0,00 %	100, 00 %		
680 Ostrobothnia	0	11	11	0	1	2	0	0	5	0	2	0	0	0	9	1	4,48
						22,22 %	0,0 0%	0,00%	6,17 %	0,00%	2,47 %	0,00%	0,00%	0,00 %	100 %		
684 East Uusimaa	0	7	7	0	1	0	0	0	6	0	0	0	0	0	6	0	4,80
						0,00%	0,0 0%	0,00%	16,67 %	0,00%	0,00%	0,00%	0,00%	0,00 %	100 %		
690 Åland Islands	0		0	0												0	
The whole country	13	152	165	2	14	48	0	6	47	14	22	3	4	0	144	5	3,71
						33,33 %	0 %	4,17 %	32,64 %	9,72 %	15,28 %	2,08 %	2,78 %	0 %	100 %		
Ethnic agitation	6	28	34	1	9	11	0	0	4	5	2	1	1	0	24	0	3,00
						45,83 %	0,0 0 %	0,00 %	16,67 %	20,83 %	8,33 %	4,17 %	4,17 %	0,00 %	100, 00 %		
discrimination	7	82	89	0	1	26	0	5	34	5	13	2	3	0	88	0	4,45
						29,55 %	0,0 0 %	5,68 %	38,64 %	5,68 %	14,77 %	2,27 %	3,41 %	0,00 %	100, 00 %		
Ethnic agitation	0	12	12	0	2	4	0	1	2	1	0	0	0	0	8	2	3,76
						50,00 %	0,0 0 %	12,50 %	25,00 %	12,50 %	0,00 %	0,00 %	0,00 %	0,00 %	100, 00 %		
discrimination	0	30	30	1	2	7	0	0	7	3	7	0	0	0	24	3	2,12
						29,17 %	0,0 0 %	0,00 %	29,17 %	12,50 %	29,17 %	0,00 %	0,00 %	0,00 %	100, 00 %		

Punishments by offence, 2007-2009

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

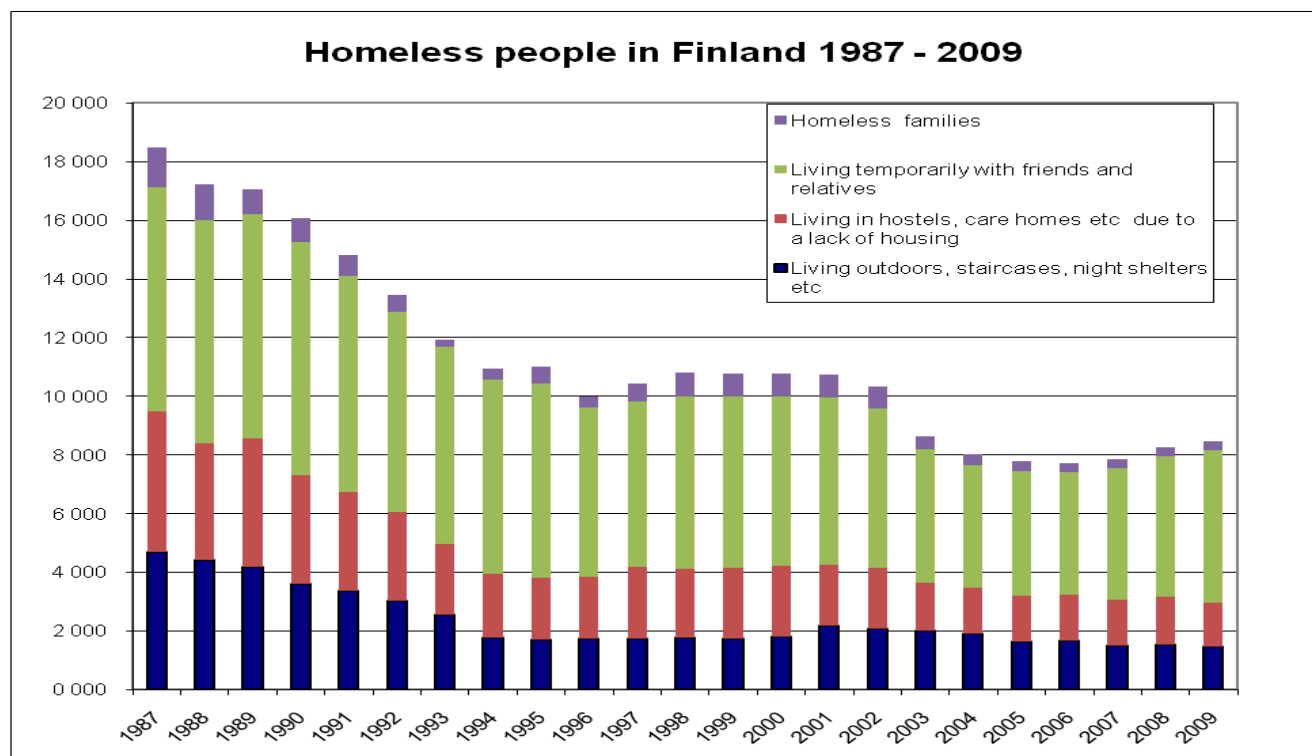
Principal offence of foreign convicted prisoners 1 April 2011

	Frequency	Per cent	Valid percentage	Cumulative percentage
Afghanistan	2	,9	,9	,9
Albania	1	,4	,4	1,3
Algeria	2	,9	,9	2,2
Bosnia-Herzegovina	1	,4	,4	2,6
Chile	2	,9	,9	3,5
China	1	,4	,4	4,0
Congo, People's Republic	1	,4	,4	4,4
Dominican Republic	2	,9	,9	5,3
Estonia	65	28,6	28,6	34,4
Ethiopia	1	,4	,4	5,7
France	4	1,8	1,8	36,1
Gambia	3	1,3	1,3	37,4
Ghana	2	,9	,9	38,3
Great Britain	1	,4	,4	95,2
Iran	9	4,0	4,0	42,3
Iraq	9	4,0	4,0	46,3
Israel	1	,4	,4	46,7
Italy	2	,9	,9	47,6
Latvia	5	2,2	2,2	49,8
Lithuania	12	5,3	5,3	55,1
Morocco	2	,9	,9	55,9
Nigeria	11	4,8	4,8	62,1
Poland	6	2,6	2,6	64,8
Romania	11	4,8	4,8	69,6
Russia	23	10,1	10,1	79,7
Senegal	1	,4	,4	80,2
Serbia and Montenegro	4	1,8	1,8	98,2
Somalia	8	3,5	3,5	85,0
Spain	1	,4	,4	85,5
Sweden	13	5,7	5,7	91,2
The Netherlands	3	1,3	1,3	57,3
Tunisia	1	,4	,4	91,6
Turkey	4	1,8	1,8	93,4
Ukraine	3	1,3	1,3	94,7
United States	2	,9	,9	96,0
Vietnam	3	1,3	1,3	81,5
Yugoslavia	1	,4	,4	96,5
Stateless	3	1,3	1,3	99,6
Unknown	1	,4	,4	100,0
Total	227	100,0	100,0	

Principal offence of foreign convicted prisoners 1 April 2011

	Frequency	Per cent	Valid percentage	Cumulative percentage
robbery	17	7,5	7,6	7,6
thefts	35	15,4	15,7	23,3
other property offence	6	2,6	2,7	26,0
homicide	13	5,7	5,8	31,8
other violent offence	15	6,6	6,7	38,6
sexual offence	20	8,8	9,0	47,5
narcotics offence	103	45,4	46,2	93,7
driving while intoxicated	4	1,8	1,8	95,5
other offence	10	4,4	4,5	100,0
Total	223	98,2	100,0	
System missing	4	1,8		
	227	100,0		r

Number of homeless people in Finland in 1987-2009.



Cases brought before the National Discrimination
Tribunal and decisions 2009-2010

	2009	2010	Total 09-10
Cases	23	12	35
Decisions issued by the Tribunal	10	7	17
Decisions issued by the chairperson	13	5	18
Injunctions	0	1	1
Requests for an opinion by administrative courts	5	0	5
Requests for an opinion by authorities	3	1	4
Requests for an opinion by associations	0	1	1

Ombudsman for minorities – workload differentiated according to type of client contact 2007-2010

	2007	2008	2009	2010
Issues related to the Aliens Act	21 %	18 %	19 %	14 %
Discrimination and other improper treatment	47 %	53 %	49 %	38 %
Other issues (promoting equality, request for information etc.)	32 %	29 %	25 %	31 %
Human trafficking			7 %	17 %
The breakdown is based on the measures taken, i.e. the annual amount of work				

The row entitled "Other Issues" has changed in our registers in such a way that it contains other contacts than contacts related to discrimination and the Aliens Act. These include the promotion of equality, requests for information, contacts not belonging to the competence of the Ombudsman, other, not known. However, the issues in question may also be linked to issues according to the earlier classification (2003-2006).

Since the beginning of 2009, the Ombudsman has also reported on human trafficking.

ACTIVITIES OF THE PARLIAMENTARY OMBUDSMAN 2010-2011

Complaints: In 2010, a total of 4,034 complaints were sent to the Parliamentary Ombudsman. Complaints containing claims of discrimination or racist treatment by the authorities are not differentiated in the statistics. With the search term "discrimination", when searching the records of the Office of the Parliamentary Ombudsman, 51 cases initiated between 1 January 2010 and 11 April 2011 were found. With the search term "racism", 9 cases from the same period were found. The discrimination claims in the complaints concerned ethnic discrimination as well as discrimination on the basis of gender, language, employment or disability.

It is also common that claims regarding discrimination are presented, inter alia, in cases regarding police action to investigate reports on offences. A separate group is formed by complaints regarding discrimination experienced in prisons by prisoners belonging to ethnic minorities or foreigners.

In a written complaints procedure it is often difficult to ascertain with sufficient certainty if the alleged discrimination has taken place. Complaints concerning discrimination or racist attitudes have therefore very seldom led to action by the Parliamentary Ombudsman. During inspections at prisons and other closed institutions, attention is always attached to the position and equal treatment of prisoners belonging to ethnic and linguistic minorities and of foreigners.

Complaints are examined either in Finnish or in Swedish. Complaints made in Sámi are translated into Finnish and the decisions on them are translated into Sámi. In practice, also e.g. complaints made in English have been examined, and the complainant has received information on the contents of the standpoint of the Ombudsman in English. If necessary, also complaints in other languages have been translated and accepted for examination.

Information: The Office of the Ombudsman has actively worked on improving its information, so that possible victims of racism and discrimination are able to get information on the activities of the Ombudsman. The website of the Office and the brochures on the activities of the Ombudsman, containing a complaints form and instructions on how to file a complaint are available in Finnish, Swedish, Sámi, English, German, French, Russian, Estonian and sign language. Website: <http://www.oikeusasiamies.fi/Resource.php/ea/english/index.htm>

2.

Every year the Parliamentary Ombudsman receives a few complaints regarding the treatment of prisoners belonging to ethnic minorities. The question of discrimination on grounds of ethnic origin is also raised in prison inspections, because during these inspections one of the special focuses is the position of prisoners belonging to ethnic or linguistic minorities and foreigners.

In a certain complaint case (4582/4/10, 30.3.2011), the fact that a Roma prisoner had to live in the segregated area for his own safety, was criticized. Also, the parents of the prisoner were not able to visit him because of the so called obligation to yield. In the Ombudsman's view there were no grounds to suspect wrongful or illegal action. The said security threats were known by the prison and the situation had been improved by moving the prisoner seen as a security threat to another institution.

In another complaint case (4365/4/10, 31.3.2011), the fact that a foreign prisoner for a short while was placed together with a prisoner who smoked, was criticized. According to the complaint, the foreign prisoner in question also could not access the gym. According to the clarifications received from the prison, the scarcity of space had caused the short-term exposure of the prisoner to tobacco smoke. The reason for denying access to the gym was human error, according to the clarification. The Ombudsman made his view on wrongful action known to the prison.

The comments made during prison inspections and the clarifications in relation to complaint cases most often point at the fact that discrimination on grounds of ethnic origin and racism exist not because of the attitudes of the prison authorities but because of the attitudes of other prisoners. Prisoners belonging to ethnic minorities and with foreign background have regrettably often had to be placed in the segregated area on their own request in order to guarantee their safety. During the inspections, the obligation of the prison personnel to safeguard the security of Roma and other minority prisoners is stressed, as well as their obligation to prevent pressure from other prisoners.

Inspections have revealed that certain prisons have succeeded better than others to maintain such an atmosphere where persons belonging to ethnic minorities and foreign prisoners don't encounter discrimination.

Sámi and Roma issues: In recent years there have been very few complaint cases or cases examined on the Ombudsman's own initiative regarding the Sámi and the Sámi language. In one complaint, the fact that the City of Oulu had failed to arrange completely Sámi language day-care for Sámi children, was criticized.

The Deputy Ombudsman stated in his decision, inter alia, that the Act on Daycare didn't contain detailed provisions on how Sámi language daycare should be organized in municipalities. The

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municipalities have to see to it that daycare is available and is either provided by the municipality or supervised by it to the extent and in such forms that the needs in the municipality warrant. Further, the municipality has to see to it that daycare for children can be provided in the mother-tongue of the child in Finnish, Swedish or Sámi. The provision on daycare in Sámi language has no geographic limits, and thus it concerns all municipalities.

The Deputy Ombudsman stressed that the municipality must take into account, when arranging services, the requirement for equal treatment and non-discrimination in Section 6 of the Constitution as well as the right to receive good high quality social welfare and treatment without discrimination in the The Act on the Status and Rights of Social Welfare Clients. The public authorities also have to support the possibilities of families and others who care for children to secure the well-being and individual growth of the child. According to Section 22 of the Constitution, the public authorities shall guarantee the observance of basic rights and liberties and human rights. In doing so, the status of the Sámi as an indigenous people must be taken into account, and their constitutional right to maintain and develop their language and culture must be promoted.

The Deputy Ombudsman made its views known to the Ministry of Social Affairs and Health on the unequal status of Sámi daycare compared to Finnish and Swedish daycare in its statement for the total reform of the legislation on pre-primary education services, and requested they be taken into account. In the preparation of the legislation, the status of the Sámi language must be taken into account as a language of a small minority enjoying special protection under the Constitution and international conventions, and being classified as endangered internationally.

In one complaint, the housing office of a municipality was criticized for not allocating housing to Roma. The complainant was of the view that this constituted discrimination of Roma. The Municipal Council denied the accusations and stated that all persons in need of housing are treated in the same way in the municipality. Based on the clarifications received no illegal or wrongful action was found in the case (1738/4/10, 17.12.2010).

Foreign cases: Cases related to the Aliens Act or Nationality Act are classified as foreign cases.

The objects of the complaints are most often authorities issuing permits and statements, especially the Immigration Service, the police, the Ministry of the Interior, the Ministry for Foreign Affairs and its diplomatic and consular missions as well as the Finnish Border Guard. In 2010, 67 foreign cases were considered. Often the object of the complaint was the long handling time of the permit applications or dissatisfaction with a negative residence permit or visa decision. The complaint did not contain such claims on discrimination or racism that led to action.

4.

In certain complaints, authorities have been criticized for treating foreigners better than Finns. E.g. complaints were filed at the Parliamentary Ombudsman for reserving certain swimming days for immigrant women at indoor swimming pools (208/4/08, 17.6.2009). Also immigrant men had their own swimming turns. The complainant was of the opinion that this practice discriminated against Finnish users of indoor swimming pools.

According to the clarification received by the Deputy Ombudsman, a special need for special swimming turns did exist. Swimming education was thus safeguarded for them, and their integration was promoted. The reserved swimming time was not disproportionate to the available general swimming hours. The Deputy Ombudsman drew attention to the provision on prohibition on discrimination in the Constitution and the Non-Discrimination Act, as well as in several international human rights conventions binding for Finland. However, the prohibition on discrimination does not hinder so called positive action to instead of formal equality also promote factual equality in practice. The objective of the provisions on the basic right is to promote exactly that kind of factual equality.

De facto equality may require better treatment of groups in a socially, economically or otherwise weaker position. Different treatment of certain groups does not constitute unlawful discrimination in all cases.

Based on the clarification provided, nothing in the case indicated such unlawful action that would have warranted the intervention of the legality control authority. It was stated in the decision that positive special treatment of immigrants is allowed only as long as the special treatment is needed in order to correct verified disadvantages.