

**IMPLEMENTATION OF THE INTERNATIONAL
CONVENTION ON THE ELIMINATION OF ALL FORMS OF
RACIAL DISCRIMINATION**

**COMBINED 20TH, 21ST AND 22ND
PERIODIC REPORTS OF FINLAND**

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INTRODUCTION

This is the combined 20th, 21st and 22nd periodic report submitted by the Government of Finland on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, covering the period after August 2007.

The Committee on the Elimination of Racial Discrimination considered as one document the previous combined 17th, 18th and 19th periodic reports submitted by Finland in August 2007 (CERD/C/FIN/19) at its 1918th and 1919th meetings (CERD/C/SR.1918 and CERD/C/SR.1919) held on 25 and 26 February 2009. At its 1929th meeting (CERD/C/SR.1929), held on 5 March 2009, the Committee adopted its concluding observations and recommendations. In accordance with the concluding observations and recommendations of the Committee, the focus of this periodic report is on those issues that the Committee highlighted in its concluding observations and recommendations after the consideration of the combined 17th, 18th and 19th periodic reports submitted by the Government of Finland. The Committee had posed additional questions to Finland before the consideration of the report in the Committee and Finland gave its written replies in February 2009. In November 2010, the Government also replied in writing to recommendations 14, 16 and 19 of the Committee (CERD/C/FIN/CO/19).

Subsequently, on 11 March 2011, the Committee posed questions on the follow-up of its earlier concluding observations and recommendations, in particular regarding paragraphs 14, 16 and 19 of its concluding observations.

Further, in this combined 20th to 22nd periodic report, additional information is provided on the latest legislative developments and measures taken to eradicate racial discrimination. The majority of them have been carried out in order to implement the Durban Declaration and Plan of Action. However, what has been reported to the Committee previously, as stated above, will not be repeated in the report.

In general, the references to the recommendations of the Committee have been placed at the beginning of the paragraphs on respective article, or at the beginning of a relevant part of a text. The focus of the report is in providing replies to the questions posed by the Committee.

The 20th to 22nd periodic report has been drafted according to the new reporting guidelines and does not contain general country information of the State party. This information will be included in the new Common Core Document currently being elaborated. This combined periodic report is longer than the recommended length established by the UN because it is a report consisting of three reports.

The 20th to 22nd periodic report was drafted at the Ministry for Foreign Affairs in close cooperation with different ministries and other authorities. Written comments were invited from non-governmental organizations and some other organs for the elaboration of the report. Further, in August 2011, a public hearing was organized for authorities, non-governmental organizations, labour-market organizations and advisory councils to provide an opportunity for them to present their views and comments to the draft report.

The report was submitted to the Committee monitoring the International Convention on the Elimination of all Forms of Racial Discrimination in November 2011.

Further information

For further information on human rights conventions and on periodic reports concerning their implementation, please contact the Unit for Human Rights Courts and Conventions of the Ministry for Foreign Affairs of Finland. Contact information:

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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION COMBINED 20TH, 21ST AND 22ND PERIODIC REPORTS OF FINLAND

ARTICLES 2 TO 7 OF THE CONVENTION

ARTICLE 2

A. EARLIER RECOMMENDATIONS

The definition of 'Sámi'

The Committee has recommended (recommendation No. 13) that the State party give more adequate weight to the self-identification by the individuals concerned, the Sámi, as indicated in the Committee's General Recommendation No. 8 (1990).

According to Section 3 of the Act on the Sámi Parliament, a Sámi means a person who considers himself or herself a Sámi (self-identification) and who additionally fulfils the objective criteria of the definition of a Sámi. The subjective scope of this definition is based on the interpretation practice of the Supreme Administrative Court and amendments to the Act are not warranted at present. Discussions on the definition of 'Sámi' will be held on the Nordic level in connection with talks on a Nordic Sámi Convention in order to find a common definition. It is awaited that that this issue will be discussed during the negotiations about a Nordic Sámi Convention.¹

Nordic negotiations on a Sámi Convention

On 22 November 2010, at a joint meeting of the ministers responsible for Sámi issues from Sweden, Finland and Norway and the presidents of the Sámi Parliaments made a decision to initiate talks in 2011 on a Nordic Sámi Convention. Each negotiating State has nominated for the negotiations a national delegation including representatives of the state concerned and Sámi Parliaments. In the delegation of Finland, half of the members are Sámi. The objective is to agree on the Convention in five years time.

Land rights of the Sámi

The Committee regrets (recommendation No. 14) that the Finnish Government has not provided information on the establishment of the proposed preparatory organ in charge of reaching a solution for the land use right issue in the Sámi Homeland. In this regard, the Committee encourages Finland to take into account General Recommendation No. 23 (1997) on the rights of indigenous peoples.

With regard to land use rights, the Government refers to the reply provided to the Committee in November 2010 on that issue. The Mining Act and the Water Act, referred to in the reply, were adopted by the Parliament in March 2011. Regarding the Mining Act, the Commerce Committee of the Parliament stated in its report (TaVM 49/2010 vp), that the criteria for pertinence according to Section 50 (1) of the Bill (Impediments to the granting of permission in the Sámi Homeland, in the Skolt area and in special reindeer-herding areas) must be interpreted and applied in a constitution-friendly manner

¹ The draft Nordic Sámi Convention was presented on October 2005 by an expert group.

and the praxis of the UN Human Rights Committee regarding article 27 of the International Covenant on Civil and Political Rights must be taken into account.

Prime minister *Jyrki Katainen*'s government inaugurated on 22 June 2011 has stated in its government-programme to improve the rights of the Sámi as an indigenous people for instance by clarifying the legislation on land use rights and to aim at the ratification of the ILO convention on indigenous people.

The draft Nordic Sámi Convention contains draft provisions on the right to land, water and natural resources by the Sámi. The objective is for the legal status of the Sámi to improve in line with the recommendations of the Committee in connection with the conclusion of the Nordic Sámi Convention and through it.

Integration of immigrants and the new Integration Act

The Committee has paid attention to discrimination against persons of foreign origin, particularly regarding the employment opportunities and integration of persons with immigrant backgrounds. The Committee has invited Finland to provide additional information on the overall revision of the Integration Act, especially the preparation of integration plans (*Recommendation No. 19*).

During its current term of office, Prime Minister *Jyrki Katainen's* Government prioritises are, *inter alia*, the integration of immigrants and the prevention of discrimination. For example, the Government endeavours to make integration policy more effective and to intensify the prevention of discrimination. According to the Government Programme, all means available will be employed to enhance the integration of immigrants into Finnish working life. The objective is to increase the employment rate of migrants and to halve their unemployment rate. Special attention will be paid to groups with low employment rates.

The new Integration Act (1386/2010) was adopted by Parliament on 30 December 2010. The Act came into force on 1 September 2011. The scope of application of the Act has been extended to cover all immigrants residing in Finland. However, the persons eligible for measures to promote integration are defined specifically for each measure.

The objective of the Act is to support and promote the integration of immigrants and to improve their opportunities to take an active part in Finnish society. Moreover, the Act is intended to promote equality, non-discrimination and positive interaction between different population groups. The aim is to enable immigrants to reach an equal position with the rest of the population in respect of both rights and obligations. The integration measures aim at helping immigrants to acquire the essential knowledge and skills that they need for participating in society and working life, while at the same time supporting their opportunities to maintain their own language and culture.

In order to speed up the integration and employment of immigrants, the new Act emphasises the initial stage of their integration. The Act provides for services for the initial stage of integration, e.g. provision of basic knowledge, guidance and counselling for all immigrants, initial mapping of their situation, integration plans prepared on the basis of the initial mapping, and integration training.

According to the new Act, all immigrants who, on the basis of the initial mapping, are considered to need an integration plan are entitled to get such a plan. Thus the integration training will cover the different immigrant groups more extensively than before. The integration training, too, is defined specifically in the Act, which clarifies the earlier situation.

An integration plan is always prepared for unaccompanied minor asylum seekers who have received a residence permit, and if necessary also for other minor immigrants. If the overall situation of a family so requires, the responsible municipality prepares an integration plan for the family. The contents and length of an integration plan are determined by individual needs.

In the preparation of the new legislation, special attention was paid, *inter alia*, to the promotion of integration of immigrant women and to special support measures to enable for instance stay-at-home mothers to participate in training in Finnish or Swedish, to learn the language and to familiarise themselves with Finnish society and working life. This also increases immigrant women's inclusion in society.

The Act defines the general objectives of the promotion of integration at local level and obligates municipalities to prepare integration plans in cooperation between local authorities and organisations. The Act also contains provisions on a national integration programme.

The primary objective of the integration of adult immigrants is to promote their employment in the open labour market. For a long time, the average unemployment rate of immigrants has been almost three times higher than that of the main population. This high unemployment rate will be lowered e.g. by supporting the employment of immigrants through integrated employment and entrepreneurship services of the Employment and Economic Development administration and by strengthening the internationalisation skills of the labour market.

One objective of the Participative Integration in Finland Project, initiated by the new Integration Act, is to improve the efficiency of integration training by testing new client oriented contents of the training. When the project is completed at the end of 2013, the authorities will evaluate the impact and cost efficiency of the tested alternative models in comparison with the current integration training system. On the basis of the pilot project, proposals for permanent legislation and a new model for integration training will be prepared.

The Ministry of the Interior has established a system for monitoring integration and ethnic relations, which regularly produces information about the integration situation in Finland. Information on the living conditions of immigrants is collected in selected sectors of integration. The participation of immigrants in the labour market is measured by means of their employment and unemployment rates and the developments of these rates.

In addition, the immigrant barometer included in the monitoring system is used for collecting immigrants' own views of integration. The themes covered by the barometer include experience of services and authorities, feeling of security, and experience of discrimination.

Work permits

In 2010, 18 per cent of the new applications for residence permits were work related. In 2010, the amount of new applications for worker's resident permits increased by 14 per cent compared with 2009. The relative share of negative decisions decreased in the case of worker's resident permits compared with earlier years. In the case of decisions on worker's resident permits, 22 per cent were negative. Most of the applications were filed by citizens of the Russian Federation (1,029), Ukraine (597) and Croatia (508). Statistical data on decisions on residence permits from 2008-2010, including worker's residence permits, differentiated according to the ground for granting the permit, are contained in Annex 1.

Relevant national legislation and other regulation

With regard to the Convention on the Elimination of All Forms of Racial Discrimination, the most important national legislative projects in recent years have included *the Act on the Promotion of Integration (1386/2010)*, *the Act on the Reception of Seekers of International Protection (746/2011)*, *the Government Decree on the Advisory Board for Ethnic Relations (298/2011)*, the Government bill to Parliament for establishing a human rights institution and the Government bill to Parliament for accepting the Additional Protocol to the Council of Europe Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

Through the amendment of Section 4 of the Non-Discrimination Act (978/2007), authorities were given the obligation to elaborate plans for the promotion of ethnic equality (*equality plan*) to the extent required by the nature of the activities of respective authority. General recommendations on the contents of the plans are given by the Ministry of the Interior. The elaboration of equality plans at different authorities is detailed below.

Grounds that justify differential treatment were legislated by the amendment to Section 7 of the Non-Discrimination Act (690/2008). The following conduct is not considered discrimination under the Non-Discrimination Act:

- 1) A procedure based on an equality plan and intended to implement the purpose of the 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.

The Non-Discrimination Act does not prevent specific measures aimed at the achievement of genuine equality in order to prevent or reduce the disadvantages caused by the types of discrimination referred to in Section 6 (1) (positive discrimination). Positive discrimination must be appropriate to its objective. By the amendment of Section 2 (84/2009), the scope of the Act was widened to also apply to discrimination on the ground of ethnic origin in connection with the allocation of housing, other

movable or real property or services on the general market for the public, with the exception of transactions within the private realm or the family. The text of Sections 2, 4, 7 and 21 of the Non-Discrimination Act are contained in Annex 2.

Measures taken (administrative arrangements, programmes, action plans, projects etc.)

In conjunction with the administrative reform of 2008, a new area of responsibility - non-discrimination - was established at the Legal Affairs Unit of the Ministry of the Interior. It has the following tasks:

- i) to support and monitor non-discrimination planning by the authorities;
- ii) to implement the monitoring system for discrimination and to develop it;
- iii) to fit together coordination and developing tasks in relation to combating racism and ethnic discrimination so far as they concern jointly both new and old ethnic minorities; and
- iv) to fit together programmes and projects of the European Union so far as they concern all or most of the following discrimination grounds: ethnic origin, religion or conviction, age, disability and sexual orientation.

In accordance with the Non-Discrimination Act, the authorities have an obligation to actively promote equality and non-discrimination and, in accordance with the Act, the authorities must elaborate an equality plan for the promotion of ethnic equality. During 2008-2010, the Legal Affairs Unit of the Ministry of the Interior convened an expert group to assess the equality planning of the authorities, conducted a survey on equality planning in municipalities, prepared guidelines on equality and an equality plan for the Ministry of the Interior, in cooperation with other departments and units of the Ministry, issued new general plans on the contents of equality plans, published a handbook on equality planning and organized training and information events for authorities all over Finland as part of the YES project funded by the EU Progress programme.

At the beginning of 2008, the Ministry of the Interior established a Discrimination Monitoring project, aiming at gathering information on the realisation of non-discrimination in regard to different population groups.

The Discrimination Monitoring Group is responsible for the implementation of the Discrimination Monitoring System. A permanent research and statistics subgroup is under the Monitoring Group to coordinate the measures for the development of research and the compilation of statistics. In 2008, the Discrimination Monitoring Group commissioned the report 'Discrimination in Finland', realised by the Finnish League for Human Rights. In 2008 and 2009, the Monitoring Group also commissioned studies on possibilities for conciliation in cases of the avoiding obligation by the Roma and on work discrimination cases processed by the industrial safety districts. The reports and studies are published on the discrimination monitoring website, which is realised as part of the www.equality.fi website.

Since the beginning of 2010, the monitoring of discrimination has been realised in accordance with a four-year action plan elaborated by the Monitoring Group. In 2010 to 2013, monitoring of discrimination will be realised by yearly discrimination studies that analyse different spheres of life and cover all discrimination grounds as well as by comprehensive quadrennial 'Discrimination in Finland' reviews, covering all spheres of life. The yearly discrimination studies cover the following spheres of

life central to the realisation of equality: Education and leisure time (in 2010), work life (2011), justice and security (2012) and social welfare and health care services (2013). In the discrimination studies the manifestations of discrimination are analysed with regard to all discrimination grounds. The discrimination grounds that are covered are ethnic origin, age, religion and conviction, disability and sexual orientation. Also gender will be taken into account from the point of view of multiple discrimination.

In 2008, the YES project organised 10 workshops on equality planning for authorities within the administrative branch of the Ministry of the Interior with 200 members of the Police, Border Guard, rescue services and emergency response centres participating. The purpose of the workshops was to support the development process of the equality planning within its own administrative branch, which the Ministry of the Interior initiated in 2008. In 2010, a total of 14 all-day training events or workshops on equality planning were organised at different locations in Finland for municipalities and regional authorities as well as for the administrative branches of the Ministry of the Interior, the Ministry of Employment and the Economy and the Ministry of Education and Culture. The target groups of the training were in particular those authorities that up till then did not have an equality plan or who were updating their old plan. A total of 276 authorities participated in the events. The training focused on the identification of discrimination and on intervention in it, on principles of good governance as well as on how to take into account the needs and situations of clients or workers representing different minorities in the planning of activities and services of the authorities. The YES project has received support for one year at a time since 1 November 2007 and is now in its fourth project year.

Research data has been produced, *inter alia*, on how the Finnish justice system deals with racist crimes (YES1), on the prevalence of hate crimes (YES2), on equality in the school system from the point of view of special education (YES3) and on experiences of discrimination by children and young persons belonging to minorities in schools and in leisure time (YES4).

Examples of external communications within the projects include the Diversity Days organised by the project, where a wide range of questions on discrimination and equality were discussed as well as the website www.equality.fi with information and links related to the subject. The primary target group for both of them are authorities and experts in this field.

Equality in the Defence Forces

In the administrative branch of the Ministry of Defence, racist and xenophobic attitudes and discrimination of persons with a foreign background have been combated and general awareness of diversity and multiculturalism has been increased. The Defence Forces have participated in the YES project throughout its whole existence and organised equality training to its personnel on all levels. Within the framework of the project, the Defence Forces also produced brochures and other materials on non-discrimination and diversity for conscripts and persons attending call-ups.

A new Conscription Act (1438/2007) containing a more detailed provision on the prohibition of discrimination than in the previous act, entered into force in the beginning of 2008.

"Section 56 – Prohibition on discrimination: In implementing military service based on this Act, no person may be discriminated against because of his or her age, origin, language, religion, political or other opinions, health, disability, gender, sexual orientation, or other personal reason, unless acceptable grounds may be established."

In 2007, the Defence Forces adopted a nationwide equality and non-discrimination plan of the Defence Forces and a related instruction on the equality and non-discrimination planning of the 51 administrative units was adopted. The nationwide plan laid down the principles of equality and non-discrimination to be followed in the Defence Forces. The principles are based on the Act on Equality between Women and Men (609/1986) and the Non-Discrimination Act (21/2004).

The principles of equal treatment are also written into several instructions and regulations. In 2007, directives for the identification and prevention of harassment and bullying in military service were elaborated. In 2008, chapters on prevention of bullying and harassment as well as on equality and non-discrimination were included in the Soldier's Handbook which is given to all conscripts. In 2009, the general service regulations were renewed and for the first time equality and non-discrimination were included. In the renewed general service regulations, also the prevention of bullying and harassment are addressed in more detail than before.

With the support of the YES project, various information and training materials on equality and non-discrimination have been produced for use in the Defence Administration.

The Civil Society

The Ministry of the Interior has financed and in cooperation with NGO's implemented the information campaign "Discrimination-free zone", which challenges organisations to declare themselves as discrimination-free. Participating organisations must place a traffic sign with the text "Discrimination-Free Zone" in a visible place in the premises of the organisation. More than 300 organisations have joined the campaign, including authorities, schools, universities, companies, organisations and political parties.

Police action to combat and investigate hate crimes

The police have realised extensive cross-administration cooperation as well as cooperation with NGO's at the national, regional and local levels to combat discrimination and racism. On the national level, the police have participated in the Advisory board on ethnic relations (ETNO). The police have also participated, *inter alia*, in local advisory boards on ethnic relations and local advisory boards on Romani affairs. The police also have a representative in the National steering group for the monitoring of racism and discrimination. On the local level, e.g. in security planning, cooperation with different groups has been emphasised e.g. in order to cater for the special needs of minorities.

The police have also participated in different international seminars and training events, such as the yearly hate crime seminars organised by the OSCE. Furthermore, one of the OSCE National Point of Contact on Combating Hate Crimes in Finland is a representative from the police.

Examples of cooperation also include two guidebooks published in 2007 ("Police and discrimination" and "When a Roma and a police officer meet") to be used e.g. in police training. A representative from the police has also participated in the drafting of the OSCE handbook "Police and Roma and Sinti: Good Practices in Building Trust and Understanding". In 2010 – 2011, the police also participated in the international project "Immigration, Police and Social Work". The purpose of the project is, *inter alia*, to promote cooperation between the police, social services and immigrants.

In 2010, the National Police Board set up a *Forum for cooperation between the Police and ethnic communities*. The purpose of the Forum is to increase the dialogue between the police and ethnic communities and to discuss topical issues related, *inter alia*, to racism. The police have endeavoured to combat racism, to prevent discrimination and to increase tolerance by various means.

In the training leading to the Diploma in Police Studies, issues related to foreigners are addressed from the perspective of the Aliens Act. On top of the basic training, the police organises yearly several special courses on issues related to foreigners as well as thematic seminars and other seminars in order to develop special know-how. Also other interested authorities may participate in the training.

In the basic vocational training as well as in the continuing and supplementary training for the police, attention is paid to promotion of tolerance. In order to promote tolerance and to increase multicultural awareness, representatives of minority groups are used, where possible, as trainers in the training programmes. The European Code of Police Ethics is also covered in the training. At the end of the basic training, those who have completed the basic diploma and who are employed as police officers take the police oath. In the oath, the police officers pledge to respect the human dignity and human rights of everyone.

For instance in 2008, a two-day seminar entitled *The Police and Human Rights* was organised as in-service training. The themes of the seminar were combating racism and basic rights and human rights as well as ethical police work. In 2010, the themes of the seminar *The Police and Human Rights* was to honour violence and hate crimes. In the spring of 2011, a two-day seminar was organised under the heading *The Police and Ethics*, covering the values of the police and the role of the police in society. A four-day training to increase multicultural awareness among the police was organised in the Helsinki Police Department.

Persons belonging to minority groups have applied to the police training and they have also been recruited. In order to facilitate an increase in the number of applications to the Police College from members of minority groups, the requirements for the police training have been revised, where appropriate. The National Police Board has adopted a recruitment strategy for the training leading to the police basic diploma for the period 2010 to 2014. A working group for the implementation of the recruitment strategy has been nominated; its mandate expires on 31 October 2011.

B. TOPICAL ISSUES

Granting of international protection

The European Union Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted was enforced in Finland through the amendment of the Aliens Act that entered into force on 1 June 2009. Along with the enforcement of the directive, the common definition of the EU of secondary protection was introduced.

Through an Act that entered into force in January 2010, the Finnish Immigration Service was given the responsibility for the direction and planning of practical activities related to the reception of asylum seekers and beneficiaries of temporary protection as well as of the implementation of the assistance to victims of trafficking (1345/2009). Decision-making functions and reception functions are differentiated in the Finnish Immigration Service and they are governed by separate units.

An amendment to the Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999) entered into force on 1 July 2010, according to which EU-citizens seeking asylum in Finland no longer belong to the reception system after having been given a negative decision of the Finnish Immigration Service.

In 2010, the Asylum Unit made decisions regarding a total of 5,837 asylum seekers. This is substantially more than in previous years. In 2009 there were 4,335 decisions made and in 2008 a total of 1,995 decisions. Compared with the previous year, the increase was 35 per cent and compared with 2008 the increase was 193 per cent. Differentiated statistical data on the decisions are contained in Annex 3.

Reception of persons seeking international protection

A new Act on the reception of persons seeking international protection (746/2011) has been passed. The purpose is to secure the means of support and care of persons seeking international protection, persons having received temporary protection and victims of trafficking. The Act entered into force on 1 September 2011.

The regulation on reception was clarified by legislating on integration and on reception of persons seeking international protection in separate Acts. The objective is, *inter alia*, to promote the unity in the provision of reception services. The act includes provisions on the competence and duties of the authorities, on reimbursement of costs, on reception and organisational centres, reception services, assistance to victims of trafficking, representation of unaccompanied minors, person registers and appeals.

The provisions on reception were mainly left unchanged. The most important changes concern the separation of the general subsistence subsidy from the support paid to persons seeking international protection and to persons receiving temporary protection. The Act also contains several provisions with

more details, inter alia, on health care services, accommodation for unaccompanied children and person registers.

Children as asylum seekers

The Office of the Minority Ombudsman published on 14 January 2010 the study "The best interests of the child in asylum and refugee procedures in Finland". In accordance with the Government Programme, the study analyses the realisation of the best interest of the child in decisions on asylum seeking and refugee children with a special emphasis on the situation and treatment of unaccompanied minors seeking asylum. For the purposes of the study, authorities participating in the asylum procedure and in the reception of minors and representatives of organisations familiar with the best interest of the child were interviewed as well as minor asylum seekers on how the asylum procedure as a whole is realised in practice. The study finds that unaccompanied minors seeking asylum are among the most vulnerable groups in the Finnish society. In practice, the best interest of the child is not always adequately assessed in the asylum procedure, or it is not the primary assessment criterion. Often economic facts weigh more than the best interest of the child and decisions are made on the basis of economic motives. In the asylum process, the child is primarily treated as an asylum seeker and only then as a child.

In the new government-programme a special concern is given on children as asylum seekers. The programme requests that unaccompanied children, who seek for asylum, cannot be taken into custody. Furthermore it is stated in the programme that every child in reception has the right to go to school.

Information in child protection in English is found on the following web-sites: www.lastensuojelu.info/en/ ; www.lapsiasia.fi/en/frontpage ; www.lastensivut.fi

Migrant workers

In paragraph 20 of the concluding observations, the Committee encourages Finland to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

In 2005 and again in 2011, Finland reconsidered ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In this regard, the situation has not changed and for the time being, ratification is not planned. In Finland, migrant workers are protected by the same constitutional rights and the same human rights conventions ratified by Finland as are other immigrants. In recent years, the legislative development within the framework of the European Union has aimed at increasing the rights and just treatment of, *inter alia*, legal immigrants entering its territory.

Disability policy measures

In 2009 to 2010, the Legal Affairs Unit of the Ministry of the Interior realised the project entitled VAPAA ('free'), funded by the European Refugee Fund. The project analyses the living conditions and integration into society of persons with an immigrant background who are disabled, have long-term

illnesses or are in mental health rehabilitation. 52 working age persons were interviewed for this qualitative study. In 1973 to 2009, approximately 34,000 refugees came to Finland. Delicate matters, such as disability, are not registered in Finland, but there is a remarkable number of disabled persons among the refugees, as well as persons suffering from long-term illnesses and persons in mental health rehabilitation. The study found that the Finnish disability and social service systems are comprehensive, but complicated. Information should be accessible and comprehensive, so that also disabled persons with a refugee background could be informed and their ability to use relevant support services would develop.

In Finland, a government disability policy programme has been drawn up in order to safeguard and guarantee the human rights of disabled persons. Finland has also signed the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol and ratification is pending.

C. STUDIES, REPORTS AND PROJECTS

Children and young persons

Research related to discrimination has been conducted within the framework of the YES project. The study *Special class in the stream of life*, published in 2009, analysed the experiences of children and young persons belonging to ethnic minorities (immigrants and Roma) as well as disabled children and young persons, of studying in a special class and its impact on their equal opportunities to advance in their studies at different stages of their training career.

As to the protection of immigrant children and adolescents against violence, the Ministry of Social Affairs and Health prepared in 2010 a national action plan to reduce corporal punishment of children. The action plan particularly emphasises immigrant families as its target group.

In order to promote access to information about the well-being of children belonging to minorities, a working group set up by the Ministry of Education and Culture issued, at the beginning of 2011, a report on the national indicators of children's well-being. The report included recommendations for improved collection of well-being data about children in different minorities.

Comprehensive schools should better teach all children knowledge about the national minorities, i.e. the Roma and the Sámi. Roma and Sámi children experience that the school "silently" ignores their culture, and the lack of knowledge increases prejudice, stereotypes and the perception of their culture as strange.

When informing the public about the domestic legal remedies the authorities should take account of the need to inform minors, too, which means that the authorities should adopt a more child-friendly approach.

Combating domestic violence / Programme to reduce violence against women 2010-2015

In June 2010 a cross-sectoral programme to reduce violence against women for the period 2010 to 2015 was adopted (www.stm.fi/c/document_library/get.file?folder). The objective is to prevent violence by influencing attitudes and behaviour models, by preventing recidivism, by improving the situation of

victims of sexual violence and the crisis assistance and support to them, by developing means to identify and take action against violence experienced by persons in vulnerable situations as well as by increasing the knowledge and know-how among authorities and professionals on the prevention of violence against women and on assisting victims.

The plan of action also deals with breaking the cycle of violence. Authorities and organisations responsible for integration on the local level are instructed to direct immigrant men who use violence in their intimate relationships to programmes for breaking the cycle of violence.

Honour related violence is a new phenomenon in Finland. It can manifest itself as physical, sexual, psychological, spiritual or economic violence. According to information provided and studies carried out by both authorities and organisations on the local level, honour related violence exists also in Finland. However, no cases of honour killing have been reported to the authorities.

One of the objectives of the Internal Security Programme is to improve readiness to identify the features of honour related violence and to assist both victims and perpetrators in getting help by providing training for concerned authorities on regional and local levels. Finland has signed the Council of Europe Convention on preventing and combating violence against women and domestic violence. Ratification of the convention is under way.

Women, peace and security: Reform of the 1325 Action Plan

The implementation of Finland's first National Action Plan 2008-2011 in accordance with UNSC resolution 1325 (2000) is being monitored and the Action Plan is being renewed. According to the shadow report published in May 2011 by NGO's, the main problems with the current 1325 programme are modest funding and lack of indicators. The Council for Equality emphasizes that indicators must be developed for the renewed national 1325 programme and the programme must get effective resources. Particular attention must be attached to the fact that the productivity programme of the state administration or other general policy of the administration with the objective to generate savings, in the future should not form an obstacle to an effective policy of integrating gender perspective. The Finnish 1325 plan of action 2008-2011 in English, which is currently being renewed, is to be found on the website of the Finnish Ministry for the Foreign Affairs at <http://formin.finland.fi/public/default.aspx?contentid=132044&nodeid=40158&contentlan=2&culture=en-US>).

Gender issues

In October 2010, the Government submitted its first report to the Parliament on equality between men and women. In the report, the Government sets out the equality policy until 2020. The report also analyses the objectives and measures of the pursued equality policy and its effectiveness during the past ten years. Although the report concentrates on questions related to the equality between women and men, it also aims at drawing attention to the differences between women and men from the point of view of equality between women and men as well as the interfaces of equality between women and men and other forms of equality. The report focuses in particular on issues related to the situation of immigrants and minority groups when they have a link to gender equality or multiple discrimination.

The recommendations of the report cover eleven areas of the equality policy. They highlight, *inter alia*, the identification of special challenges faced by women and men from immigrant and other minority groups and the promotion of their equal status in work life when setting equality policy objectives. They also stress the gender perspective in activities to enhance the possibilities of participation of immigrants and minorities in decision making and activities of organisations. The report further lays down that in the planning and realisation of services related to the prevention of violence against women, the special needs of minority groups having experienced violence or the threat thereof, such as ethnic minorities and immigrants, shall be taken into account.

Implementation and follow-up of the Durban Declaration and Plan of Action

Recommendation No. 21 of the Committee concerns the follow-up and implementation of the Durban process in Finland. The numerous legislative, administrative, educational and cultural reforms and projects presented in this 20th to 22nd periodic report are based partly on the implementation and follow-up of the Durban Declaration and Plan of Action in Finland. Annex 4 contains the reply of Finland to the Secretary General of the UN to the survey regarding the national implementation of the Durban Declaration and Plan of Action. Annex 4 contains a follow-up report on implementation of the Durban Declaration and Platform for Action in Finland as well as Monitoring of Discrimination in Finland-Action Plan 2010-2013.

ARTICLE 3

A. EARLIER RECOMMENDATIONS

The Committee expresses concern about *de facto* segregation encountered by both immigrants and Roma in housing and access to public places and services. The Committee recommends (recommendation No. 17) that the State party ensures the observance of its anti-discrimination legislation in the allocation of housing.

Discrimination in the allocation of housing

In 2007-2009, the Legal Affairs Unit of the Ministry of the Interior participated in the project "Building Inclusion" coordinated by the Ministry of Social Affairs and Health of Spain. In the summer of 2008, the national part of the project (equality in housing) analysed the realisation of equality in housing of immigrants and Roma in the metropolitan area. According to the qualitative results (interviews with 45 immigrants from nine linguistic areas and 12 Roma), immigrants and Roma experienced discrimination because of their ethnic background, especially in the service sector. The findings of the study indicate that regional concentration of immigrants had formed on the level of separate apartment buildings or blocks in the metropolitan area. The immigrants who were interviewed, half of which had a refugee background, did not want regional concentration. The possibilities to influence the choice of residential area were seen as the smallest. Concentration was perceived as an obstacle to integration and it increased negative prejudice towards those interviewed. The study 'A wish for a diverse tenant structure' was widely noticed in the public and in the activities of authorities. Earlier the common belief was that the regional concentration of immigrants had been a result of their own choices. After the study, e.g. the City of Helsinki started to analyse its services from the point of view of prevention of inequality among its residential areas.

The housing situation of the Roma

To a large extent the level of housing of the Roma population corresponds to the average Finnish level of housing. However, the Roma are dependent on publicly subsidised housing and they continue to experience discrimination and prejudice in obtaining housing and in other housing related questions. Solving these housing related problems is one of the objectives of the National Policy on Roma. The Advisory Board on Romani Affairs welcomed the initiation of the Roma housing study at the Ministry of Environment, in the spring of 2011, in accordance with the National Policy on Roma and the Government decision in principle. The study should produce proposals on means by which the housing related problems of the Roma could be solved permanently.

The housing situation of immigrants

Finland receives in cooperation with the UN, UNCHR, approximately 750 so called quota refugees each year. According to the new government programme the policy on quota refugees will be continued on the same level like earlier.

Persons waiting for an asylum decision and persons residing in Finland for reasons of temporary protection are usually housed in reception centres.

For a long time, the financial situation of municipalities and the tightening atmosphere of attitudes have hampered the integration of recipients of international protection as municipal residents. However, because integration into one's municipality of residence is the starting point and fundamental basis for all integration, the placement of internationally protected persons in municipalities is promoted by active cooperation between the Government and the municipalities. The insufficiency of the available places for the existing needs as well as the prioritisation of vulnerable groups, e.g. quota refugees and minors receiving international protection, in the placement have increasingly caused recipients of international protection to move to municipalities spontaneously and independently (assisted by reception centres). To support the placement of internationally protected persons in municipalities the Ministry of the Interior will update its national strategy for their placement.

During the past 20 years there has been approximately some 30.000 so called Ingrian returning migrants, e.g. returning migrants from the former Soviet Union. Returning migrants or persons moving to Finland on the grounds of work or family relations must find their housing independently. The queue abroad for these Ingrian returning migrants was closed in the beginning of July 2011 through a change of law. Those who were registered in the queue before coming into force of the change of law have possibility to move to Finland during a five year period. Returning migrants and migrant workers or their family-members have to look for their housing by themselves.

Different studies show that about one fourth of all immigrants have experienced discrimination in housing. In all work to prevent discrimination and to eliminate prejudice, local cooperation in housing areas is important. For instance residents' meetings are one means to promote cooperation and to reduce discrimination. The training of housing managers has been supplemented with skills to cooperate with

different resident groups, e.g. immigrants. In addition, many municipalities arrange housing training for immigrants.

The Association of Finnish Municipalities has drawn attention to the housing of immigrants and to the development of residential areas in its policy papers of December 2010. The Association stresses that more attention must be paid to the development of a balanced demographic structure for residential areas.

ARTICLE 4

A. EARLIER RECOMMENDATIONS

Racist, discriminatory or xenophobic material on the internet

Recommendation No. 16 of the Committee concerns racism on the internet. The police in Finland has invested in internet monitoring e.g. by increasing resources for monitoring and increasing cooperation with different providers of web-based services. Internet monitoring is also centralised in order to link it to national crime prevention and intelligence structures.

Criticism of immigration and hate speech on the internet have increased that is fought against by monitoring of the internet. An essential part of the work to intensify the monitoring of the internet is also to educate the public to inform actively on crimes they observe on the internet through a system of hint via internet. Since March 2010, it has been possible to leave tips on the police website e.g. on racist materials on the internet. The website is in Finnish, Swedish and English (www.poliisi.fi).

In 2010, the police received through the above system 1,028 tips on racism, out of which 22 led to measures. Most of the tips concerned possible defamation cases at online discussion sites. These are not crimes under public prosecution and the injured parties have not been identified through the tips. All expressions of intolerance do not necessarily satisfy the essential elements of an offence according to the legislation; instead it may be classified as objectionable behaviour. The police may only conduct a pre-trial investigation if there are reasons to suspect that an act in accordance with the essential elements of an offence has occurred.

The police have cooperated e.g. with the Ministry of Transport and Communications and FiCom in order to draft guidelines for providers of internet services. The guidelines were issued in March 2010. The police also operate in the social media, such as the IRC-galleria, Facebook and YouTube.

The Ministry of Education and Culture has supported the long-term No Racism (NoRa) programme of Save the Children Finland. NoRa is an anti-racism youth work web project to increase knowledge about racism, how to identify it and what action to take. The objective of the project is to increase non-discrimination and to eradicate prejudice.

Finland has ratified the Additional Protocol to the Council of Europe Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer

systems (ETS No. 189). The additional protocol became internationally binding for Finland on 1 September 2011.

B. OTHER MEASURES

Application of the legislation

The national legislation regarding racist, discriminatory or xenophobic material is comprehensive. An amendment of the Criminal Code (511/2011) entered into force at the beginning of June 2011. The purpose of this amendment was to better ensure opportunities to intervene in racist and other hate speech and other racist crime. The penal provision concerning ethnic agitation was amended, *inter alia*, so that it applies more clearly than before also to hate speech distributed by means of information technology. Moreover, one of the general grounds for increasing punishment, which are applicable to all offences, was formulated more precisely so that not only a racist motive for an offence but also for instance underlying hatred against persons with disabilities or sexual minorities may be considered grounds for increasing the punishment. Additionally, the criminal liability of legal persons for racist offences was increased. See Annex 5.

The amendments of section 2 of the Non-discrimination Act (extension of scope), section 4 of the Act (equality plan) and section 7 of the Act (grounds justifying different treatment) are described above in connection with Article 2, under "Relevant national legislation and other regulation". The amended texts are included in Annex 2.

C. LEGISLATION

The following legislation (Annex 5) is related to the application of article 4 of the ICERD:

- The Criminal Code (amendment 511/2011)
- Chapter 6: Sentencing; Section 5 paragraph 1 subparagraph 4 (grounds increasing the punishment)
- Chapter 11: war crimes and crimes against humanity; Section 10 (ethnic agitation)
- Chapter 11: war crimes and crimes against humanity; Section 10 a (aggravated ethnic agitation)
- Chapter 11: war crimes and crimes against humanity; Section 15 (criminal responsibility of legal persons)
- Chapter 17: Offences against public order; Section 1 a (participation in the activity of a criminal organisation)
- Chapter 17: Offences against public order; Section 24 (criminal responsibility of legal persons)
- Chapter 24: Offences against privacy, public peace and personal reputation; Section 13 (criminal responsibility of legal persons)
- Chapter 25: offences against personal liberty; Section 10 (criminal responsibility of legal persons)

ARTICLE 5

A. RIGHT TO EQUAL TREATMENT BEFORE THE TRIBUNALS AND ALL OTHER ORGANS ADMINISTERING JUSTICE

Equal treatment before organs administering justice

According to the Constitution of Finland (1999), everyone is equal before the law (Section 6) and enjoy protection under the law (Section 21), including the principle of a fair trial. Further, the right of the individual to use his or her own mother tongue is guaranteed in contacts with the authorities, e.g. by guaranteeing translation and interpretation services to persons who do not know Finnish or Swedish. Also legal aid is provided for everyone fulfilling the requirements, irrespective of nationality or other distinctive factors.

B. RIGHT TO SECURITY OF PERSON AND PROTECTION BY THE STATE AGAINST VIOLENCE OR BODILY HARM

Racist or xenophobic offences in crime statistics of the police

Since 1997, the Police College has conducted a yearly study on racist crime that has come to the attention of the police. Since 2008, the study has covered hate crimes having come to the attention of the police, with motives related to the national or ethnic background, religion or conviction, sexual orientation, gender identity or gender expression or disability of the victim. However, the Criminal Code of Finland does not contain any definition of 'hate crime' and no criminal offence exists under that name. The Criminal Code provides for a general ground for increasing the punishment if the motive for the offence is connected for example with the victim's ethnic origin, religion or sexual orientation. The Criminal Code also contains provisions on so-called hate speech, i.e. ethnic agitation and discrimination.

When comparing the findings of the above mentioned early studies, it must be kept in mind that the studies of 2003 to 2007 were conducted in comparable ways. However, the studies of 2008 - 2009 are not comparable with the studies of the previous years, because the methodology used was different. The studies of 2008 and 2009 are comparable with each other. The newest report of 2010 has been released in October 2010. The abstract and summary in English of the 2010 report (pages 9 and 115-119) are in Annex 6. The whole report is on internet:

[http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/DB54AA1FE9A222B9C2257925004A8CDA/\\$file/Raportteja95_Niemi_web.pdf](http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/DB54AA1FE9A222B9C2257925004A8CDA/$file/Raportteja95_Niemi_web.pdf)

The report 'Hate crimes reported to the police, 2008' can be read in English under the following link: [http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/raportti_85_en/\\$file/raportti_85_en.pdf](http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/raportti_85_en/$file/raportti_85_en.pdf)

Statistical data on criminal offences regarding racist crimes from 2007 to 2010 are contained in Annex 6, as well as an analysis on them.

Activities of the prosecution service

It is not possible to obtain complete information from the statistical data of the prosecutors on the number of cases where, in the pre-trial investigation, the police have found a racist motive and the prosecutor has concluded that such motive did not exist, or that the evidence is insufficient.

The concept 'racist crime' is not a legal definition. The crimes referred to in chapter 11 Section 10, 10 a, 11 and 15 of the Criminal Code, ethnic agitation and discrimination, are racist crimes and in the case of other criminal offences if there has been a racist motive in the deed, the provisions of chapter 6 Section 5 indent 4 on grounds increasing the punishment may become applicable. From 1 September 2007 to 14 April 2011, according to the statistical data of the prosecutors, the prosecutors received 40 cases under the heading ethnic agitation and 112 cases under the heading discrimination. Charges were pressed in approximately a third of the cases.

Cases decided in the prosecution stage in Finland, according to offence classification (ethnic agitation and discrimination), from 1 September 2007 to 14 April 2011 are contained in Annex 7.

Activities by the judiciary

Very few ethnic agitation cases are tried at the courts. In 2007, two persons and in 2008 four persons were convicted for ethnic agitation. In general the punishment is a fine. There is no case law from the Supreme Court regarding ethnic agitation. In 2009 and 2010 charges were pressed in a total of eight cases. For instance, in 2009, the Court of Appeal of Helsinki convicted a person to a fine, who on his own website had written a text on the danger to the European population posed by African immigrants. The convicted person had, *inter alia*, compared keeping order among coloured people of African descent to disciplining animals. The convicted person had also written that black Americans in the US and Canada behave somewhat bearably only where they clearly constitute the minority and that the surrounding white society forces them to adapt to the western culture. In the text, African immigrants were described as parasites living off the funds of European tax payers. (See Annex 8: Statistics 2007-2009 on Punishments by offence (Ethnic agitation and Discrimination)).

Prisons

The CERD has posed a question (recommendation No. 12) on the situation and numbers of Roma and foreign as well as ethnic prisoners.

Equality plans of the prisons

Prisons strive to address racist phenomena in an effective way. Each prison must endeavour to identify those practices regarding treatment of prisoners belonging to minority groups that differ from the treatment of persons belonging to the main population. The principle is equal treatment and the possibility of different groups to participate in the activities. For example, when needed, events for persons belonging to different faiths are arranged, as well as instruction in Finnish. The prisons also endeavour to employ personnel with good language skills and to provide interpretation services. Pursuant to the equality plan of The Prison Service (nowadays The Criminal Sanctions Agency),

elaborated in 2006, contact persons with knowledge of prisoners of different minorities have been appointed at prisons.

Follow-up of the implementation of the equality plan in prisons

The equality plan of the Criminal Sanctions Agency is binding for all units of the Agency. The implementation of the plan is being monitored on a regular basis, with a special focus on the participation of ethnic groups in the activities of the prisons. Further, the situation of the Roma and other prisoners from minority groups is clarified in connection with prison inspections by the central administration unit. The purpose is to increase training in multicultural issues in the basic training of the personnel of the criminal sanctions sector, as well as in their supplementary training and in the polytechnic training.

Many means have been used for the promotion of equality. In May 2009, the central administration unit organised a one-day seminar on multiculturalism. Roma training has been organised in the prisons. The central administration unit cooperates with Roma organisations. The Administration has received funding for a three-year project to improve the research into the situation of female Roma prisoners as well as the service guidance through the contribution of two employers.

Roma prisoners and foreign prisoners

At the request of the Ombudsman for Minorities, the Criminal Sanctions Agency conducted a survey in 2009 to elucidate the situation of Roma prisoners and foreign prisoners who were held separately from other prisoners. At the time of the survey, 200 Roma prisoners and 360 foreign prisoners were estimated to be in the prisons. The number of Roma prisoners is based on estimates since the Finnish legislation does not allow the compilation of statistics on the ground of ethnic origin. The situation of prisoners belonging to minorities varies greatly depending on the size, concept, prisoner structure and geographical location of the prisons. Statistics on foreign prisoners in Annex 9.

Education for prisoners

In Finland, work and activities for prisoners, including education, fall within the competence of the Ministry of Justice. The training is organised by training providers subordinate to the Ministry of Education and Culture. An implementation plan for the development of vocational training for prisoners has been drawn up under the guidance of the Ministry of Education and Culture. The quantity of vocational training to prisoners has increased in the recent years. On a yearly basis, in accordance with the implementation plan, the Finnish National Board of Education organises one-day prison training on topical issues for organs providing training for prisoners and for the personnel of the prisons. The education group for the Roma population of the Finnish National Board of Education has on a yearly basis supported education for Roma inmates by granting an appropriation to prisons for the organisation of education for Roma prisoners. The appropriation is primarily meant for the teaching of Romani language and culture as well as for the teaching of subjects belonging to the basic education curriculum. In 2010, the Finnish National Board of Education allocated a total sum of 15,000 euro to five prisons. In 2010, the focus was in particular on the teaching of Romani language.

Ethnic non-discrimination in prisons

In the spring of 2010, the Criminal Sanctions Agency conducted a survey on ethnic non-discrimination among regional directors, assessments centre directors and prison directors. The number of prisoners with Roma or foreign background was estimated to be the same as in 2009 (200 Roma, 360 foreigners). The majority of Roma and foreign prisoners had been placed in regular prisoner units, where it is also possible to participate in regular activities. Different prisons have very different operation models for the segregated units. The number of Roma prisoners in open facilities corresponds to the relative share of the main population, whereas the number of foreign inmates only corresponds to half of their relative share of the main population (see Annex 9). The survey indicated that, after the elaboration of a non-discrimination plan, the situation of ethnic minorities had improved in some places and worsened in other places. The situation was practically the same in about half of the prisons.

Regarding participation in activities of those belonging to ethnic minorities, there are slight differences between large closed prisons. The possibilities to participate in activities have been improved by compartmentation, daily programmes and by organising activities in the segregated units.

In the future, the realization of ethnic non-discrimination in prisons will be assessed on a regular basis.

C. AND D. CIVIL AND POLITICAL RIGHTS

Right to vote and to stand as a candidate

In Finland, universal and equal suffrage for both women and men was provided by law in 1906. All Finnish citizens aged 18 or more have the right to vote and stand as candidates in state elections. Eligibility as a candidate requires legal competence. In the parliamentary elections of 2011, approximately 4.2 million persons were entitled to vote. Several candidates with an immigrant background stood as candidates in those elections, but they were not elected. In Finland, political rights belong to all citizens and under certain conditions defined in law these rights are also conferred on foreigners, without any differentiation based on race.

In parliamentary elections, presidential elections and in European parliamentary elections every Finnish citizen that at the latest on the day of the election is at least 18 years old has the right to vote. In European Parliamentary elections, a citizen of another European Union Member State is also entitled to vote, provided that the person has reached the age of 18 not later than on the day of the election and whose municipality of residence referred to in the Municipality of Residence Act (201/1994) is in Finland provided that the person has not lost the right to vote in European elections in the country of which he/she is a citizen (home state).

In municipal elections, a Finnish citizen and a citizen of another European Union Member State, Iceland and Norway are also entitled to vote, provided the person has reached the age of 18 not later than on the day of the election and whose municipality of residence referred to in the Municipality of Residence Act is the municipality in question according to the population information system on the 51st day before the election day. Also other foreigners who fulfil the requirements above are entitled to vote in

municipal elections, provided that they have had their municipality of residence in Finland for two years at that time.

The Sámi Parliament

In the elections of the Sámi Parliament, those Sámi who are at least 18 years old and are recorded in the Parliament's electoral roll are entitled to vote. Those Sámi who are entitled to vote are also eligible as candidates in the elections. The last elections of the Sámi Parliament were in the autumn of 2011. The Sámi Parliament (*Sámediggi*) is the self-governing organ of the Sámi, established by an Act in 1996. Its most important task is to plan and realise the cultural autonomy of the Sámi as an indigenous people, as secured by the Constitution of Finland. The predecessor of the Sámi Parliament was the Sámi Delegation (*Sámi Parlamenta*), which was established by decree.

Right to citizenship

Amendments to the Nationality Act were adopted by the Parliament in April 2011 and they entered into force in the beginning of September 2011. The amendments promote the social solidarity of foreigners who reside permanently in Finland by making it possible to obtain citizenship more flexibly than at present. The main amendments concern the reduction of the uninterrupted time of residence required for citizenship to five years and of the accumulated time of residence to seven years. Half of the time spent in Finland with a temporary residence permit will in the future be calculated towards the required time of living in Finland. Exceptions from the time of residence can be made if the applicant proves his/her proficiency in Finnish or Swedish as provided by law.

The provisions on the acquisition of citizenship through a declaration have been simplified. In the future, a former Finnish citizen may regain his or her citizenship through an announcement procedure regardless of whether he or she lives in Finland or abroad. In practice, this means the regularization of the earlier transitional provision on regaining Finnish citizenship within five years of losing it.

E. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Right to work

General information on the employment situation in Finland

In 2010, the number of employed persons, according to a study by Statistics Finland, was on average 2,447,000, which was 10,000 less than a year earlier. The employment situation worsened in the private sector while the employment situation in the public sector improved slightly compared with the previous year.

The employment rate, i.e. the share of employed persons among 15 to 64 years old was 67.8 per cent in 2010, which is 0.5 per cent less than the previous year. The employment rate for men was 68.7 per cent and for women 66.9 per cent.

The unemployment rate was 8.4 percent in 2010, which is 0.2 per cent higher than the previous year. The employment rate varied among the different Centres for Economic Development, Transport and the Environment in the different parts of the country between 6.4 per cent and 12.5 per cent.

At the beginning of 2009, approximately 121,000 foreign citizens aged 18 to 64 years lived permanently in Finland, which is 3.6 per cent of the corresponding age group of the whole population. Out of this group, 78,000 persons (65 per cent) were employed. In 2010, unemployment among foreign citizens remained the same. In 2010, according to employment service statistics of the Ministry of Employment and the Economy, the share of unemployed job seekers of the foreign work force was 25.5 per cent.

Discrimination in work life

The Employment Contracts Act (55/2001) requires equal treatment of employees and prohibits discrimination. Chapter 2 Section 2 (Employer's obligations) paragraph 1 of the Employment Contracts Act was made more precise in 2004. The employer shall not exercise any unjustified discrimination against employees on the basis of age, health, disability, national or ethnic origin, nationality, sexual orientation, language, religion, opinion, belief, family ties, trade union activity, political activity or any other comparable circumstance. Provisions on the prohibition of discrimination based on gender are laid down in the Act on Equality between Women and Men (609/1986). The definition of discrimination, prohibition on sanctions and the burden of proof in discrimination cases are laid down in the Non-Discrimination Act (21/2004).

The Non-Discrimination Act, too, is applied in working life. In addition, the State Civil Servants Act and the Act on Civil Servants in Local Government contain provisions prohibiting discrimination.

Despite comprehensive legislation prohibiting ethnic discrimination, discrimination still occurs in work life. E.g. discrimination of Roma has been studied by a victim survey, according to which 40 per cent of those participating in the survey had experienced discrimination. The results of recent studies on attitudes support the impression that there indeed is discrimination in work life. Among those asked, and depending on the question, sample and time, 24 to 73 per cent had a negative attitude to employing immigrants and 12 to 20 per cent of the employers had a negative attitude to employing Roma.

In 2009, within the framework of the YES project, the Ministry of Employment and the Economy organised, in cooperation with trade unions, training on equality, non-discrimination and diversity for shop stewards and trustees, in order to develop support and advisory services for employees having experienced discrimination. A guidebook on equality, non-discrimination and diversity was also prepared and disseminated to work places (*Diversity - an opportunity for work life*).

In 2009, training was also organised to strengthen the know-how among counsellors from the local Employment and Economic Development Offices regarding equality, non-discrimination and diversity issues emerging in employment and entrepreneurship services. At the course, equality, non-discrimination and diversity were covered from the point of view of the enterprise and employer services of the Employment and Economic Development Offices. For the employer clients of the Employment and Economic Development Offices a brochure entitled *Diversity in the interest of individuals, companies and the society* was produced, highlighting the benefits of multicultural work places and detailing the different kinds of support for employers who employ job seekers from groups susceptible to discrimination.

In 2010, the Ministry of Employment and the Economy carried out a mapping exercise on good practices in diversity management and produced a publication entitled *Success from diversity - vitality from difference*.

Employment of Roma

The Committee encourages the State party to increase employment opportunities for Roma (recommendation No. 18).

In 2008, on assignment by the Ministry of Employment and the Economy, a study was conducted on the obstacles to employment affecting the employment of Roma and on the services provided for these clients. According to the study, the obstacles to employment are multifaceted and the most important is a low education level, minimal vocational training and lack of work experience. Other obstacles include lack of suitable openings, cultural characteristics, the attitudes of the Roma themselves as well as prejudices and negative attitudes concerning the Roma of the employers. The findings of the study and the proposals for improvement of the situation have served as a basis for the preparation of the National Policy on Roma as well as in the direction of the work of the employment and economic development administration.

At the Employment and Economic Development Offices, Roma clients are instructed, *inter alia*, to seek labour market training. The starting point is that the guiding principle of public employment services is the individual service needs of each client. The network of approximately 90 contact persons on Roma affairs of the Employment and Economic Development Administration constitutes an important part of the work to promote equality. The members of the network are employment advisers and career counsellors who along with their regular work familiarize themselves with Roma affairs.

In the current programme period of the ESR (2007-2013), there are several development projects for advancing employment of Roma. When working with employment and education guidance, the inclusion of support persons with Roma background in the personnel of the project has proved to be a good operations model.

It is not possible to clarify the employment situation of Roma by statistical methods, because the legislation prohibits registration of ethnic background in client registers of the Employment and Economic Development administration.

Survey project 'Equality and the Church'

In 2008 to 2010, the Church Council of the Evangelical Lutheran Church carried out a project entitled 'Equality and the Church'. The project analysed the realisation of equality in the work communities of the Church. As part of the project, a survey among 50 parish employees and leading trustees as well as expert interviews were carried out. The findings of the survey establish that the number of persons belonging to national or ethnic minority groups or with an immigrant background employed by the Church is very small. According to the survey, obstacles to employment of immigrants are, *inter alia*, insufficient language skills and language requirements that are experienced as strict.

There have been attempts to facilitate the employment of immigrants by the Church, e.g. the Common Responsibility fundraising of 2009 aimed at supporting immigrants with difficulties becoming employed. The project '*Going to work together*' (2010-2012), funded by the proceeds of the fundraising, promotes employment of immigrants difficult to employ, especially within church organizations, promotes the multiculturalisation of the work places of the whole church and supports the work of parishes and Christian organizations in their work to promote employment of immigrants difficult to employ. The local projects of the '*Going to work together*' project started in the spring of 2010 in seven localities. In 2010, the parishes and Christian organisations participating in the 'Going to Work Together' project, found 137 work and trainee places for immigrants. Apart from measures to improve employment opportunities, the project municipalities organised various activities from language courses to employer information events for immigrants and the main population. The activities and events attracted a total of 5,000 participants. A handbook for parishes 'Parishes as multicultural employers' will be published for the use of parishes in 2011. Further information: www.kirkkopalvelut.fi/yhdessa (in Finnish)

Studies, reports, projects

In 2009, a pilot study entitled *Discrimination in work life* analysed information on discrimination in work life from the material of the industrial safety districts. The study was realised by the Finnish League for Human Rights, on assignment by the Discrimination Monitoring Group.

The research material consisted of material from four industrial safety districts related to supervision measures taken from 1 January 2008 to 30 August 2009. The cases concerned work discrimination, harassment or other incorrect treatment where one or more prohibited discrimination ground was identified. A total of 198 cases meeting these criteria were found in the material.

According to the research material, employment discrimination is clearly more common in the private sector than in the public sector. A total of 86 per cent of the discrimination cases occurred in the private sector. In most of the cases, the discrimination had occurred during employment or service. In only 11 per cent of the cases the discrimination had occurred during the recruitment process.

In 2009, at the assignment of the Ministry of Employment and the Economy, the University of Helsinki carried out a research review that revealed that there is very little Finnish research on discrimination during the recruitment process, whereas the international research on the topic is abundant.

The Ministry of Employment and the Economy intends to initiate a research project in 2011 to improve the monitoring of discrimination in work life and to measure discrimination during the recruitment process. The research project constituted a part of the horizontal YES project coordinated by the Ministry of the Interior and aiming at increasing awareness and skills for the realisation of equal treatment and non-discrimination as well as for advancing acceptance of diversity in the society. The research project is realized in cooperation with the Discrimination Monitoring Group coordinated by the Ministry of the Interior.

Right to housing

Especially Roma, persons with immigration background and the so called Ingrian returning migrants are concentrated to social housing, primarily municipal rented flats. In order to prevent segregation, the housing policy of Finland has long and consistently pursued mixed forms of housing for residential areas, i.e. to place owner-occupied flats, rented flats and right of residence apartments together. The same is also the case when choosing residents for housing in social developments. The policy has been quite successful; however, it has not been possible to avoid differentiation fully.

Homelessness in Finland

The number of homeless people has been reduced from over 18,000 at the end of the 1980s to about 8,000 in November 2009. The biggest subgroup is those living temporarily with friends and relatives (almost 5,000). Nearly 1,500 people are living in different kind of institutions due to lack of suitable housing. Approximately 1,000 people live in shelters. A very small number of people are living outdoors. About 25% of the homeless are women and about 25% are young persons. Immigrants represent about 4–5% of single homeless people and about 15% of homeless families.

There has, however, been a noticeable increase in homelessness from 2007 to 2008 and 2009. The main reason is that the production of housing is insufficient in growth centres in relation to the increased demand, while the economic downturn is certainly also playing a part. For the number of homeless people in Finland in 1987-2009, see Annex 10.

Housing conditions of Roma and immigrants (see above: Article 3 Discrimination in housing: The housing situation of Roma and immigrants).

*The right to general health and medical care, social security and social welfare**Circumcision of boys for religious reasons*

In 2010, the Ministerial Working Group on Integration and Migration Policy assessed the need for legislation on non-medical circumcision of boys in Finland. Non-medical circumcision of boys means circumcision based on religious or cultural grounds, which also can and also should be performed in proper medical conditions. Quantitative statistical data on non-medical circumcision of boys is not available and hence the exact number of operations is unknown. According to an estimate, the number of operations is less than 200 a year. Circumcision of boys is a measure connected to Judaism and Islam and has religious or cultural motives.

Circumcision of boys is not prohibited in any state. WHO has estimated that the operation controls the spread of HIV in Africa. Non-medical circumcisions do not belong to the general care practice in Finland. Non-therapeutic circumcisions have been performed mostly on Jewish and Tatar boys for almost 150 years. Circumcisions are associated with anaesthesia and complication risks.

In a precedent ruled by the Supreme Court on 17 October 2008 (decision 17.10.2008, No. R2007/500) the legal uncertainty surrounding non-therapeutic circumcision on boys was solved. In its decision, the

Supreme Court ruled that circumcision performed for religious or cultural reasons in a proper medical manner should not be considered unlawful and consequently should not be considered a punishable act. Despite the ruling of the Supreme Court several authorities aim at the ban of non-medical circumcision of boys. Considering the rights of the child the non-medical circumcision of boys violates the individual inviolability and autonomy in decision-making, if the child did not have possibility to express his opinion e.g. of reason of his age. The circumcision can be done in respect of such a small child that he has no qualification to assess the meaning of the measure. The Ministry of Social Affairs and Health has drafted guidelines on the circumcision of boys.

Female genital mutilation

Circumcision on girls (female genital mutilation) is a punishable procedure which essentially can be classified as aggravated assault. In a legal assessment, circumcision on boys and female genital mutilation cannot therefore be equated with each other. Finland is preparing a plan of action to reduce female genital mutilation.

Linguistic rights of minorities in social welfare and health care

The Constitution of Finland, the Language Act, the Sámi Language Act and sectoral legislation contain provisions on the right of the population to receive services in their mother tongue (Finnish/Swedish/Sámi). Finland is currently carrying out a comprehensive structural reform of municipal and service structures, which may involve, for instance, mergers of Finnish-speaking and Swedish-speaking municipalities. Possible mergers of municipalities are, however, long-term projects. Statutory linguistic rights will be secured in the reform.

Swedish

On 26 March 2009, the Government issued its second report to the Parliament on the application of language legislation, the realisation of linguistic rights and on linguistic conditions in Finland². The conclusions on the application of the language legislation in social welfare and health care are based on a survey conducted by the National Institute for Health and Welfare (THL)³, the Language barometer 2008 and a survey sent by the Ministry of Justice to patient ombudsmen and the personnel of child and maternity clinics. The studies focused on the guidance, client services, personnel policy and language skills as well as training of the personnel of municipalities. It also reviewed linguistic rights in certain sectors of social welfare and health care, such as child welfare, care of the elderly and mental health services.

Sámi language

A separate appropriation is earmarked in the state budget for the safeguarding of social welfare and health care services in the Sámi languages. The appropriation can be used for paying state subsidies via the Sámi Parliament to municipalities in the Sámi Homeland (Enontekiö, Inari, Sodankylä and Utsjoki). The appropriation has been 600,000 euro a year. The focus has been on early education for children and

² Ministry of Justice: Report of the Government on the application of language legislation 2009

³ Marja-Liisa Kauppinen: Social welfare and health care services provided in the client's language in bilingual municipalities. Reports by Stakes 4/2008

geriatric care. In 2009, the municipalities in the Sámi Homeland organized day-care for children in Sámi languages by means of the subsidy.

According to the Sámi Parliament, the separate appropriation allocated to secure social and health services in Sámi language has promoted the safeguarding of the linguistic and cultural basic rights of the Sámi indigenous people in the Sámi Homeland. It is mainly the municipalities that are responsible for the production of services in the Sámi languages. Some services are also produced by organisations as outsourcing services. The municipality of Utsjoki has also bought day care services for a few children from the Norwegian side.

As part of the larger Kaste project, the Ministry of Social Affairs and Health has granted a subsidy to a project to develop the social welfare and health care services of the Teno River valley for the period 1 January 2010 to 31 October 2012. The objective of the project is to improve the general availability and quality of services through cross-border cooperation between Finland and Norway, with a special emphasis on the provision of services in the Sámi languages. According to the three sub-objectives of the project, the aim is to secure the right of the Sámi people to services in their own languages, to secure social welfare and health care services to the whole population, especially in acute situations, as well as to increase culturally sensitive know-how in social welfare and health care services. The most important measures are related to specialised health care and basic (preventive) health care, day care for children and child welfare as well as services for the elderly and disabled. The project analyses in particular the norms guiding the services as well as the knowledge of the procedures for guidance and decision-making in both countries.

Immigrants in social welfare and health care

The same services should be secured to immigrants as to the main population, but also special services complementing the general services. Until now there is still insufficient information on special needs of immigrants related to social welfare and health care services. This is partly due to the fact that persons using social welfare and health care services according to the law cannot be registered on the basis of ethnic background or other language than the Finnish national languages. In the municipalities, however, projects related to social welfare and health care services for immigrants have been carried out and good practices have been developed.

The National Institute for Health and Welfare initiated a project in 2010 with funding from the Ministry of Social Affairs and Health and the European Social Fund, with the aim to monitor the health and functioning of working and non-working immigrants of working age as well as to identify needs for the development of measures to maintain and promote employment. In the project, a comprehensive and reliable basic analysis of the health and functioning as well as the ability to work of immigrants of working age is carried out. Together with the municipalities, a permanent and reactive monitoring system is developed. The target groups are 3,000 adults with Russian, Somali and Kurd background in six cities (Helsinki, Vantaa, Espoo, Turku, Tampere and Vaasa). The persons are interviewed individually in their own language and they are offered a possibility to participate in a physical examination. The project ends on 31 December 2012.

Roma policy

As Finnish citizens, Roma have the same right to general health care and medical care, social security and social care as other Finns. At the assignment of the Prime Minister's Office, the Advisory Board on Romani Affairs prepared a memorandum on improving the living conditions of Roma in Finland. In December 2008, based on the memorandum, the Ministry of Social Affairs and Health appointed a working group that presented a proposal for the first national Policy on Roma in December 2009.

The objective of the National Policy on Roma is to promote equality and inclusion of the Roma in different areas of life with simultaneous and cross-sectoral measures. The objective is that Finland would be a European forerunner in promoting Roma participation. The starting point of the programme is that the current legislation and service system create a good basis for the promotion of equality of the Roma population. In some situations, in order to implement equality in practice, special measures for Roma are needed.

The National Policy on Roma is a comprehensive and concrete programme of action that contributes to the permanent improvement of the status of the Roma population. The National Policy on Roma contains 147 measures and the responsibility for implementing them has been distributed between several administrative branches. The programme is also a response to recommendations of international organisations to develop a Roma policy in the member states.

The Policy focuses on:

- strengthening of participation in education of Roma children and youth;
- strengthening the education of adult Roma and promoting their employment;
- promoting equal treatment and access to services of the Roma population by establishing practices mindful of the Roma;
- supporting the preservation and development of the Romani language and culture;
- promoting the equality of Roma and preventing their discrimination;
- developing the Roma Policy and strengthening possibilities for participation of Roma.

In December 2010, on the basis of the National Policy on Roma, the Government approved a decision in principle on Roma policy guidelines. According to the decision in principle the ministries shall implement the measures defined as their responsibility in the Policy within existing resources. The Government also decided to initiate six new cross-sectoral measures by 31 March 2011. These measures concern the participation of Roma and cooperation structures on the local level, revival of the Romani language and strengthening of its status, opportunities for participation and leisure activities for Roma children and youth, housing of Roma, international Roma policy and implementation and monitoring of the National Policy on Roma.

In August 2010, the Ministry for Foreign Affairs decided to set up a working group to draft a strategy for Finland on influencing international Roma policy, in line with the recommendation of the national working group on the Policy on Roma. The proposal was based on the fact that Roma are a pan-European minority, which in many European countries is in a disadvantaged situation in comparison with the main population and the rest of Europe in regard to standard of living and social inclusion. A need has emerged to draft a comprehensive Roma policy on the European level. Finland has made

numerous initiatives to bring the situation of the Roma into daylight in the European cooperation. Finland aims at actively participating in and influencing on the definition of a European Roma strategy by means of its own expertise and by providing models and experiences to promote inclusion and equality as well as by learning from the experience of other countries. The strategy was finalised in the spring of 2011.

Right to education and vocational training

According to Section 6 of the constitution of Finland (731/1999) everyone is equal before the law. The general equality provision is supplemented by the prohibition of discrimination. No one shall, without an acceptable reason, be treated differently from other persons on the ground of health, disability or other reason that concerns his or her person. The provisions on equality and the prohibition of discrimination are supplemented by the Act on Non-Discrimination (21/2004), which entered into force in February 2004.

According to Section 2 of the Act on Non-Discrimination, the law also applies to education. The Act on Non-Discrimination is applicable, *inter alia*, on admission of students and the selection procedure. Prohibited discrimination grounds in the Act on Non-Discrimination are age, ethnic or national origin, citizenship, language, religion, conviction, opinion, health, disability, sexual orientation or other reason that concerns the person. The law requires that each authority draw up an equality plan for the promotion of ethnic equality.

The equality plan of the Ministry of Education and Culture itself has influenced the equality plans of the administration subordinate to it and of the training providers. The equality plan of the Ministry of Education and Culture states, *inter alia*, that the main groups for the equality planning include immigrants and Finnish national minorities, such as Roma and the indigenous Sámi people.

Mother tongue instruction

According to Prime Minister *Jyrki Katainen's* Government Programme, a national language strategy will be prepared, describing the goals and implementation methods for the diversification of national language reserve. When developing the national language reserve, special attention will be paid to the status of the Sami, Roma and sign languages

There are 11 different curricula for the subject 'mother tongue and literature' in the basic education and 9 in upper secondary education. Different linguistic and cultural groups thus have a possibility to study their own mother tongue as part of the all-round education. In addition to persons speaking Finnish and Swedish, which are the official languages, users of Sámi, Roma and sign language have the possibility to study their own mother tongue. Immigrants study the subject 'mother tongue and literature' as Finnish or Swedish as a second language if their knowledge of Finnish or Swedish is not on mother tongue level. It is necessary to support the preservation and development of the mother tongue of immigrant students, in order to obtain a functional bilingualism.

In the education sector, the right to their own language of the Sámi is mainly realised by the Basic Education Act (628/1999), Upper Secondary Schools Act (629/1999) and the Vocational Education Act

(630/1999). Sámi can be the teaching language of a school, a mother tongue subject and an optional foreign language subject. In the Basic Education Act and the Upper Secondary Schools Act, Sámi is regarded equal with the national languages Finnish and Swedish as a mother tongue.

The Sámi Homeland consists of the three northernmost municipalities of Lapland as well as of the area of the Lapland reindeer owners' association in the northern part of Sodankylä. Approximately 40 per cent of all Finnish Sámi live in the Homeland. In the Homeland, a total of 495 pupils are inside the education system, from pre-primary to upper secondary education. Pupils living in the Sámi Homeland and speaking Sámi have the right to basic education in their own language. In upper secondary schools and in secondary vocational training, the teaching language can be Sámi. Elsewhere in Finland, this right to education in the Sámi language student's own language does not exist. Sámi can also be studied as an optional subject.

The Ministry of Education and Culture grants full support to the instruction of Sámi language in the Sámi Homeland. According to Section 45 of the Act on Financing Education and Culture (1705/2009), the municipalities of the Sámi Homeland and other education providers in that region, shall be granted a yearly state subsidy to cover the costs arising from the provision of education in Sámi and instruction of Sámi in basic education, upper secondary schools and vocational training as provided in the Government decree (1769/2009). Consequently, pupils of basic schools in the Sámi Homeland should be provided instruction in Sámi. The language of instruction can be Sámi also in upper secondary schools. The municipalities in the Sámi Homeland will receive the full state subsidy when Sámi is the language of teaching or lessons of Sámi language are given, when the group size is 3 students on average.

The Sámi Education Centre in Inari (Anár) - *Sámi oahpahuosguovddáš* - is the only vocational learning institution in Finland with Sámi as the teaching language.

Pre-primary and basic education

The basic education in Finland is based on the following values: Finnish culture, human rights, equality, democracy, maintenance of biodiversity and viability of the environment as well as acceptance of multiculturalism.

The objectives of the module entitled Cultural Identity and Internationality is to help the student understand the essence of the Finnish and European cultural identity, to find his/her own cultural identity and to develop skills for inter-cultural dialogue and internationality.

Amendments required by the amendment to the Basic Education Act (642/2010) have been made to the foundation of the curriculum for pre-primary education and basic education. The foundation for pre-primary education was renewed on 2 December 2010 and the foundation for basic education was renewed on 29 October 2010. Education must be provided in accordance with the renewed foundation at the latest on 1 August 2011.

The foundation of the basic education and upper secondary training for adults was completed on 1 March 2010 by adding the initial stages of basic education for adults to the foundation of the

curriculum. The central objective of the reform was to facilitate education for adults who have not attended school and often are illiterate. Adults with an immigration background form the largest part of students who need this type of education.

In the period between 2007 and 2011, several development programmes aimed at developing the quality of basic education were initiated within the branch of administration of the Ministry of Education and Culture.

Basic education for immigrants

A child seeking international protection is not subject to compulsory schooling under the Basic Education Act (628/1998) because he or she does not reside permanently in Finland. Municipalities are not obliged to provide such children with basic education, instruction preparing them for basic education, or instruction of their mother tongue as part of such preparing instruction. Access to basic education and preparing instruction varies to some extent by municipality, although the Government supports financially the arrangement of preparing instruction. However, most children at compulsory school age seeking international protection have had access to basic education or preparing instruction during their stay at reception centres. The participation of children seeking international protection in basic education may also be hampered by their moving from one reception centre to another. During its term of office, the current Government will amend the Basic Education Act to ensure that every child seeking international protection can use his or her right to education, as required by the Government Programme.

The new foundation of the curriculum for the preparatory education of the basic education for students with an immigrant background entered into force on 1 January 2011.

Immigrant children and youth of compulsory schooling age or pre-primary age can be given instruction preparing for basic education. Instruction preparing for basic education is aimed at every student with an immigrant background with Finnish or Swedish skills that are still insufficient for studies in a basic education group.

In basic education and upper secondary schools the religion of the majority is taught in accordance with the traditions of the religious community that the majority of the pupils and students belong to.

The new Integration Promotion Act (1386/2010), which came into force on 1 September 2011, lays down that the current recommendations on integration training for adult immigrants shall constitute the foundation for the curriculum. Also, the recommendations related to illiterate adult immigrants shall form the foundation for the curriculum, i.e. become the guiding document.

Basic vocational training and preparatory instruction for immigrants

According to Section 3 (2) of the Act on Vocational Training (630/1998), instruction preparing for basic vocational training can be arranged for immigrants. The objective of the training is to give the student the linguistic and other necessary skills for transition to vocational training. The training encompasses 20 to 40 credit points.

Through decisions made in 2007 to 2010, the Ministry of Education and Culture has added almost 11,700 admission places in basic vocational training. One of the purposes was the improvement of immigrant access to training. The new admission places have improved immigrant access to training leading to a diploma and to instruction preparing for it and also to other instruction preparing for basic vocational training.

In 2009, 8,988 students whose mother tongue was another language than Finnish, Swedish or Sámi participated in basic and continuing vocational training of the education administration. This was 500 more than the previous year.

In 2009, a study mapping the most important reasons and underlying variables for the discontinuation of basic vocational training by students with an immigrant background was published. In the spring of 2011, a study was carried out on the state of vocational basic training and instruction arrangements for students with an immigrant background. On the basis of the recommendations of these studies, The National Board of Education plans measures to diminish discontinuation of vocational basic training among students with an immigrant background.

According to the Vocational Education Act (630/1998), the language of instruction in vocational basic training can be Finnish, Swedish, Sámi, Romani or sign language. Additionally, part of the instruction may be given in another language than the above-mentioned own language of the student if it does not jeopardise the student's possibility to follow the instruction.

The National Board of Education grants state subsidies for instruction and training to immigrants. On the basis of applications, the Finnish National Board of Education grants a yearly state subsidy of more than 8 million euro to c 300 education providers, in order to support instruction in Finnish/Swedish as a second language, other instruction as well as instruction of foreign languages as mother tongue in pre-primary, basic and upper secondary education. An appropriation of 200,000 euro is granted yearly for the development of vocational education for immigrants. An appropriation of c 500,000 euro is granted yearly for adult education of immigrants.

Challenges for equality in education

The Act on Equality between Women and Men requires that learning institutions elaborate equality plans, both as work places and as learning institutions. In 2008, the National Board of Education published a guidebook to support the elaboration of equality plans at learning institutions entitled '*Towards a common understanding of equality*' (in Finnish). In 2009, the National Board of Education conducted a survey on the progress of equality planning in learning institutions.

The removal of racism in all its forms from learning environments on all levels of education as well as in work life and to guarantee equal and qualitatively even education for all children are seen as important challenges for education.

The Committee has drawn attention to bullying in schools in its recommendation No. 15. The anti-bullying programme KiVa was developed at the University of Turku as a cooperation between the

Department of Psychology and the Centre for Learning Research with funding from the Ministry of Education and Culture. The first 1,400 schools providing basic education started to use the programme in August 2009. In August 2010, the number of schools using the KiVa programme increased, when 800 new schools started to use the programme. Quality recommendations have been elaborated for the schools implementing the KiVa programme to follow the degree to which the programme has been realised and its quality. The quality recommendations can be found at the following website (in Finnish): http://www.kivakoulu.fi/images/stories/kiva_koulun_laatusuosituksset.pdf

The MOKU programme for the development of multicultural skills was initiated in 2007 in pre-primary and basic education in 28 municipalities. Upper secondary education was included in the programme in 2008. The purpose of the development activities is to support the realisation of the basic values of the education as described in the national core curriculum, to develop and to solidify multicultural skills in school communities. In order to realise this purpose, municipalities draw up a development plan for multicultural skills. Its measures are integrated into the everyday life of schools.

The target groups for the MOKU programme are pre-primary, basic and upper secondary education as well as the junctures from pre-primary to basic and from basic education to upper secondary training. In 2007 - 2010, the Ministry of Education and Culture granted a total of 3.3 million euro in state subsidies to education providers for the elaboration, realisation and solidifying of plans for the development of multicultural skills. The development activities included supplementary education and evaluation. A total of 52 municipalities participated; all of them elaborated their own development plans.

In 2007, the Ministry of Education and Culture published a national programme entitled 'Global Education 2010', where human rights, equality and peace education as well as intercultural understanding were raised as some of the starting points for global education. The objectives of the programme were, *inter alia*, to include global education in the most important guidelines on education, culture and social policy as well as to strengthen global education in formal education, research and higher education. The programme was evaluated in 2010 on a nationwide scale. The evaluation report enumerates the weaknesses of the system as well as models of action that have proved to function well when using education and culture to increase tolerance.

The MONESA project

In 2007 to 2010, the MONESA project (*Monenlaisia ja samanlaisia - Diverse and the same*) was carried out, with the objective to prepare educators and decision-makers of the Evangelical Lutheran Church for a religious dialogue and multiculturalism in the activities of the parishes. Simultaneously, the aim was to facilitate integration of immigrants into local communities. The project consisted of seven local projects, producing ideas and innovations to support the integration of children and young persons coming from different backgrounds, to establish friendships across cultural borders as well as to strengthen participation and a sense of community.

MOD training

The Evangelical Lutheran Church Council coordinates the training of the MOD training programme (*Moninaisuus ja dialogi = diversity and dialogue*). The training programme has been developed to solve

conflicts regarding diversity and identity. It aims at reaching equality and gaining experience of communal diversity. It strives to bring to light attitudes and prejudices that engender and strengthen discrimination. MOD courses are organised by organisations, learning institutions and parishes in different parts of Finland. Out of the MOD training organised in 2010, 28 per cent was arranged by church organisations. For further information: www.mod.evl.fi

Human Library

A large equality campaign was conducted in Finland, *inter alia*, in 2007 entitled - All Different - All equal. The campaign reached a total of 26 per cent of all young persons 15 to 29 years of age. After the conclusion of the campaign, some of its working methods continued to live, such as the Living Library method. The library work was continued, *inter alia*, as part of the European Year of Intercultural Dialogue (2008). Also the website of the campaign has been useful as a resource for non-discrimination, human rights and global education. Also after the campaign, there has been a demand for the games produced in the campaign.

The Human Library is a tool for different associations, organisations and institutions, such as child and youth organisations and schools. The method is being used also elsewhere in Europe. The Human Library was established within the framework of the YES project.

The right of access to places open for the public

Discrimination of Roma and foreigners

Roma, persons with an immigrant background and foreigners still encounter discrimination. A large part of the work of the Ombudsman for Minorities is to handle discrimination that has occurred in connection with the provision of services. Complaints cases filed with the National Discrimination Tribunal have mainly concerned discrimination in the exercise of public authority, in social services, housing services, training opportunities and restaurant services as well as other services. The change of the Section 4 of the Discrimination Act has ameliorated the access e.g. to the public open places.

Decisions of the National Discrimination Tribunal are included in Annex 11: Cases brought before the National Discrimination Tribunal and decisions 2009-2010. (See below "ARTICLE 6; Decisions by the National Discrimination Tribunal of Finland").

ARTICLE 6

Information on national legal remedies

The observations regarding the accelerated asylum procedure have been taken into account in revising the instructions for the Finnish Immigration Service and the Police, in order to protect the rights of asylum seekers. However, legislative amendments have not been considered necessary because the Aliens Act itself as well as the right of appeal and the possibility of stay of enforcement of a decision provided by the Act have been considered to guarantee asylum seekers legal protection also in accelerated asylum procedures.

On 6 March 2007 the Police Department of the Ministry of the Interior issued a regulation to the police regarding the division of responsibility in the enforcement of decisions to remove aliens from the country. The regulation was updated on 1 April 2008 and 20 May 2009. Requirements of legal protection in connection with the enforcement of decisions to remove aliens from the country call for consistent practices and coordination. Therefore, the regulation of the Ministry for instance stipulates the Helsinki Police Department responsible for enforcing decisions to remove aliens refused asylum from the country.

In 2009, the Aliens Act (301/2004) was amended in connection with the implementation by Finland of the European Union Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status. The amendment of the Act entered into force on 1 July 2009. In accordance with Section 95 a, persons applying for international protection are informed of asylum procedures and of their rights and responsibilities throughout the process. The police or border control authorities shall provide such information to the applicant upon receipt of the application for international protection. This information may also be provided by the Finnish Immigration Service or a reception centre as soon as possible after the application has been submitted. The information is provided in the applicant's native language or in a language which he or she can reasonably be expected to understand.

Before the entry into force of the amendment to the Aliens Act, the guidelines on the obligation to inform were contained in the guidelines of the Finnish Immigration Service on asylum investigation, issued on 13 November 2008, still in force. When applying for asylum, the police officer or border guard receiving the application gives the applicant the brochure entitled *Information to asylum seekers*. The brochure has been translated into English as well as into languages most often used in the countries of origin of the asylum seekers (English, French, Russian, Albanian, Arabic, Somali, Sorani Kurdish and Dari). The brochure explains the grounds for the accelerated procedure (renewed application, safe country of origin, manifestly ungrounded application). The brochure also informs that the applicant may appeal the decision of the Immigration Service to the Helsinki Administrative Court and that the applicant has the right to use a counsel or representative at the asylum interview and in the appeal process. The brochure also contains information on organs providing legal aid.

Possible victims of racism and intolerance must be aware of, *inter alia*, the activities of the Parliamentary Ombudsman. The Office of the Parliamentary Ombudsman has actively developed its communications. The website of the Office and the brochures on the activities of the Ombudsman, which contain a complaints form and instructions on filing a complaint, have been renewed and they are available in Finnish, Swedish, Sámi, English, German, French, Russian, Estonian and sign language (<http://www.oikeusasiames.fi/Resource.phx/eoa/english/index.htm>). However, the language for the handling of complaints is Finnish and Swedish. In practice, also complaints made e.g. in English have been investigated.

Measures by the authorities

In order to ensure respect of human rights, special attention is attached to supplementary training for police personnel and personnel at police detention facilities. Even though police personnel are naturally

not medical personnel, it is trained to duly observe the health situation of detainees and possible signs of consequences of torture.

The police collect information on racial motives of crimes and compile statistics thereof, but the prosecution service and the judiciary have not done so in a systematic way. However, from the beginning of 2004, after the amendments of the Criminal Code entered into force, the courts have compiled statistics on racial motives, considered in the Criminal Code as grounds increasing the punishment. The small number of such cases in the statistics is partly due to the fact that in certain cases, where the courts have applied grounds increasing the punishment, the provision is not spelled out in the judgement and these cases do not show in the statistics. Grounds increasing the punishment can be applied on almost any crime, when in the background of the crime is found a racist motive.

Decisions by the Prosecutor General

In 2007 to 2010, the Prosecutor General decided on, *inter alia*, the following discrimination cases:

On 15 October 2007, the Deputy Prosecutor General decided to press charges for ethnic agitation, because the suspect had stated in a book he had written that direct action should be directed towards certain population groups in order to remove them from the country. Further, the suspect had written in the book that the holocaust against Jews, Roma and certain other population groups executed by the Third Reich was acceptable and desirable. The statements in the book were derogatory and defamatory in regard to the mentioned groups of people because they portrayed persons belonging to these groups as persons for whom discriminatory treatment and ultimate acts of violence were allowed and desired.

On 12 April 2010, the Deputy Prosecutor General ordered charges to be pressed for ethnic agitation, because the suspect had, through a website, marketed and distributed compact discs containing White Power music. The lyrics of the music claimed that immigrants spread communicable diseases and called them ugly, stinking and dirty. The lyrics also wished the events of the Kristallnacht would repeat themselves (this referred to the persecution of Jews by Nazi Germany executed during a certain night), considered the annihilation of Jews, refugees and coloured as desirable and encouraged to violent combat against these population groups as well as against sexual minorities.

Jurisprudence of the courts

In 2009, at the courts of first instance, there were a total of 19 cases where the suspect was convicted of racism or xenophobia; 14 men and 5 women. The punishment was imprisonment, community service, unconditional imprisonment, conditional imprisonment or a fine. The main criminal offences were crimes against property (theft and malicious damage) and homicide and bodily injury (aggravated assault, brawling, assault and petty assault). Annex 8 contains statistical data on cases of the courts from the period 2007-2009 on Punishments by racist and xenophobic offences (Ethnic agitation and Discrimination).

Decisions of the Ombudsman for Minorities⁴

In 2008-2010, numerous client cases were processed at the Office of the Ombudsman for Minorities. The most common reply consisted of advice as well as a comment by the Ombudsman concerning the case at hand. On this basis, the client was able to consider further action. In addition to advice, part of the contacts led to requests for clarification and later to sending the comment to the other party or to the responsible authority. Some cases were taken by the Ombudsman either to pre-trial investigation, to the Prosecutor General for prosecution or were directed to a legal counsel. The Ombudsman took several cases to the National Discrimination Tribunal for examination and advised also several persons on how to initiate proceedings at the Tribunal.

A table on client contacts of the Ombudsman for Minorities in 2007-2010 is contained in Annex 12.

The report on 2009 of the Ombudsman for Minorities in English is on the following web-site:

[http://www.ofm.fi/intermin/vvt/home.nsf/files/VV_Vuosikertomus_englanti/\\$file/VV_Vuosikertomus_englanti.pdf](http://www.ofm.fi/intermin/vvt/home.nsf/files/VV_Vuosikertomus_englanti/$file/VV_Vuosikertomus_englanti.pdf)

Decisions by the National Discrimination Tribunal of Finland

In 2009-2010, a total of 35 cases were brought before the National Discrimination Tribunal. The Tribunal issued decisions in 17 cases and the chairperson issued decisions in 18 cases (Annex 11). The applications were related to discrimination in the exercise of public authority, in social services, housing services, training opportunities and in restaurant services as well as in other services. In the majority of the cases, the plaintiff claimed to have been discriminated against by the authorities.

Decisions of the Office of the Chancellor of Justice

According to the constitution, the Chancellor of Justice monitors the implementation of basic rights and liberties and human rights. In practice, this obligation is taken into account in all areas of work of the Chancellor of Justice, both when monitoring the Government and in regard to complaints cases and when considering whether to investigate a case on the Chancellor's own initiative.

The question of whether basic rights and liberties and human rights have been taken into account is raised in connection with the control of the agendas of the Government general sessions and the Presidential sessions. In this connection, the Chancellor of Justice assesses how the obligations in the constitution and in international human rights conventions have been taken into account in the preparation of new legislation and how it transpires in the Bills. The realisation of basic rights and liberties and human rights in the Government is also done by giving statements on legal questions. In 2009, the Chancellor of Justice issued statements on two different proposals to amend the Aliens Act (OKV/28/20/2009 and OKV/34/20/2009). The proposals were connected, *inter alia*, to the linking of the right to work of an asylum-seeker to the clarification of his/her identity and family reunions and the right to work of persons seeking international protection. A statement has also been given on the general recommendations for equality plans (OKV/46/20/2009).

⁴ Annual Reports of the Ombudsman for Minorities, 2002-2009

<http://www.ofm.fi/intermin/vvt/home.nsf/pages/84FCA7A8B0F6510DC22573C2004B7694?opendocument>

According to the records of the Office of the Chancellor of Justice, complaints regarding racism or discrimination are rare. However, these complaints are not registered separately and possible claims are often related to complaints on other incorrect or faulty activity by authorities.

Decisions and activity of the Parliamentary Ombudsman

According to Section 109 of the Constitution, the Parliamentary Ombudsman shall ensure that the courts of law, the other authorities and civil servants, public employees and other persons, when the latter are performing a public task, obey the law and fulfil their obligations. In the performance of his or her duties, the Ombudsman monitors the implementation of basic rights and liberties and human rights, when examining complaints addressed to him or her and when performing inspections. The Ombudsman can also examine e.g. questions related to foreigners and minorities on his own initiative.

Promotion of equal treatment and combating discrimination as well as monitoring of the realisation of minority rights closely linked hereto thus belong to the legality supervision of the Parliamentary Ombudsman. Annex 13 contains details on the activity of the Ombudsman in 2010 to 2011.

Human rights institution

The parliament has approved the Government Bill for an amendment of the Act on the Parliamentary Ombudsman (535/2011), by which a Human Rights Centre is established in connection with the Office of the Parliamentary Ombudsman. The Human Rights Centre is meant to be a national human rights institution in accordance with the Paris principles. The amendments of the Act enter into force on 1 January 2012.

Advisory Board on Ethnic Relations (ETNO)

The purpose of the Advisory Board on Ethnic Relations (ETNO) is to develop a dialogue between authorities, NGO's, parliamentary parties, as well as immigrants and ethnic minorities on the national, regional and local levels.

The Government appointed the Advisory Board for a new term of office for 2008-2011. The representatives have been selected through an application procedure among immigrant candidates and candidates belonging to ethnic minorities put forward by chosen organisations. Besides the advisory board on the national level, there have been four regional advisory boards as well as different working groups for certain questions.

The Decree on the Advisory Board was amended in the spring of 2011 and the new Decree entered into force on 1 May 2011. The next Advisory Board will be appointed for four years and the number of regional Advisory Boards will grow from four to seven.

Besides the previous tasks to promote good ethnic relations and equality, the new Decree now also includes the promotion of ethnic non-discrimination. Also the promotion of participation of immigrants and ethnic minorities has been added to the tasks of the Advisory Board. ETNO also continues to promote organizational activities of immigrants.

In 2005-2008, a working group against racism operated in ETNO with the task to develop approaches to monitoring ethnic relations, how to tackle negative phenomena and events and how to spread good practices. The working group is responsible for the preparation of a proposal to process and address racist events and phenomena as well as the Goodwill Ambassador activities.

The Goodwill Ambassador activities were also continued in 2008-2011. The advisory board nominates as Goodwill Ambassadors persons who in their own life and work have promoted the development of a society free of racism and discrimination. The activities serve as a means to draw attention to anti-racism work and to raise discrimination issues. In 2008-2011, three new Goodwill Ambassadors were nominated, their total number now amounting to 14.

In 2011, the advisory board also started a campaign entitled *Together we can* with the purpose to challenge people to think of other ways of defining people than ethnicity, religion and nationality.

In March 2011, the advisory board, in cooperation with the Ombudsman for Minorities and the Finnish League for Human Rights, organised an event, where the parties signed the Charter of European political parties for a non-racist society. All parties represented in the Parliament have signed the charter.

The elimination of discrimination in recruitment and work communities was part of ETNO's priorities both during the term 2005-2008 and during 2008-2011. ETNO has worked to achieve this, *inter alia*, by organising seminars for employers and municipalities. Thus ETNO has strived to influence attitudes.

ARTICLE 7

A. EDUCATION AND TRAINING

Human rights education and training

The Government Report to Parliament on the Finnish Human Rights Policy 2009 (<http://formin.finland.fi/public/default.aspx?contentid=132044&nodeid=40158&contentlan=2&culture=en-US>) contains guidelines on the promotion of human rights education in Finland. The public authorities are responsible for organizing human rights education in accordance with international obligations. Therefore, public authorities must, through different types of support measures, enable the availability of human rights education. Human rights education covers all sectors of society, both day care and schools and there is a need to secure human rights skills among different professions, not only education and training personnel but also e.g. among the police, border guards, judiciary and officials of the state and municipalities.

On 18 June 2010, an amendment was introduced to the foundation of the curriculum of basic education and upper secondary education, such that in the chapter on the basic values of the education the sentence "Key documents defining human rights are the UN Universal Declaration of Human Rights, the Convention on the Rights of the Child and the European Convention on Human Rights" was added. At the same time, the chapters on ethics and history in the curriculum for basic education and the

chapters on ethics, philosophy and history in the curriculum for upper secondary education were complemented by an obligation to cover human rights with greater clarity as well as human rights abuses such as the Holocaust and to familiarize the students with the key documents that define human rights.

Teacher training

Courses on multiculturalism have clearly become more common in basic and continuing education for teaching personnel. The Ministry of Education and Culture has granted a separate subsidy to the so called Specima education, which has provided a wide range of possibilities for training on cultural and linguistic awareness, development of multicultural pedagogy and guidance as well as help for teachers with an immigrant background to acquire the qualifications required to teach. The projects within the Specima education are targeted at teachers, teachers' trainers, mentors and work place counsellors. The Ministry has also granted separate subsidies to the provision of teacher training of different religions at the University of Helsinki.

A central challenge is still the situation regarding qualifications of teaching personnel working with immigrant pupils and students, which is clearly weaker than that of teachers working in other education roles. There is a need for more teacher training e.g. in mother tongue (when a foreign language), in Finnish and Swedish as a second language and instruction of other religions.

According to the report 'Teachers in Finland 2010' by the Finnish National Board of Education, the share of unqualified teachers in instruction of students with an immigrant background is in general higher than in other teaching.

The Finnish National Board of Education has through supplementary education supported projects, where the teaching personnel have received training in immigrant issues. In 2009, there were 13 projects with 1,800 participants, receiving 670 000 euro in funding. In 2010, there were 10 projects with c 1,300 participants, receiving 620 000 euro in funding. Training is organized both in Finnish and in Swedish.

Training and guidance for the identification of victims of trafficking

The personnel of different authorities are trained to identify and treat victims of trafficking in accordance with the Revised National Plan of Action against Trafficking in Human Beings. Regular training and guidance for their personnel are provided by e.g. the Ministry for Foreign Affairs, the Border Guard and the Coast Guard, the Police, the Finnish Immigration Service and reception centres for asylum seekers. Under the board supervising the implementation of the Plan of Action, a multisectoral working group has been set up to organise identification training and guidance. The working group prepared a multilingual website (www.ihmiskauppa.fi, www.manniskohandel.fi, www.humantrafficking.fi), which was launched in May 2010, and has organized several training events in different parts of the country. Through this website trainers of different authorities and civil society organizations have access to educational material and guidelines for developing the identification of victims.

In spring 2011 the steering group monitoring the implementation of the Revised National Plan of Action against Trafficking in Human Beings submitted its report, which contains recommendations regarding

also the arrangement and further development of training against human trafficking. The recommendations for training include establishing a national coordinator network for training against human trafficking, producing ready-made training material and training packages, increasing studies of criminal law in the training, arranging training against human trafficking for advocates, and preparing a training and orientation plan on human trafficking for businesses in different fields jointly with labour market organisations and implementing the plan.

In the training of the Finnish Border Guard, special attention is attached to the basic rights and liberties and human rights of the persons that the different measures concern. In the training programmes of the Border Guard and Coast Guard Academy, basic rights and liberties and human rights (including the prohibition on torture and inhuman treatment) form a compulsory part of the studies. The training of border guards also contains a comprehensive overview of human trafficking, its different forms and characteristics as well as risk indicators, to facilitate the identification of victims.

Ombudsman for Minorities has prepared an extensive report on human trafficking 2010 in Finland. The report evaluates the situation of human trafficking and victims of trafficking in Finland. The report in English can be read on the website:

www.ofm.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_netiversio/

Roma education issues

The Committee recommends (recommendation No. 18) to increase the educational level of persons belonging to Roma communities, *inter alia*, by improving awareness of the possibility for Roma children to obtain instruction in their own mother tongue.

There are no law-based restrictions on access to education for Roma. The Roma are taken into account in the foundations of morning and afternoon activities, pre-primary and basic education as well as in upper secondary education and vocational training. However, indirect reasons compound the access to education of Roma, such as a weaker economic situation than on average among the main population, where they cannot always afford the study materials of the upper secondary education.

According to a study commissioned by the Ombudsman for Children, approximately one fifth of Roma children had encountered serious and repeated, daily or weekly bullying at school. The Finnish National Board of Education has since 2008 administered the activities to develop the basic education of Roma pupils, involving some 30 municipalities. The focus of these activities has been tolerance, non-discrimination and prevention of bullying at schools, as well as the cooperation between Roma families and schools. The Finnish National Board of Education has organised seminars for Roma parents. Instructions of the KiVa project on how to identify school bullying has also been distributed to Roma parents.

The priorities of the first National Policy on Roma include participation of Roma children and youth in pre-primary and other education and training for adult Roma and their placement on the employment market.

Non-discrimination, equality and cultural diversity constitute the basic values of the development activities initiated in 2008 by the Finnish National Board of Education for the support of basic

education of Roma pupils. The objective of these activities is to support the realisation of the basic values of the education as described in the foundation of the national curricula, to take notice of the linguistic and cultural aspects of the Roma students in basic education and to establish the approaches generated in the development activities as part of the everyday activities of the school/municipality.

B. CULTURE

Support to minority languages and cultures

The projects to support minority languages and cultures are in line with the recommendations of the Committee and have been carried out in order to implement them (recommendations no 18 and 19). To master one's mother tongue is of essential importance for assimilation and knowledge of one's own culture.

The language of education at school can be Finnish and Swedish as well as Sámi, Romani or sign language. In general, pupils in the Sámi Homeland who know Sámi should be instructed in Sámi. According to the Basic Education Act, the hearing-impaired should be instructed in sign language, when necessary. By means of the appropriations for youth work, also the Karelian language language-ness activities are supported. The Karelian language has been accorded a minority language status.

In 2010, the Government sent the Council of Europe its fourth periodic report on the application of the European Charter for Regional or Minority Languages. The report gives a detailed account of the support to minority languages and culture in Finland.

Sámi

The Ministry of Education and Culture has laid down, by decree, the foundations for granting state subsidies to supplementary instruction for children of foreign, Sámi or Romani language in basic education and upper secondary education (1777/2009). If a learning institution does not arrange mother tongue instruction for Sámi language pupils, as laid down in the Basic Education Act, a separate subsidy may be granted in accordance with the said decree to arrange instruction in the pupil's own mother tongue.

In 2009, separate, earmarked state subsidies were earmarked to a total of 6 million euro and, in 2010 and 2011, to a total of 12 million euro, for supplementary instruction to foreign, Sámi and Romani pupils, i.e. the situation has improved also in regard to financing since the beginning of 2010. In the plan for the development of education and research 2007-2012 of the Ministry of Education and Culture, the possibilities of Sámi-language pupils to participate in pre-primary, basic and upper secondary education in their own mother tongue is supported.

The Finnish National Board of Education grants the Sámi parliament yearly state subsidies for the production of Sámi textbooks and learning materials in Sámi. The amount of the state subsidy has for a long time been 258,000 euro a year. In 2011, the appropriation is 290,000 euro. The Finnish National Board of Education receives yearly an appropriation in its budget and grants it to the Sámi Parliament, who is responsible for the production of learning materials. By means of the appropriation, basic

textbooks and various readers have been produced. The textbooks produced in Sámi languages are free of charge for the schools.

In 2009-2010, Sámi culture and language nest activities were supported through the appropriations for the development of child and youth policy. A subsidy of 350,000 euro has been granted from the state budget for 2011 to language nest activities and 100,000 euro to club activities supporting Sámi language skills.

Romani language

The state subsidy to developing the instruction of Roma is 600,000 euro for the years 2009 – 2010. For the years 2010-2011, the state subsidy is 650 000 euro. In 2008 – 2010, there were a total of 24 municipalities within the scope of the state subsidy. Even though the number of municipalities is small, the subsidy is allocated quite exactly to the municipalities with many Roma inhabitants. An estimated 80 per cent of all Roma pupils of basic education age participate in the development activities. A little more than 1,000 pupils of basic education age participate in the municipalities receiving state subsidies for the support of basic education of Roma pupils. In Finland, the total number of Roma children of the age of the compulsory education is approximately 1,200 – 1,500. The number of drop-outs from school has been very small in recent years; a few dozen, roughly estimated. Since it is not possible to compile statistics on the basis of ethnic background in Finland, the statistical data on Roma is lacking.

The development of the instruction of Romani is promoted by the Romani language programme of the University of Helsinki, which started in the autumn of 2010. The University has elaborated a curriculum for studies in Romani language. When elaborating the curriculum, the arrangements for teacher training were taken into account. The Ministry of Education and Culture has granted the University of Helsinki separate funding for the initial phase of the training. In the municipalities that receive the special state subsidy, ordinary teachers in the basic education system have been offered supplementary studies in Roma culture.

The Finnish National Board of Education is working on the project *European Language portfolio* to give Roma students of all ages their Romani language portfolio. A Romani language reader (story book) is being elaborated. There are educational materials for Roma students of different ages, including dictionaries and grammar books.

With funding from the Ministry of Education and Culture, the Finnish National Board of Education coordinates Romani language nest activities. The Romani language is listed in the UNESCO list of endangered languages as severely endangered. Finland still has Romani speakers, but their average age rises fast. At the moment, there are 13 language nests in operation. The language nests are intended for children, youth and adults. The language is practised and used orally.

The Finnish National Board of Education also organises a yearly Romani language summer school, with both Romani language teachers and Roma families attending. The instruction at the summer schools is differentiated according to the level of proficiency in the Romani language. The Finnish National Board

of Education also supports the training provided in prisons to Roma prisoners. The education funded by the Finnish National Board of Education has encompassed Romani language and all-round education.

Support of cultures

The Sámi language and culture can be studied at three universities in Finland: Oulu, Helsinki and Lapland. The Giellagas Institute of the University of Oulu has a special task on the national level to teach and research Sámi language and culture. In Koutokeino, Norway (Guovdageaidnu), the Sámi University College Sámi allaskuvla is the only college in the Nordic Countries, with Sámi as the main language of teaching, research and administration. Sámi allaskuvla trains e.g. Sámi language teachers and also admits students from the neighbouring countries Finland, Sweden and Russia.

The Ministry of Education and Culture has since 2009 supported a project with the aim to establish a special Sámi Youth Council in connection with the Sámi Parliament. The Council was established early in 2011. The Youth Council is one of the Commissions of the Sámi Parliament.

In recent years, 205,000 euro has been granted from the state budget to support Sámi language culture. Additionally, on a yearly basis, the Sámi Parliament has been granted a separate appropriation of 35,000 euro for international Sámi cultural cooperation, such as Sámi art organisations as well as for the support of the Finnish branch of the Sámi Council and its national member organisations.

A Sámi cultural centre is being built in Inari with premises for the Sámi Parliament as well as for culture and education. Among the activities planned for the centre, the Ministry of Education and Culture already supports the children's culture, film and music activities. Since 2004, the Ministry has granted 30,000 euro yearly to a child culture project of the Sámi Parliament that aims at safeguarding the preservation of the Sámi language and culture by investing in children and youth. Since 2006, the Indigenous Peoples' Film Centre has been supported with 6,000 to 36,000 euro a year. The activity supports the Sámi language and culture, but it will also have an employment impact in the future (film and television productions), since film training is provided in the region. In 2008, the Sámi Parliament also initiated the activities of a Sámi Music Centre with a subsidy of 30,000 euro from the Ministry. By supporting the interest in Sámi music, Sámi children and youth are also ensured a possibility to obtain high quality art and culture services.

Support of minority languages and cultures within the framework of the Finnish Evangelical Lutheran Church

A position as Secretary for Sámi work was instituted at the chapter of the Diocese of Oulu in 2008. The most important task of the Secretary for Sámi work is, e.g. to coordinate the ecclesiastical work and various projects for the Sámi. The Secretary for Sámi work is responsible for Sámi language ecclesiastic books and materials and participates, when necessary, in the realisation of Sámi ecclesiastical work, in particular outside the Sámi Homeland. The incumbent also holds an important position in taking care of the ecclesiastic contacts between the Sámi of the Barents Sea.

In November 2011, a Children's Bible was published in Inari Sámi. The Lasten Keskus (Child centre) was responsible for the printing of the Children's Bible.

In August 2010, the Church Council published a catechism in Romani, the *Katekismos*. The question of translating the catechism to Romani arose as a result of the ecclesiastical work among Roma and to support the Romani language and culture. Apart from the national languages, the catechism has now been published in nine different languages. The catechism is being used, *inter alia*, in confirmation classes and baptism education.

Support to measures for the suppression of racism and xenophobia

The Ministry for Education and Culture supports yearly several different projects with the aim to reduce racism and increase tolerance. Projects to combat racism and xenophobia have been supported especially within the areas of youth work, sports and culture. In recent years, the support has been growing. Combating discrimination against young persons belonging to minority groups has an important position also in the Government's Child and Youth Policy Programme 2007–2011.

In the areas of art and culture, participation of persons belonging to ethnic groups both as audience and makers of art has been improved by the Arts and Culture Accessibility Programme. Support to activities combating racism and xenophobia have been explained above, e.g. in connection with the YES project as well as in Annex 4 regarding implementation of the Durban Plan of Action.

C.COMMUNICATIONS

By distributing basic information to all immigrants on the Finnish society and work life, legislation, service system as well as on the rights and obligations of the individual, the integration is promoted and at the same time different forms of violence in close relationships and in immigrant communities, such as honour related violence, forced marriages and female genital mutilation, is prevented.

Mass media

On the national level, the mass media reports today on racism and phenomena related to it. Recently there have been a relatively large number of programmes on minority groups, made by them or in their language, both on TV and radio, such as news in Sámi or Romani and other programmes.

Human rights conventions and information on them

According to surveys conducted by NGO's, awareness on human rights conventions is lacking and more thorough information should be given e.g. in schools on international human rights conventions, their significance and what a single person can do to improve human rights. Human rights have been included in all new curricula on all stages of education - pre-primary, basic and upper secondary education as well as vocational training. In 2010, a national information strategy regarding the rights of the child was published.

Cooperation between NGO's and authorities is essential in order to raise awareness of human rights among the citizens. Increasingly, the mass media publishes texts and programmes related to international human rights conventions, human rights in everyday life and violations of human rights.

The media follows particularly closely the legal praxis of the European Court of Human Rights regarding Finland.

The Ministry for Foreign Affairs is responsible for communications in relation to those measures for the implementation of human rights conventions that concern information, especially of the periodic reports and the concluding observations on them by international treaty monitoring bodies. Recommendations are disseminated by means of press releases and in certain cases press conferences are also organised. Recommendations and comments are disseminated largely within the state administration, the Parliament, the Judiciary as well as within local administrations. The Ministry also publishes the recommendations, periodic reports and other topical information related to human rights conventions on its human rights website (<http://formin.finland.fi/ihmisoikeudet>) that is updated on a regular basis.

Finland publishes all international and human rights conventions in its Treaty Series once they have become binding for Finland.

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ANNEXES:

- Annex 1:** Applications for residence permits and decisions 2008-2010
- Annex 2:** Amendments of the Non-Discrimination Act
- Annex 3:** Statistics on decisions on international protection 2006-2010
- Annex 4:** Implementation and follow-up of the Durban Declaration and Plan of Action and the follow-up report and Monitoring of Discrimination in Finland-Action Plan of Action 2010-2013
- Annex 5:** Amendments of the Criminal Code
- Annex 6:** Reported racist crimes in the police database 2007-2010
- Annex 7:** Cases on ethnic agitation and discrimination decided at the prosecution stage, all country (according to the offence) 1 September 2007 - 14 April 2011
- Annex 8:** Statistics 2007-2009 on Punishments by offence (Ethnic agitation and Discrimination)
- Annex 9:** Statistics on foreign prisoners
- Annex 10:** Number of homeless people in Finland in 1987-2009
- Annex 11:** Cases brought before the National Discrimination Tribunal and decisions 2009-2010
- Annex 12:** Ombudsman for Minorities – workload differentiated according to type of client contact 2007-2010
- Annex 13:** Activities of the Parliamentary Ombudsman 2010-2011

Legislation (included in Annexes 2 and 5):

Amendments to the Non-Discrimination Act (21/2004):

- Section 4 (978/2007)
- Section 21 (978/2007)
- Section 7 (690/2008)
- Section 2 (84/2009)

Act on Amending (511/2011) the Criminal Code (39/1889):

- Chapter 6 Section 5 paragraph 1 subparagraph 4
- Chapter 11 Sections 10, 10 a and 15
- Chapter 17 Sections 1 a and 24
- Chapter 24 Section 13
- Chapter 25 Section 10

LINKS:

(with reference to the page of this report where applicable)

- a) Equality planning guide in English (page 4); www.equality.fi
- b) Information on child protection in English (page 10); <http://www.lastensuojelu.info/en/>
- c) Information on Ombudsman for Children in Finland in English (page 10); <http://www.lapsiasia.fi/en/frontpage>

- d) Information on Ministry of Social Affairs and Health in English (page 11);
<http://www.stm.fi/en/frontpage>
- e) Information on the police in English (page 15);
http://www.poliisi.fi/poliisi/home.nsf/pages/index_eng
- f) Information on human rights on the website of the Ministry for Foreign Affairs (pages 12 and 39); <http://formin.finland.fi/ihmisoikeudet>,
<http://formin.finland.fi/public/default.aspx?nodeid=15630&contentlan=2&culture=en-US>;
<http://formin.finland.fi/public/default.aspx?contentid=132044&nodeid=40158&contentlan=2&culture=en-US>
- g) A study of the Police College in English "*Suspected crimes with racist characteristics in the criminal process: case study in Helsinki 2006*"; (page 17)
[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/$file/Raportteja73_Peutere_eng_suojattu.pdf)
- h) A study of the Police College on "*Hate crimes reported to the police in Finland 2007*" in Finnish with an English summary on pages 90-91 of the study (page 17);
[http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/raportteja72_joronen/\\$file/raportteja72_joronen.pdf](http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/raportteja72_joronen/$file/raportteja72_joronen.pdf)
- i) Information on hate crimes reported to the police in Finland, 2008, in English (page 17);
[http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/raportti_85_en/\\$file/raportti_85_en.pdf](http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/raportti_85_en/$file/raportti_85_en.pdf)
- j) Information on hate crimes reported to the police in Finland, 2009, in Finnish with an English summary on pages 101-105 of the report (page 17);
[http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/Raportteja88_web/\\$file/Raportteja88_web.pdf](http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/Raportteja88_web/$file/Raportteja88_web.pdf) and
[http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/DB54AA1FE9A222B9C2257925004A8CDA/\\$file/Raportteja95_Niemi_web.pdf](http://www.poliisiammattikorkeakoulu.fi/poliisi/poliisioppilaitos/home.nsf/files/DB54AA1FE9A222B9C2257925004A8CDA/$file/Raportteja95_Niemi_web.pdf) (page 17);
- k) Information on the services of the Finnish Evangelical Lutheran Church in Finnish (page 24);
www.kirkkopalvelut.fi/yhdessa
- l) Information in english on the kivakoulu-programme against bullying in schools (page 33);
<http://www.kivakoulu.fi/frontpage>
- m) Information on the diversity and dialogue-programme of the Finnish Evangelical Lutheran Church in English (page 34); <http://pastori.evl.fi:8080/mod.nsf/sp?Open&cid=content46157A>
- n) Information on the Parliamentary Ombudsman of Finland in English (page 35);
<http://www.oikeusasiat.fi/Resource.phx/ea/english/index.htm>
- o) Information on human trafficking in Finland (page 40); www.humantrafficking.fi

- p) Annual report of the Ombudsman for Minorities 2009 in English (page 37):
[http://www.ofm.fi/intermin/vvt/home.nsf/files/VV_Vuosikertomus_englanti/\\$file/VV_Vuosikertomus_englanti.pdf](http://www.ofm.fi/intermin/vvt/home.nsf/files/VV_Vuosikertomus_englanti/$file/VV_Vuosikertomus_englanti.pdf)
- q) Annual Reports of the Ombudsman for Minorities, 2002-2010 (of the report 2010 only an English summary) (page 37):
<http://www.ofm.fi/intermin/vvt/home.nsf/pages/84FCA7A8B0F6510DC22573C2004B7694?opendocument>
- r) General information on the Ombudsman for Minorities in English:
<http://www.ofm.fi/intermin/vvt/home.nsf/pages/index3>
- s) Report of 2010 of The Finnish National Rapporteur on Trafficking in Human Beings: Trafficking in human beings, phenomena related to it, and implementation of the rights of human trafficking victims in Finland (page 41):
[http://www.ofm.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_netiversio/\\$file/Ihmiskaupparaportti%202010_englanti_netiversio.pdf](http://www.ofm.fi/intermin/vvt/home.nsf/files/Ihmiskaupparaportti%202010_englanti_netiversio/$file/Ihmiskaupparaportti%202010_englanti_netiversio.pdf)