

Concluding observations on the 20th to 22nd periodic reports of Finland adopted by the Committee on the Elimination of Racial Discrimination at its 81st session in 2012

Information provided by the Government of Finland on its follow-up to the recommendations contained in paragraphs 12, 13 and 16

30 August 2013

The Status of the Sámi (paragraph 12)

The Committee recommends that, in defining who is eligible to vote for Members of the Sámi Parliament, the State party accord due weight to the right of the Sámi people to self-determination concerning their status within Finland, to determine their own membership, and not to be subjected to forced assimilation.

Revision of the Act on the Sámi Parliament

1. A Working Group, appointed by the Ministry of Justice in June 2012, is preparing a proposal for the revision of the Act on the Sámi Parliament. The Act on the Sámi Parliament (974/1995), which is important for the regulation of the self-determination of the Sámi, was enacted in 1995. Since then, the Act has been amended several times to better meet practical needs. Now the revision is considered necessary.

2. The Working Group is composed of three representatives from the Sámi Parliament and three civil servants from the Ministry of Justice. The former Parliamentary Ombudsman is the Chair of the Working Group. In accordance with its mandate, the Working Group has heard such other ministries and authorities whose field of competence includes Sámi issues with relevance for the Working Group, as well as representatives of municipalities and the local population in the Sámi Homeland.

3. In addition to other issues, the Working Group analyses the so-called definition of a Sámi (the conditions for approval for inclusion into the election roll of the Sámi Parliament) and its relationship with Finland's other international obligations. The Working Group is also expected to put forward a proposal to extend the contents of the duty of the authorities to conduct consultations with the Sámi Parliament.

4. The task of the Working Group is very wide-ranging. The Working Group has been granted an extension until 30 September 2013 in order to finalise its work.

Revitalisation of the Sámi languages

5. In connection with upholding the Sámi culture, a programme for the revitalisation of the Sámi languages is being drafted within the administrative framework of the Ministry of Education and Culture. The measures of the revitalisation programme aim at achieving a more consistent and sustainable protection for all three Sámi languages spoken in Finland (North Sámi, Inari Sámi and Skolt Sámi). The Government programme contains an entry on the realisation of measures of the revitalisation programme. The realisation of the programme will be monitored through the indicators that it contains.

6. Efforts are being made in Finland to secure possibilities to influence and participate for indigenous children and youth. By supporting the possibilities of Sámi children to their own culture and language, the survival of the Sámi language and culture is ensured also in the future.

Views of the Ombudsman for Minorities

7. The Ombudsman for Minorities wishes to bring forward the need to intensify the measures to promote understanding and tolerance among different ethnic groups in Northern Finland and especially in the Sámi Homeland. The centre of the arguments is a prolonged dispute on unresolved issues related to the status of the Sámi. The most important of them relate to the above-mentioned recommendations of the Committee regarding the Sámi. An especially necessary measure is to raise the awareness of the population about the ILO Convention No. 169, its effects on the Sámi territories and on possible solution models. The ratification process must also be finalised as soon as possible.

Views of the Sámi Parliament

8. The Sámi Parliament considers it necessary that the definition of a Sámi is changed before the next elections to the Sámi Parliament. The Sámi Parliament has stated that if the definition of a Sámi is not changed, the Sámi risk forced assimilation with the Finnish culture, the Sámi Parliament may become Finnish and the genuine Sámi culture will disappear from Finland in a very short time. The Sámi Parliament has furnished the Working Group with its own views on the revision of the definition of a Sámi based on, *inter alia*, the Declaration on the Rights of Indigenous Peoples, articles 1 and 27 of the International Covenant on Civil and Political Rights, as well as on the relevant recommendation of the Committee on the Elimination of Racial Discrimination.

The right of the Sámi to their traditional lands (paragraph 13)

In line with its General recommendation no. 23 (1997) on the rights of indigenous people, the Committee recommends that the State party find an adequate negotiated solution to the dispute regarding the rights of Sámi people in their traditional lands, including by revising its legislation on this issue. In doing so, the Committee recommends that the State party take into account the ILO Convention no. 169, which the State party has committed to ratify. The Committee further recommends that the State party take appropriate measures to protect the Sámi traditional livelihood of reindeer husbandry.

Working groups and projects

1. In December 2012, the Government decided to form a Ministerial Working Group for Sámi Affairs to decide on Sámi issues that need political decision-making and on issues that arise during the negotiations on the Nordic Sámi Convention. The Working Group was established in April 2013. So far it has convened twice.

2. With regard to recommendation No. 13, the Government notes that the National Human Rights Action Plan, adopted by the Government on 22 March 2013, contains projects to increase participation rights for the Sámi people concerning the planning of the use of State owned land and water areas.

3. A legislative project is under way at the Ministry of Justice, which aims at developing the rights of the Sámi people as an indigenous people especially by clarifying the legislation on the rights of the Sámi people to participate in the decision-making regarding the use of land and water areas in the Sámi Homeland. The objective is to create conditions for the ratification of ILO Convention No. 169 on Indigenous Peoples.

4. In accordance with the decision made by the Government on 12 December 2012, the Ministry of Agriculture and Forestry will appoint, in the near future, a working group to prepare

legislation for increasing the participation rights of the Sámi people in the decision-making procedure for issues related to the use of land and water areas. Also the participation rights of the rest of the local population will be taken into account in the work of the working group and necessary provisions will be included in the legislation concerning the organisation of the Finnish Forest and Park Service (*Metsähallitus*; a state enterprise that administers more than 12 million hectares of state-owned land and water areas).

5. In the introductory part of recommendation No. 13, the Committee has stated that it is concerned that the land rights of the Sámi people have not been satisfactorily settled and that various projects and activities, such as mining and logging, continue to be carried out in the traditional lands of Sámi people without their prior, free and informed consent. The legislation in force is complied with in the practice of forestry in areas, whether state or privately owned, that belong to the Sámi Homeland. The Government stresses that the legislation contains specific requirements for the mentioned areas, *inter alia*, in Section 2 (2) of the Reindeer Husbandry Act that are specifically intended for reindeer herding. The land in these areas may not be used in a manner that may significantly hinder reindeer herding. On the other hand, the Finnish legislation does not require a permission or prior consent from the Sámi for logging.

6. The Finnish Forest and Park Service cooperates closely with the Sámi Parliament and conducts several yearly consultations in accordance with Section 9 of the Act on the Sámi Parliament as well as several unofficial consultations. The Finnish Forest and Park Service also cooperates with the Sámi Parliament within several working groups. The Finnish Forest and Park Service has also concluded agreements with individual herding cooperatives on areas that were excluded from forestry for 20 years.

7. In its recommendation No. 11, the Committee has stated that the State party, when revising the Act on the Sámi Parliament, should enhance the decision-making powers of the Sámi Parliament with regard to the cultural autonomy of Sámi, including rights relating to the use of land and resources in areas traditionally inhabited by them. In this regard the Ministry of Agriculture and Forestry notes that the cultural autonomy that the Constitution of Finland guarantees the Sámi people in itself does not constitute a competence for the Sámi Parliament to utilise natural resources, whether in state or private ownership, within the Sámi Homeland. However, the Mining Act (621/2011) contains provisions on obstacles to granting permits in the Sámi Homeland, in the Skolt area and in special reindeer herding areas. According to Section 50 of the Act, an exploration permit, mining permit, or gold panning permit must not be granted if activities under the permit:

- 1) alone, or together with other corresponding permits and other forms of land use would, in the Sámi Homeland, substantially undermine the preconditions for engaging in traditional Sámi sources of livelihood or otherwise to maintain and develop the Sámi culture;
- 2) would substantially impair the living conditions of Skolts and the possibilities for pursuing a livelihood in the Skolt area;
- 3) in a special reindeer herding area, would cause considerable harm to reindeer herding.

8. However, a permit may be granted regardless of an impediment referred to above if it is possible to remove such an impediment through permit regulations.

9. According to Section 8 of the Water Act (587/2011) water resources engineering projects located in the Sámi Homeland or extending to the Sámi Homeland have to be realised in such a way that they do not weaken more than to a small extent the possibilities of the Sámi to utilise

their rights as an indigenous people to maintain and develop their culture and pursue their traditional sources of livelihood.

10. The legislation on reindeer husbandry is based on the Reindeer Husbandry Act (848/1990) and on the Reindeer Husbandry Decree (883/1990) issued pursuant to the Act. The administrative basic unit of reindeer husbandry is the herding cooperative and there are 56 such cooperatives. The task of the herding cooperative is, *inter alia*, to see to it that the reindeers of the members of the herding cooperative are taken care of within the herding area and that the herding tasks pertaining to the herding cooperative are carried out. In the meetings of the herding cooperative a member may vote with the same number of votes that corresponds to the number of reindeers owned. The decision of the meeting is considered to be the view, which the majority of the votes cast has supported.

11. Since information regarding the ethnic origin of a person is considered sensitive personal data pursuant to the Personal Data Act (523/1993) and the collection thereof is in principle prohibited, the Finnish authorities do not have exact information on the distribution of Sámi and non-Sámi among members of different herding cooperatives, neither do they have information on the number of reindeers that these groups own.

12. In the concluding observations of the Committee, the expression traditional Sámi reindeer herding is utilised, but this concept has not been defined exactly. There are no significant differences between different reindeer herding methods, even though in the herding cooperatives in the north where the Sámi herd reindeers along with others, reindeer herding is mainly based on circulation of pastures and free grazing throughout the year, whereas the herding cooperatives in the south usually take in the reindeers part of the year for pen feeding. Reindeer herding methods may, however, differ significantly from herding cooperative to herding cooperative both in the north and in the south.

13. Sámi reindeer herding often also refers to arranging reindeer herding by whole village communities or in so called tokka (large herd of reindeers) associations. Tokka associations are not mentioned in the Reindeer Husbandry Act, but a tokka association may, even in the current herding cooperative system have its own foreman to organise the reindeer husbandry work of the area and to take care of issues related to the reindeers.

14. The Government further draws the attention to the fact that the decision of the Supreme Administrative Court of Finland referred to by the Committee in its concluding observations (yearbook number KHO 2011:13) did not concern antagonism between reindeer owners belonging to the Sámi minority and the main population, but a herding cooperative, which according to the court documents has a clear Sámi majority. The issue at hand in the appealed slaughter decision concerning the herding cooperative was control of the use of property with the end to reduce the number of reindeers to correspond to the yield level of the pastures, as well as the realisation of non-discrimination among mainly Sámi members living in different parts of the herding cooperative.

15. There is still a pending communication before the Human Rights Committee filed against Finland by *Kalevi Paadar et. al.* in a case concerning cuts in the numbers of the Nellim reindeers in the Ivalo herding cooperative. In accordance with the interim measures by the Human Rights Committee, the forced slaughtering should be ceased until the Committee has examined the communication. Within the time limit set by the Human Rights Committee, the Government stated in its observations regarding the admissibility criteria for the communication that the petitioners had used all national legal remedies and that there were no impediments for examining the case in the Committee. The observations on the merits of the case were submitted in March 2012.

Views of the Sámi Parliament

16. The Sámi Parliament is of the view that it does not have real possibilities to develop and create conditions for the survival of traditional Sámi sources of livelihood. The material basis of the Sámi culture is not secured. The current situation, where the protection of the Sámi sources of livelihood and the possibilities to exercise these livelihoods are weak, has led to the Sámi moving away from the Sámi Homeland, to a weakening of the vitality of the Homeland, to a diminishing of the traditional language usage environments and to a weakening of traditions and traditional knowledge in connection with traditional livelihoods and to a diminishing of transmission of cultural know-how. According to the Sámi Parliament, the Sámi culture and language risk being lost without positive special measures and a real possibility to develop the Sámi culture and related traditional sources of livelihood. The Sámi Parliament has proposed that the total overhaul of the Reindeer Herding Act be initiated immediately.

17. Many Sámi women are both engaged in paid work and participate in reindeer herding, which is the traditional livelihood of the Sámi. However, reindeer herding is nowadays considered a livelihood especially for men, even though Sámi women have an important role both in reindeer herding and in conservation of the cultural heritage. According to the Sámi Parliament, both the Sámi community and the State should support women's participation in the traditional livelihood. Women who participate in reindeer herding should also be given the possibility to get so called nomadic day care, because it would help women reconcile work and family life as well as the traditional livelihood. Day care in the Sámi language is also an important issue from the point of view of conservation of cultural tradition.

Promoting understanding and tolerance among different ethnic groups (paragraph 16)

The Committee recommends that the State party enhance its measures aimed at promoting understanding and tolerance among different ethnic groups residing in the territory of the State party. The Committee further recommends that the State party take concrete measures to implement the Promotion of Integration Act and to adopt the Government Programme for integration for 2012-2015, in order to foster the integration of immigrants with regard to employment, housing, education and social and healthcare services. The State party should further avoid racial or ethnic profiling, including by strengthening internal police guidelines on the subject. The Committee requests that the State party provide it with information on specific measures taken as well as on their concrete results.

Programmes and strategies

1. Pursuant to the June 2011 Government Programme of Prime Minister *Jyrki Katainen*, the Government seeks to ensure that everyone in Finland is equal, regardless of sex, age, origin, language, religion, conviction, opinion, health, disability or other grounds that concern his or her person. The Government works resolutely to combat racism and discrimination.

2. There are several programmes and strategies in the Government Programme that influence the lives of immigrants and asylum seekers. These programmes and strategies are, *inter alia*, the first National Action Plan on Fundamental and Human Rights, the third Internal Security Programme, the Child and Youth Policy Programme and the Future of Migration 2020 Strategy. Also the Government Programme for the Promotion of Integration for the years 2012 to 2015 has been finalised as part of the Act on the Promotion of Integration. The common denominator for

these programmes and strategies is that they recognize racism and its harmful and long-term consequences for the integration of immigrants and for the society at large.

3. For the increase of non-discrimination and for the promotion of the acceptance of diversity, the following measures are currently ongoing:

- the construction of a model for monitoring discrimination at the workplace (all discrimination grounds),
- a study on the discrimination faced, in social and health care, by elderly persons belonging to different population groups,
- the report Discrimination in Finland 2011 to 2013,
- the national programme against discrimination, Equality is Priority (YES),
- the Good Relations project, and
- the measures by the Advisory Board on Ethnic Relations focusing on young immigrants and working life.

4. The Equality is Priority programme is implemented as a cooperation between different ministries and parent organisations representing minorities. Along with the programme, e.g. a Roma Portal consisting of 12 internet sites¹ will be constructed, a book series on minorities and non-discrimination issues will be published, brochures will be distributed to victims of discrimination, training will be organised for police trainers, teachers, personnel of guidance services, journalists and municipal decision-makers and a media campaign will be realised to involve youth belonging to different minorities into anti-discrimination efforts. A nationwide conference will also be organised in the Sámi Homeland.

5. The Good Relations Project, coordinated by the Ministry of the Interior, is realised as a European cooperation between Finland, Sweden and Northern Ireland. The aim is to draft indicators measuring good relations and to test them through practical measures on the local level as well as to draft a handbook for local actors on the promotion of good relations. The results of the project will be shared with all member states of the European Union at a final conference in the summer of 2014.

Hate crimes that have come to the attention of the Police

6. In accordance with Section 1 of the Police Act (493/1995), the police work in cooperation with other authorities and with local residents and organisations in order to maintain security. Pursuant to Section 2 of the same Act, the police shall act in an appropriate and objective manner and promote a conciliatory spirit. The new Police Act, which will enter into force on 1 January 2014 (872/2011), contains corresponding provisions.

7. The Police College has conducted a study "Hate crimes that have come to the attention of the Police 2011".²

Security

8. Regional and local security is promoted e.g. through local security plans, taking into account the security needs of the different population groups of the region. The objective of local security

¹ 1) The history of the Roma, 2) culture, arts, music and spiritual life, 3) participation and influence, 4) international issues, 5) a site for the Roma, 6) a site for authorities, 7) training and education (including educational materials for basic schools), 8) the Romani languages, 9) a site for academic Roma, 10) children, 11) picture gallery, 12) current issues.

² Available in Finnish at: [http://www.polamk.fi/poliisi/poliisioppilaitos/home.nsf/files/99989817AF566D6EC2257AD00037641B/\\$file/Raportteia104_web.pdf](http://www.polamk.fi/poliisi/poliisioppilaitos/home.nsf/files/99989817AF566D6EC2257AD00037641B/$file/Raportteia104_web.pdf)

planning is to prevent and suppress accidents, crimes, and disturbances and to improve the feeling of security among the general public. A security plan may also contain measures by which, for instance, marginalisation and racism are combated.

9. The Ministry of the Interior has produced the publication "The Security of Ethnic Minorities and Immigrants in Local Security Planning" (*Etnisten vähemmistöjen ja maahanmuuttajien turvallisuus paikallisessa turvallisuussuunnittelussa*) to promote the attention paid to ethnic minorities in security planning. The publication has been used as a support for local security planning after its publication.

10. Also the Internal Security Programme "A Safer Tomorrow", which was adopted on 14 June 2012, contains measures by which efforts are made to enhance the security of immigrants and other ethnic minorities, e.g. by initiating a campaign in cooperation with immigrant organisations to lower the threshold for reporting racist crimes. The aim is also to realise an enquiry for the population with an immigrant background, through which information is gathered on how their feeling of security has developed and on the latent crime against them as well as to create accessible security communication in order to ensure access to security related services. These measures endeavour to contribute to an enhanced feeling of security among ethnic minorities and immigrants and their further integration into their own living environment.

Support by authorities for equality planning

11. The authorities have continued to support equality planning, especially in the case of educational institutions and they have drafted a handbook in support of the planning process. A study has been published on the methods of anti-discrimination pedagogy, universities providing teacher training and other educational institutions have been trained and a campaign against discrimination has been carried out by, *inter alia*, participating in an education fair. Through the monitoring and reporting system on discrimination a study has been commissioned on the experiences of different minorities on access to justice in cases of discrimination. Different campaigns for the prevention of racism and discrimination have been realised, *inter alia*, for the promotion of the recruitment of youth belonging to minorities. A diversity network has been established for companies and the Finnish Diversity Charter has been published. The equality impact assessment regarding the legislation and policy programmes has been developed.

Ethnic profiling

12. Regarding the recommendation of the Committee to further avoid racial or ethnic profiling, including by strengthening internal police guidelines, the Government notes that when the Legal Unit of the Ministry of the Interior carried out its inspection for the legal supervision of the National Police Board regarding the year 2012, the Unit addressed the said recommendation No. 16 of the Committee on the Elimination of Racial Discrimination. The Unit also issued a recommendation to the National Police Board to draft an instruction against discriminatory ethnic profiling or to update its existing instructions and to distribute information about the instruction and to organise training on the topic.

13. On the 30 January 2013 the National Police Board issued a new instruction on aliens control (2020/2013/495), which entered into force on 15 February 2013. The instruction concerns all aliens control performed by a police authority. The purpose of the instruction is to give uniform guidelines for aliens control in the whole country. The instruction prohibits so called ethnic profiling. The chapter on the principles of aliens control in the instruction states explicitly that aliens control must not be based on ethnic profiling. Further according to the instruction: "*The control must be targeted and planned in such a way that it promotes non-discrimination. Since*

aliens control is targeted at a limited circle of persons, the control may be experienced as a being contrary to the principle of non-discrimination. Therefore, the activities must especially endeavour to dispel the sometimes obviously inevitable suspicions that the measures have been taken only because of skin colour or other inappropriate grounds. The prohibition on ethnic profiling means that the ethnic origin of a person, such as his or her skin colour, never may constitute the basis for aliens control as such."

14. The paragraphs on the prohibition of ethnic profiling of the instruction have been drafted in cooperation with the Office of the Ombudsman for Minorities. The instruction also concerns aliens control performed as thematic control. During thematic control weeks the control is concentrated to objects chosen on the basis of a prior analysis conducted with cooperation authorities. Such objects involve e.g. commercial companies known to have alien work force at work. In the case of thematic control, the instruction states expressly that personal control may not be targeted in such a way that only persons having certain physical features or a certain ethnic origin are controlled. The primary cooperation authority of the police for thematic controls is the Border Guard. Insofar as controls are targeted at work places, also the industrial safety authorities participate in the control events.

15. In accordance with the instruction, the basic training of the police must ensure that each police officer is familiar with the principles of aliens control reflected in the instruction. In addition, each police unit has designated police officers and on-the-job trainers responsible for the prevention of illegal immigration. These persons act in their units as experts on aliens issues and are responsible for their own part of the training in aliens issues within their units and of maintaining these professional skills.

16. In conjunction with ethnic profiling, the Government further notes that fundamental and human rights are especially highlighted in the new Police Act (872/2011; the Act will enter into force on 1 January 2014). According to Section 2 of the new Police Act, the police shall respect fundamental and human rights and when exercising their powers the police shall among justifiable means choose the one which best promotes the fulfilment of these rights. In Section 6, non-discriminatory treatment is stressed.

17. The Discrimination Tribunal has issued a prohibition on ethnic profiling in its decision of 17 December 2012.

Youth policy

18. One of the three integrated themes of the Governmental Child and Youth Policy Programme for the period 2012 to 2015³ is the promotion of non-discrimination. In the Policy Programme, non-discrimination means that all people are equally valuable regardless of their gender, age, ethnic or national origin, citizenship, language, religion and conviction, opinions, disability, health, sexual orientation, gender identity or any other personal grounds. In addition, the Programme contains explicit measures for the combating of discrimination against different groups and for the promotion of non-discrimination.

19. According to the Policy Programme, the promotion of non-discrimination does not exclude positive special treatment of minority groups. In a cross-sectoral manner, the Policy Programme steers the realisation of the Finnish youth policy. In addition, the Ministry of Education and Culture

³ Available in Finnish at:

http://www.minedu.fi/OPM/Julkaisut/2012/Lapsi-ja_nuorisopolitiikan_kehittamisohjelma_2012_2015

supports the implementation of the Policy Programme by means of a separate allocation, which also has been used to support youth projects promoting non-discrimination.

20. In addition to the above-mentioned Policy Programme, the Ministry of Education and Culture provides yearly support to activities and projects aiming at supporting multiculturalism and promoting efforts to combat racism. In particular, such projects of non-governmental organisations have been supported where the awareness of young people is raised on non-discrimination, racism and human rights and where young people are steered away from racist thinking and action.

21. In 2013 and 2014 Finland also carries out a large national youth campaign against hate speech on the Internet.⁴ The national campaign is part of a cluster of measures of the Council of Europe against hate speech.

Health and welfare for immigrants

22. The National Institute for Health and Welfare (THL) published the first comprehensive study on migrant health and wellbeing in November 2012⁵. The project was carried out from 2010 to 2012 in six municipalities (Helsinki, Espoo, Vantaa, Tampere, Turku, Vaasa), which have a significant immigrant population. The project was financed by the Ministry for Social Affairs and Health, the European Social Fund and the municipalities.

23. The study focused on persons of Russian, Somali and Kurdish origin between the ages of 18 to 64. A total of 3 000 persons participated in the study, 1 000 from each ethnic group. The study consisted of an interview and a health examination. It aimed at producing comprehensive information on the living conditions, self-reported health and chronic conditions, risk factors of national diseases, infectious diseases, oral health, reproductive health, mental health, functional and work capacity, social wellbeing and experiences of discrimination and violence of the participants in the study as well as their use of health care services. One of the aims of the study was to promote the participation of immigrants. Research personnel was chosen and trained from the same linguistic groups as the targets of the study.

24. Immigrants are not a homogeneous group. The results show differences between groups of persons of Russian, Somali and Kurdish origin. The study also found differences between men and women. Women of Kurdish and Somali origin were found to be in a particularly vulnerable position. The study shows an urgent need to develop mental health services for immigrants as the current service system reaches only a proportion of those needing health. Experiencing a good quality of life and confidence in the Finnish service system are strengths, which can be considered as sound starting points for the promotion of health and wellbeing.

25. Plans are being made to survey the health and wellbeing of immigrants in the future as part of the Regional Health and Wellbeing Study (ATH). The methods for measuring functional and work capacity used in the study and translated into the various study languages are freely available for other municipalities and researchers in the TOIMIA database⁶. The results of the study are also reported in the interactive "Our health" (*Terveystemme*) online service⁷, where data can be compared by population group and at the regional and national levels.

⁴ Further information on the national campaign in Finnish: <http://www.plan.fi/fi-FI/mita-me-teemme/vapaaehtoistoiminta/nuoret-vihapuhetta-vastaan/>

⁵ Link to the study in Finnish, which includes an English summary: <http://www.julkari.fi/handle/10024/90907>

⁶ <http://www.toimia.fi>

⁷ <http://www.terveytemme.fi>

Upper secondary education for immigrants

26. In conjunction with the realisation of the National Integration Programme, the Ministry of Education and Culture prepares a proposal to enable training preparing for upper secondary education for immigrants. The aim is to initiate the training preparing for upper secondary education in the autumn of 2014.

Housing Area Re-development Programme

27. Finland is carrying out an inter-ministerial Housing Area Re-development Programme during the period from 2013 to 2015 aimed at enhancing the vitality of housing areas as well as at preventing social segregation by developing the social and physical environments of housing areas. The most important objectives of this programme, coordinated by the Finnish Ministry of the Environment, lies in enhancing the attractiveness of residential areas and securing the well-being of inhabitants, while preventing segregation within and between housing areas, by stopping the vicious circle of social exclusion. The programme is a part of the Government Integration Programme (Government's focus areas) for period from 2012 to 2015.

The local level

28. In its immigration guidelines, the Association of Finnish Municipalities has stressed that a successful two-way integration creates conditions on the local level for good relations between different population groups and for genuinely multicultural local communities. The relations between different population groups can be influenced by a visible acceptance of multiculturalism and diversity, by diminishing prejudice and by creating opportunities for interaction between different population groups. Municipalities have an important task to support the integration of immigrants and to promote participation, non-discrimination and good relations between different population groups.

29. According to the Act on the Promotion of Integration, municipalities have the overall and coordinating responsibility for the development, planning and monitoring of the integration of immigrants. Municipalities must ensure that their services are suitable also for immigrants. In order to develop integration and to promote municipal multisectoral cooperation, municipalities draft an integration programme. A municipal integration programme contains a plan on how the municipal services can be realised in such a way that they are also suitable for immigrants. The integration programme also contains a plan for specific municipal services to support and promote integration, e.g. within social and health services, early education, education, housing as well as within cultural, youth and sports services. The integration programmes often also contains a plan for promoting good ethnic relations and dialogue between cultures in the municipality. The programme is adopted by the Municipal Council. According to the Act, the programme shall be revised at least every fourth year.

30. On the national level, the integration of immigrants is currently developed through the Participative Integration in Finland pilot project, a joint project between the State, 17 municipalities and several organisations. The projects of the municipalities develop new models for integration education in such a way that more attention is paid to the different starting points of each immigrant. Integration education is developed for those who want to enter the employment market quickly, for those needing special support as well as for young people and children. The municipal pilot projects end in the summer of 2013. Hereafter an evaluation of the projects will take place and decisions will be made on necessary legislative amendments and financing.

31. The municipal sector is a large employer. There are approximately 425 000 employees in the municipal sector. As the population ages, the need for care and nursing increases. As immigration increases, municipalities pay attention to the needs of a multicultural clientele. In municipal services there are a growing number of situations, where a new kind of service know-how is needed both regarding linguistic and cultural skills. Some municipalities have set as their goal to recruit employees with a foreign background in relation to the number of foreigners residing in their area. Certain municipalities are currently testing an anonymous recruitment process in order to increase equal opportunities and to prevent discrimination.

32. Advisory boards and commissions for multicultural issues have been appointed in many large cities and in immigration-dense municipalities. These organs bring the perspective of the immigrants to the activities and to the preparation of the decision-making of the municipalities. The task of these organs is to coordinate and promote issues relating to the integration of immigrants in municipalities.

33. The an anti-xenophobia network RASMUS of The Finnish League for Human Rights works to counteract racism and discrimination in order to promote a multicultural society. Several municipalities participate in the RASMUS network and have participated in anti-racism weeks by organising events against ethnic discrimination on the International Day for the Elimination of Racial Discrimination of the United Nations.

34. Multiculturalism brings along new dimensions for the Finnish society. The linguistic and cultural background of the population is very diverse in many of the Finnish municipalities. The power of cultural diversity as an engine for societies is recognized both internationally and in Finland.

Sports policy

35. In 2010, the Ministry of Education and Culture published a development programme for the integration of immigrants through sports and exercise⁸. In accordance with the current Government Programme "the Government stresses the diversity and mutual respect of the Finnish sports culture as well as the role of sports in the integration of immigrants. The integration of immigrants through sports will be continued and the proposals of the development programme will be taken into account".

36. The development programme is meant to serves as the basis for the work to develop multicultural sports. The most important of the principles of the development programme is the principle of inclusion as well as the choice of priorities so that further support would be allocated especially to the following areas: activities for immigrant children and youth; physical activities for the promotion of the health of adult immigrants; and physical activities for immigrants organised by sports clubs.

37. While investing in activities for children and young people, also families may be activated to participate in different functions of sports culture. Special target groups are immigrant youth risking marginalisation, 15 to 30 year old immigrant boys and men who have come to Finland at the end of the basic school or after school age, as well as immigrant girls and women spending much time doing chores or otherwise spending time at home.

38. The promotion of sports for immigrants is included in projects promoting sports for children and youth and in sports projects for health promotion of the Ministry of Education and Culture, as

⁸ Available in Finnish at:

http://www.minedu.fi/OPM/Julkaisut/2010/Kehittamisohjelma_maahanmuuttajien_kotouttamiseksi_liikunnan_avulla.html

well as in subsidies allocated to sports associations, by which support is provided for organising low-threshold sports activities as well as for providing possibilities for low-income persons to participate in sports.

39. The Ministry of Culture and Education is carrying out a study on reasons for marginalisation in sports, in accordance with the objective set out in the Government Programme. The objective is further to create conditions by which sports can be increased among different age groups. At the same time special attention is paid to non-discrimination regarding recreation options, especially regarding children and youth.

Complaints to the Parliamentary Ombudsman regarding immigration issues

40. In his legal supervision work, the Parliamentary Ombudsman follows the realisation of the legal safeguards of immigrants and asylum seekers. Typical complaints related to immigration concern dissatisfaction with negative decisions on applications for visas, residence permits and asylum and dissatisfaction with long handling times. The complaints often concern removals from the country of persons having received negative asylum decisions or family reunification procedures in the case of persons who have already received residence permits themselves.

Decisions on applications regarding family reunification

41. During 2012, several complaints received by the Parliamentary Ombudsman concerned e.g. the fact that a decision on an application for a residence permit on the basis of family ties had not been notified to the applicant within the time limit set in section 69 a of the Aliens Act (1338/2011). In a decision on such a complaint the Deputy Parliamentary Ombudsman deemed that the Finnish Immigration Service (Migri) had acted incorrectly when it had not notified the applicant of the decision regarding a residence permit on the basis of family ties for the spouse within the time frame of nine months set in section 69 a of the Aliens Act. The total handling time of this case was approximately 29 months.

42. In its response, Migri stated that the handling time in this case had been prolonged in particular by the need to hear the parties in person and by the need to hear the person reuniting the family twice as well as by the time that had elapsed for hearings within other authorities. According to the Deputy Parliamentary Ombudsman, the clarification submitted by Migri did not point at such exceptional circumstances referred to in the Act, which could have caused the almost 30 months long handling time of the residence permit on the basis of family ties.

43. The Deputy Parliamentary Ombudsman draws the attention to the fact that the Government Proposal for the Act contains an analysis on what exceptional circumstances justifying handling times exceeding nine months, *inter alia*, could mean. Such situations could be e.g. an exceptionally difficult family reunification case, an exceptionally long time required for hearings that take place abroad or the acquisition of exceptional, large or cumbersome additional clarifications and expert opinions. In the clarification submitted by Migri, no such grounds were presented according to which this case would have been exceptionally difficult or otherwise would have demanded a 30-month long handling time.

Removal from the country of foreigners

44. The complaints to the Parliamentary Ombudsman also concern the inappropriate use of force in connection with removals of foreigners from the country. In one of the cases the complainant criticized the measures taken by the police regarding the execution of the decision to remove her client from the country. The complainant was discontented with the fact that the

person to be removed was informed about the removal only on the evening before the removal. The criticism also concerned the manner in which the removal was carried out and the excessive use of force.

45. The Deputy Parliamentary Ombudsman did not find the measures of the police to be contrary to the law. However, on the procedures of the police he stated the following. A successful removal from the country, after the issuing of an enforceable decision on refusal of entry, mainly consists of three different stages: preparations for the removal, carrying out of the removal and handing over of the foreigner to the receiving authorities. In certain cases the removal from the country fails and the person whose entry has been refused must be brought back.

46. The preparation for the removal from the country may be seen as a very important stage for a professional removal from the country. This stage may include legal measures, packing of belongings or e.g. psychological preparation for the return e.g. with the help of a social worker. The latter method is being used in certain countries. Appropriate preparation for the removal from the country often helps the police to carry out tasks related to the removal from the country. Appropriate preparation measures contribute to diminishing the need to use force during the removal itself. The Deputy Parliamentary Ombudsman stated that he did not have detailed information on how the training of the Immigration Police takes into account different issues in connection with the preparation for removal from the country.

47. One concrete measure in preparation for a removal from the country is to inform the person about the time of the removal. A prior notice enables the person to be removed to prepare for the removal and to take the measures necessary therefore. Such measures may relate e.g. to available legal remedies, financial arrangements, packing of belongings or e.g. to saying goodbye to friends and relatives. Even though the Aliens Act does not require that the time for the removal be announced beforehand to the person to be removed, the Deputy Parliamentary Ombudsman deems that the general rule should be that the time of the removal be announced well beforehand. In the case of the complainant, the time of the removal was notified to the person to be removed in the evening preceding the removal. According to the Deputy Parliamentary Ombudsman the notification was not made sufficiently well beforehand, e.g. in order to take care of the things listed above (e.g. legal remedies). The clarification submitted did not give any grounds on which an earlier notification would have jeopardized the execution of the removal.

48. In the aforementioned case, the Deputy Parliamentary Ombudsman also attached attention to the fact that there was no external supervisor on the removal flight. According to the clarification submitted, there are no national instructions on the use of external supervisors. The Deputy Parliamentary Ombudsman considers it to be important to develop the supervision of removal flights. The supervision of removal from the country must be independent and effective. The fact that the supervisors, who have appropriate training for their task, are informed of all removal flights and that they themselves decide on which flights they participate may be seen as a starting point emphasising the independence of the supervision. In addition, it is essential that independent supervisors monitor all measures by the police related to removals, including the pick-up of the person to be removed from the detention centre or the police prison. When developing this supervision, attention should also be attached to the appropriate reporting on the supervision.

Asylum applications in connection with removals from the country

49. In a decision on a case from February 2013 the complainant criticised the Immigration Police for not having received a new asylum application filed in conjunction with a removal from the

country. The Deputy Parliamentary Ombudsman held the view that the accompanying police officers had acted incorrectly in the matter.

50. According to the clarification obtained, the foreigner in question applied for asylum from the police at the Helsinki-Vantaa airport before the removal was carried out. The Legal Unit of the Ministry of the Interior had reached the same conclusion in their expert opinion. Pursuant to section 94 paragraph 2 of the Aliens Act, an alien who refers to his or her endangered human rights is considered to be applying for asylum unless he or she specifically states otherwise. According to clarifications received, the person to be removed had said that "he wanted to file an application because he did not want to return to Iraq." Even though the clarifications and replies contain diverging views on the words used by the person to be removed to prevent the removal, he may, according to the Deputy Parliamentary Ombudsman be considered to have made a new asylum application. The actions by the police were incorrect, because the police decided to pursue the execution of the removal, despite a new asylum application. In any case, the police do not have authority to make decisions regarding asylum applications or assess the possibilities for success of the grounds put forward by the applicant.

51. The expert opinion submitted by the Legal Unit of the Ministry of the Interior expressed surprise at the fact that there were no clear instructions or procedures regarding situations of the kind now at hand by which the police could have ensured that they acted correctly. It would be especially important to create a clear procedure for renewed applications, because a removal from the country is a significant measure affecting the legal status of a foreigner, thus calling for high quality standards related to legal safeguards.

52. On the whole, it is problematic for the legal safeguards of the person to be removed from a country that, according to clarifications received, the accompanying police officers held diverging views on whether the person to be removed had filed a new application or not.

Views of the Ombudsman for Minorities

53. According to the view of the Ombudsman for Minorities, the measures by which Finland strives to promote understanding and tolerance among different ethnic groups should further be intensified. In this connection, there is reason to mention the need to increase research activities related to the monitoring of the current attitudinal climate. The previous comprehensive study on the attitudinal climate in Finland was published in 2009⁹.

54. In order to increase the effectiveness of measures promoting tolerance, it is also necessary for public actors to utilise research results in their work more comprehensively than currently is the case. Activities to promote tolerance are not merely meant to produce information on intolerance and discrimination. The information gleaned through research should also steer the measures promoting tolerance and, if necessary, the reallocation of resources. The yearly hate crime report produced by the Police College may be mentioned as an example. It is necessary to increase the further use of the results of these praiseworthy reports for the planning and implementation of measures to promote tolerance and combat discrimination.

55. According to the Ombudsman for Minorities, central conditions for integration are effective legal remedies to interfere in and prevent discrimination in all walks of life. Therefore the new Non-Discrimination Act, which is being drafted, has an important role also for the improvement of integration.

⁹ M. Jaakkola (2009) *Maahanmuuttajat suomalaisten näkökulmasta. Asennemuutokset 1987 – 2007*. Helsingin Kaupungin tietokeskus; Tutkimuksia 2009: 1. (engl. Immigrants from the perspectives of Finns. Changes in attitudes 1987 to 2007. Information centre of the City of Helsinki, Research reports 2009:1).

56. According to the Ombudsman for Minorities the draft for the new Non-Discrimination Act does not provide adequate legal remedies to interfere in working life discrimination, because the Ombudsman for Non-Discrimination does not have parallel competence to interfere in discrimination in working life along with the industrial safety authorities.²

57. The Ombudsman draws the attention to the need to provide adequate training for the police on the prohibition on ethnic profiling. It is also important that the adherence to the instructions is monitored systematically in the work of the police.

Views of the Ombudsman for Children

58. The Ombudsman for Children has sought to take action and distribute information to improve the situation of immigrant families and to combat discrimination particularly against children and adolescents. She shares the Committee's concern about the growing anti-immigrant sentiments in Finland.

59. The principal means in the work of the Ombudsman for Children for the reduction of discrimination is to publish information and statements on the rights of the child. The Ombudsman for Children has been an active member of the steering group of the Equality first, YES (*Yhdenvertaisuus etusijalle*) project at its various stages. She is also a member of the national campaign of the No Hate Speech Movement, introduced in Finland in March 2013. The purpose of the campaign is to address hate speech on the Internet in particular and to promote equality among young people.

60. The Ombudsman for Children is a partner in the Representative (*Edustaja*) project to be organised by Palmenia in 2013, a training project for representatives of asylum seeker or refugee children who are in Finland without a guardian. The purpose of the project is to enhance the work of appointed legal representatives of immigrant children who have entered the country alone and also to explore children's experiences of asylum seeking.

61. In 2011, the Ombudsman for Children and the Ombudsman for Minorities published recommendations for the prevention and reduction of discrimination experienced by children and adolescents¹⁰. In this publication, the authors stress how important it is for the adults working with children and adolescents to have professional competence to identify and intervene in discrimination. The Ombudsman for Children has also sought to encourage children and adolescents to report to adults any discrimination that they may have encountered.

62. The joint recommendations of the Ombudsman for Children and the Ombudsman for Minorities were: (1) Non-discrimination plans should be drawn up for schools; (2) The pedagogic competence of adults working with children should be improved; (3) Children and adolescents should be provided with more factual information about minority groups; (4) Children and adolescents who have experienced discrimination should be provided support; and (5) the authorities who monitor the achievement of non-discrimination should be more easily accessible for children and adolescents.

63. In her statements concerning immigration and the integration of immigrants, the Ombudsman for Children has stressed the importance of always considering primarily the best interests of the child when legislation is amended and in decision-making, and also the importance of consulting children themselves. Her proposals have been taken up in recent amendments of legislation concerning aliens (integration legislation, asylum seeker reception legislation).

¹⁰ Link to the publication http://www.lapsiasia.fi/c/document_library/get_file?folderId=2835211&name=DLFE-15227.pdf

64. The Ombudsman for Children emphasises that there is a continuing need to develop ways in which the best interests of the child are taken into account in asylum decisions, the relevant appraisals being documented and based on the criteria outlined in the UN Convention on the Rights of the Child and the Finnish Child Welfare Act (417/2007). The best interests of the child should be taken into account when asylum decisions concerning both entire families and individual children are made. Unaccompanied asylum seeking children should be treated according to the same principles as a Finnish child without a guardian. This is not the case yet in all respects. Immigrant children must also be given equal treatment in child welfare services.

65. Integration services for immigrant children and adolescents should include opportunities for recreational activities and making friends. This may be promoted through interaction between population groups at various stages of life and in various situations. Various organisations and sports clubs have an important role to play with regard to children and adolescents. They proved contexts for immigrants and the majority population to interact naturally and on an equal basis. Cultural services for children and adolescents are an important tool for the promotion of cultural diversity and intercultural dialogue.

66. What is particularly important for the facilitation of social participation by children and adolescents is to guarantee immigrant children an active bilingual identity by providing them with instruction in their mother tongue and in Finnish or Swedish, nationwide and on an equal basis. The working group's proposal notes in particular that Finnish language teaching must be provided in several different ways for immigrant mothers who stay at home to care for their children.

67. The Ombudsman for Children stresses that it is important for immigrant children and adolescents to have their voice heard, to be provided increased opportunities for participation and influence, and to have their knowledge appreciated. It is important to enable immigrant children and adolescents to exert influence through participation and to also influence as a group, e.g. at school, in recreational activities or in local government whenever matters concerning children and adolescents are discussed and decided upon.

68. Accordingly, the Ombudsman for Children considers it to be of utmost importance to provide support through family-oriented services for parents in immigrant families in raising their children and in creating a safe environment for themselves. Particular attention must be paid to providing parents with information on human rights education and the rights of the child.

69. The 'child victim study' conducted among children in 2008 indicated that immigrant children are more likely to experience domestic violence than Finnish children. Therefore, the reduction of violence against children, the provision of education and the support of parents must be given more attention in integration services.

Observations of the Advisory Board on Romani Affairs

70. Like the rest of the population, also the Roma population is divided into those who do well and who build their future and into persons who risk marginalisation or already are seriously marginalised. The majority of the Roma are somewhere within this span, and precisely for them the measures of the National Policy on Roma has a great significance.

71. Labour market integration for the Roma population is one of the most important objectives of the realisation of the non-discrimination for the Roma. An increased education level will contribute to improving the readiness of the Roma population for labour market integration. For uneducated adults, attention must be paid to adult education. The Roma population needs the support of services of the employment administration designed to correspond to each individual's background and needs.

72. The services of the Employment and Economic Development Administration for the Roma population are mainly managed in the same way as for other clients. However, the individual employment plan enables a custom-made plan according to the special needs of the job applicant. The number of persons with a Roma background seeking employment varies in different Employment and Economic Development Offices. The aim has been to create e.g. own training groups for Roma clients, when needed. Preparatory vocational education and training has been an important first step for many Roma to improve the conditions for finding employment.

73. The regional advisory boards on Romani Affairs provide training for Employment and Economic Development Offices in Roma culture. The Ministry of Employment and the Economy has in its own instructions attached attention to the training of the structurally unemployed, to which group the Roma often belong.

74. The Social Guarantee for Young People Programme attaches attention to the services for those young people who need more support than the average.

75. One of the objectives of the National Policy on Roma has been to establish a Roma portal. The Roma Portal was opened in 2012 and it contains material suitable for education especially targeted to youth¹¹. The portal will be expanded in 2013 within the framework of the YES6 project and its coordinator is a media coordinator with Roma background. The aim is to create a website with comprehensive information on the Roma and for the Roma in different language versions (Finnish, Swedish, English, and Romani).

76. In addition, the YES6 Project realises an education programme on media influence for youth with an immigrant background, including Roma youth. Its objective is to increase the own voice of minority youth in the media, to involve young people in anti-discrimination work and to give young Roma a possibility to learn how to have an impact in the media.

Comments from non-governmental organisations

77. In conjunction with the monitoring of the implementation of the recommendations of the Committee, comments were invited also from non-governmental organisations. Below is a summary of the issues that the organisations raised, *inter alia*:

78. UNICEF Finland reminds that children with an immigrant background are in a very vulnerable situation as objects of racism and discrimination. During the anti-racism week in 2013, the network of organisations advocating the rights of multicultural children stressed that activists in organisations working with children repeatedly hear about experiences of racism by children and youth. According to experience, open racism has increased in the public space. The feeling of insecurity among children is increased by the fact that one may face racism whenever and wherever, on the way to school, during leisure time and in public transportation and the perpetrators are adult strangers.

79. Based on what has been entered in the programmes and strategies, it can be stated that the need to interfere and to prevent racism and discrimination on the one hand and to promote good ethnic relations and non-discrimination on the other hand has been recognized nationally. Concrete means for doing this need analysis.

80. Non-governmental organisations operating in Finland have repeatedly brought forward that influencing attitudes requires long-term, coordinated human rights education governed by public authorities. During the preparatory phase of the National Human Rights Action Plan, the Panel of Non-Governmental Organisations established for the preparation of the Action Plan strongly

¹¹ <http://romanit.fi/>

stressed that the two above mentioned projects of the Action Plan were inadequate to cover the need for such human rights education by means of which discrimination and racism could be prevented structurally and consistently. The projects included in the Action Plan were only intended for children, whereas the Panel of Non-Governmental Organisations proposed that human rights education and information should reach all population groups: children, youth, adults and elderly people. The projects are also problematic in that they contain a tolerance perspective instead of a human rights perspective.

81. The Human Rights Centre is currently drafting a study on human rights education and UNICEF Finland considers it to be very important that the recommendations of this study be taken into account within different administrative branches and that they lead to a systematic coordination and realisation of human rights education in all formal education from early childhood to adulthood.

82. It is especially important that the activities of the Non-Discrimination Ombudsman and the Non-Discrimination and Equality Board are organised in a child-friendly manner because the Ombudsman for Children is not authorised to handle complaints submitted by children.

83. The Central Union for Child Welfare states, however, that anti-racism work cannot be constructed on the basis of separate campaigns; instead a consistent and systematic approach is needed in order to make permanent changes in attitudes.

84. The National Development Programme for Social Welfare and Health Care (*Kaste Programme*) for the years 2012–2015 would be an excellent possibility to promote integration especially through the know-how related to preventive services for children and families. The Kaste Programme is referred to in many of the items of the list of measures of the integration programme. However, minority issues do not have their own section in the Kaste Programme, because they are incorporated into the whole programme as integrated themes. Thus immigrants are not analysed as a separate group. It is therefore important to ensure that issues related to integration and the immigrant perspective is taken into account to a sufficient degree in the regional plans that realise the programme and on the basis of which project funding is allocated.

85. Until now, there has been insufficient information on the wellbeing of immigrants for the purposes of service development, why much is now expected from the Etnokids and Maamu projects.

86. The Loupe Project in the city of Turku may be mentioned as a good local example of a project that the State authorities should start to spread to the national level. The joint project between the Finnish language and Swedish language adult education centres has now become a permanent activity within the framework of state subsidies. It has worked fruitfully, *inter alia*, to get stay-at-home mums to participate in language training. For the integration of children it is important to increase the possibilities for mothers to participate by increasing language skills.

87. The National Council of Women of Finland wishes to remind that the challenges of integration affect immigrant women and men differently. Research demonstrates that immigrant women are more marginalized than men and they are more easily excluded from the employment market than men. Immigrant women often experience multiple discrimination both on the part of the receiving society and among their own ethnic community. The personnel of reception centres must be trained in the specific problems women face.

88. For the prevention of social exclusion, the National Council of Women of Finland considers it important that the new Integration Act pays specific attention to stay-at-home mothers, who otherwise easily remain outside the scope of services that provide information and promote integration.

89. The National Council of Women of Finland also wants to highlight the role of organisations in the promotion of integration: a good example is the Let's Read Together Network, which supports the integration of immigrant women. The Network of Finnish women was established in 2004 and provides classes in reading skills and the Finnish language on a voluntary basis to immigrant women in different parts of Finland. There are more than 400 volunteer teachers and more than 1100 students.

90. According to the view of the Refugee Advice Centre, there are still important impediments to the integration of persons receiving international protection in Finland. Integration is especially made difficult by the constantly tightened family reunification prerequisites for persons receiving international protection. The tightened rules have hampered family reunifications especially for immigrants from Afghanistan and Somalia. As an example of hampering family reunifications for Somali families, the Refugee Advice Centre mentions the new decision practice of the Finnish Immigration Service, where applications have been rejected within a few months because the applicant does not hold a travel document that would be admissible in Finland.

91. The Refugee Advice Centre stresses the importance of the family for integration; integration becomes slower if a person has to live for a long time separated from his or her family, not to mention situations where the family reunification does not happen at all. The fact that it has been impossible to verify the identity of a person receiving international protection or an asylum seeker has caused considerable practical difficulties also from the perspective of integration. For example, the Local Register Office of Helsinki refuses to register persons whose identity is unestablished. The biometric residence permit card did not remove the problem, even though the identity is linked to the biometric identifier. Without an identity card it is not possible to open an own bank account, to pay bills in the bank or to deposit funds to a bank account. Asylum seekers whose identity remains unestablished are also unable to get married, to establish paternity and to confirm custody.

92. From the point of view of integration, also the health services for asylum seekers must quickly be improved so that they are in conformity with the Act on the Reception of Persons Seeking International Protection (493/1999). Health services according to international human rights obligations should also be guaranteed for illegal immigrants. At the moment, Finland is not observing its international obligations, because sufficient health services have not been arranged for illegal immigrants. Also the constant lack of municipal places is a central problem for the integration of persons receiving international protection.

93. The Finnish Union for Russian Language Associations refers to anti-immigrant sentiments as an observable phenomenon, even though the situation has improved considerably since the beginning of the millennium. "Russophobia" continues to be a visible phenomenon, which may vary from an open attitude to silent tolerance. In the background of the discrimination there are both historic and cultural features, such as phenomena with an ethnic and racist basis. The atmosphere in Finland towards immigrants is rather reserved in comparison to many other states in the European Union, *inter alia*, because of hate speech on the internet, sensational news in the country of origin of the immigrant, work opportunities and other factors.

94. Work based discrimination against immigrants has been studied in Finland in the form of different research projects. According to the study *Discrimination in the Finnish Labor Market* (2012, Edita), which resulted from a research project realised by the Ministry of Employment and the Economy, those who speak Russian face considerable discrimination in the labour market, because in an empirical study Russian speaking test applicants had to send twice as many applications than Finnish speakers to get an invitation to a work interview. Unfortunately

immigrants and persons with a foreign background living in Finland face both ethnic and multiple discrimination both in the job seeking process and at work.

95. The most important shortcomings of the planning and organisation of anti-racial activity is the poor knowledge of the Finnish language among immigrants. Adequate attention is not always paid to language in the integration process either. The problem is at worst among elderly people and representatives of special groups (persons with disabilities, persons with chronic illnesses). Immigration associations play an important role, because they know the ethnic and cultural traits of their own group better than anybody else and can also interfere in cases of discrimination on the part of persons from special groups. A positive trend is that the supply of services in Russian has increased since the beginning of the 2000s.

96. In order to prevent marginalisation of immigrant women, it is also important to provide culturally sensitive services to women and children who have faced violence. In the case of violence against women, organisations have a central role in identifying and combating violence against women, as well as in helping victims. In addition to specialized immigrant work, there is absolutely a need for ensuring cultural and gender sensitivity of employees of the whole public service system, *inter alia*, by means of further education.

97. According to an estimate by Monika-Naiset Liitto ry there are approximately 18 000 immigrant women in Finland who have faced violence. Immigrant women face domestic violence, honour violence, human trafficking, forced marriages, genital mutilation and racist crime. Finnish public servants, health care professionals, social workers and teachers need comprehensive training for the identification of honour violence. Genital mutilation is prohibited in Finland and it is regarded as assault, but it is not defined as a separate criminal offence. Preventive measures are needed for these forms of violence, and awareness-raising efforts must continue regarding the human rights and physical integration of immigrant girls.

98. In Finland, approximately 20 to 26 women die yearly because of domestic violence and approximately every fourth of the victims has an immigrant background. The threshold to seek help is especially high for immigrant women because of lacking language skills and poor knowledge of the Finnish legislation and service system. The status of women who have moved to Finland through marriage is especially vulnerable, because a permanent residence permit can only be obtained after four years of living in Finland. If a woman leaves her violent husband, receiving a residence permit becomes uncertain. So called illegal women may totally fall outside the realm of the services, because they may not necessarily have the courage to contact authorities at all from fear of extradition. It is clear that only a small part of the violence shows in the statistics.

99. Women with an immigrant background face discrimination on the Finnish labour market because of lacking language skills, low education level, racism and prejudice. The unemployment rate of women with an immigrant background is therefore almost quadruple compared to the so-called original Finnish population.

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