

**WRITTEN REPLIES TO THE LIST OF ISSUES ADOPTED BY
THE HUMAN RIGHTS COMMITTEE TO BE TAKEN UP IN CONNECTION
WITH THE CONSIDERATION OF THE SIXTH PERIODIC REPORT OF FINLAND**

3 May 2013

QUESTION 1

1. Finland's prospects for withdrawing its reservations concerning Article 10 of the Covenant have not changed since the submission of the sixth periodic report.
2. Article 10 of the Covenant stipulates two obligations to segregate or separate accused persons from others. Article 10, para. 2(2), provides that accused juvenile persons must be separated from adults. According to Article 10, para. 3, juvenile offenders must be segregated from adults. Finland, as all other Nordic countries, has made a reservation concerning both provisions, stating that although Finland regularly segregates juvenile prisoners from adults, it is not appropriate to adopt an absolute prohibition against more flexible procedures.
3. According to General Comment 21 of the Human Rights Committee concerning the implementation of Article 10 (10 April 1992), the limits of juvenile age are to be determined by each State party in the light of relevant social, cultural and other conditions. However, Article 6, para. 5, of the Covenant suggests that all persons under the age of 18 should be treated as juveniles.
4. Finland has not defined the content of the concept of "juvenile" unambiguously. The Prison Sentences Act stipulates that when authorities enforce imprisonment sentences of persons who have committed the offence while younger than 21 years, they must pay particular attention to the prisoners' needs specific to their age and stage of development. According to Chapter 2c, section 5 of the Criminal Code, prisoners who have committed the offence while younger than 21 years are subject to more lenient provisions on conditional release than adults. Neither provision concerns the age of the juvenile prisoner at the time of enforcing the imprisonment.
5. After the entry into force of the Covenant (23 March 1976), the Convention on the Rights of the Child has taken effect in Finland (20 June 1991). Finland did not make any reservation concerning Article 37(c) of the Convention or give any declaration on its interpretation. Article 37(c) provides that every child deprived of liberty must be separated from adults unless it is considered in the child's best interest not to do so. The Convention applies only to remand prisoners and sentenced prisoners under 18 years of age. Currently, the separation obligation under Article 37(c) of the Convention is included in national legislation (Chapter 4, section 8(2) of the Prison Sentences Act and Chapter 3, section 1(2) of the Detention Act). These provisions require that a person under 18 years of age must be separated from adults unless it is in his or her best interest not to do so.
6. The separation or segregation obligation under Article 10 of the Covenant is more absolute than the separation obligation under the Convention on the Rights of the Child, which permits deviating from the obligation if the child's best interest in an individual case requires so. If the concepts of "juvenile person" and "juvenile offender" referred to in the Covenant are considered to include all prisoners under 21 years, Article 10 cannot be complied with in practice in all situations, because of the large size of prison departments and other structural reasons.
7. Neither the Prison Sentences Act nor the Detention Act contains any special provision on the placement and separation or segregation of juvenile prisoners (under 21 years). The age of a prisoner is mentioned as one of the factors to be taken into account in placing him or her in a prison. Other factors include the prisoner's gender, health, place of residence, contacts with his or her close persons, earlier offences and sentences, the plan for the prisoner's prison term, and his or her wishes and opportunities

to be referred to activities scheduled in the plan. These criteria serve the specific purpose of integrating the prisoner in society after the imprisonment. Placing juvenile prisoners (under 21 years) in prisons strictly according to their age or age group would conflict with the objectives of the Prison Sentences Act. Neither can a strict separation of all young persons from adults be considered to serve the best interest of young persons or children in all cases.

8. There are very few juvenile prisoners in Finland. On 1 March 2013 there were a total of 79 prisoners aged 18-20 years. Two of them were women; one sentenced prisoner and one remand prisoner. At the same time there were eight prisoners aged 15-17 years. Four of them were remand prisoners and four sentenced prisoners. Thus, the total number of juvenile prisoners (aged 15-20 years) registered in prisons was 87, which accounts for 2.7 per cent of all registered prisoners on 1 March 2013 (3,244 persons). Because of the small number of juvenile prisoners and their scattered placement in different prisons in Finland, close to their families and places of residence, their strict separation from other prisoners would often mean that they would practically live alone, which cannot be considered to serve the best interest of juvenile prisoners. On the above-mentioned grounds Finland has not adjusted or changed its reservations concerning Article 10, paras. 2(2) and 3 of the Covenant.

9. Similarly, Finland's reservation concerning Article 14(7) remains pertinent. The reservation is consistent with Article 2 of Protocol No. 7 to the European Convention on Human Rights and constitutes an important additional source of principles in cases where an offence committed in legal proceedings or in the provision of evidence has led to unfounded acquittal or where new circumstances or evidence have appeared (cf. Code of Judicial Procedure, Chapter 31, section 9).

10. Regarding Article 20(1) of the Covenant, the Government refers to the position stated in the fifth periodic report of Finland: the most serious forms of war propaganda are currently criminalised under the Criminal Code, and the Government does not consider it justifiable to expand the scope of the criminalisation in this respect. Expanding the scope of criminalisation might blur the limits of this restriction on a basic right. So far, Finland does not find it necessary to withdraw the reservation or consider any related legislative measures.

QUESTION 2

11. Rulings of the highest courts in Finland contain references to the Covenant at least in seven cases adjudicated since 2007. Only one ruling of the Supreme Administrative Court (KHO 2011:81) refers directly to the Covenant as one of the legal grounds for the ruling. The rulings referring to the Covenant are: the Supreme Court: KKO:2010:88 and KKO:2011:71 and the Supreme Administrative Court: KHO:2012:126 (reindeer herding); KHO:2012:104; KHO:2012:4 (legal security of a public official); KHO:2011:81 (elections of the Sámi Parliament; reference to Article 27 of the Covenant); and KHO:2008:25 (legal security of a public official).

QUESTION 3

12. The Ministry for Foreign Affairs of Finland is not aware of reports containing new evidence that a significant number of aircraft connected to the US rendition and secret detention programmes had landed in Finland between 2001 and 2006, as suggested in the question.

13. In 2011–2012 the Ministry for Foreign Affairs conducted a thorough investigation into expressed allegations that Finnish air space or airports might have been used for illegal transports of persons. While information had been requested by non-governmental organizations on just over ten specific flights, the Ministry's inquiry covered all possible landings in 2001–2006 of nearly a hundred different aircraft mentioned in various reports as potentially having at one time or another been chartered or operated by the CIA or otherwise linked to the rendition programme. Information was requested extensively from relevant authorities and from the Embassy of the United States in Finland. The

information received indicated that these aircraft had landed in Finland approximately 150 times during the timeframe.

14. The information did not however, provide evidence that the landings had been connected with the rendition and secret detention programmes. The material did not in any way support the allegations that Finnish authorities had been party to illegal rendition flights. Furthermore, with the means available to it, the MFA has found no evidence to support claims that aircraft transporting persons illegally had landed at Finnish airports without the knowledge of Finnish authorities. At the same time, it is to be recognized that the allegations concern flights conducted several years ago and that the limited information available does not permit overall definitive conclusions concerning all flights, and therefore it was not possible to entirely exclude the possibility that such flights might have landed in Finland.

15. All relevant flight data was made public on 3 November 2011 by the Ministry for Foreign Affairs and the Ministry of Transport and Communications.

16. The Ministry for Foreign Affairs forwarded the material collected during the investigations to the Parliamentary Ombudsman of Finland. In autumn 2012, the Ombudsman took the matter under investigation on his own initiative. The Ombudsman requested various authorities, including the Ministry for Foreign Affairs, to provide him with reports on this issue as well as all the information in their possession that might have a bearing on the matter. The Ministry for Foreign Affairs submitted its report to the Ombudsman on 28 February 2013, and made the report public on the Ministry's website. The Ministry provided the Ombudsman with all relevant documentation pertaining to the issue, including classified information. Any documentation that was not classified is available to the public. As part of this process, the Ministry also acquired additional information on certain individual flights as requested by the Ombudsman.

17. The investigation by the Ombudsman is expected to be finalized in the coming months. However, a preliminary assessment might be expected already by June

18. The Government of Finland regards it important to investigate the expressed allegations as thoroughly as possible and with all the available means, and underlines the importance of the investigation by the Ombudsman.

19. As regards the complaint by an individual to the Ombudsman, the Ministry has been informed that the issues raised in the complaint will be examined within the framework of the investigation described above.

QUESTION 4

20. Preparations for the reform of the Finnish anti-discrimination legislation have proceeded as planned. The Government programme of the Prime Minister *Jyrki Katainen* states that new anti-discrimination legislation will be drafted in collaboration with social partners and civil society organisations and be submitted to Parliament. The Ministry of Justice, which has the overall responsibility for the drafting of the reform, held a round of consultations with the main stakeholders in early 2013. The Government Proposal for new equality legislation is expected to be submitted to the Parliament during the course of 2013. In accordance with this objective, the Ministry of Employment and Economy set up a working group to prepare the amendments relating to working life. The working group concluded its work in June 2012.

21. As a part of the reform, the current Equality Board and the National Discrimination Tribunal would be merged into one Tribunal. The Ombudsman for Equality will continue to be responsible for monitoring the Act on Equality between Women and Men (609/1986, Equality Act). (As the provisions on the Ombudsman for Equality are currently included in the Act on the Ombudsman for Equality and

the Equality Board (610/1986) which would be repealed in the reform, there would be a new Act on the Ombudsman for Equality corresponding basically to the current provisions).

22. There is a tripartite working group dealing with the provisions of the Equality Act on equality planning of workplaces and the obligation to conduct pay surveys. The working group will continue until the end of May 2013.

QUESTION 5

23. The Ministry of the Interior has collected information about the position of immigrant women and men when conducting a gender impact assessment for the "*Future of Migration 2020 Strategy*" under the Government Programme. This information indicates that the financial position of immigrant women is often weaker than that of immigrant men and that although the financial difference between the sexes within the non-immigrant population is similar, it is less pronounced. Employment statistics show that in 2009 women with a foreign native language in Finland earned approx. 77% of the amount earned by men with a foreign native language, whereas the proportion within the non-immigrant population was 82% in favour of men. The taxable income of women with a foreign native language amounted to only 73% of the income of men with a foreign native language, whereas the proportion within the non-immigrant population was 77%. Immigrant women have an inferior position also in the labour market, enrolment in education, and societal participation and influence.

24. The National Police Academy conducts annually a study on suspected hate crime known to the police. The study includes discrimination as a designation of an offence and is based on certain search words. Because a person's ethnic origin cannot be entered in the police data system for compiling statistics, the study does not show how many Roma women or Sámi women have reported discrimination under the Criminal Code to the police. In 2011 a total of 80 cases of suspected ethnic discrimination were recorded, and in 25 cases the complainant was a woman. In 2011 the number of suspected discrimination offences increased from the previous year. The study does not analyse multiple discrimination separately.

25. The number of hate crime incidents increased between 2010 and 2011 by approximately seven per cent. In 2011 more assaults with racist features were recorded than in 2010. In Finland, factors related to security and threat of violence are gendered phenomena. Most victims and perpetrators of hate crime are young men, whereas the victims of violence in close relationships are mostly women.

26. The monitoring system for discrimination, coordinated by the Ministry of the Interior, collects information about discrimination in different sectors of life and regarding different minorities and age groups. A study on discrimination in working life published in 2012 and a related field test produced information about discrimination experienced by the Russian-speaking minority in recruitment. The results show discrimination e.g. in that Russian-speakers must file more job applications before being interviewed for a job than non-immigrant job seekers with corresponding education and work experience. According to this field study, the situations of the sexes differed so that Russian-speaking men faced more discrimination than Russian-speaking women in certain sectors of working life. A study is being initiated in order to create a repeatable and comprehensive monitoring model for discrimination at work. This model will cover all prohibited grounds of discrimination and identify multiple discrimination, too.

27. The monitoring system for discrimination has also collected information about discrimination experienced by children and young persons in different minorities. The results show that the differences between the discrimination experiences of the two sexes are quantitative rather than qualitative; boys often experience more severe and threatening violence than girls.

28. A study on experience of access to justice among different minorities and age groups to be published within the next few weeks shows that the most common grounds of multiple discrimination are age, gender and ethnic background.

29. The monitoring system for discrimination makes discrimination in different sectors of life visible and highlights the need to intervene in it. The information collected through the system helps different actors identify deficiencies and target measures correctly for preventing discrimination. Each authority is obliged to promote equality in its own branch of administration. Traditionally, Finnish authorities have co-operated closely in discrimination issues, *inter alia*, through the national anti-discrimination programme, which also involves umbrella organisations representing different age and minority groups, advisory boards and the Sámi Parliament.

30. The Finnish Advisory Board on Romani Affairs, the Finnish Council for Gender Equality and the Council of Europe will jointly organize an international conference for Roma women in Finland in September 2013. The purpose of the conference is to improve the strategic development and monitoring of the rights and position of Roma women at political level. Another purpose is to increase the co-operation of equality instruments and women's organizations with Roma women's organizations. The objective is to make existing mechanisms and women's organizations, in their own activities, pay more attention to the position of Roma women and to the implementation of their rights, both nationally and internationally. National and international Roma women's organizations, other women's organizations and equality instruments participate in the preparations for the conference. The preparation process itself, too, is intended to empower Roma women's organizations and help them network with other equality instruments.

31. The Romano Missio organization is implementing a project for female Roma prisoners (*Naisten vuoro*, 2010–2013), funded by the Finnish Slot Machine Association. The project intends to study the needs of female Roma prisoners, to raise awareness of Roma culture in the prison service sector and raise the awareness of Roma communities of penal sanctions. In addition, the project intends to support the relationships between female prison inmates and their children. The project has already produced a rehabilitation programme (*Voiva*) to prevent social exclusion and recidivism among female Roma prisoners.

QUESTION 6

32. Efforts to change racist and xenophobic attitudes require different actors to have a common view of how to promote acceptance towards diversity in society. Although authorities have aimed at a more positive climate of attitudes as a key priority in their activities to combat racism and xenophobia, it is easier to achieve changes in people's behaviour by the means already available. In recent years, authorities have aimed to find new practical means and channels for anti-racist work and to target the work more efficiently. Examples of joint activities taken by authorities and organisations against racism and xenophobia include the following:

33. In autumn 2011 a media campaign ("*Meidän puolue*" – "*Our party*") was carried out under the national anti-discrimination programme. The campaign was based on a joint message of well-known rap musicians and Roma broadcast on television, the radio and social media sites. The campaign was targeted at young people and aimed to eliminate prejudice against the Roma. It reached 3.6 million people through tv broadcasts and interviews. The music videos were compiled as a teaching material package consisting of interviews and material for instructors. The material is suited for educational use at schools.

34. *Discrimination Free Zone*, a campaign running since many years, is a low-threshold activity through which organisations of different types can declare themselves free from discrimination and commit themselves accordingly to different measures. The declaration is made through a website, and

as a token of it organisations display "traffic signs" indicating non-discrimination in their premises. The campaign has well-known ambassadors, who e.g. visit schools and sports events to raise public awareness about non-discrimination and equal treatment.

35. *Attitude solution* is a campaign that aims to eliminate employers' prejudice towards young persons with different backgrounds in recruitment. The special concern of the campaign is young persons with Roma and immigrant background and those with disabilities. Relevant material is published at the website of the campaign, in social media, on the radio and in the form of posters and postcards.

36. Material dealing with the history and culture of the Roma, the everyday life of young Roma people and prejudice towards the Roma, intended for use at the upper level of comprehensive school, was completed towards the end of 2012. The material is intended for instruction in history and civics and contains a teacher's guidebook. Similar material concerning the Sámi was produced earlier.

37. The programme to develop equality in educational institutions, implemented in 2012 and 2013, comprises a study on non-discriminatory pedagogical methods, a guide for the development of equality planning in educational institutions, training for universities providing teacher education, and fairs. In 2013 the programme will also include distribution and marketing of materials among teachers.

38. A Diversity Charter for companies and other organisations was launched in October 2012. A diversity network of companies provides training in diversity management and supports companies in the preparation and implementation of diversity strategies.

39. Moreover, the Ministry of the Interior has launched a new international project to introduce indicators of good relations, to test and model operating models at local level and to prepare a guide for local actors on how to use good relations and positive interaction between different population groups for combating racism and xenophobia.

40. The police have continued to co-operate with different authorities and non-governmental organisations to reduce hate crime especially on the Internet. They have continued co-operation with e.g. service providers in order to prevent hate crime committed on the Internet. The police have also been involved in a working group set up by the Office of the Prosecutor General for assessing what should be regarded as spreading of hate speech and how related criminal liability should be attributed to different actors on the Internet. The working group also studied other related interpretation questions and tried to solve them. The working group submitted its report on the spreading of punishable hate speech on the Internet (*Rangaistavan vihapuheen levittäminen Internetissä*) in December 2012.

41. The Internal Security Programme includes launching, jointly with immigrant organisations, a campaign to lower the threshold for reporting racist offences. Among other actors, the police will contribute to carrying out the campaign.

42. Finland has set up a national delegation to the Council of Europe campaign against hate speech. The Advisory Board on Romani Affairs has designated an official with Roma background as a member of the delegation. The general duties of the Advisory Board on Romani Affairs include work against discrimination and racism. The Advisory Board systematically highlights this work in all its training, occasions and publications. Currently, public discussion in Finland about Roma people mostly deals with migrant Roma coming from other EU countries.

QUESTION 7

43. A cross-sectoral working group on LGBTI issues, appointed by the Ministry for Foreign Affairs in 2011, prepared Finland's replies to the questionnaire on the implementation of the Council of

Europe's Recommendation (CM/Rec(2010)5) on measures to combat discrimination on grounds of sexual orientation or gender identity.

44. The working group which also had the representation of Finnish LGBTI organizations concluded its work by submitting its replies to the Council of Europe's questionnaire in January 2013. The main task of the working group was to consider which measures the recommendation of the Council of Europe would call for and to promote and monitor these measures as well as to disseminate information about LGBTI issues. The working group assessed the relevant national legislation and practices and discussed possible ways and means to promote the implementation of the Recommendation in Finland.

45. Finland's first National Action Plan on Fundamental and Human Rights, adopted in 2012, acknowledges the need for a formal coordination mechanism for LGBTI issues.

46. In February 2012 the Ministry for Foreign Affairs organised a seminar for authorities and parliamentarians on LGBTI, addressing the obligations of the authorities to promote the human rights of persons belonging to these groups. The seminar also highlighted international recommendations promoting realisation of the rights of members of these groups, such as those of the Committee of Ministers of the Council of Europe and the Yogyakarta Principles.

47. In the current national legislation there are especially two acts that regulate equality – the Non-Discrimination Act (21/2004), which covers inter alia sexual orientation, and the Act on Equality between Women and Men (609/1986), which regulates issues related to gender equality. There are legislative reviews under way regarding both of these Acts.

48. The Parliamentary Committee on Employment and Equality stated in its report (TyVM 3/2005 vp) that the provisions in the Equality Act have to be interpreted consistently with the opinion of the EU Court, so that it also covers discrimination based on gender reassignment. According to the instructions given by the Ombudsman for Equality, the scope of application of the Act is even wider, including all trans- and intersex persons, until this issue is clearly defined in legislation.

49. The Parliament has required that the Government prepares a proposition on the amendment of the Equality Act so that, inter alia, the protection of trans- and intersex persons will be included in the Act. The reform of the law is currently under preparation and it is supposed to cover broadly discrimination based on gender identity and gender expression. Discrimination based on sexual orientation will continue to be covered in the Non-Discrimination Act.

50. The Ombudsman for Equality has commissioned a report on the status of trans- and intersex persons, laying the groundwork for the development of gender equality policy from the perspective of trans- and intersex persons. According to the Government Action Plan for Gender Equality 2012 - 2015 (available at http://www.stm.fi/en/publications/publication/-/_julkaisu/1821444#en) the status of trans- and intersex persons and the need to improve it will be further explored by the Ministry of Social Affairs and Health.

51. In Finland national legislation recognises registered same-sex partnerships. Generally speaking the registration of partnership shall have the same legal effects as the conclusion of marriage. The exceptions to this rule are mentioned in Section 9 of the Act on Registered Partnerships (391/2009). The exceptions concern e.g. establishment of paternity on the basis of marriage and provisions of the Names Act on the family name of a spouse. Provisions of the Adoption Act relating to conditions concerning spouses are not applied to registered partnerships. However, a partner can adopt the child of the other partner and the adoption is governed by the rules of the Adoption Act that concern conditions and legal effects of adoption when the adoptee is a child of the other spouse. In all decisions and other measures concerning the parental responsibility and adoption of a child the best interest of the child is the

paramount consideration. This is also stipulated by the relevant legislation. Unmarried persons can adopt children individually regardless of gender identity or sexual orientation of the adopter.

52. The Ministry of Social Affairs and Health is going to appoint a working group in order to examine, whether there is need to review the Act on Legal Recognition of the Gender of Transsexuals (563/2022). In December 2012 the Ministry of Social Affairs and Health requested the National Advisory Board on Social Welfare and Health Care Ethics (ETENE) to submit its statement on the need to review the Act on Legal Recognition of the Gender of Transsexuals. The statement is due by June 28, 2013. The recommendations made in the publication of the Ombudsman for Equality as well as the conclusions of the ETENE statement will be taken into consideration by the above-mentioned working group.

53. The health insurance scheme does not involve any particular restrictions regarding gender reassignments but the general provisions concerning all people are applied to them. The decisions on reimbursement are based on medical evaluation of the necessity of the treatment. Treatments that are deemed necessary will be reimbursed. In regard to hormonal treatment the entitlement to reimbursement starts after the person has been provided with a new personal identity code consistent with his or her new gender. Surgical operations that are purely esthetic are not reimbursable under the health insurance scheme, and therefore esthetic surgery operations performed after a gender reassignment surgery are not reimbursable under health insurance.

54. On the basis of the Constitution of Finland, the Health Care Act (1326/2010) and the Act on the Status and Rights of Patients (785/1992) health care services are non-discriminatory. The Act on the Status and Rights of Patients states that health care services are given in consensus with the patient.

55. On the basis of Government's Decree on psychiatric and endocrinological examinations (2002/1053), the initiation of treatment and genital surgery (excluding the removal of womb and ovaries) are done at Helsinki University Hospital. Psychiatric and endocrinological examinations and medical treatment are done also at Tampere University Hospital. This arrangement is there to ensure that the national medical expertise can be utilized in an optimal manner. Examinations and treatments are available and these are included in the national statutory care guarantee.

56. Within the monitoring system for discrimination, the Ministry of the Interior has produced a study on discrimination in education, which was described for the Committee earlier. The empirical part of this study dealt specifically with experience of discrimination among sexual and gender minorities and with the impact of this experience on young persons' future educational choices. The national non-discrimination project *YES – Equality is a Priority* has also published studies with LGBTI-focus. The study called *Yhteiset kentät (Shared Fields)*, published in 2012, brought new evidence on homophobia in the field of sports. The study showed that racism and homophobia repel talented young people away from sports club activities.

57. The hate crime study conducted by the National Police Academy shows that in 2011 the police became aware of one case of discrimination based on gender identity or gender manifestation. In addition, under the case category of "other investigation", the police investigated an Internet writing with degrading and hostile comments on transsexual persons.

58. The Conscription Act prohibits discrimination, inter alia, on gender and sexual orientation. The Finnish Defense Forces follow discrimination on the basis of sexual orientation based on an equality survey. In the survey the repliers are asked whether they have experienced discrimination based on sexual orientation. The survey was carried out for the first time in the summer of 2011 as part of a broader study on equality, the final report of the study was finished June 2012. In the future surveys will be carried out every three years. There is also a separate equality survey for conscripts which is carried out on a regular basis. The obligation to interfere in cases of discrimination is regulated in a norm;

(*Preventing and dealing with inappropriate treatment of people of employed personnel in the Defence Forces, Palkatun henkilöstön epäasiallisen kohtelun ehkäisy ja käsittely puolustusvoimien työpaikoilla*) covers employed personnel. There is a separate directive related to conscripts about preventing bullying. Instructions and advice about what to do is given both to supervisors and the people that have been discriminated against or bullied.

59. According to the Gender Equality Act, all schools/educational institutions excluding basic education are required to draft an equality plan that aims at improving the school's/educational institutions' functions. The Government proposes that also education providers arranging basic education should be obligated to prepare equality plans. Some higher education institutions have made combined equality and non-discrimination plans in which LGBTI issues are explicitly taken into account.

60. The Gender Equality Act prohibits discrimination in education. It is possible to seek compensation for discrimination. Also sexual harassment or harassment based on gender is prohibited. The specific provision is not applied in basic education, but the general provision prohibiting discrimination mentioned above is.

61. The national core curricula for schools are being revised. The description of their values now mentions the objective of eliminating gender stereotypes. According to the National Board of Education the future core curricula will mention sexual and gender minorities by name. Attention to this objective in the everyday life of schools, also as a factor that influences the contents of instruction, is conducive to reducing bullying against gender minorities in education. When mentioned in the core curricula the objective also supports the work of teachers.

62. The KiVa School anti-bullying programme has addressed bullying against e.g. members of sexual and gender minorities. (See: <http://www.kivakoulu.fi/there-is-no-bullying-in-kiva-school>)

63. One cross-cutting theme in the Government's Child and Youth Policy Programme for 2012-2015 is the promotion of non-discrimination, including the strengthening of equal treatment of young persons belonging to sexual and gender minorities. SETA, the national organisation for sexual and gender minorities, has made an active contribution to the preparation of the programme. The Ministry of Education and Culture has supported youth organisations of sexual and gender minorities by state subsidies within the overall equality work for youth. (See: http://www.minedu.fi/OPM/Nuoriso/nuorisopolitiikka/Kehittxmisojhelma_2012-2015/)

64. One purpose of the Sports Act (1054/1998) is to promote equality and tolerance through sports. The State and the municipalities are responsible for providing the general premises for sports. The organizing of sports is primarily done by sports organizations. At the beginning of 2000 the Ministry of Education and Culture prepared a target programme to promote gender equality in sports culture. The Ministry has documented the follow-up of the programme in its publication on sports and equality (*Liikunta ja tasa-arvo*, 2011:33), which contains further recommendations.

65. According to the report equality thinking should be changed to begin at the grass root level, where sport's gender order is first produced. Thinking should begin thus from girls and boys, mothers and fathers. (See: http://www.minedu.fi/OPM/Julkaisut/2011/Liikunta_ja_tasa-arvo_2011.html)

66. Moreover, the National Sports Council has published a sectoral study on discrimination against sexual and gender minorities in physical exercise and sports (*Marja Kokkonen, Seksuaali- ja sukupuolivähemmistöjen syrjintä liikunnan ja urheilun parissa, publications of the National Sports Council 2012:5*). The study shows that discrimination against sexual minorities is not a major problem in Finnish sports culture but that attitudes and awareness still need improvement. For instance, the contents and implementation of the education of trainers and sports and health teachers should be

reviewed (http://www.liikuntaneuvosto.fi/julkaisut/valtion_liikuntaneuvoston_julkaisusarja/seksuaali_ja_sukupuolivaheimmistojen_syrjinta_liikunnan_ja_urheilun_parissa.199.news)

QUESTION 8

67. The Finnish Parliament adopted the Act on the Promotion of Immigrant Integration in 2010 (Integration Act, 1386/2010). In 2011, the Parliament adopted the Act on the Reception of Seekers of International Protection (Reception Act, 746/2011). This act contains those provisions on the reception of asylum seekers which were earlier included in the 1999 Integration Act. At the time when the Integration Act of 2010 was enacted, the Ministry of the Interior was responsible for its implementation, but in 2012 the responsibility for integration issues was transferred to the Ministry of Employment and the Economy. The Ministry of the Interior is responsible for implementing the Reception Act.

68. The most important changes introduced by the Integration Act of 2010 include expanding its scope of application to cover all aliens residing in Finland, a more detailed description of measures to promote the integration and employment of immigrants, a more detailed definition of authorities' responsibilities and mutual co-operation, and emphasis on the significance of the family to children's and young persons' success. Services to promote integration are arranged especially by local authorities as part of their basic services, and by Employment and Economic Development Offices as measures to promote employment.

69. The purpose of the Integration Act is defined in its section 1 as follows: "The purpose of this Act is to support and promote integration and the opportunities of immigrants to take an active part in the activities of Finnish society. The further purpose of the Act is to promote equality, non-discrimination and positive interaction between different population groups."

70. The Integration Act took effect in its entirety on 1 September 2011. During 2011 the Ministry of the Interior arranged a large number of training occasions in different parts of Finland, especially for local authorities, employment and economic development authorities, and actors in the third sector. The Integration Act obligates local authorities to prepare integration plans, which municipal councils adopt and coordinate with their strategic and financial planning. A major part of all local authorities are currently preparing integration plans or have already adopted a plan.

71. The provisions of the Integration Act on placing recipients of international protection in municipalities constitute a particular challenge. An alien residing in Finland enjoys the freedom of movement and the right to settle down in any municipality in Finland. The regional Centres for Economic Development, Transport and the Environment conclude agreements with municipal authorities on the reception of internationally protected persons. On the basis of these agreements the municipalities are paid compensation under the Integration Act for providing integration services for the internationally protected persons. However, especially since 2009 it has become increasingly difficult to get places for these persons in municipalities. The Ministry of Employment and the Economy, jointly with the Ministry of the Interior, the Finnish Immigration Service and the Association of Finnish Local and Regional Authorities, tries to develop and accelerate the placement of recipients of international protection in municipalities, e.g. by means of a project co-funded by the SOLID Fund of the EU.

72. The Integration Act provides that the Government must, during each electoral period, adopt a national integration programme setting the objectives of different branches of government for promoting integration and presenting the necessary measures. On 7 June 2012 the Government adopted a decision-in-principle on the Government Integration Programme. The programme aims at promoting the integration of immigrants through local communities in order to ensure their inclusion in all sectors of society. Language skills, vocational training and work are key priorities in promoting the integration of immigrants.

73. The employment rate of immigrants remains low, their unemployment rate being approximately threefold compared with the majority population. The situation worsened in 2008 and has not improved remarkably since then. However, the State budget 2013 increased the funds reserved for immigrants' integration training by EUR 5 million. This training, implemented as employment policy training, includes courses on languages and working life skills. The spending limits for the State budget in 2014–2016 include an increase, too, so that the level for 2016 is EUR 54 million. This means an increase by EUR 20 million from the level of 2013.

74. In implementing the Integration Act and the Government Integration Programme, monitoring is important. In 2012, the first comprehensive barometer survey was addressed to 2750 immigrants. The respondents represented the largest immigrant groups in Finland, excluding Swedish citizens, i.e. citizens of Estonia, Russia, Somalia, China, Thailand, Iraq and Turkey, who had immigrated into Finland in 2007–2009. The respondents were 18–75 years old. The response percentage was 34% and the margin of error approximately 3.2%. In addition, the local authorities and the Employment and Economic Development Offices were inquired about their services for immigrants.

75. The barometer survey showed that immigrants find work, language skills and security as the most important preconditions for integration. The barometer survey and the service survey gave the overall picture that immigrants have positive experience of many public services and trust on them. However, 24% of all respondents of the barometer survey reported that they had faced discrimination during the last year, as manifestations of xenophobia or racism in services or at public places, in working life or as violence.

76. The purpose is to build the monitoring system for integration and ethnic relations on a permanent basis and to develop it in light of the experience gained from its current stage. This will permit long-term monitoring and impact assessment of the measures.

77. The Government has analysed the prospects for ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1992, 2004 and 2011. Based on comments received, the Government concluded that ratification of the Convention is not expedient. Migrant workers and other immigrants are not differentiated in Finnish legislation, but enjoy the protection of the same constitutional rights and the same ratified international human rights instruments as other immigrants. With some exceptions, the Convention is largely congruent with national social security legislation. However, the Convention contains some unclear and undefined concepts with regard to national labour law. The status of alien workers is not only affected by national social security law, but also by social security agreements concluded by Finland and by the social security legislation of the European Union, which include a duty of equitable treatment.

QUESTION 9

78. Finland signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on 11 May 2011. The Convention is the first European Convention on women's rights seeking to establish a comprehensive legal framework protecting women from all forms of violence. A working group appointed to analyse the measures required for ratifying the Convention, with a view to completing ratification during the term of the present Government, submitted its report to the Ministry for Foreign Affairs in March 2013.

79. Several measures to prevent violence against women have been carried out in Finland in the recent years. The Action Plan to Reduce Violence against Women in 2010–2015 (available at http://www.stm.fi/en/publications/publication/-/_julkaisu/1522973#en) is one of the most significant developments in this field. The preparation of the Action Plan was coordinated by the National Institute for Health and Welfare on behalf of the Ministry of Social Affairs and Health. The plan is implemented by the Ministry of Social Affairs and Health, the Ministry of the Interior, the Ministry of Justice, the

National Institute for Health and Welfare on behalf of the Ministry of Social Affairs and Health, the Ministry for Foreign Affairs, the Finnish National Board of Education and the police.

80. The Ministry of Social Affairs and Health has appointed a cross sectoral working group in the area of intimate partner and domestic violence. Members of the working group are from different ministries. The group coordinates questions nationally and brings them to their assigned branch of administration in order to be forwarded further, including to the grass root level. The group follows and guides the implementation of the Action Plan to Reduce Violence against Women. It reports regularly to the Ministerial group of Internal Safety.

81. The aims of the Action Plan are to tackle violence proactively by seeking to influence attitudes and behaviours; to prevent repeated violence; to improve the position of victims of sexual violence and the crisis assistance and support provided for them; develop methods for identifying and intervening in the violence experienced by vulnerable groups; to enhance the knowledge and skills of the authorities and professional service providers in preventing violence against women and in helping victims. The situation of immigrant women, persons with disabilities and members of sexual and gender minorities are specifically addressed in the Action Plan. A total of 59 proposed measures are listed in the Action Plan, a considerable number of which have already been implemented. The measures continue to be implemented until 2015.

82. Proposed measures include strengthening preventive work against violence by developing learning materials to support safety and sexual education for children and the youth. To that effect the National Institute for Health and Welfare is coordinating a project in conjunction with the Action Plan to produce safety education material for teachers and professionals working with children and has launched a campaign against sexual violence targeted at young people, making use of electronic media (*Mun kroppa. Mä päätän siitä.*). The National Institute for Health and Welfare is also piloting a project (*Multi-Agency Risk Assessment Conference, MARAK*) to decrease serious violence in relationships and to support victims. The aim of the project is to identify high risk victims and ensure better protection for them from further abuse through multi agency coordination. The multi agency approach is found essential when combating domestic violence. In accordance with the method, risk assessment is conducted in meetings of local inter-professional groups, involving the police, social and health care workers, child welfare authorities and other authorities if needed.

83. Another aim of the Action plan is also to improve help and support services for victims of violence, especially victims in vulnerable groups. Proposed measures include increasing the availability of long-term support for victims of violence, strengthening the provision of acute services such as shelter services and other social and health care services as necessary, as well as long-term support to the victims of domestic and intimate partner violence, and to establish a monitoring plan and quality criteria for shelter services.

84. The Action Plan further aims, through various measures, to develop and improve tools and provide training for social and welfare professionals as well as authorities involved in the different stages of the criminal justice procedure on the identification, examination, prevention, care and support of victims of domestic and sexual violence.

85. In 2010 the Ministry of Social Affairs and Health mapped the access to shelters. In Finland there are 21 shelters, most of which are non-profit associations. However, the number of shelters is still low compared to the population and the funding for shelters is unstable. For victims of intimate partner and domestic violence, there are 123 family shelter places in Finland. It is proposed that these services are to be based on law. The provision of shelters is being considered in an ongoing work preparing ratification of the Istanbul Convention as well as in the process of reforming the Act on Social Services. National quality guidelines are under preparation in order to ensure the quality of shelter home services.

86. The Action Plan for the prevention of circumcision of girls and women 2012 - 2016 (available at http://www.stm.fi/en/publications/publication/-/_julkaisu/1822114) was published by the Ministry of Social Affairs and Health in August 2012. The purpose of the Action Plan is to create permanent national and regional structures to prevent circumcision of girls and women. Therefore, the aim is to ensure the preservation of the existing expertise and the long-term development of the preventive work. Other goals of the Action Plan include more effective collaboration, clearer division of work and better coordination between different authorities and other actors.

87. Preventive measures against domestic violence are going on also in many areas where it is possible to influence risk factors causing violence against women. These measures include The Alcohol Programme 2012-2015, The Internal Safety Programme 2012-2015 and others which take into account the targets set in The National Action Plan to Reduce Violence against Women 2012-2015.

88. The police are represented e.g. in a national cross-administrative working group for the prevention of violence in close relationships and family. The police contribute to implementing the Action Plan to Reduce Violence against Women. The basic education of the police includes domestic violence issues. Further training for the police has included courses on the investigation of violence offences and sensitivity training, especially for contacts with complainants in cases of sexual offences and for identifying their special needs. In addition, representatives of the police have attended seminars on the prevention of violence against women. A representative of the police attended the 57th session of the UN Committee on Women's Rights.

89. Police statistics on domestic violence according to reports recorded as related cases:

Domestic violence in its entirety, criminal complaints (national outcome data system of the police, PolStat)		
Year 2011	Year 2012	Year 2013
5297	5098	778 (Jan-Feb)
Domestic violence, female victim (PolStat)		
Year 2011	Year 2012	Year 2013
3760	4453	687 (Jan-Feb)
Domestic violence in its entirety; outcome of case: referred to prosecutor (case data system of the police (PATJA), data on investigation and executive assistance (RIKI); Patja RikiTrip)		
Year 2011	Year 2012	Year 2013
3690	2859	181 (Jan-Feb)
Domestic violence, female victim; outcome of case: referred to prosecutor (Patja RikiTrip)		
Year 2011	Year 2012	Year 2013
3385	2633	177 (Jan-Feb)

(Because the outcome of each case – e.g. referral to a prosecutor – is available only in the Patja RikiTrip system, not in the PolStat system, the figures are not directly comparable with each other.)

90. On the whole, the numbers of offences involving homicide and bodily injury declined by six per cent between 2012 and 2011. Assaults showed a similar trend. Assaults at public places, especially at shopping centres, declined particularly strongly. In 2012 the police recorded five per cent fewer assaults committed in restaurants than in 2011. The number of assaults at private places went down only slightly from the previous year.

91. In 2012 the police recorded six per cent more offences involving homicide and attempts of such offences than in 2011. This means a numerical increase by 23 cases (from 420 to 443 cases). The number of committed homicides declined by 25 cases from 2011 (from 116 to 91 cases). It is noteworthy that the number of committed homicides was smaller than 100 for the first time in 30 years.

92. The Ministry of the Interior has funded the MARAK project (*Multi-Agency Risk Assessment Conference*) launched in 2010, and the police has contributed to it. The project was first piloted in three police departments and expanded thereafter in 2012 to five new localities. The purpose of the project is to assess the risk of revictimization among high-risk victims of violence in couple relationships and to prevent their revictimization. The cross-administrative Internal Security Programme adopted on 14 June 2012 (*A Safer Tomorrow*) expanded the operating model to the whole country. Its implementation is being planned, and the further funding is being prepared. The MARAK model will be supplemented with a guide for the police for referring perpetrators of violence to services to prevent violent behaviour.

93. Under the National Action Plan to Reduce Violence against Women, the Ministry of the Interior has contributed to planning a campaign against sexual violence, targeted at young people. The campaign will be carried out electronically in social media, and it is coordinated by the National Institute for Health and Welfare. The campaign involves numerous organisations and actors in social media, e.g. the Virtual Community Police Team. The campaign will start in April 2013.

94. The police have contributed to other campaigns, too, e.g. against domestic violence and violence in close relationships (*Välitä* ("Do care") and *Iske oikein* ("Pull right")).

95. The Ministry of Social Affairs and Health has set up a working group that has commissioned a study on violence experienced by Roma women in close relationships in Finland. The work of the group and the study commissioned by it involve persons with Roma background as experts and support persons for interviewers. No separate shelters for battered Roma women exist in Finland, and according to the Roma community no such shelters are needed, either. Instead, the Advisory Board on Romani Affairs is concerned about the low number of shelters for battered family members, their regional imbalance, the organisational basis of their funding and their ability to provide multisectoral services.

96. An amendment of Chapter 21, section 16 of the Criminal Code (1082/2010) that took effect in January 2011 made petty assault in a close relationship an offence subject to public prosecution.

97. The prosecution service has arranged a number of training meetings dealing with sexual offences and offences of violence:

- In November 2012, 25 prosecutors attended a three-day training meeting dealing with sexual offences and offences of violence against adults.
- In 2012 five prosecutor's offices also arranged regional training on basic issues of violence in close relationships. In all 88 prosecutors attended a three-hour course instructed by a prosecutor specialised in such issues. In 2011 a total of 45 prosecutors attended similar training in three prosecutor's offices.
- In 2010 nine prosecutors attended one-day sensitivity training for prosecutors for contacts with victims of violence in close relationships and of sexual offences (Senja Project). The Senja Project also produced a material file related to the subject and distributed it to all headquarters and service bureaus of the prosecution service.

98. When necessary, prosecutors specialised in sexual offences have consulted other district prosecutors. They have taken part in working groups in their own special field and provided related training both for their own offices and for pertinent interest groups, e.g. the police, mediation offices, social workers and health care professionals.

99. The Ministry of Justice has regularly arranged training on violence in close relationships for judiciary staff. This training has dealt with typical features and manifestations of such violence,

production of evidence, penalty practice, the role of the parties in proceedings and especially victims' position. The training has been produced in the form of separate, thematic training days and also integrated into training dealing with victims of offences. Moreover, violence in close relationships has been one of the themes for discussion during approx. 10 training days under a project on expert-assisted judicial mediation of maintenance disputes in courts (Follo Project).

100. Judges of general courts have been the principal target group of training on criminal law. In addition to judges, prosecutors and legal counsels are always invited to such training, and office staff of general courts have been invited to training dealing with victims of offences.

101. In 2011 it was possible to attend video training concerning contacts with victims of sexual offences. The training day was attended by a total of approx. 130 judges and office staff from general courts. Similar training will be arranged on 12 June 2013, with attention also to the obligations deriving from relevant EU directives. The training of office staff also discusses victims of sexual offences annually, especially from the standpoint of arranging court sessions and taking account of the position of fearing witnesses and victims.

102. The following training was arranged in 2010:

- A training day on sexual offences against children (3 separate meetings: in the cities of Helsinki, Tampere and Oulu); attended by approx. 200 judges
- A seminar on forensic psychology in 2010; two training meetings of three days; attended by 68 judges
- Contacts with victims of violence in close relationships and victims of sexual offences; training arranged jointly with the Senja Project; attended by 96 persons in training meetings; video connections with all district courts in Finland (information through the video connections: approx. 130 participants); training meetings in the cities of Tampere, Oulu and Helsinki (the meeting in Helsinki was broadcast by video conference); the theme of the training was attention to the position of victims and contacts with them.
- A seminar on identifying human trafficking as a phenomenon was arranged jointly with the office of the Ombudsman for Minorities; sexual offences were discussed from the perspective of victims of trafficking; attended by 27 judges.

103. The following training was arranged in 2011:

- Sexual offences against children – advanced training (2 days); an advanced seminar for judges; 32 participants
- A course on forensic psychology with two training meetings of three days; attended by 62 judges
- Training for contacts with victims of offences; training arranged jointly with the Senja Project and Victim Support Finland; the training paid attention to violence in close relationships and the obligation stipulated in the relevant EU directive to provide such training; the training was broadcast by video conference to all district courts in Finland; attended by approx. 40 persons on the spot and by approx. 70 persons at distance
- Sexual offences were also discussed during training on grey economy and organised crime, from the standpoint of work-related problems of grey economy.

104. In 2012 sexual offences were discussed during the following training:

- Grey economy and organised crime; work-related phenomena of grey economy based on sexual offences; attended by 34 judges
- A course on forensic psychology with two training meetings of three days; attended by 59 judges
- A seminar on human rights treaties and basic rights in administration of justice; advanced training of three days for judges; the position of victims of sexual offences was covered e.g. in an address on the production of evidence; attended by 32 judges
- Moreover, the best interest of the child and factors preventing the mediation of maintenance disputes (e.g. suspected sexual abuse or other violence in close relationships) were discussed under the Follo Project; under this project, approx. 10 training days have included themes related to violence in close relationships.

105. In 2013 sexual offences will be discussed during the following training:

- Training for contacts with victims of offences; to be arranged jointly with Victim Support Finland; the training will pay attention to violence in close relationships and the obligation stipulated in the relevant EU directive to provide such training; the training will be broadcast by video conference to all district courts in Finland
- Training under the Follo Project – one of the themes during the training meetings will be violence in close relationships as a factor preventing mediation.

QUESTION 10

106. The Ministry of the Interior is carrying out a cross-administrative project (from 1 Feb. 2012 to 31 Dec. 2014) to study how to help victims of trafficking in human beings. The project studies and assesses the current status and functioning of the Finnish legislation applicable to victims of human trafficking (especially the Act on the Reception of Seekers of International Protection (746/2011) and the Aliens Act (301/2004)) and analyses alternative ways of improving the regulation of assistance to these victims and the impacts of these alternatives. The project compares the legislations on assistance and support to victims of human trafficking in industrialised countries relevant to the project. Based on the results of the study, the working group will propose more elaborate regulation of assistance and support to victims of human trafficking.

107. The National Police Board has issued instructions for the police concerning intervention in trafficking in human beings and similar offences and assistance to victims of trafficking (*Ihmiskauppaan ja sen kaltaisiin rikoksiin puuttuminen sekä ihmiskaupan uhrien auttaminen*, instruction no. 2020/2011/3768, 1 May 2012).

Numbers of pre-trial investigations of trafficking in human beings initiated by pre-trial investigation authorities (police and border guard)						
	2007	2008	2009	2010	2011	2012
Trafficking in human beings	2	6	2	11	26	21
Aggravated trafficking in human beings	1	2	2	2	6	4

108. The Ministry of Justice set up a working group in November 2011 to prepare changes to the Criminal Code provisions concerning trafficking in human beings. The working group published their proposals in September 2012. Their work was primarily focused on clarifying the distinction between trafficking in human beings and other crimes, such as procuring and extortionate work discrimination.

This work was conducted in order to reduce the amount of trafficking cases being investigated and/or prosecuted as other crimes and, as a consequence, to increase assistance for victims of trafficking. A Government Proposal on these amendments is planned to be given to the Parliament in autumn 2013.

109. During year 2012 prosecutor pressed charges in 27 trafficking cases. In the district courts convictions were given in four cases in 2012. In the same year the Court of Appeal gave convictions in three cases. It should be noted that the cases handled by the prosecutor may not be the same as what has been dealt with by courts as the court process for cases which have been initiated by the prosecutor in 2012 will be in many occasions handled in courts during the following year(s).

QUESTION 11

110. The Finnish Aliens Act (301/2004) permits authorities to deprive the liberty of aliens on administrative grounds in certain cases. In principle, administrative detainees are placed in closed detention units of reception centres for asylum seekers. Chapter 7 of the Aliens Act contains provisions on holding an alien in detention.

111. Section 121 of the Aliens Act lays down the preconditions for administrative detention. Section 123 contains provisions on decisions on holding an alien in detention and placing a detained alien. According to section 123 the detained alien or his or her legal representative must also be informed of the grounds for detention. According to section 8 of the Act, an alien has the right to use a counsel when his or her matter is being processed.

112. Section 124 of the Aliens Act stipulates that the official responsible for a decision on holding an alien in detention must, without delay and no later than the day after the alien was placed in detention, notify the District Court of the municipality where the alien is held in detention or, in an urgent case, another District Court of the matter. The District Court shall hear a matter concerning the detention of an alien without delay and no later than four days from the date when the alien was placed in detention. If the alien is not held in a detention unit but in police detention facilities far from the nearest detention unit, the matter shall be heard without delay and no later than 24 hours from the notification.

113. According to section 126 of the Aliens Act a District Court must order a detained alien to be released immediately if there are no grounds for holding him or her in detention. Section 128 stipulates that the District Court of the place of detention must, on its own initiative, always rehear the detention matter concerning the detention no later than two weeks after the decision under which the District Court ordered continuation of the detention of the alien.

114. According to section 127 of the Aliens Act, the authorities handling the matter must order a detained alien to be released immediately once the requirements for detention cease to exist. The detained alien must be released no later than six months from the detention decision. The detention period may, however, be longer but no longer than 12 months, if the detained alien refuses to co-operate for his or her removal from the country or if a third state does not provide the necessary documents for the removal and the removal is delayed for these reasons.

115. Sections 118–120 of the Aliens Act contain provisions on interim measures alternative to detention. These measures include obligation to report, handing over one's travel documents to authorities (police or border control authorities), giving authorities the address where one may be reached, and giving a security. The possibility of using interim measures is always assessed before making a detention decision. A project carried out by the Ministry of the Interior is developing the alternatives to detention as envisaged in the Government Programme. The project aims at developing measures alternative to detention especially for families with children and for vulnerable persons.

116. In principle, aliens detained on the basis of the Aliens Act are placed in closed detention units of reception centres for asylum seekers. So far, Finland has only one detention unit for aliens, at Metsälä Reception Unit in Helsinki. Because the capacity of this unit is insufficient, aliens are also placed in police detention facilities as permitted by law. For many years, the Ministry of the Interior has made efforts to establish another detention unit for aliens, but for state budgetary reasons it has not been possible yet. The Act on the Treatment of Aliens Placed in Detention and on Detention Units (116/2002) regulates detention units and the conditions there.

117. In the detention unit, detained aliens are provided with accommodation, full board and access to interpretation services, and their basic needs are met. They must be treated fairly and their human rights must be respected. Their rights must not be restricted more than the purpose and security of the detention and the maintenance of security and order necessarily require. Detained aliens must be informed about their rights and obligations. On conditions stipulated by law, detained aliens have the right to contact persons outside the unit and to receive visitors. Client statistics for 2012 from the Helsinki detention unit are appended to these replies.

118. The National Police Board has issued instructions to the police on the treatment of persons detained by the police (2020/2012/4941, in force as from 1 Jan. 2013). The treatment of persons deprived of their liberty and held in police detention facilities is regulated by the Act on the Treatment of Persons Held in Detention by the Police (841/2006), to the Government Decree on the Treatment of Persons Held in Detention by the Police (645/2008), issued on the basis of the Act, and to the Decree of the Ministry of the Interior on the Treatment of Persons Held in Detention by the Police (646/2008).

119. The Act on the Treatment of Persons Held in Detention by the Police applies to aliens placed in police detention facilities on the basis of the Aliens Act, with consideration to the ground for detention. If, however, aliens detained on the basis of section 121 of the Aliens Act are held temporarily in police detention facilities, their treatment is primarily governed by the Act on the Treatment of Aliens Placed in Detention and on Detention Units (116/2002), which is intended to protect the rights of aliens and guarantee them appropriate treatment.

120. The Ministry of Justice is drafting legislation to supplement the provisions of the Imprisonment Act, the Remand Imprisonment Act and Chapter 2c of the Criminal Code. Because of this amendment, some necessary and urgent amendments are also being made to the Act on the Treatment of Persons Held in Detention by the Police. In 2014 the Ministry will start the second stage in reforming the Act on the Treatment of Persons Held in Detention by the Police, by conducting a preliminary study on the needs to amend and update the Act.

121. As to detention unit capacity, the situation has not changed after the latest periodic report. Finland has only one detention unit, with accommodation capacity for 40 persons. In practice, the unit continues to be fully occupied, and persons detained under the Aliens Act must be held in police detention facilities. According to section 123 of the Act a detained alien must, as soon as possible, be placed in a detention unit referred to in the Act on the Treatment of Aliens Placed in Detention and on Detention Units. The section also stipulates the conditions for placing a detained person exceptionally in police detention facilities.

122. Regarding the year 2012, the following statistics are available on persons detained under section 121 of the Aliens Act: according to the case data system of the police, a total of 1420 persons detained under the Aliens Act were held in police detention facilities in 2012. The average length of detention was 5.05 days. the detentions relate to a total of 1599 interim measures, and the length of detention per interim measure was 4.07 days.

123. The average detention periods are not necessarily uninterrupted but may consist of a number of detentions, so that one person may have been detained e.g. first for identification and then for

implementing a decision to remove him or her from the country. More detailed statistics will probably be available automatically from the statistics systems when the new system of the police is introduced.

124. Approximately 90% of all detained aliens are men. The alies apprehended in 2012 represented 89 nationalities. The largest groups of them consisted of nationals of Estonia, Romania, Iraq, Russia and Belarus.

Age distribution among detained aliens in 2012. The numbers include aliens placed in police detention facilities and in Metsälä detention unit.	
Age	Number of persons
≤ 14	16
15-17	12
18-20	93
≥ 21	1284
No information available	6

QUESTION 12

125. Data from the police statistics system show that the police used apprehension and arrest under the Coercive Measures Act (450/1987) in a total of 38,304 cases of suspected offences. Of these cases, 10,126 involved a period of arrest exceeding 24 hours. In Finland, the maximum duration of arrest is 96 hours. Within this time the suspect must either be released or proposed for detention. In 2012, detention was used in 2,474 of the cases mentioned above. The average length of remand imprisonment in police detention facilities was 14 days.

126. A person suspected of an offence is permitted to use a counsel in pre-trial investigation. This applies to persons held in police detention facilities, too.

127. Reference is also made to the new Criminal Investigations Act (805/2011) and Coercive Measures Act (806/2011), which will take effect on 1 January 2014. Chapter 4, section 10 of the new Criminal Investigations Act contains more precise provisions on the right of a suspect to use a counsel in pre-trial investigation, and also strengthens this right. The suspect must be informed about this right in writing immediately when deprived of his or her liberty because of apprehension, arrest or detention. The pre-trial investigation authorities must ensure also otherwise that the right of a party to use a counsel *de facto* materialises if the party so wishes.

QUESTION 13

128. A working group on remand imprisonment completed its work in November 2010 (published in Finnish, *Oikeusministeriön mietintöjä ja lausuntoja 81/2010*). The working group proposed a total of 17 measures and recommended eight measures to improve the conditions of remand prisoners. For instance, the working group proposed that authorities should concentrate the detention of remand prisoners in fewer police departments, renovate detention facilities, equip prisons with proper interrogation rooms, study and develop alternatives to remand imprisonment and shorten the detention in police facilities under the Detention Act.

129. The proposals of the working group have been circulated for comments and summarised in an opinion summary (publication of the Ministry of Justice no. 45/2011). The proposals to renovate police detention facilities and prisons, in particular, have gained wide support. The proposal to study alternatives to remand imprisonment has also gained support. However, some actors have opposed the proposals to shorten the detention period of remand prisoners in police facilities and to concentrate their detention in fewer police departments.

130. The Ministry of Justice, the Ministry of the Interior, the National Police Board and the Criminal Sanctions Agency are responsible for further preparing the implementation of the proposals in their respective fields. A revision of imprisonment legislation is going on and includes an amendment of the Detention Act to shorten the maximum period of detention of remand prisoners in police facilities to 14 days. A related Government Proposal will be submitted to Parliament in autumn 2013. A project studying different alternatives to remand imprisonment, e.g. electronic surveillance, will be launched in spring 2013.

131. The Ministry of Justice regularly monitors the implementation of the working group's proposals and discusses the implementation e.g. under the leadership of the Ministry of the Interior.

132. On 1 January 2013 a total of 66 remand prisoners were kept in police detention facilities and on 1 March 2013 their number was 92.

QUESTION 14

133. Finnish prisons are not too overcrowded. On 1 January 2013 the numbers of prisoners and places for them were as follows:

Region	Places for prisoners	Registered prisoners	Present prisoners
Southern Finland	1 060	1 141	1057
Eastern and Northern Finland	987	923	829
Western Finland	1 042	1 070	938

134. Seven prisons (in Vantaa, Kerava, Jokela, Kuopio, Pelso, Kylmäkoski and Turku) are slightly overcrowded. Remand prisons have been most overcrowded. Efforts have been made to reduce overcrowding especially in Vantaa Prison by establishing remand prison departments in Helsinki and Riihimäki Prisons (Decrees of the Ministry of Justice 252/2011 and 1336/2011). Helsinki Prison may accommodate only prisoners waiting for a decision of an appellate court.

135. The number of cells without appropriate sanitary facilities has continued to fall. On 31 December 2012 the total number of such cells was 198, of which 73 were located in Helsinki Prison and 125 in Hämeenlinna Prison. The Criminal Sanctions Agency is preparing a vision of prison facilities, which will include an assessment of the need for prison facilities and their development. The vision will be completed in spring 2013 and serve as a basis for the necessary development measures.

QUESTION 15

136. On 20 August 2012 the Criminal Sanctions Agency issued an instruction on the enforcement of penalties of prisoners under 18 years of age, and their placement, release and surveillance. The instruction aims at promoting procedures which make the placement of a child and the activities during his or her imprisonment serve best the child's best interest. The instruction applies to assessment centres, prisons and community sanctions offices.

137. According to the instruction, the placement of a child – as all activities during his or her imprisonment – must serve the best interests of the child. Maintaining family ties of minor prisoners is particularly important, if these ties support his or her best interest. Therefore, minor prisoners must be placed as close to their place of residence as possible.

138. According to the instruction, each assessment centre must have an employee responsible for issues concerning prisoners under 18 years of age. The responsible person must orient himself or herself

to the growth and development of children and to means to support children in breaking away from crime.

139. Assessment centres must meet all prisoners under 18 years in person and prepare an individual plan for their prison term on the basis of a risk and needs assessment. The assessment must be made even if the remaining term of imprisonment is short. In such cases the plan focuses on preparing the release of the prisoners. A child welfare notification must be submitted concerning all minor prisoners. According to the instruction, the placement decision must be made particularly carefully and the reasoning for it must be recorded clearly. The intended prison must be consulted before the decision-making. The prison takes a position on the placement of a minor prisoner and on his or her opportunities to take part in activities there.

140. The Criminal Sanctions Agency monitors compliance with the instruction. In March 2013, on the basis of data recorded in the prisoner data system, the Agency studied the situation of all minor prisoners who had entered prison after 1 September 2012. Between 1 September 2012 and 21 February 2013 there were in all 10 minor prisoners in Finland. The study showed that the authorities had made a risk and needs assessment regarding all minor sentenced prisoners and arranged activities serving their best interests accordingly, to the extent possible. The authorities have studied the possible non-completion of compulsory education among minor remand prisoners and offered them opportunities to supplement their studies. All sentenced prisoners have completed their compulsory education earlier.

141. The enforcement of imprisonment of other prisoners under 21 years is planned by individual plans for their prison term, and the activities during the prison term are carried out accordingly, to the extent possible.

QUESTION 16

Act on the Exemption of Jehovah's Witnesses from Military Service in Certain Cases

142. A number of studies have been conducted on bringing the Act on the Exemption of Jehovah's Witnesses from Military Service in Certain Cases (645/1985) in line with the constitutional equality principle. For instance in 2007, a broad-based committee studied alternative ways of ensuring compliance with the Constitution, but none of the alternatives was considered to solve the multifaceted problem in a self-evident manner. On 27 September 2012 the Ministry of Defence appointed a rapporteur to evaluate the alternative solution models by 30 April 2013, for decision on any further measures. Thus, the question is still unresolved.

Conscientious objection

143. Section 118 of the Conscription Act (1438/2007) contains provisions on refusal of military service. According to this section, a conscript refusing military service will be punished in the same manner as for refusing non-military service under the Non-Military Service Act (1446/2007). The punishment consists of unconditional imprisonment for a period corresponding to half of the objector's remaining service time. The service time refers to the period which, under the Non-Military Service Act, would have been the period of non-military service if the person had applied for such service on the date of refusal.

144. Only a few conscripts in each contingent refuse military service. They are persons who refuse non-military service, too. All cases of suspected refusal of military service are referred to a prosecutor for consideration of charges.

145. The relevant penal provisions have not been amended after 1 January 2008, when the current Conscription Act took effect.

146. In February 2013 the service periods of both military and non-military service were shortened by 15 days. The longest service period is now 347 days long. This change influences the selection of the sanction imposed for refusal of military service.

147. Chapter 6, section 11a of the Criminal Code provides that if the preconditions laid down in the Code are fulfilled, a perpetrator sentenced to unconditional imprisonment for the maximum of six months may, instead of imprisonment, be sentenced to a monitoring sentence for an equal period of time. One of the preconditions for imposing a monitoring sentence is that the perpetrator has consented to it.

148. The sentenced person's performance of the monitoring sentence is monitored by means of technical devices and by other means as stipulated in the act on the monitoring sentence (330/2011). The sentence consists of an obligation on the sentenced person to stay in his or her dwelling, to participate in activities ordered for him or her – e.g. monitoring meetings – and to engage in work, training, action programmes or similar activities maintaining or promoting his or her functioning capacity and social skills.

149. Because of the shortened service periods, the imprisonment sentenced for refusal of military service is now shorter than six months in all cases and thus makes a monitoring sentence possible. Earlier, when the maximum imprisonment was longer than six months, a monitoring sentence was not possible in all cases.

150. Monitoring sentences have been imposed for refusals of military service. In one case a monitoring sentence could not be imposed because the sentenced person did not consent to it (Helsinki Court of Appeal, ruling no. 334 of 1 Feb. 2013, reg. no. SO 12/282).

QUESTION 17

Accelerated asylum procedures

151. The situations where an application for international protection may be processed in an accelerated asylum procedure are laid down in the Aliens Act. An accelerated procedure may be used if: the applicant comes from a safe country of origin, the application can be considered manifestly unfounded, or the applicant has filed a subsequent application.

152. Even in accelerated procedures the assessment is always made individually for each applicant. The applicant is interviewed personally. He or she has the right to be assisted by a legal adviser and to use an interpreter. No lists of safe countries of origin or asylum are used. The grounds presented by the applicant and all factors implying that the country concerned might not be safe for the applicant are taken into consideration when deciding on the case.

153. When an accelerated procedure is applied, an appeal to the Administrative Court of Helsinki will not suspend the enforcement. The implementation of an effective right of appeal in accelerated procedures is, however, guaranteed by the appellant's opportunity to request the court to prohibit or suspend the enforcement of the removal decision. The instructions issued by the National Police Board underline the obligation to comply with any prohibitions of enforcement and recommendations to suspend enforcement that national and international authorities may have issued.

154. Statistics on asylum seekers and decisions made in asylum procedures are appended to these replies.

Iraq

155. The Finnish Immigration Service investigates and decides on each application for international protection individually and case by case. The primary question to examine is whether the applicant is entitled to asylum or subsidiary protection on individual grounds. Thereafter the Immigration Service studies whether the situation in the country in question warrants granting the applicant subsidiary protection or a residence permit on the basis of humanitarian protection. The same applies to those countries (e.g. Iraq) where certain areas are designated as areas of subsidiary protection or humanitarian protection on account of armed conflicts or other weakened security situations. The individual grounds regarding applicants from these areas, too, are always examined.

156. To qualify for a residence permit on grounds of subsidiary protection warranted by the security situation in his or her residential area, an alien must be able to provide credible evidence of his or her place of residence in the area classified as unsafe. The evidence may be based on the applicant's testimony or a language analysis. The Finnish Immigration Service follows closely the situation in Iraq and reassesses its decision-making practice if necessary. The information about Iraq as a country of origin is the most important factor when the Finnish Immigration Service assesses whether asylum seekers from Iraq need international protection and whether they can be returned safely to their country of origin. The Immigration Service observes the non-refoulement principle enshrined in section 147 of the Aliens Act. This absolute principle is also laid down in section 9(4) of the Constitution of Finland, in the Geneva Refugee Convention, the European Convention on Human Rights and certain other international treaties binding on Finland.

157. The decisions concerning asylum seekers are made by the Finnish Immigration Service, and they are appealable before an administrative court. The decisions determine to which country the asylum seeker in question must be returned. Under the Aliens Act the police are obliged to take measures to enforce a final decision to remove an alien from the country if the person does not leave the country voluntarily.

158. According to the police, in all 38 persons to be returned to Iraq by a decision of the Finnish Immigration Service left Finland in 2012. In six cases of these, the police contributed to organising the removal, and in two cases police officers accompanied the person. The others left Finland with the assistance from IOM.

QUESTION 18

159. An impartial observer from a district court has occasionally attended return flights with a group of returned aliens. The application of a monitoring model is being expanded to returns by regular flights. The monitoring system is being prepared, a plan on co-operation between the police and observers to be designated separately will probably be completed in May 2013.

160. An administrative complaint may be lodged to a higher authority or a superior in order to report erroneous acts in office or failures by authorities. Such complaints serve as *ex post* supervision and often result in an official position concerning the lawfulness of the activity complained about. The purpose of rulings on complaints is to steer administration. Because an administrative complaint is not an avenue of appeal, it cannot change or annul the administrative act or decision complained about.

161. An alien who considers that the conduct of the police has been inappropriate in a case concerning his or her removal from the country may file an administrative complaint about the matter to the superiors of the police officers in question or the National Police Board for consideration and decision. Such complaints are examined in Finland also by the supreme guardians of the law, i.e. the Parliamentary Ombudsman and the Chancellor of Justice of the Government. In 2010–2012 the National Police Board examined three complaints about the conduct of the police in cases of removal

from the country. Moreover, the National Police Board has issued one statement on a complaint examined by the Parliamentary Ombudsman.

162. If the conduct of the police has caused damage to an alien, he or she may claim damages from the police unit in question or the National Police Board or before a district court by civil action. In 2010–2012 the National Police Board did not receive any claims for damages related to removals from the country, and neither did the Board avail itself of the right of the Government to be heard in such damages cases before courts.

QUESTION 19

163. Some amendments to the Aliens Act that took effect in August 2010 changed the preconditions for family reunion. By those amendments the requirement of secured means of support was extended to apply to internationally protected sponsors in cases where the family tie had been established only after the sponsor had entered Finland. For instance the EU Family Reunion Directive, too, is based on the principle that it is justifiable to confine the application of more favourable provisions to family situations that existed before the sponsor's entry into Finland.

164. Furthermore, in August 2010 a provision on the verification of foster child status took effect. The content of this provision corresponds to the earlier application practice of the Finnish Immigration Service and contributes to improved legal certainty. The ultimate objective is to verify the real custodian of the child, which, in principle, serves the best interest of the child.

165. The provisions of the Aliens Act applicable to minor applicants and sponsors were also amended by stipulating that the minority of the child must continue at the time when the application is decided. Earlier, the moment of filing the application was the decisive moment. The impact of the amendment is lessened by the fact that delayed processing is always taken into account in favour of the parties. Moreover, section 6 of the Act requires that in all situations involving a minor, the authorities must pay attention to the best interest of the child. This applies to both decisions on residence permit applications and to decisions to remove an alien from the country.

QUESTION 20

166. The Ministry of Social Affairs and Health set up a working group in 2009 to draw up a proposal for a national plan of action to prevent and reduce corporal punishment of children.

167. The National Action Plan to Reduce Corporal Punishment of Children 2010-2015, *Don't hit the child!*, (available at http://www.stm.fi/en/publications/publication/-/_julkaisu/1537947#en) includes targets that extend to the year 2015. The objective is to strengthen the child's human dignity and to increase reciprocal respect between the children and parents so that no child would be faced with corporal punishment but could grow in a favourable, tender, understanding and inclusive atmosphere. The programme aims to continue and add momentum to the good development that has taken place in Finland over the past two decades so that attitudes against corporal punishment will be consistently strengthened among both children and adults and that corporal punishment experienced by children will be reduced all the time. A further objective is to diminish regional differences and differences between population groups in both the prevalence of corporal punishment and children's and adults' attitudes towards it. The action plan aims to contribute to making follow-up studies on corporal punishment an established practice. Such studies have been e.g. a child victim study, an attitude study among adults and an attitude study to be made among children. The action plan proposes 16 concrete cross-sectoral measures to prevent and reduce corporal punishment of children.

168. The prevention of violence including corporal punishment is included in the legislation concerning child health clinics (Decree 338/2011). In addition, guidelines concerning early interaction and positive child rearing and prevention of violence are included in several hand books.

QUESTION 21

169. Pursuant to the June 2011 Government Programme of Prime Minister *Jyrki Katainen*, the Government will further develop the cultural autonomy of the Sámi people and the preconditions for the operation of the Sámi Parliament. The rights of the Sámi people as an indigenous people will be developed, for instance, by clarifying the legislation concerning the use of land, and actively participating in the international cooperation for enhancing legal and actual protection of indigenous peoples. The measures of the revival programme for the Sami language will be implemented and the provision of relevant resources ensured. The intention is to ratify the Convention No. 169 of the International Labour Organisation concerning Indigenous and Tribal Peoples during this Government's term of office.

170. On 12 December 2012 the Government discussed the current status of the Sámi-related projects envisaged in the Government Programme. The Government decided, among other things, to continue its efforts to eliminate the barriers to ratifying ILO Convention no. 169. This work will proceed under the leadership of the Ministry of Justice, in co-operation between the other responsible ministries and the Sámi Parliament.

The right to participate in policymaking and planning

171. The first National Action Plan on Fundamental and Human Rights, adopted in March 2012, includes a project that seeks to improve the rights of the Sámi by clarifying legislation on their right to participate in policymaking and planning concerning the use of State-owned lands and waters in their Homeland. The necessary provisions would be incorporated in the legislation concerning the organisation of Metsähallitus (the Finnish Forest and Park Service, a state enterprise administering more than 12 million hectares of state-owned land and water areas). Under the legislation Metsähallitus would be responsible for the general promotion of reindeer husbandry, hunting and fishing in the Sámi Homeland and, in order for Metsähallitus to discharge this duty, a specific annual appropriation would be introduced to the State Budget. Provisions on the rights of the Sámi to participate in the planning of the use of state land and waters in the Sámi Homeland would also be included in the organisational legislation on Metsähallitus.

172. The Government decided that the Ministry of Agriculture and Forestry would set up a working group to prepare measures to strengthen the rights of the Sámi to participate in decisions on the use of lands and waters of the State, while paying attention to the participation rights of the other local inhabitants. The necessary legal provision would be enacted in the legislation regulating the organisation on the National Forest Authority. Accordingly, the Ministry of Agriculture and Forestry is setting up a working group to prepare enhanced legislation on the National Forest Authority. The Sámi Parliament has decided not to send any representatives to the working group. The question is being discussed with the Sámi Parliament in order to find a solution that will enable the working group to start working.

173. Sámi people and other local inhabitants already have well secured opportunities to participate in the use of State-owned lands and waters in their residential areas. The State owns and Metsähallitus administers more than 90 per cent of the lands and waters in the Sámi Homeland. The use of the lands and waters administered by Metsähallitus is planned by means of natural resource planning. The planning process is inclusive and open for local interest groups. It consists of formulation of land use policies and local level decisions on e.g. priorities in the conservation and recreational use of the areas and on the extent of forestry measures to be taken.

174. In recent years the general opportunities for reindeer herding have been developed, e.g. by encouraging reindeer-owners' transfers of their farms to their descendants and by supporting the profitability of reindeer herding in different manners. In some situations the amounts of support are higher in the Sámi Homeland than in the other reindeer herding areas.

175. When partially reformed, the Nature Conservation Act (58/2011) was supplemented with a new section 16 (in force as from 1 February 2011). This section requires safeguarding the opportunities to maintain and develop Sámi culture in national parks and nature parks located in the Sámi Homeland. The new section supplemented the provision in section 17(3) of the Constitution concerning the right of the Sámi as an indigenous people to maintain and develop their own language and culture.

176. Sámi culture as protected by the Constitution of Finland includes the traditional livelihoods of the Sámi, i.e. reindeer herding, fishing and hunting. In establishing nature reserves in the Sámi Homeland the authorities have tried to safeguard especially the opportunities for traditional Sámi reindeer herding.

177. The new section 16 of the Nature Conservation Act provides that the authorities, when safeguarding the rights of the Sámi in the Sámi Homeland, must also take account of the specific objectives of conserving the areas in question, and in national parks also the visitors. This means that, for particular reasons, e.g. restrictions on fishing and hunting may be necessary also in nature reserves established in Upper Lapland. These situations will be regulated case by case, in the context of enacting each individual act of Parliament to establish a national or nature park.

178. The Government Proposal on the new section 16 of the Nature Conservation Act did not amend the Act on the Sámi Parliament. The section did not change the prevailing situation but took account of the position of the Sámi as an indigenous people.

179. The new Mining Act (621/2011) and Water Act (587/2011) took effect in 2011. Both of these laws contain prohibitions against weakening the position of Sámi people and include provisions on strengthening the statutory obligation to negotiate with the Sámi Parliament on relevant matters, and on the right of the Sámi Parliament to appeal against decisions made pursuant to these laws. The purpose of these prohibitions is to prevent the implementation of projects that would essentially weaken the opportunities of Sámi to exercise their rights as an indigenous people to maintain and develop their culture and to carry on traditional livelihoods. Similar prohibitions will also be included in other special legislation relevant to the Sámi.

180. According to section 50 of the Mining Act, no more prospecting permit, mining permit or gold panning permit may be granted for the Sámi Homeland, the Skolt Homeland or specific reindeer herding areas if the activities covered by the permit would: 1) alone or together with other permits of the same type or other forms of using the areas essentially weaken the opportunities in the Sámi Homeland to carry on traditional Sámi livelihoods or to otherwise maintain and develop Sámi culture; 2) essentially weaken the living conditions of Skolts and their opportunities to carry on their livelihoods in the Skolt Homeland; 3) cause substantial damage to reindeer herding in a specific reindeer herding area.

181. Nevertheless, section 50(2) of the Mining Act stipulates that a permit may be granted despite a barrier referred to in section 50(1) if the barrier may be eliminated by means of provisions to that effect included in the permit.

182. According to Chapter 2, section 8 of the Water Act, a water management project carried out in the Sámi Homeland or influencing that area must be implemented without weakening the opportunities of Sámi people more than slightly.

183. The new Mining Act and Water Act also include provisions to strengthen the opportunities of the Sámi Parliament to participate in the granting of mining permits and water management permits and to influence it. The Acts stipulate how the Sámi Parliament must be consulted in the consideration of permits and entitle the Sámi Parliament to participate e.g. in related inspections. Moreover, the Sámi Parliament has an independent right of appeal concerning permits granted on the basis of the Acts.

184. In environmental matters, the obligation to negotiate is supplemented in practice by the Akwé:Kon Guidelines (Instructions of the environmental administration, no. 1/2011). These guidelines, applied voluntarily, are part of the implementation of the United Nations Convention on Biological Diversity CBD (Finnish Treaty Series 78/1992). The guidelines are intended for use in the Sámi Homeland for assessing cultural, environmental and social impacts of those projects and plans which may influence Sámi culture, industries and cultural heritage. The National Forest Authority applies the guidelines in land use planning in the Sámi Homeland.

Revitalization of Sámi languages

185. A working group appointed by the Ministry of Education and Culture prepared, in 2012, a proposal for revitalization programme of the Sámi languages. The programme aims at safeguarding and promoting of all three Sámi languages spoken in Finland. The comprehensive programme covers all areas relevant to the revitalization of Sámi languages, including education, social and health services, media, culture etc. For the time being the programme proposal has been commented by different ministries, the Sámi Parliament and other relevant actors. In 2013 a Government resolution will be prepared on the basis of the programme proposal.

186. In order to meet the challenges concerning the right to education in the Sámi language, the minimum amount of group of Sámi students to get state aid to study Sámi language was already dropped (before the outcome of the programme proposal in 2012) from four to two students. In addition, the working group suggested that learning by distance shall be developed nationally.

187. According to the Finnish Government Programme, a national language strategy will also be prepared, describing the goals and implementation methods for the diversification of national language reserve and knowledge of culture. When developing the national language reserve, special attention will be paid to the status of the Sámi, Roma and sign languages. According to the Development Plan for Education and Research from 2011-2016, the teaching methods in the instruction of the national languages will be developed to place more emphasis on communication skills.

188. The Ministry of Justice has set up a working group to study e.g. opportunities to expand the scope of the obligation of authorities to negotiate with the Sámi Parliament, stipulated in the Act on the Sámi Parliament.

Employment

189. Employment services are regulated by the Act on Public Employment and Business Service. The Act does not stipulate any specific measures to promote the employment of Sámi people, but they have access to all ordinary public employment services.

QUESTION 22

National Policy on Roma

190. The first National Policy on Roma was published in December 2009. The general objective of the Policy is to promote equality and inclusion of the Roma in different areas of life. The Policy was

prepared by a broad-based working group, including representation of the Roma population. During the drafting of the Policy the working group also arranged separate consultation meetings for the Roma.

191. The first National Policy on Roma is a comprehensive programme of action covering those areas of development which are most important for improving the socio-economic status of the Roma and promoting their equality and cultural rights. Moreover, the Policy is a response to recommendations of international organisations to develop a Roma policy in the member states.

The Policy focuses on: (1) strengthening the participation of Roma children and youth in education; (2) strengthening the education of adult Roma and promoting their employment; (3) promoting equal treatment and access to services of the Roma population; (4) supporting the preservation and development of the Romani language and culture; (5) promoting the equality of Roma and preventing their discrimination; and (6) developing the Roma Policy and strengthening the possibilities for participation of Roma.

192. In December 2010, on the basis of the National Policy on Roma, the Government approved a decision-in-principle on guidelines for the Policy. According to the decision-in-principle, different ministries must implement the measures defined as their responsibility in the Policy within the existing resources.

193. The Ministry of Social Affairs and Health appointed a broad-based steering and monitoring group for the implementation of the National Policy on Roma. A mid-term report on the implementation of the Policy will be submitted in 2013.

Employment

194. The employment services for Roma are provided mainly in the same manner as for other clients. However, individual employment plans make it possible to tailor the employment planning according to each job seeker's special needs.

195. The number of job seekers with Roma background varies between different Employment and Economic Development Offices. When necessary, the authorities have e.g. tried to arrange separate training groups for Roma clients. For many Roma job seekers, preparatory training has been an important first step towards improved employment opportunities.

196. Regional Advisory Boards on Romani Affairs arrange training on Roma culture for Employment and Economic Development Offices. In its own instructions, the Ministry of Employment and the Economy has paid attention to the training of structurally unemployed job seekers, such as many Roma.

197. The programme on a youth guarantee pays attention to services provided to those young persons who need support more than average.

Education

198. The Ministry of Education supports municipalities to strengthen the education of Roma pupils in basic education. The support mostly deals with improving the contacts between Roma families and the school, minimizing school drop-outs and educating teachers about Roma culture. The schools in Finland have become more aware about the bullying of Roma students. The State also provides funding for Roma language nests activity and supports education of Roma prisoners.

199. The National Board of Education has prepared a report entitled *Basic Education of Roma Pupils – Review 2010–2011 and Proposals*. The report describes the results of different development projects in detail. Currently, approximately twelve special needs assistants with Roma background are

employed in Finland (more such assistants have graduated). The Advisory Board on Romani Affairs encourages educational authorities to employ more special needs assistants with Roma background, to support Roma and other pupils.

200. The National Board of Education has cooperated on continuing education with teacher education institutions, local authorities and schools, within the available budget. However, the Advisory Board on Romani Affairs considers that the education in teacher education institutions should regularly include a course on the Roma in Finland as a national minority.

201. The educational authorities have supported Roma children's attendance in upper secondary education, e.g. by increasing continuing education for teachers and arranging seminars for Roma parents. The National Board of Education is drafting a brochure for schools and Roma parents on upper secondary education and the recruitment for it.

202. The National Board of Education is studying the needs of adult Roma for education and training in order to direct and develop their education and training in accordance with their needs.

Housing

203. In Finland, the Roma are living in the same residential areas and have the same level of quality in housing as the majority population. To avoid social stigmatization, Roma themselves have wished to avoid large numbers of Roma living in one area. Generally speaking, the standard of housing among Roma people is high and homelessness is exceptional. However, the cumulation of social problems and the resulting housing problems seem to be on the increase, especially among families with children. Like the majority population, the Roma population, too, is divided into those who manage in life and build a future, on one hand, and those who risk social exclusion or are already severely excluded, on the other hand. Most Roma people lie somewhere in between this range, and just for them the measures under the Finnish National Policy on Roma are of great significance.

204. However, the Roma have severe problems in getting dwellings in the private housing market because of the attitudes of the majority population and the low income level of the Roma. Therefore most of the Roma live in state-subsidised social rental housing.

205. In spring 2012, the Ministry of the Environment carried out a study on the housing problems of the Roma and different ways to solve these problems. The study was part of the implementation of the Finnish National Policy on Roma.

206. According to the study, the housing problems of the Roma are based on many structural factors and on their poor socio-economic status. One factor is that the majority population does not know or understand the cultural features of the Roma people. On the other hand, the Roma are not always familiar with the rules and procedures concerning the selection of residents in social housing and living in a rental property. Within the Roma community there should be discussions about the connections of culture-related rules to housing problems, particularly the moving permission custom that the Finnish Roma follow: a Roma moving to a new region is culturally compelled to ask for permission to move from the local Roma community. Part of the population wants to abolish these practices and believes that the younger generations have a more rational attitude towards some traditional practices because of e.g. their higher educational level and employment rate. One noteworthy finding in the study was that, in the view of Roma persons, general discrimination and internal discrimination within the Roma population interlink. If the general discrimination experienced by Roma decreases, it is easier for them to give up cultural traditions intended e.g. to maintain good neighbourliness with the majority population. The Roma should be given information about access to housing and their fundamental rights, such as the freedom to move and choose one's residence. Moreover, the housing authorities should be educated on the housing problems of the Roma.

207. When heard about their situation, Roma themselves underline the cumulation of different problems: financial difficulties, discrimination, divorces etc. make their housing situation a tangle which the current housing system and the related supportive measures cannot unravel. For instance social housing management has produced positive experience of preventing eviction on grounds of insolvency.

208. These results of the study were utilized in the Equality First project of the Government. Good practices found in the study were spread through guidance for the housing authorities as well as regional forums organized for housing authorities and the Roma community. The purpose of the good practices was to raise awareness of the Roma population about equality in housing and to inspire discussion among Roma about those practices of their own culture which may hamper the right of individuals to choose their place of residence.

209. As a practical measure the YES5 project produced a brochure (*Haetko vuokra-asuntoa?*) for Roma clients on applying for a rental dwelling. The brochure contains very concrete instructions and guidance specifically for Roma persons with housing problems. Despite the small scale of this measure, it has proved to be an important instrument for practical guidance and assistance to Roma clients in the most problematic housing situation.

210. As for the private housing sector, the Finnish equality legislation is under reform. The aim is that the renewed legislation could enter into force before spring 2015. The aim of the reform is to strengthen the legislation with regard to the various discrimination grounds.

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