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SECOND REPORT ON FINLAND

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Foreword

The European Commission against Racism and Intolerance (ECRI) is a body of the Council of Europe, composed of independent members. Its aim is to combat racism, xenophobia, antisemitism and intolerance at a pan-European level and from the angle of the protection of human rights.

One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.

At the end of 1998, ECRI finished the first round of its country-by-country reports for all member States. ECRI's first report on Finland is dated 4 October 1996 (published in September 1997). The second stage of the country-by-country work, initiated in January 1999, involves the preparation of a second report on each member State. The aim of these second reports is to follow-up the proposals made in the first reports, to update the information contained therein, and to provide a more in-depth analysis of certain issues of particular interest in the country in question.

An important stage in ECRI's country-by-country work is a process of confidential dialogue with the national authorities of the country in question before the final adoption of the report. A new procedure in the second round of country reports is the organisation of a contact visit for the ECRI rapporteurs prior to the drafting of the second report.

The contact visit to Finland took place on 18-21 September 2001. During this visit, the rapporteurs met with representatives of various ministries and public administrations responsible for issues relating to ECRI's mandate. ECRI warmly thanks the Finnish national authorities for their wholehearted co-operation in the organisation of the contact visit, and in particular would like to thank all the persons who met its delegation each of whom provided much valuable information on their own field of competence. ECRI would also like to thank the Finnish national liaison officer whose efficiency and collaboration were much appreciated by ECRI's rapporteurs.

Furthermore, ECRI would like to thank all the representatives of non-governmental organisations with whom its rapporteurs met during the contact visit for the very useful contribution they made to the exercise.

The following report was drawn up by ECRI under its own responsibility. It covers the situation as of 14 December 2001 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposals made by ECRI.

Executive summary

Finland has in the last few years adopted a number of significant measures in the field of combating racism and intolerance, including initiatives to improve the integration of immigrants into Finnish society, the introduction in 2001 of a National Programme against Ethnic Discrimination and Racism, improved legislation in the field of employment and education, and the increased participation of minority groups in the development of policies and measures of concern to them.

Although there is a growing recognition that Finland is today a society comprising many different groups, both “traditional” minorities and minorities of immigrant origin, there still appears to exist a certain level of prejudice and intolerance among the Finnish population towards those who are different from the majority. Such prejudice finds its expression in discrimination in a number of fields, including employment, housing and access to public places, as well as in instances of harassment and sometimes racial violence. Moreover, initiatives taken at the national level to combat racism and discrimination do not always successfully filter down to the local level.

In the present report, ECRI recommends that the Finnish authorities take action in a number of fields. It recommends, inter alia, a more effective implementation of legislative provisions in force to combat racism and discrimination and the introduction of further provisions in this field, the reconsideration of some aspects of the legislation and procedures concerning asylum seekers, the intensification of training and awareness-raising among key officials and further efforts to combat manifestations of discrimination in daily life, including introducing human rights education and aspects relating to racism and related intolerance as an integral part of school education.

SECTION I: OVERVIEW OF THE SITUATION

A. International Legal Instruments

1. Finland has signed and ratified a large number of international legal instruments relevant to the fight against racism and intolerance. In particular, since the publication of ECRI's first report, Finland has ratified the Framework Convention for the Protection of National Minorities, which entered into force in Finland on 1 February 1998, and the European Charter for Regional or Minority Languages, which entered into force in respect of Finland in March 1998.
2. Finland has signed but not ratified the Revised Social Charter of 1996, the European Convention on Nationality and Protocol N° 12 to the European Convention on Human Rights. ECRI notes that preparatory work is underway concerning ratification of the Revised Social Charter, the European Convention on Nationality and Protocol N° 12 to the European Convention on Human Rights, and urges the Finnish authorities to proceed to ratification of these instruments as expeditiously as possible. ECRI also encourages the Finnish authorities to sign and ratify the European Convention on the Legal Status of Migrant Workers.
3. As concerns ILO Convention N° 169 on Tribal and Indigenous Peoples in Independent Countries, which Finland has not yet ratified, discussions have been underway for a number of years concerning the issue of land rights which at present represents a barrier to Finland's ratification of the Convention. ECRI strongly encourages the Finnish authorities to seek a swift ratification of ILO Convention N° 169 on the basis of the various projects currently underway to resolve the outstanding issues (see paragraph 32 below).
4. As a rule, the provisions of international human rights instruments, once ratified, are adopted as law by an act of Parliament and can be used in the courts. The practice in Finland is not to ratify international instruments until domestic legislation has been brought into conformity with their provisions. A law incorporating a human rights treaty into national law prevails over previous legislation. As regards laws adopted subsequently to a human rights treaty, paragraph 74 of the Finnish Constitution provides that the Constitutional Law Committee "shall issue statements on the constitutionality of legislative proposals and other matters brought for its consideration, as well as on their relation to international human rights treaties". However, ECRI notes that, if the above-mentioned "safeguard" has not come into play, a law which is subsequent to a human rights treaty could still prevail over the treaty in case of incompatibility.

B. Constitutional provisions and other provisions

5. A new Constitution entered into force in March 2000. Chapter II contains provisions on fundamental rights transferred from the previous Constitutional Act of 1995, and states in its Section 6 that everyone is equal before the law and that no-one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person. Although the ground of "race" is not explicitly mentioned, it may be understood to be covered by the ground of "origin" or "any other reason that concerns his or her person". Section 22 states that "the public authorities shall guarantee the observance of basic rights and liberties and human rights". The right to one's

language and culture is laid down in Section 17, which states that the national languages of Finland are Finnish and Swedish and guarantees the right to use either Finnish or Swedish before courts of law and other authorities and to receive official documents in either language. Section 17 also stipulates that the Sami, as an indigenous people, and the Roma and other groups, have the right to maintain and develop their own language and culture. The use of the two official languages and the Sami language(s) has been regulated in more detail in the secondary legislation. However, it appears that these provisions concerning the use of languages are not always implemented in practice (see paragraph 23 below). Section 121 of Chapter 11, which deals with administration and self-government, also stipulates the right of the Sami to linguistic and cultural self-government in their native region (the Sami Homeland).

C. Criminal law provisions

6. Section 8 of Chapter 11 of the Criminal Code covers ethnic agitation and penalises the spreading of statements or other information among the public where a certain “race”, a national, ethnic or religious group or a comparable group is threatened, defamed or insulted. Section 9 criminalises discrimination on the part of a person who, in the practice of their trade or profession, in the exercise of their duties as a civil servant, in other public duties or in the organisation of a public gathering or meeting, refuses to serve a person, refuses entry to a place of public amusement or meeting, or places someone in an unequal or essentially inferior position, without an acceptable reason and on the grounds, inter alia, of race, national or ethnic origin, colour, language or religion. As regards discrimination in the labour market, Chapter 47 section 3 penalises employers who put job seekers or employees in an inferior position on the grounds, inter alia, of race, national or ethnic origin, colour, language and religion: thus, a prison term or fine may be imposed for a breach of the prohibition of discrimination contained in the Employment Contracts Act.
7. It appears, however, that these provisions are under-used, despite the fact that discrimination vis-à-vis minority groups, particularly the Roma and many minority groups of immigrant origin, in fields such as employment, housing, and access to public places such as restaurants and bars, is widely reported as a significant problem in Finland. It has been commented that victims of such types of discrimination often do not bring complaints to the police, one possible reason being their low expectation of achieving redress, and that the police do not always follow up complaints that are brought. Furthermore, it has been commented that the threshold for proving such types of discrimination in the criminal justice system are rather high, making cases hard to win, and that the fines imposed are somewhat low, such that some alleged discriminators may rather choose to pay a fine and continue to discriminate. ECRI strongly urges the authorities to improve the implementation of legislation against discrimination, for example by ensuring that the general public and potential victims are aware of the legislation in force and its implications and that victims are given encouragement and support to approach the police. Moreover, steps should be taken to ensure that complaints brought to the police receive a proper and systematic follow-up in order to improve the confidence of minority groups in the criminal justice system and to send a message to the majority population that manifestations of racism are not acceptable. Consideration should also be given to ways of improving the effectiveness and deterrent effect of the

provisions in force, such as for example the introduction of more severe penalties. The introduction of parallel civil and administrative law provisions covering discrimination in various fields of life might also facilitate recourse to justice (see paragraph 11 below).

8. The Committee for the Elimination of Racial Discrimination considers that the Finnish Criminal Code does not currently conform to Article 4 of the CERD which calls for the penalisation of dissemination of ideas based on racial superiority or hatred and the prohibition of organisations inciting to or encouraging racial hatred. The Finnish authorities consider however that Section 8 of Chapter 11 of the Criminal Code (see paragraph 6 above) penalises sufficiently the dissemination of racist ideas. ECRI notes moreover that a new Criminal Code provision is being prepared which would criminalise participation in the activities of criminal organisations. The authorities consider in this context that participation in the activities of a criminal organisation would also be subject to punishment when the purpose of the activities is ethnic agitation, provided that the planned offence is actually committed. ECRI encourages the Finnish authorities to continue to examine the above questions and to take the necessary steps to ensure that the Finnish legislation is fully adequate to effectively combat racist organisations and the dissemination of racist ideas.
9. There is no provision in the Finnish Criminal Code defining common offences but with a racist or xenophobic nature as specific offences, or enabling the racist or xenophobic motives of the offender to be specifically taken into account when sentencing, as recommended in ECRI's general policy recommendation N° 1. In some cases, courts however have increased the punishment for racially-motivated crimes on the basis of a more general provision (Section 1 of Chapter 6) specifying that all relevant grounds for increasing the punishment for a crime should be taken into consideration. ECRI notes that a Government Bill is currently under preparation for the amendment of the general provisions of the Finnish Penal Code and that the possibilities of providing for racist or xenophobic motives to be taken into account as an aggravating circumstance will be assessed in this connection. ECRI encourages the Finnish authorities to ensure that such provisions are introduced.

D. Civil and Administrative Law Provisions

10. The new Employment Contracts Act (55/2001) contains provisions on the principle of non-discrimination and equal treatment. According to Chapter 2, section 2 of this Act, the employer may not without acceptable reason place workers in a different position on account of, inter alia, national or ethnic origin, language, religion, family relations or other comparable grounds. The provision also covers recruitment. In its first report, ECRI noted that in practice, discrimination in the field of employment is rarely sanctioned, partly because of the difficulty in proving such discrimination. ECRI recommended that consideration should be given to shifting the burden of proof in order to make it easier for victims of discrimination in the field of employment to bring cases. ECRI notes with interest that the issue of the burden of proof will be dealt with in the context of the implementation of the European Union Directive 2000/78/CE on equal treatment in employment and occupation and hopes that the necessary changes to the legislation will be introduced as rapidly as possible.
11. There is at present no comprehensive body of civil and administrative law prohibiting discrimination in all fields of life, including housing, access to public

places and access to services. In this respect, ECRI notes with interest that preparations are underway to implement the EU Directive on equal treatment between persons irrespective of racial or ethnic origin and hopes that Finland will soon possess a comprehensive body of civil and administrative law provisions to combat discrimination, backed up by educative and other measures to ensure that such legislation is fully and effectively implemented.

E. Specialised bodies and other institutions

- *Parliamentary Ombudsman and Ombudsman for Minorities*

12. The longstanding institution of the Parliamentary Ombudsman acts as a guardian of legality in the wide sense, dealing with individual complaints against the public authorities, carrying out investigations on its own initiative and providing input during the preparation process of new legislation. The most severe action open to the Ombudsman is recourse to the criminal courts; however, in cases of illegal or improper conduct, the Ombudsman office, which enjoys a high moral authority, more usually issues an official “reprimand”, which is considered to be a punishment in itself. Other less serious cases are dealt with by a statement of the Ombudsman’s view concerning the impropriety of the conduct in question, in the form of a criticism, guidance or recommendations. A certain number of the cases dealt with by the Ombudsman have concerned issues of racism and discrimination; however, systematic evaluations of underlying patterns or possible systemic discrimination have seldom been carried out due to lack of resources.
13. ECRI welcomes the recent establishment of the Office of the Ombudsman for Minorities, which replaces the previous Office of the Ombudsman for Foreigners. The Ombudsman for Minorities, active from the beginning of 2002, will take over the tasks of the Ombudsman for Foreigners, i.e. covering issues related to immigrants, asylum seekers and refugees, and will additionally have the tasks of supervising, along with other officials, the principle of equal treatment regardless of ethnic background, promoting good ethnic relations, monitoring and improving the status and rights of ethnic minorities, taking initiatives, reporting and informing. The Ombudsman for Minorities may also help individuals who have faced discrimination. An Advisory Board for Minority Issues, composed of representatives of the authorities, NGOs and ethnic minority associations, will be established to assist the Ombudsman for Minorities. ECRI encourages the authorities to ensure that the new body of the Ombudsman for Minorities is given the necessary powers and resources to carry out its work effectively, and draws attention in this respect to its general policy recommendation No 2 on specialised bodies, which outlines a number of basic principles to be borne in mind when developing specialised bodies of this nature.

- ***Advisory Board for Ethnic Relations***

14. The Advisory Board for Ethnic Relations (ETNO) operates in connection with the Ministry of Labour as a broadly-based advisory body in issues relating to refugees and migration as well as to racism and ethnic relations. The Board is composed of governmental representatives, representatives of the association of local authorities and of the labour market organisations and representatives of minority groups and is seen as providing a channel for interaction between the authorities, labour market organisations, civic organisations and minority groups. It plays a role in providing advice and input to the authorities in fields such as refugee and migration policy and in developing and promoting measures to encourage the integration of immigrants into society, tolerance and good ethnic relations. Various subcommittees of the ETNO address specific issues. ECRI encourages the authorities in the various sectors to continue to draw upon the expertise and input of the ETNO in matters relating to its mandate.

- ***Advisory Board for Roma Affairs***

15. The Advisory Board for Roma Affairs was first set up in 1956 as “The Advisory Board for Gipsy Affairs”. The Board serves as a link between the Roma people in Finland and the public authorities. Its members, half of whom represent the Roma and half central government, are appointed every three years by the Finnish government. The Advisory Board has influenced developments in Finnish legislation and administration in areas affecting the Roma, for example in the field of education and housing. Furthermore, provincial advisory boards serve as organs of co-operation between the Roma and the authorities. ECRI is pleased to note that the participation of the Roma in initiatives concerning them, such as the Advisory Board, has greatly increased in recent years, and encourages this trend.

- ***Advisory Board for Sami Affairs***

16. The Advisory Board on Sami Affairs was founded in 1960 as a consultative body, with representatives of central government, the County of Lapland and the Sami Parliament. It works to improve the social, cultural, educational, legal and economic situation of the Sami. The Advisory Board for Sami Affairs is considered to have influenced developments in the attitude of the authorities towards the Sami community. Again, ECRI strongly encourages the participation of the Sami community in all initiatives which concern them.

- ***Commission against Racism, Xenophobia, Antisemitism and Intolerance***

17. The Commission against Racism, Xenophobia, Antisemitism and Intolerance is an consultative body created by the government and bringing together various persons active in the field of combating racism, including academics, legal experts, public figures and members of minority groups. The Commission has played an important role in speaking out publicly against manifestations of racism and discrimination. Given the potential of this body to exert moral authority and influence societal attitudes, ECRI strongly encourages the Finnish authorities to ensure that the independence, functions and permanence of this Commission against Racism are guaranteed and that it has sufficient scope to exert a real influence on policy and decision-making.

F. Education and training/awareness-raising

18. Although Finland has “traditional” minority groups, such as the Roma, the “old” Russians and the Sami, it is only quite recently that the phenomenon of immigration has brought new minority groups into Finnish society. ECRI noted in its first report that the authorities in all fields might lack experience in dealing with a more multicultural society, and recommended special efforts to raise awareness and skills among civil servants and other officials, and also among society in general. ECRI is pleased to note that efforts have been made to increase the participation of immigrants in all bodies dealing with matters concerning them, and to raise awareness among various branches of the administration and among key groups in society, such as employers and trade unions. However, a study completed in 1999¹ of attitudes among the police, border control officers, labour administration officials, social welfare officials and teachers indicated that it is still necessary to improve the preparedness of such groups for ethnic diversity. ECRI strongly encourages further initiatives to raise awareness among such groups and among the public in general.
19. As regards school education in the field of human rights and minorities, it has been commented that the transfer of more responsibility for schools to the municipalities has meant that there is less control over the content of the curriculum, including teaching on issues such as human rights in general, multiculturalism and anti-racism. It has also been commented that there is insufficient teaching concerning the various minority groups living in Finland, particularly the traditional minorities such as the Sami, the Roma and the Russian community. ECRI stresses the importance of ensuring that teaching on human rights, the problems of racism and intolerance and on the benefits of a multicultural society are covered at all levels of the school system. ECRI furthermore strongly recommends that the authorities take steps to increase knowledge and understanding among schoolchildren concerning the various minority groups living in Finnish society, both “traditional” minorities and the newer minority groups, and to ensure that teaching materials across the curriculum reflect the different components of Finnish society.

G. Reception and status of non-citizens

- *Immigration*

20. Although overall numbers of non-citizens are still relatively low in Finland compared to some other countries (1.8% of the population are non-citizens), there has been a significant rise in numbers of immigrants in recent years, from around 18 000 in 1987 to over 90 000 in 2000. In its first report, ECRI drew the need to develop policies and structures to deal with the new situation in this respect. ECRI notes that the Finnish authorities have taken a number of steps in recent years in order to put in place a framework for addressing issues relating to immigration, many of which are detailed in other sections of this report.

- *Refugees and asylum seekers*

¹ Pitkänen and Kouki, 1998

21. A number of issues are of concern to ECRI as regards the processing of asylum applications and the situation of asylum seekers in Finland. This subject is dealt with in more depth below under "Issues of particular concern".

- ***Integration strategies***

22. In 1997, the main responsibility for the integration of immigrants shifted from the Ministry of Social Affairs and Health to the Ministry of Labour. The Act on the Integration of Immigrants and Reception of Asylum Seekers, which entered into force in May 1999, had as its objective to enhance the integration of immigrants and their equality with the majority population and their possibilities to participate in society while maintaining their own culture and language. Each municipality is required to prepare integration programmes and to provide personalised integration plans for unemployed immigrants who are in need of public support: these plans cover areas such as language training and employment and also integration into the local community. A part of the financial support provided to immigrants receiving social benefits is linked to the adherence to the integration plan by the immigrant in question. ECRI notes that the implementation and the results of this Act are being monitored and assessed, and that the Government is due to submit a report to Parliament in 2002. Noting that policies in this field have generally considered "immigrants" as a single, homogenous group, ECRI also encourages the authorities to evaluate the need to develop a range of more specific and diversified measures for the various immigrant groups living in Finland.

H. Access to public services

- ***Access to social services such as health care, welfare and housing***

23. Some minority groups, particularly the Roma minority and some minorities of immigrant origin, are reported to face significant difficulties in accessing housing. Discrimination is reported to frequently occur when persons of immigrant origin or Roma apply for rented housing in the private sector, while discrimination in the public housing sector is also reported. This issue is dealt with in more depth in other sections of this report.

- ***Access to Education***

24. Over and above education in the Finnish and Swedish languages, the laws on education enable municipalities to offer general education and mother-tongue education in other languages. Paragraph 12 of the basic law on education deals with mother tongue teaching of Finnish, Swedish or Sami according to the language of instruction, whereas it highlights Romany and sign language as examples of other languages in which mother tongue teaching may be provided on the request of the custodian. Earmarked state subsidies are available for mother-tongue education for groups with four or more pupils for two hours per week. For many municipalities, a barrier to organising mother-tongue education is the lack of qualified teachers. ECRI encourages the Finnish authorities to intensify the training and recruitment of teachers and teaching assistants with proficiency in teaching the different languages of at least the most numerous minority groups in Finland. See also paragraph 27 below.

I. Employment

25. Discrimination in employment remains a serious barrier to the full integration of members of many minority groups into the social and economic life of Finland. Such discrimination affects both immigrant minority groups and national minority groups, particularly the Roma/Gypsy community (see paragraph 30 below). Unemployment among minority groups remains significantly higher than among the majority population, while members of many minority groups, even those who are highly-educated, are over-represented in the lower-status sectors of the employment market, such as manual work. ECRI notes that the field of employment is the cornerstone of the integration measures foreseen for immigrants, but feels that over and beyond language and skills training for new arrivals, further concerted efforts remain necessary to combat discrimination in employment, including the full and effective implementation of the legislation in force and awareness-raising among minority groups concerning their rights and among the majority population concerning the prohibition of discrimination. Furthermore, in addition to legislative measures, other means and strategies should be employed to combat discrimination.
26. Additionally, further proactive measures should be foreseen to improve the access of minority groups to employment. For example, difficulties in gaining recognition of qualifications gained abroad, and the requirement that workers in certain sectors speak both Finnish and Swedish, have proved a serious barrier to persons of immigrant origin seeking employment: such problems have been particularly highlighted in the health-care sector but also in various other areas of the public and also private employment markets. ECRI feels that more flexibility in the recognition of qualifications gained abroad and in the requirement for fluency in the two official languages of Finland should be sought.

J. Vulnerable groups

This section covers certain minority groups which may be particularly vulnerable to problems of racism, discrimination and intolerance in the country in question. It is not intended to provide an exhaustive overview of the situation of all minority groups in the country, nor to imply that groups not mentioned face no problems of racism and discrimination.

- Roma/Gypsy community

27. The Roma/Gypsy minority in Finland numbers around 10 000 persons. Despite efforts on the part of the authorities to improve the situation of this group, and a shift in policies in recent decades from a more assimilationist approach to one which favours the participation of Roma representatives in their own affairs and the promotion of the Roma language and culture, the Roma minority is still disadvantaged and marginalised compared to the majority population in fields such as employment, housing and education. Discrimination against Roma continues in all these fields and in other areas of life such as access to public places such as restaurants and bars. Roma women wearing traditional costume are particularly vulnerable to such forms of discrimination.

28. In the field of education, it is reported that the availability of mother-tongue education in the Romany language does not correspond to the need, in part due to a lack of resources, a lack of teachers who have achieved the required educational qualifications and a lack of schoolbooks in the Romany language. Between 1997 and 2001 around 220 to 240 Roma children from a total of around 1 500 – 1 700 children of school age participated in such mother tongue education. Drop-out rates among Roma children are higher than among the majority population. Although no official figures exist on the numbers of Roma children placed in different types of education due to legislation on data protection, it has also been reported that Roma children, who are less likely than their peers to have attended pre-school education, tend at the primary level to be channelled towards “special education” or “special groups” more than other children due to the perceptions of teachers that such children are difficult or need special attention. Roma children also face disadvantage in access to higher education.
29. ECRI encourages the Finnish authorities to continue in their efforts to raise the educational situation of Roma children. ECRI stresses the importance of ensuring that the legislative provisions concerning education in the Romany language, which seem very positive, are actually implemented in practice, through the allocation of sufficient resources, the training and recruitment of teachers and teaching assistants from among the Roma community, and the production of suitable teaching materials. ECRI also highlights the importance of the early years of schooling and encourages the authorities to ensure that Roma children are not disadvantaged at this early stage. More efforts could be made to prepare Roma children for school through pre-school education in which their needs are taken into account, for example by increasing the recruitment of Roma staff in such establishments. Furthermore, at the secondary and higher levels of education, intensified efforts should be made to study and address the problem of school dropping out among Roma pupils, and to examine various ways to promote the access of Roma to higher education, especially university education, including the possibility of taking positive measures such as reserved places for qualified Roma candidates. It is also important to ensure that school curricula contain teaching on the history and culture of the Roma.
30. The Roma minority also faces disadvantage and discrimination in access to housing, in a context in which the housing market is in any case difficult. ECRI notes that the Ministry of the Environment, in co-operation with the Advisory Board for Roma Affairs, produced in 2000 a guide for housing authorities and real-estate companies on the special housing needs of the Roma, but regrets that some municipalities discriminate against Roma in the allocation of housing and have even reportedly exploited the specific cultural needs of Roma as a way of blocking their access to housing. ECRI is of the opinion that the authorities should take steps to ensure that such discrimination occurring at the municipal level is not permitted.
31. Roma also face serious problems in the field of employment, with at least 52-56% unemployment and a decline in the traditional trades in which the Roma community were active in the past. Discrimination in recruitment continues to be widely reported, particularly affecting Roma women who wear traditional costume. Various initiatives have been taken to improve the situation of Roma on the labour market, such as vocational training, however ECRI feels that further efforts are still necessary, particularly to address the problem of discrimination on the labour market through the more effective implementation of the legislation in force.

- **Sami community**

32. The participation of the Sami indigenous minority in affairs concerning it has been improved through the establishment of the Sami Parliament, which decides upon the distribution of the budget allocated for the benefit of the Sami culture, takes initiatives, makes propositions and makes statements in matters concerning Sami affairs. A legislative framework has moreover been put in place to ensure the right to use the Sami language in the Sami-inhabited region of Finland (the Sami Homeland) in contacts with the authorities and in education, and to improve the rights of the Sami population as regards the use of land and their traditional occupations in the Sami Homeland. However, it appears that the right to use the Sami language in contacts with the authorities is not always implemented in practice, because of the lack of personnel with a knowledge of Sami. It is of special concern that even translation and interpretation services are not often available, although required by the law in force. ECRI understands that work is currently underway with a view to reforming the language law in order to strengthen the right of the Sami to use their language in contacts with the authorities without having to make a special request, and encourages the swift completion of this work. ECRI also encourages further efforts to strengthen the implementation of the right to education in the Sami language.
33. The definition of the term Sami remains a controversial issue, as does the question of land rights in the Sami Homeland. It is moreover reported that tensions and hostility exist between the Sami and the non-Sami communities in the Sami Homeland, perhaps linked to such issues. ECRI notes that a rapporteur was appointed by the Ministry of Justice to investigate the right to use State-owned land in the Sami Homeland and that a Committee was subsequently set up in November 2000 with the aim of drafting a proposal concerning the arrangement of the rights of the Sami to the land, water areas, natural resources and traditional means of livelihood on State-owned land within the Sami Homeland. The report was published on 3 December 2001. This proposal should help to remove the obstacles to the ratification of ILO Convention N° 169. An expert was also appointed to study the legal significance of the land-ownership issue, while the Sami Parliament is also assessing the situation in this respect. ECRI urges the Finnish authorities to intensify their efforts to resolve the outstanding issues of controversy concerning the definition of Sami and the question of land rights and to accede to the ILO Convention N° 169 on Indigenous Peoples. ECRI also stresses that it is of the utmost importance that the issue of land rights is solved in a manner that does not result in the intensification of tensions between the Sami and the non-Sami communities.
34. ECRI also considers that knowledge about the Sami community among the majority population should be increased, noting that members of the Sami community still face discriminatory and stereotypical attitudes and a general lack of awareness concerning their culture and lifestyle. For example, it appears that some television comedy series have portrayed the Sami culture and lifestyle in a degrading fashion. ECRI feels that efforts should be made to improve knowledge of the Sami culture through the introduction of more material and teaching within the school system, and through a range of awareness-raising measures aimed at the general public.

- **Russian-speaking minority**

35. The Russian-speaking minority in Finland numbers between 20-30 000 persons, of which around 5 000 are “old Russians”, who are considered by the authorities as a national minority. Of the more recent immigrants, a sizeable proportion are “returning Finns” (Ingrian Finns); others are Russian-speakers in Finland for employment purposes or as the spouses of Finns.
36. Despite the importance of the group of Russian-speakers as a whole, relatively few measures appear to have been taken to address the needs of this group, and particularly the specific needs of the Russian-speaking immigrants. Although the “old Russians” are generally considered to be well-integrated into Finnish society, immigrant Russian-speakers face considerable societal prejudice and discrimination, still occasionally fuelled by media portrayal of Russians as “mafia and criminals”. For example, it is reported that Russian-speakers, particularly women, have on numerous occasions been refused access to public places such as restaurants and bars. The Ingrian Finns are in a particular situation in that although they are ethnic Finns and “returning” to Finland on that basis, many of them do not speak Finnish as their mother tongue nor have strong links with Finnish culture and society. Certain segments of this community – the middle-aged and some parts of the younger generation – are particularly affected by high unemployment, poor housing conditions and a generally lower economic and social status. There are concerns that this group is particularly vulnerable to marginalisation from society and to the problems of disaffection that this entails.
37. ECRI is concerned that not enough attention has been paid to the situation and difficulties of the Russian-speaking population in Finland and that the structures in place do not adequately address its needs. For example, it appears that the educational provision for mother-tongue Russian speakers is not sufficient to meet the need, and that the culture of the Russian minority is not sufficiently covered in schools. Requests on the part of the Russian-speaking community for an advisory board for Russians, along the lines of the existing advisory boards for Sami and Roma Affairs, have not as yet been accepted; at present the Advisory Board for Ethnic Relations, which has representatives of the Russian-speaking minority among its members, covers this group. ECRI notes with interest that a working group of the Advisory Board is to examine the situation of the Russian-speaking minority in 2002. ECRI stresses the need for the authorities to pay particular attention to the specific needs and requests of the different segments of the Russian-speaking minority in Finland and to take steps to combat negative societal attitudes towards this group. ECRI also stresses the importance of the integration of more recent Russian-speaking immigrants into Finnish society through the teaching of at least one of the official languages and Finnish culture.

K. Conduct of certain institutions**- Law Enforcement Officials**

38. Although police violence towards members of minority groups does not appear to be a major concern in Finland, there are indications that the police does not always react appropriately to complaints of racism and discrimination from members of minority groups, and that such complaints are often dismissed by the police or not followed up with the necessary assiduity. In this respect, ECRI encourages the authorities to take further steps to raise awareness among police officers as to the action they should take in responding to complaints of racism and discrimination. There is in particular a need to improve the recognition and registering of racist crimes reported to the police; in this respect, ECRI notes that the Ministry of the Interior is planning a system to enable the police to more accurately identify offences with a racist motive. ECRI notes with interest the publication of a booklet providing information for victims of crime which highlights the importance of mentioning to the police the possible racist or discriminatory aspect of crimes, and hopes that similar awareness-raising information will also be widely-disseminated among the police force.
39. Complaints about police misconduct are investigated by the superior of the officer concerned or by the Ministry of the Interior in the case of high-ranking officers. If misconduct is proved, there may be a disciplinary process, while crimes are investigated by the public prosecutor. ECRI draws attention to its general policy recommendation N° 1 in which it recommends the establishment of a mechanism for independent enquiry into incidents and areas of conflict between the police and minority groups, and encourages the Finnish authorities to put in place such a mechanism.
40. There are worrying reports that a significant proportion of members of the police force have displayed negative attitudes towards minority groups in opinion surveys, and that there have been some incidents in which police officers have published articles in the press of a racist or xenophobic nature in which they appear to have used their position as police officers to lend spurious authority to their personal opinions. ECRI stresses that it is particularly important that the police authorities react strenuously to such abuses, both in taking appropriate disciplinary action against the officers concerned and in speaking out publicly to refute such opinions or attitudes. ECRI also stresses the importance of including specific training courses for police officers, both in initial training and throughout their careers, covering issues of human rights in general, and racism and discrimination in particular, and in combating their own prejudices and stereotypes. Noting that at present there are hardly any police officers in Finland from minority groups, and that members of these groups rarely apply for police training, ECRI also feels that particular efforts should be made to encourage applications from and the recruitment of members of minority groups into the police force.

- **Political climate**

41. Although on the national level there are no extreme-right parties, some politicians at the local level have used xenophobic and racist discourse and have gained some support among the electorate. The national authorities have in recent years made a number of public commitments to combating racism and discrimination, and senior politicians, including the President of Finland, have spoken out against incidents of racism which have occurred. Moreover, all of the political parties represented in Parliament have signed the Charter of the European Political Parties for a Non-racist society. However, it seems that initiatives taken at the national level may not always filter down to the local level to be implemented in practice. Moreover, public debate around issues such as controlling immigration, and the tightening of measures in the field of asylum and refugee legislation, may send conflicting messages to the general public about the attitude of the authorities towards non-citizens and immigrants. ECRI encourages politicians to speak out against any manifestations of racism in political life and in society in general, and to avoid allowing assumptions concerning media or public opinion on issues such as asylum-seekers and refugees to influence the tone and content of political debate.

L. Monitoring of the situation

42. A number of attitude surveys have been undertaken in Finland, both among the general public and among key groups such as the police, in order to monitor levels of intolerance and xenophobia, and attitudes towards minority groups. ECRI welcomes and encourages the further development of such studies, and also notes with interest that studies examining the perceptions of members of minority groups as regards racism and discrimination have been undertaken, as is recommended in ECRI's general policy recommendation N° 2.
43. Precise data concerning the situation of various minority groups in different fields of life such as the labour market or education seem to be rather sparse, partly because once persons of immigrant origin gain Finnish citizenship they tend to "disappear" from much of the monitoring. Stressing the importance of good data in order to develop and effectively implement policies, ECRI encourages the Finnish authorities to develop a comprehensive system of data collection concerning the situation of the various minority groups living in Finland, paying due respect to the principles of data protection and protection of privacy.

M. Media

44. ECRI is concerned at reports that the media has tended, at least in the recent past, to play a role in exacerbating negative stereotypes and sensationalising incidents concerning members of minority groups. For example, prejudices against members of the Russian community have reportedly been fuelled by media claims concerning the existence of organised crime among this group in Finland, while the media appears to have played a role in spreading a negative image of the Roma asylum seekers claiming protection in Finland during 1999 and 2000. Although there seem to be signs that the media profession is improving its treatment of such issues – for example, the practice of mentioning the ethnic origin of alleged perpetrators of crimes is apparently lessening – it still seems to be the case that media reporting on issues connected to minority groups tend to transmit stereotypical images of such groups. Codes of self-regulation do exist within the media profession, and a Media Council can take a

position on certain articles; however, ECRI is of the opinion that more efforts need to be made by the media profession to ensure that media reporting of issues relating to minority groups and also concerning the problems of racism and discrimination, is more balanced and contributes in a more positive sense to shaping public opinion. The increased participation of minority groups within media representations, both as interviewees and as media professionals, should also be encouraged.

45. The dissemination of racist, antisemitic and xenophobic material via the Internet is reported to have increased in recent years, with more than 20 Finnish-language sites containing racist material. In this respect, ECRI draws attention to its general policy recommendation no 6 on combating the dissemination of racist material via the Internet, and stresses the need to closely monitor and react to new developments in this area.

SECTION II: ISSUES OF PARTICULAR CONCERN

In this section of its country-by-country reports, ECRI wishes to draw attention to a limited number of issues which in its opinion merit particular and urgent attention in the country in question. In the case of Finland, ECRI would like to draw attention to various aspects of the asylum procedure and to manifestations of discrimination in everyday life.

N. Issues connected to the asylum procedure

46. Finland receives a quota of around 700 refugees yearly; the quota for 2001 was 750 refugees. Outside of this quota, few asylum seekers (around 0.22% of all applicants in 2001) are granted the status of refugees as such, although a significant proportion (over 43% of all applicants in 2001) are allowed to stay in Finland on other grounds, for example if denying continued residence would be unreasonable or if the person concerned is in need of protection.
47. First-instance decisions on asylum applications normally take between one and two years, or even as long as three years. It has been reported that the waiting period for certain nationalities (eg Turkish) seems to be relatively longer than for others, perhaps pointing to some problems of discrimination within the system as regards those nationalities. Responsibility for carrying out interviews of asylum seekers has recently been transferred from the police to the Directorate of Immigration, which has also apparently led to a "two-speed" system whereby decisions concerning more recent applicants entering the new interview system are, during this transitional period, being issued more quickly than decisions still pending under the old system. Furthermore, the introduction of a new "accelerated procedure" (see below) has also reportedly led to even greater delays in processing other applications. ECRI is concerned at the long waiting period for first decisions on asylum applications, and considers that the authorities should continue to take steps to ensure that the resources and staff made available to the Directorate of Immigration to carry out the task of processing applications is sufficient to ensure that applications are processed properly and within a reasonable time.
48. A number of concerns relating to the situation of unaccompanied minors seeking asylum in Finland have been raised by the Parliamentary Ombudsman.

These relate, inter alia, to the lengthy waiting periods for decisions to be taken concerning the application and to the difficulties in obtaining family reunification for unaccompanied minors granted leave to stay in Finland rather than refugee status. ECRI urges the authorities to take steps to remedy the lacunae noted by the Ombudsman as regards the situation of unaccompanied minors seeking asylum in Finland, and notes that measures have already been taken by the Directorate of Immigration in this area, such as the establishment of a working group on children with responsibility for processing the asylum applications of unaccompanied minors and for issues of family reunification.

49. Appeals against a negative decision from the Directorate of Immigration can be made to the Administrative Court of Helsinki; a further appeal can subsequently be made to the Supreme Administrative Court if that court accords a “leave to appeal”: apparently only around 10% of requests for leave to appeal to the Supreme Administrative Court are accepted.

- Accelerated procedure for processing asylum applications

50. From June 1999 onwards Finland received a number asylum applications from persons of Roma origin, mainly of Slovak but also of Czech and Polish nationality. The Directorate of Immigration introduced special measures, such as quicker and briefer interviews, in order to process these applications more rapidly. The arrival of the Roma asylum seekers provoked a wave of negative media coverage and also a political discussion which led to the amendment of the Aliens’ Act in July 2000 and the introduction of a new “accelerated procedure”. This procedure, which was introduced in the face of criticism from various actors working in the field of asylum seeker and refugee protection, provides that an asylum seeker whose application is considered manifestly unfounded, or who is deemed to come from a safe country of origin or of asylum, can be removed from the country 8 days after he or she has received the negative decision of the Directorate of Immigration. There is a right of appeal within 30 days of the negative decision, but this appeal does not have suspensive effect. Thus, whereas under the old system the Administrative Court of Helsinki had to approve an expulsion order before expulsion was carried out, under the new system, unless the Administrative Court has issued a stay of deportation, upon the request of the asylum seeker, within the 8 day limit, that person may be removed from the country while his or her appeal is still pending before the Administrative Court.
51. ECRI notes that serious concerns have been voiced as to whether the Aliens Act as amended is in compliance with the requirements of an effective remedy as required by Article 13 of the European Convention on Human Rights. Moreover, concerns have been expressed that the safe country of origin concept has in practice led to “group decisions” being taken on asylum applications rather than individual decisions based on the specific circumstances and experiences of each asylum seeker. For example, it has been noted that in several instances, interviewers have failed to ask asylum seekers during their initial interview why the country in question is not safe for them personally. It has also been commented that four out of five asylum applications are now submitted to the accelerated procedure, and that the more complicated procedures for the various forms of accelerated procedure and the shorter time limits may hinder asylum seekers from accessing sufficient legal assistance. Generally, it has been commented that the new system represents a weakening of the rights and position of asylum seekers in Finland.
52. ECRI expresses its serious concern regarding the amendments to the Aliens Act as described above, particularly given the context of negative public and

media attention on the issue of asylum seekers in which these amendments were introduced. ECRI is of the opinion that resorting to more restrictive policies and legislations in such a context may only tend to exacerbate public misconceptions and prejudices concerning asylum seekers and refugees. As regards the amendments as such, ECRI stresses the need to ensure that the right of asylum seekers to lodge an appeal against a negative decision on their application before removal from the country, and to remain in the country pending the outcome of the appeal, should be respected in both legislation and practice. Furthermore, ECRI stresses the need to avoid building into the system procedures which could have a detrimental effect on the principle that each asylum application should be judged on an individual basis and not on the basis of assumptions about the situation of groups of persons in a given country. This is particularly pertinent in relation to the situation of Roma/Gypsies, given the well-documented cases of racism and violence suffered by members of the Roma/Gypsy community in a number of European countries. ECRI notes that an overall reform of the Aliens Act is currently underway with a view to the entering into force of an amended Act in 2003, and urges the Finnish authorities to ensure that the concerns as outlined above are fully addressed in any reform of the legislation. ECRI regrets that the non-governmental sector does not appear to have been widely consulted concerning the proposed amendments to the Aliens Act, and stresses that it would be most desirable to seek the input of all parties working in the field of the protection of asylum seekers and refugees when legislation is prepared on such issues.

- ***Asylum seekers held in detention***

53. A further area for concern is the issue of the detention of asylum seekers on the grounds of a lack of identity papers or a lack of certainty about the travel route to Finland. Although the Aliens Act provides that asylum seekers who are detained should be kept in separate detention facilities, at present they are held in police or prisons alongside convicted prisoners. It has been estimated that around 10% of asylum seekers are held in detention, for periods of 1-4 weeks in the majority of cases but for up to 8-12 weeks. ECRI emphasises that it is most undesirable that asylum seekers should be held alongside convicted persons, both as a matter of principle and because of the negative message such detention may transmit to public opinion. ECRI notes that a closed reception centre is shortly to be opened in Helsinki and hopes that such a centre will provide proper facilities for all asylum seekers who are detained, stressing, however, that such detention should in ECRI's opinion be avoided to the greatest extent possible. ECRI also considers that careful attention should be paid to the issue of the accommodation and facilities provided for the families, particularly the children, of asylum seekers held in detention.

O. Discrimination in daily life

54. The incidence of discrimination in daily life, in fields such as employment, housing and access to public places, is hard to quantify but is generally held to represent a significant phenomenon in Finland. Various studies have shown that the incidence of various manifestations of daily discrimination affect a large proportion of immigrants, but also “traditional” minority groups, in Finland. For example, members of minority groups, particularly visible minorities such as Roma or black persons, but also Russian-speakers, are not infrequently refused access to restaurants and bars: one study² indicates that over a quarter of immigrants have experienced discrimination in restaurants. Problems in obtaining facilities such as credit cards or loans have also been reported. In the field of housing, members of minority groups also face discrimination, both in the private rental sector, and apparently in some cases in the public sector (see paragraph 29 above). Likewise, in the field of employment, almost half of all immigrants interviewed in one study³ reported that they had experienced discrimination based on ethnic origin when searching for employment. Contacts with the public authorities represents another area where forms of discrimination occur: in this respect, surveys among key groups such as border guards, civil servants, social workers, teachers and the police have indicated quite high levels of prejudice and negative attitudes towards minority groups among some of these sectors, and it has been commented that officials are often insufficiently trained to deal with the various minority groups living in Finland. Another manifestation of “daily life” discrimination is harassment, such as insults in the street or harassment in the workplace. Such forms of discrimination are reported to be rather commonplace.
55. ECRI is concerned that such forms of daily discrimination point to rather widespread prejudice and negative attitudes among the majority population. Apart from the impact discrimination in fields such as housing and employment have on the economic and social situation of members of minority groups, such daily manifestations of discrimination also have long-reaching psychological effects. Indeed, it has been commented that one of the main effects of such forms of discrimination is that members of minority groups feel that they will never be accepted as real members of Finnish society. It is therefore especially important that the authorities take strong action to combat such forms of discrimination and to ensure that minority groups are able to participate in an equal footing in all aspects of Finnish society. Such action should comprise in particular intensified efforts to combat prejudices and negative attitudes among civil servants and other officials whose behaviour is likely to impact on the daily experiences of minority groups in Finland. Measures to change attitudes among the majority population and to combat prejudices and stereotypes about those who are different from the majority Finnish society but who nevertheless should be seen as an equal and valuable part of that society should also be strengthened.
56. Measures should also be taken to ensure that the public is aware that such forms of discrimination are not acceptable and will be punished. In its first report, ECRI noted that politicians and other opinion leaders rarely discussed problems of racism and discrimination in Finland and did not react to incidents. There are signs that the situation has improved in this respect, and that the authorities are making a public commitment to combating racism, for example through the introduction of a National Programme against Ethnic Discrimination

² *Liebkind and Jasinskaja-Lahti, 1997*

³ *Liebkind and Jasinskaja-Lahti, 1997*

and Racism in 2001, which aims to increase awareness of questions of discrimination and to enhance the implementation of good practices. More needs to be done in the field of the implementation of legislation, however: currently, although such forms of discrimination are criminalized in Finland, relatively few cases are reported to the police, and court cases are rare. It is therefore necessary to ensure that members of minority groups are aware of their rights and the legislation in force and to encourage the victims of such forms of discrimination to bring their complaints to the police or to other relevant bodies, in the knowledge that a proper follow-up will be given to their case.

57. In addition to legislative measures (anti-discrimination laws and their effective implementation), other means, such as the promotion of general awareness of diversity, multiculturalism and interculturalism, are important tools to tackle discrimination. Furthermore, it is most important that effective measures be put in place to facilitate the integration of new minority groups into Finnish society, particularly by ensuring that persons belonging to these groups are offered proper training in Finland's official language(s) and the functioning of its society.

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