



european network against racism

ENAR Shadow Report 2010-2011

ENAR SHADOW REPORT

Racism and related discriminatory practices in Finland

Annastiina Mäkilä and Toni Selkälä

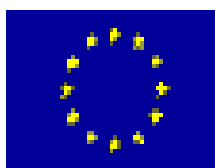
Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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I. Executive summary

In Finland, discrimination is a part of everyday life for many people. The groups that are vulnerable to discriminatory practices cover virtually all traditional areas of discrimination from ethnic discrimination to discrimination against the disabled. The particular challenge posed by multiple discrimination is not adequately recognised either on a policy level or in legislation

- Finland should seek to regulate multiple discrimination as a more heinous form of discrimination. The present situation where person who has been discriminated against must legally identify a particular grounds on which he or she has encountered discrimination does not reflect the fact that many are discriminated on multiple grounds.

In regard to **employment** in Finland, the alarmingly high unemployment rate in many immigrant communities poses the most serious threat to equality. The main problems are a lack of proper education, and insufficient recognition of foreign competences, both leading to unemployment. At times, exceedingly high demands for language skills constitute a genuinely discriminatory practice which prevents many immigrants from entering the work market.

- Integrative education should recognise the individual strengths and weaknesses of every immigrant and focus on those rather than provide one approach for everyone. Municipalities ought to be obliged to provide a personal integration plan for every immigrant and sufficient funding to realise these plans.

Homelessness is a growing problem in Finland, with most of the homeless living in the Metropolitan area. The general migration of the native population to the region around the capital, paired with insufficient construction of housing, has caused rents to soar. As the non-profit housing options are not always available or are often not of a suitable size, many end up without a home or living in cramped apartments.

- The State and the municipalities in the Metropolitan area should work together to improve the planning and building of housing across the borders of municipalities.

The bullying of immigrant children in basic **education** is commonplace. This endangers their integration and academic results, which might further lead to difficulties in finding a place in vocational or higher education.

- Teaching staff need to be sensitised to recognise various forms of bullying. The KiVa project should be extended to cover every school providing basic education.

In **healthcare**, discrimination is mostly based on socio-economic status, with the underprivileged having more health problems than those who are better off. Many asylum seekers and refugees suffer from various traumas caused by the living conditions in their country of origin. Their health problems necessitate better and earlier recognition.

- The state support to municipalities receiving refugees and asylum seekers should be increased to cover the expenses of specialised health care.
- Also, the health problems of asylum seekers ought to be recognised earlier on in order to provide them with necessary health care at the first instance.

With regard to equal treatment, **some of the policing practices** in Finland are a cause of concern: for example the monitoring of immigrants as a daily practice in policing and in particular the nation-wide, special week of intensive monitoring of immigrants and their papers.

- Finland needs to re-assess the use of policing methods that are based even partly on the ethnic profiling and physical appearance of the individual.

The **access to goods and services** in the private sector is insufficiently regulated, with many minorities encountering institutionalised discrimination. The impunity of discriminatory practices, together with insufficient monitoring of these practices, are of concern.

- Finland ought to enact new Act on Equal Treatment which would better recognise private services as an area where discrimination can happen and where it is often encountered.

As the national **media** is mostly produced by only a few media corporations, which are relatively tolerant, the most visible forms of racist or discriminatory remarks are to be found in new media on the internet. The fuzzy border separating freedom of expression from unacceptable forms of hate speech is a cause for concern for both courts and individuals alike.

- To counter hate speech on the internet either an Act that would define the unacceptable forms of hate speech or an official interpretation from the scope of freedom of expression vis-à-vis other freedoms is needed.

One of the most important developments during the reported period was the decision to establish a National Human Rights Institution. Founding a national institution will provide human rights and anti-discrimination with a more visible and influential role.

- The decision to found a National Human Rights Institution is to be commended. A strong commitment to the advocacy of human rights will

increase the impact of human rights in political decision-making and political discourse.

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III. Introduction

The present situation of anti-discrimination and anti-racism policies and legislation is quite good, but the recent negative changes in the political atmosphere have caused concern as to whether the present situation will be maintained. However, during the period dealt with in this report, March 2010 to March 2011, the Finnish Parliament enacted a number of important Acts to promote non-discriminatory practices even further, in all areas of life. The most important one was the decision to establish a National Human Rights Institute, which will begin its work from the start of 2012.

This report concludes that, although the present situation in Finland is good, there are still areas where further improvement is needed. In the field of housing problems of segregation and homelessness are a cause for concern, and the problem of bullying in basic education is a challenging one. In the employment market, the sky is cast with dark clouds as the unemployment rate of immigrants is untenably high and for certain communities is close to 100%. As studies conducted by the National Institute for Health and Welfare evidence strong correlation between unemployment and an ailing health,¹ these high unemployment figures are exacerbating various health problems which further accentuate the multifaceted problems many immigrants face in Finland.

The study will progress thematically from a general overview of groups that are discriminated against to more specific areas of discrimination in employment, housing, education, health, criminal justice, access to goods and services, and the media. As the scope of study is limited, on occasion the reader is referred to external material, which, sadly, is mostly available only in Finnish. Due to the diverse nature of the areas of discrimination that are outlined, some of the subjects are treated more qualitatively whereas others are dealt with more quantitatively. Where possible, the report provides information on the diverse opinions held in Finnish society.

Although the report will not treat the developments in the second part of 2011, there are a number of references to both pre- and post-electoral developments² that, strictly speaking, fall outside the scope of this study. This particular approach has been chosen as the recent political changes in Finland have been relatively drastic and providing only the situation as it was before the election

¹ See e.g. Nenonen et al. Terveys- ja hyvinvointivaikutukset – lähtötason tilanne 2009–2010, p. 88–90, THL Report 22/2011, (Helsinki: Terveystietokeskus 2011) and Heponiemi et al., Katsaus työttömyyden ja terveyden välisiin yhteyksiin, p. 65–67, Publications of Ministry of Employment and Economy 14/2008 (Helsinki: Työ- ja elinkeinoministeriö 2008). For regional differences in health, e.g. Alueellinen terveys- ja hyvinvointitutkimus [Regional health and wellbeing report] at <http://www.terveytemme.fi/ath/index.html>, accessed 26 October 2011.

² The Parliamentary elections were held on 17.4.2011 and the new government was finally created on 18.6.2011.

would be insufficient to illustrate the state of Finnish society at the time of writing this report.

IV. Communities vulnerable to racism and discrimination

As always, the list of those discriminated against is longer than the list of those who feel themselves to be free from all forms of discrimination. Despite the fact that ordinarily in the Occident healthy, white, males are considered to be the group least likely to face discrimination, Finnish society has, as of late, shown palpable evidence that even they are far from exempt from discrimination.³ However, this report deals with the groups that face both, more forms of discrimination and proportionally more discrimination.

A community with a long-lasting burden of both tacit and explicit discrimination is that of the Roma people, both the national Roma minority and the immigrant Roma people, particularly from other European Union Member States. Another recurring theme of the Finnish debate around discrimination is the rights of Sami people, and the apparent problems in providing language education and solving the centennial debate of land ownership in the north of Finland. Also permanently featuring on the list of communities that are discriminated against are the largest foreign language speaking minority: native Russian speakers. These groups could be, *grosso modo*, classified under the umbrella of cultural discrimination.

In contrast to the aforementioned cultural discrimination, the growing number of refugees and asylum seekers from outside the Europe since the collapse of the Iron Curtain has resulted in discrimination against the visible minorities. In regard to people of African descent, in the wake of the first refugees arriving from the Horn of Africa, in particular from Somalia, there is evidence of far-reaching discrimination in Finland. This is partly due to preconceived ideas such as that Somali culture actively created a strategy of differentiation that has created an unbridgeable gulf between immigrants from the sub-Saharan Africa and the Finnish main population. The idea of a generic, misrepresented and stereotyped Somali has come to be considered the threat to societal integrity and a picture of failed immigration. A large bulk of the Finnish immigration debate (a mish-mash of differing themes of asylum, refugee status, student visas, residence permits, and happy co-existence) revolves around the Somali, though their proportion of the total immigrant population in Finland is but a few per cent. Very different issues and groups of people are hidden under the generic concept of 'immigration' in public discourse, such as asylum seekers, refugees, students from abroad, those seeking residence permit and so on.

For the last decade, the attitude towards Islam as a religion, and Muslims in general, has been growing increasingly negative. The terrorist attacks perpetrated by jihadists against the Occident have had an important effect on the

³ Ombudsman for Equality, *Fathers have a right to parenthood, too – even after divorce*, <http://www.tasa-arvo.fi/nyt/tiedotteet/tiedote/view/1555823>, accessed 29 August 2011. See also the right of child to both parents and a ruling of European Court of Human Rights *Case of Grönmark v. Finland* (17038/04) where Finland was found to violate the right of the child to parents due to the inflexible and rigid interpretation of national legislation.

multicultural debate in Finland. Often an image of Muslims is projected, using the Qur'an as a reference point: these Qur'an based arguments are used for arguments to illustrate how ill-suited the values of the Muslim community are with the values of the majority in Finland. Islam as a religion has evolved into a target of discrimination. This was clearly illustrated by the Minister of the Interior, Ms. Päivi Räsänen, when she urged Finland to seek Christian refugees that can better adapt to our society rather than those of the Islamic faith.⁴

These “racial”, cultural, and religious motives for discrimination often mix and mingle with those related to health, sexuality and sex. When there is insufficient supported housing for people with disabilities in general, it is safe to say that e.g. Roma people and refugees with disabilities face an even graver lack of housing. Analogous to the situation of the disabled, are the situations of many female Muslims or gay Somalis, who are victims of multiple discrimination. Further exacerbating the problem is the situation that in many cases the minority community itself might also discriminate against those belonging to a minority within a minority (e.g. a gay Muslim). However, multiple discrimination has not received the attention it demands—a situation worsened by the fact that different motives for discrimination, are provided with different legal safeguards (e.g. it might be more effective to complain of being discriminated due to being a woman rather than due to being a Muslim or being black, although the discrimination may be due to all of these reasons).

Many important groups encountering discrimination are not included in this report, such as elderly people (in the Finnish context in particular the freedom of movement issues and access to healthcare) and people of transgender. Wherever possible, a reference is made to available material on the discriminatory treatment encountered by these important but, sadly, neglected groups.

⁴ Manner, Maria, *Konservatiivien kuningatar*, <http://ylioppilaslehti.fi/2010/10/konservatiivien-kuningatar/>, accessed 29 August 2011. Compare to blog entry at Räsänen, Päivi, *Suojelutarve ei ole pakolaisten valintaperuste, se on itsestäänselvyys*, <http://paivirasanen.puheenvuoro.uusisuomi.fi/50701-suojelutarve-ei-ole-pakolaisten-valintaperuste-se-on-itsestaan-selvyys>, accessed 29 August 2011.

V. Racism and related discrimination in employment

VII.i Manifestations of racism and related discrimination in employment

The past year has seen new trends in the debate on discrimination in employment, alongside the more long-lasting issues. These new phenomena can be sorted under two main categories—the role of immigrant population in the shadow economy⁵ and the growing rates of unemployment amidst some immigrant communities—which partly reflect different facets of the wider problem in the work market. This wider issue is epitomised in direct discrimination at various levels in the employment process (e.g. set of requirements, interview, &c.) and in the conditions of employment (e.g. wage and working time). The inherent problems in employment might function as a catalyst for the problems of segregation within the work market as well as in other fields (see below on housing and education). For example, discrimination in the work market creates multiple sorts of segregation: one that is internal to work market (i.e. work of immigrants, such as, cleaners), one of housing (i.e. poor salary from their work leads to limited choices of housing causing segregation in housing) and finally one of education (the suburbs where immigrants are forced to live also have some of the worst quality basic education in the country as the teaching staff of these schools is in constant state of flux). Also, the link between unemployment and health will be examined more closely (see below on health).

An extensive survey conducted by the Ombudsman for Minorities highlights the discrimination in employment faced by those who are native Russian speakers.⁶ The study shows that although the Russian speaking minority group has a high level of education and good Finnish language skills, they still have an unemployment rate of 31.3%, which is significantly higher than that of the immigrant population in general (17.6%) and three times higher than the unemployment rate for the entire population (10.2%).⁷ As most Russian speakers live in the east of Finland and in the major cities (Helsinki region, Tampere and Turku) one possible explanation for the higher than average unemployment rate could be the generally higher unemployment rate in eastern Finland.⁸ However,

⁵ Here the term suggests the entirety of all illegal measures to avoid paying taxes as suggested in e.g. Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community with its further amendments as well as within the report *Suomen kansainvälistyvä harmaa talous*, see in particular pp. 16-29.

⁶ Ombudsman for Minorities, *Venäjänkielisten työllistyminen ja työsyrijintä*, [http://www.vahemmistovaltuutettu.fi/intermin/vvt/home.nsf/files/Venäjänkielisten%20työllistyminen%20ja%20työsyrijintä%202010/\\$file/Venäjänkielisten%20työllistyminen%20ja%20työsyrijintä%2010.pdf](http://www.vahemmistovaltuutettu.fi/intermin/vvt/home.nsf/files/Venäjänkielisten%20työllistyminen%20ja%20työsyrijintä%202010/$file/Venäjänkielisten%20työllistyminen%20ja%20työsyrijintä%2010.pdf), accessed 29 August 2011

⁷ Ibid. p. 12

⁸ See [Työttömät työvoimasta](#) statistics from 2008 and compare to regional distribution map of Russian speakers on the Ombudsman for Minorities report *Venäjänkielisten työllistyminen ja työsyrijintä* p. 11.

this does not explain why the unemployment rate of native Russian speakers is three-times higher.

This survey conducted by the Ombudsman for Minorities also seeks possible explanations for the results using a five-step list provided by Mr. Akhlaq Ahmad.⁹ The list contains social and cultural factors such as: insufficient language skills; the lack of recognition for foreign degrees; the lack of informal human capital together with the lack of Finland-specific cultural know-how; employer mistrust of immigrant employees; and direct discrimination. Based on these explanations provided by Mr. Ahmad, the survey seeks to explain the reasons why Russian speakers are encountering such difficulties in the work market.

Despite the strikingly high figures of unemployment, the proportional number of those unemployed within the Russian speaking minority has been decreasing ever since the mid-1990s.¹⁰ Also of note, though the unemployment figures are alarming, there are only a few who claim they have been discriminated against in job interviews. This fact might have to do with the difficulty of identifying discriminatory practices in an interview situation.¹¹ According to the survey, the salary for a native Russian speaker tends to be lower than that of colleagues who are from the majority.¹² The members of the Russian speaking minority consider the present system of monitoring rights insufficient and inefficient.¹³

Together with the question of direct discrimination, the topic of the 'shadow economy' has gained greater importance in recent years in Finland and it would be erroneous to declare that all critique or debate on minorities and/or immigrants as perpetrators in the shadow economy would be unsubstantiated. However, the shadow economy has a two fold connection with discrimination in employment. First, the immigrant entrepreneurs are deemed more likely to avoid taxation and/or various social security levies. Secondly, the immigrant workforce and workers coming from abroad are more likely to fall victim to exploitation in the work place in the form of lower or even illegal salaries and unsuitable working conditions (e.g. working hours, access to healthcare, guidance to safety regulations, &c.).

The primary facet of the public debate around immigrants-as-actors in the shadow economy is normally in reference to small fast-food restaurants. At present there is insufficient research on the matter, but what little evidence there is, does suggest that tax avoidance, exploitation of workers and/or abuse of state subsidies is a genuine problem. Hence, the scope of the problem is hard to evaluate as there are only rough estimates of the total damage to the national

⁹ Ahmad, Akhlaq, "Voisin tietysti palkata heitä, mutta..." Työmarkkinoiden sosiokulttuurinen sidonnaisuus' in Sirpa Wrede and Camilla Nordberg, eds., *Vieraita työssä. Työelämän etnistyvä eriarvoisuus* (Helsinki: Helsinki University Press, 2010), 72–92. See in particular pp. 75–78.

¹⁰ n. 6, p. 14

¹¹ Ibid., p. 25

¹² Ibid., p. 26–27

¹³ Ibid., p. 29–31

economy caused by the shadow economy in the hotel and restaurant sector (370 M€ annually).¹⁴ The proportion of immigrant entrepreneurs in this estimate and the causes of this behaviour are, are yet to be explored. In recent studies participation in the shadow economy was explained by a 'lack of knowledge', which hardly can be the main cause.¹⁵ Nonetheless, the disproportionate attention that immigrant entrepreneurs are receiving with regard to this issue is an example of the current polarised and heated political and media debate (see below on respective sections).

Another facet of the shadow economy is closely tied to the public debate. The National Bureau of Investigation (NBI) in its thematic situation view (teematilannekuva in Finnish) underlines this close connection. The untenable pricing policy of some of the aforementioned fast-food restaurants owned by immigrants, are driving their owners to hire other immigrants from the same community or their family members to work.¹⁶ The working conditions are at times appalling (e.g. long hours without proper rest periods), wages are next to non-existent, and there is no record of paid social security levies. In many cases the hired worker is also totally dependent on the employer as he or she might have inadequate language skills and/or might need a place to work in order to have work and residence permit extended.¹⁷ According to NBI, in many cases these bad working conditions are described as as 'family work' or 'voluntary work' by immigrant employers. In sum, many of the opinions voiced in the European Union Fundamental Rights' Agency's (FRA) domestic workers report apply to these immigrants working under bad conditions.¹⁸ Yet, one must emphasise that much more research is needed in order to find out the full extent of the phenomenon.

The immigrant population are also susceptible to discrimination in general, not only whilst working for their fellow immigrants.¹⁹ The working conditions, wages and social security entitlements in general do not always meet the standards set by Finnish employment regulation. For example, the wage might be lower than the minimum wage, breaks can be too short or non-existing and there can be a

¹⁴Keskusrikospoliisi, *Yrityksiin kohdistuvan ja niitä hyödyntävän rikollisuuden teematilannekuva 2011: ravintola-ala*, [http://www.poliisi.fi/poliisi/krp/home.nsf/files/09EF824EA76E1938C2257877002CD4CB/\\$file/Tee matilannekuva_kev%C3%A4t2011_%2020110411.pdf](http://www.poliisi.fi/poliisi/krp/home.nsf/files/09EF824EA76E1938C2257877002CD4CB/$file/Tee%20matilannekuva%202011_0411.pdf), accessed 29 August 2011. The data is also available on Hirvonen, Markku et al. *Suomen kansainvälistyvä harmaa talous* (Helsinki: Eduskunta, 2010), p. 64–88.

¹⁵ Ibid, p. 12

¹⁶ Ibid, p. 12

¹⁷ Ibid.

¹⁸ European Union Agency for Fundamental Rights, *Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States* (Luxembourg: Publications Office of the European Union, 2011), p. 9

¹⁹ Eskola, Kaisa and Alvesalo, Anne, *Ulkomaiseen työvoimaan liittyvät väärinkäytökset – poliisin tutkimat tapaukset*, http://www.ttl.fi/fi/verkkokirjat/Documents/Ulkomainen_tyovoima_2010.pdf, accessed 29 August 2011. See in particular chapter 4 (pp. 27–40) (in Finnish).

lack of information provided on safety regulations at work.²⁰ Many migrant or minority workers are also highly dependent from their employer as losing their job may well result on losing their work permit, and, consequently, lead to their expulsion from the country. This dependency, together with a lack of knowledge on the relevant work regulations effectively reduces the possibilities for an immigrant worker to challenge any discrimination they might encounter at work.

The workers that are imported from abroad, mainly from Russia and from the new EU Member States of the Baltic Sea region,²¹ are also targeted by widespread discrimination in employment. At times their working conditions are abysmal, with low wages, insufficient safety measures, and inhumane working hours, being the main areas of concern.²² The responsibility of the working conditions of these imported workers is partially divided between the company who has sent them and, in most cases, the Finnish company for which they work.²³ However, in many cases this basic contractual structure is made unclear through the use of an array of subcontractors. The monitoring of the working conditions of imported workers is limited due to lack of resources and even when violations are discovered the punishment is not financially significant enough to discourage companies from abusing their imported workers.

A peculiar group of workers sent from abroad or 'imported workers', are seasonal workers coming to Finland to gather berries.²⁴ These workers are legally considered to be 'entrepreneurs' or merely 'tourists' visiting Finland with a three-month visa. This is due to the fact that the picking of berries is exempt from taxation and therefore even professional berry picking falls entirely outside the scope of tax administration and, thus, in many cases, outside the scope of monitoring.²⁵ The media has reported on various shortcomings in the work conditions of these berry pickers, with the main concern being the huge risk these people take when they arrive in Finland to pick berries, as the companies buying the berries do not provide any sort of a guaranteed salary.²⁶ This has led

²⁰ As an alarming example of this, a fourth of workers that die on industrial accidents are of immigrant origin (Rotko et al, *Kapeneeko kuilu?*, p. 73)

²¹ Lith, Pekka, *Työnteko yli rajojen lisääntyy*, http://www.stat.fi/artikkelit/2007/art_2007-11-07_005.html?s=0#4, accessed 29 August 2011.

²² Korhonen, Heikki, *Ulkomaalaiset lisääntyneet yhä etelän julkisivutyömailla*, http://www.rakennusliitto.fi/mestalla/artikkelit/2010/ulkomaalaiset_lisaantyneet_yha_e/, accessed 29 August 2011.

²³ Hietaranta, Mikko, 'Aluehallintovirasto – tilaajavastuu' in Harmaan talouden selvitysyksikkö, *Harmaan talouden tilannekuva I/2011*, <http://www.vero.fi/download/noname/%7B461CA774-ACC5-473B-B419-7CC84C599FEA%7D/5376>, accessed 29 August 2011.

²⁴ n. 6, pp. 33–34 see also OSH Administration, *Wages and terms of employment applied in berrypicking 2011*, <http://www.tyosuojelu.fi/fi/forward/file/1364>, accessed 29 August 2011.

²⁵ A compact view on the matter in English is provided by Junka-Aikio, Laura, *Tempest in a berry patch*, <http://www.ulapland.fi/?deptid=20869>, accessed 29 August 2011.

²⁶ n. 19, pp. 37–38 cites three news from Finnish Broadcasting Company (YLE). Also e.g. Helsingin Sanomat/STT, *Tutkija: Thaipoimijoiden työolot lähellä pakkotyötä ja ihmiskauppaa*, <http://www.hs.fi/kotimaa/artikkeli/Tutkija+Thaipoimijoiden+ty%C3%B6olot+l%C3%A4hell%C3%A4+pakkoty%C3%B6t%C3%A4+ja+ihmiskauppaa/1135260198981>, accessed 29 August 2011.

to cases where the foreign workers sent from abroad have in fact lost money by coming to Finland to pick berries, despite arduous and difficult work for up to 18 hours a day.²⁷

Example of NGO Good Practice

The **MONIVERKKO-project**²⁸ is coordinated by the Palmenia Centre for Continuing Education at the University of Helsinki and Diversa Consulting. The project works to improve the skills of immigrant workers through providing Finnish language education, and skills training for migrants who are looking and applying for work, as well as organised courses to improve the participants' cultural knowledge.

The project also stresses the importance of social capital in employment and it provides special recruiting events whereby the participants can visit prospective employers.

VII.ii The political and legal context

The year was marked with improved funding and policies for countering the damage caused by the shadow economy. An initial report was commissioned by the Audit Committee of Finnish Parliament.²⁹ It estimated the value of Finnish shadow economy to run into billions annually (anything from 10 to 14 billion euro).³⁰ After these findings from the Committee, a special monitoring unit was established, within the Tax Administration, with a sole focus on the shadow economy (*Harmaan talouden selvitysyksikkö* in Finnish).³¹ Through the work of this unit the State also tries to tackle the side-effects of the shadow economy, which are relevant to the field of human rights in general and discrimination in particular (e.g. human trafficking, abuse of immigrant workforce, &c.).³²

²⁷ Anttila, Sanna, *Ulkomaalaisten metsämarjanpoimijoiden perusoikeudelliset oikeudet ja velvollisuudet*, unpublished Master's Thesis. Available on digital form at <http://www.doria.fi/bitstream/handle/10024/63653/6800.pdf?sequence=1>, accessed 29 August 2011. Thesis lays down different aspects of fundamental rights protection of berry pickers, see in particular chapter 4, p. 55 ff.

²⁸ The final report titled [Maahanmuuttajatyön hyvät käytännöt](#) (in Finnish) provides further information from the good practices developed and tested during the project.

²⁹ Hirvonen, Markku et al. *Suomen kansainvälistyvä harmaa talous* (Helsinki: Eduskunta, 2010)

³⁰ *Ibid.*, p. 298

³¹ Contact information of the monitoring unit can be accessed at [http://www.vero.fi/fi-FI/Tietoa_Verohallinnosta/Yhteystiedot/Verohallinnon_muut_yksikot/Harmaan_talouden_selvitysyksikon_yhteyst\(17321\)](http://www.vero.fi/fi-FI/Tietoa_Verohallinnosta/Yhteystiedot/Verohallinnon_muut_yksikot/Harmaan_talouden_selvitysyksikon_yhteyst(17321)). See also Laki Harmaan talouden selvitysyksiköstä (Act on Establishing the shadow economy Monitoring Unit) (1207/2010).

³² There are a number of cases from recent years on courts of appeal on human trafficking. Whether these have anything to do with shadow economy is hard to evidence. For the cases see e.g. Turun HO 21.6.2010 1495 and Turun HO 30.9.2010 2278

The first reports from the aforementioned unit reveal present shortcomings at the legislative and policy level which ought to be corrected.³³ The reports recommend the use of various alternative taxation procedures (e.g. reverse VAT and personal tax numbers for workers sent from abroad), changes to the Act on Contractor's Obligations and Liability³⁴ and its monitoring and more extensive co-operation between various operators on the taxation. The suggestions provided in the first reports from the unit are likely to be implemented in the foreseeable future as the new Government has announced its firm commitment to counter the ills of the shadow economy.³⁵

A similar set of suggestions for improving the working conditions and employment levels of immigrant minorities can be found in a report by the Ombudsman for Minorities.³⁶ A list of specific suggestions is provided for a number of fields of employment, though they mostly focus on changes in attitudes rather than in legislation or policy. However, some suggestions do focus on specific policy issues such as improving language education for immigrants in the second national language (either Swedish or Finnish), as well as changing the State support for companies who hire immigrants through pay subsidies (palkkatuki in Finnish). The pay subsidy for hiring immigrants would be paid to the employer for a longer period of time. The amount of the subsidy would remain the same and would start at the same level as at present, but it would gradually get lower and be more spread out over a longer period of time. This change, the report suggests, would encourage companies to hire immigrants for a longer period of time as the pay subsidy would last longer.³⁷

Also the final Committee report on a new Equal Treatment Act by the Equality Committee is an important document which will further guide the enactment of the new Act.³⁸ It expands the grounds on the basis of which persons may receive compensation when they are discriminated against. If the NGOs were also given the right to file a petition or ask for an opinion from the various discrimination bodies, as suggested by some of the organisations heard by the Committee preparing the new Equal Treatment Act, the protection of minorities against discrimination would be further improved.

³³ Harmaan talouden selvitysyksikkö, *Harmaan talouden tilannekuva I/2011*, <http://www.vero.fi/download/noname/%7B461CA774-ACC5-473B-B419-7CC84C599FEA%7D/5376> and Harmaan talouden selvitysyksikkö, *Harmaan talouden tilannekuva II/2011*. The latter publication can be ordered via e-mail from address htsy@vero.fi

³⁴ Act on Contractor's Obligations and Liability [Tilaajavastuulaki] (1233/2006)

³⁵ Government Programme, pp. 15–17

³⁶ n. 6, pp. 37–39

³⁷ For pay subsidy, see the brochure Palkkatuki – tukea palkkakustannuksiin 2010 (accessible at http://www.mol.fi/mol/fi/99_pdf/fi/06_tyoministerio/06_julkaisut/05_esitteet/tme0014s_palkkatuki.pdf) for more details on the present system (in Finnish). A brief explanation of the system in English is provided in Guide to Working in Finland portal at <http://www.tyomarkkina-avain.fi/cms4/index.php?palkkatuki>, both sites accessed 26 October 2011.

³⁸ Kumpulainen, Sini, *Ehdotus uudeksi yhdenvertaisuuslaiksi ja siihen liittyväksi lainsäädännöksi*, (Helsinki: Oikeusministeriö, 2010).

A negative development that must be mentioned is that the new Government Programme maintains that the Equal Treatment Act and the Non-Discrimination Act will remain separate.³⁹ This needlessly complicates the Finnish system for combating discrimination as it means that different legal safeguards and legal procedures are available for different discriminatory grounds. It also does not sufficiently recognise the fact that discrimination can occur simultaneously on multiple grounds, a fact that is not supported by keeping gender-based discrimination separate from other types of discrimination.

³⁹ See page 26 of Programme of Finnish Government, http://www.vn.fi/hallitus/hallitusohjelma/pdf332889/220611hallitusohjelma_en.pdf, accessed 29 August 2011.

VI. Racism and related discrimination in housing

VI.i Manifestations of racism and related discrimination in housing

Problems of discrimination in regard to housing can be roughly outlined under two partly intertwined phenomena. The first phenomenon is that of direct discrimination in the rental market and the second one, is the issue of the increasing number of homeless immigrants. Although both are of equal concern, the latter has proven to be a more challenging phenomenon to tackle. Whereas direct discrimination—at least by the municipal provider of rental apartments—can be brought up before a tribunal, the problems of homelessness are linked to a number of causes ranging from planning to socio-economic disparity between immigrants and the main population.

In the private rental market, which comprises roughly half of all the rental apartments in Finland, there are no direct guidelines on the selection of tenants.⁴⁰ The freedom of the contract between the lessor and the tenant lies at the heart of private rental markets, and, hence, the decision on who to lease an apartment to is made based on an *in casu* evaluation of the tenant's person. However, the 'Fair Rental Practices', a document produced in co-operation by various actors on private rental market, does lay emphasis on transparency and loyalty between the parties.⁴¹ The Fair Rental Practices document, together with guidelines on gathering personal data from tenants,⁴² ought to provide sufficient safeguards against malpractice. However, as the freedom of contract prevails, the choice of the lessor may be entirely biased without it being seen to be discriminatory. A further study on the status of minorities (sexual minorities, disabled people, immigrants, Roma, and Sami people) in the private rental market would be needed in order to be able to evaluate whether *de facto* discrimination exists or not.⁴³

An on-going discrimination problem in housing in Finland is the situation of those who have received a residence permit and are waiting, either at reception centres or abroad, for an apartment. According to the Ministry of Interior in May of 2010 there were still refugees from Finnish refugee quota of 2008 waiting to be

⁴⁰ Personal communication with executive director of an association of lessors (Suomen vuokranantajat ry.) For information on the amount of private rental apartments the data from Statistics Finland is used. In 2009 there were a total of 718,649 dwellings in the rent statistics of which 361,203 were non-subsidised.

⁴¹ Fair Rental Practice, available in English at <http://www.vuokranantajat.fi/attachements/2008-09-22T17-05-1515.pdf>

⁴² Vuokrauksen tietosuojaohje, available in Finnish at <http://www.vuokranantajat.fi/attachements/2011-06-08T11-12-3672.pdf>

⁴³ In Sweden the Equality Ombudsman (Diskriminerings ombudsmannen, DO) performed such a [survey](#) and similar could be performed in Finnish rental markets.

accommodated in Finland.⁴⁴ The reluctance of municipalities to accommodate refugees and asylum seekers is piling the pressure on to reception centres as well as creating an increase in the number of people who are homeless(see below). For example, in the year 2009, there were only 1450 new dwellings for asylum seekers and refugees when the planned number based on demand was set at 2000. According to the annual report by the Finnish immigration service, the situation improved during 2010 and by the end of the year the number of people waiting to be allocated into housing in a municipality had been effectively halved from the level of 2009 (from 600 persons to 300 persons).⁴⁵

The Association of Finnish Local and Regional Authorities (AFLRA, *Kuntaliitto* in Finnish) states that the reason for the reluctance of municipalities to accommodate asylum seekers and refugees is the insufficient funding from the State. The Finnish state authorities are responsible for the international commitments (i.e. refugee quota) as well as for deciding the number of residence permits provided to asylum seekers. It is, therefore, according to AFLRA, the State's obligation to provide municipalities with sufficient funding to organise the integration and accommodation of refugees and asylum seekers.⁴⁶ Also the Administration Committee of the Parliament of Finland deemed the current funding to be insufficient.⁴⁷ Nonetheless, the State has not allocated more funding to compensate municipalities for the costs of providing integration services and accommodation.

An issue of direct discrimination was considered by the National Discrimination Tribunal of Finland in early 2010⁴⁸. The Tribunal issued a ban on discrimination to city of Järvenpää and Mestariasunnot Oy, a private company owned by the city of Järvenpää. The case, advocated by the Ombudsman for Minorities, was brought up at the Tribunal on behalf of a person belonging to the Roma minority. In its decision, the Tribunal found the practice of Mestariasunnot Oy, upon which a special Roma representative was used to decide the suitability of a person of Roma origin for a given apartment, to be in a direct violation of applicant's fundamental rights. The city of Järvenpää removed the role of special Roma representatives during the trial.

⁴⁴ Ministry of Interior, *Valtakunnallinen pakolaisten kuntiin osoittamisen strategia 2010–2011*, [http://polis.fi/intermin/images.nsf/files/317DF9E3D3610344C2257754005628FD/\\$file/Kuntastrategia%20ty%C3%B6ryhm%C3%A4n%20muistio%2030062010.pdf](http://polis.fi/intermin/images.nsf/files/317DF9E3D3610344C2257754005628FD/$file/Kuntastrategia%20ty%C3%B6ryhm%C3%A4n%20muistio%2030062010.pdf), accessed 29 August 2011. See especially page 11 for statistics on those refugees still waiting abroad for a place in Finland although being accepted as part of Finnish so-called UN quota.

⁴⁵ Finnish Immigration Service, *Vuosikertomus 2010*, p.9, <http://www.migri.fi/download.asp?id=Vuosikertomus+2010;2087;{991A0D6B-ED77-4FE5-8184-33064CEA739D}>, accessed 29 August 2011. T

⁴⁶ Association of Finnish Local and Regional Authorities, *Pöytäkirja 9/2009*, §119. The mentioned paragraph in said protocol outlines the refugee policy of Finnish municipalities where AFLRA asks for 50% increase on the amount of state subsidies for municipalities lodging refugees and asylum seekers who have gained residence permit whereas state only provided 10% increase.

⁴⁷ Report of the Administration Committee 26/2010 vp for government proposal on the new Act for Integration of Immigrants, p. 7–8

⁴⁸ National Discrimination Tribunal of Finland, case 2009/3387.

Although the case only condemned malpractice in the city of Järvenpää, the Ombudsman for Minorities highlighted in its claim that a similar practice had also been used by several other providers of council housing. The discriminatory procedure in the aforementioned case is particularly problematic due to the fact that the Housing Finance and Development Centre of Finland (ARA) had already issued a recommendation in 2008 which stated that the use of Roma representatives was in a direct violation of the fundamental rights of the Roma.⁴⁹ The fact that the city of Järvenpää had not amended its practice by the summer of 2009 when the violation occurred, signifies either a lack of communication or lack of interest neither of which is acceptable for those working in public office.

Finland is, however, to be praised for its strong commitment to find suitable housing for everyone, regardless of nationality. Municipal rental housing is available to anyone who is able to provide the necessary documents showing that they are legally in country. Also, there are general recommendations—which strongly advise municipal and other lessors who have received state support to build housing—to avoid segregation when deciding where to provide rental housing to the applicant.⁵⁰

The second cause for concern in housing is the greatly increased number of homeless immigrants.⁵¹ According to the latest report published by ARA on homelessness, the number of homeless immigrants and immigrant families has been on the rise, unlike the number of homeless people in general. The reason for the rise can be attributed to various sources, but it ought to be noted that one of the possible causes is the more uniform criteria now used in statistics nationwide. However, this does not change the fact that immigrants are disproportionately represented amongst the overall number of homeless persons. 40% of homeless families are classified as belonging to the immigrant population and immigrants are 9% of all single persons suffering from homelessness, whereas the share of immigrants in the entire population of Finland is 3.1%.⁵²

One reason for the higher proportion of homeless immigrants could be that most of the immigrant population does live in the larger cities of Finland, where homelessness is a more accentuated problem. Another possible explanation could be that of immigrants weaker socio-economic standing *vis-à-vis* the main population. A third plausible explanation that is particularly important with regard to the situation of homeless immigrant families is that the family size of

⁴⁹ Housing Finance and Development Centre of Finland (ARA), Ohje romaneita koskevan asukasvalinnan täsmäntämiseksi, 25.4.2008, <http://www.ara.fi/download.asp?contentid=22226&lan=fi>, accessed 2. October 2011

⁵⁰ Housing Finance and Development Centre of Finland (ARA), *Arava- ja kirkotukivuokra-asuntojen asukasvalintaopas*, p. 5

⁵¹ Housing Finance and Development Centre of Finland (ARA), *Asunnottomat 2010*, Report 4/2011

⁵² Statistics Finland, Finnish population charts for 2010. Data based on the statistics publicised at the internet portal of Statistics Finland accessible at http://pxweb2.stat.fi/database/StatFin/vrm/vaerak/vaerak_en.asp → Nationality according to age and gender by region 1990 – 2010. The number of foreign citizens residing in Finland at the end of 2010 was 167 954 whereas the entire population of Finland was 5 375 276. Data accessed 27 November 2011.

immigrants is greater than that of the main population and, hence, it is harder to find housing of suitable size⁵³; a problem that is not alleviated by the fact that the special housing programme for reducing homelessness concentrated mainly on single person homeless households.⁵⁴ The statistics from the city of Helsinki also point towards this particular problem as apartments with four or more rooms are scarce, both in absolute numbers and proportionally.⁵⁵

A survey conducted by the social services of the city of Helsinki suggests that the reasons for homelessness among immigrants are different from those for homelessness among native Finns; immigrants are less likely to have a history of prior dislodgements, problems with alcohol or mental health problems.⁵⁶ For example, immigrants are found to arrive in Helsinki homeless more often, i.e., moving to Helsinki without a home. A probable cause for this is the fact that reception centres are to be found throughout Finland but most of the immigrants want to live in cities where there already is a notable immigrant population. The long waiting times to be granted a place in a municipality willing to lodge a refugee or an asylum seeker might also explain this tendency. As cities try to avoid segregation in housing the phenomenon of moving to a city without an apartment leads to further problems. As the freedom of movement cannot be limited, cities like Helsinki are between a rock and a hard place with a choice of either accepting growing segregation or facing an ever-increasing group of homeless immigrants. Further research on the reasons for immigrant homelessness is needed to provide more detailed information on the causes.⁵⁷

Example of NGO Good Practice

Vailla vakinaista asuntoa ry.⁵⁸ is an NGO with an aim to improve the living conditions of the homeless. Through numerous projects and campaigns it seeks to provide information to policy makers from the problems of homelessness as well as help homeless through temporary shelters. Vailla vakinaista asuntoa ry. is also part of the annual, nation-wide campaign *Asunnottomien yö*⁵⁹, to provide visibility to the every-day problems faced by homeless.

⁵³ These were some of the insights and guesses expressed during a telephone conversation with the authors of *Asunnottomat 2010* report. Although we are indebted for them for their insight, any factual errors on these opinions are of our own.

⁵⁴ Housing Finance and Development Centre of Finland (ARA) hosted a competition for innovative new approaches to counter homelessness together with three cities. All of the new innovative projects were targeted to single persons with need of supervision or help due to history of substance use or mental problems.

⁵⁵ Vihavainen, Maija, *Kaupungin vuokra-asunnot ja asukkaat 2010* (Helsinki: Helsingin kaupungin tietokeskus, 2011), pp. 10–11.

⁵⁶ Pitkäaikaisasunnottomien vähentämishjelma (PAAVO), *Suppean ohjausryhmän muistio 3/2011*.

⁵⁷ A report commissioned by Ministry of the Environment, which examined the homeless immigrants in Helsinki was conducted on 2002. Rastas, Merja, *Maahanmuuttajien asunnottomuus Helsingissä* (Helsinki: Ympäristöministeriö, 2002). On its conclusions the report states divorce, moving to Helsinki from elsewhere in Finland or living on a private rental apartment as common causes for homelessness.

⁵⁸ The home page in English is available at <http://www.vvary.fi/> → In English.

⁵⁹ More information from the campaign on its English home page at <http://asunnottomienyo.fi/in-english/>.

The problem of segregation, as mentioned above, is also one worth noticing.⁶⁰ As the immigrant population lives mostly in rental apartments and, for example, the municipal housing in Helsinki provides housing for 40% of all persons who do not speak any of the three national languages of Finland the problem of segregation cannot be fully avoided.⁶¹ In a similar vein, in the city of Turku, the segregation of foreign language speakers is apparent within the housing estate of 'Varissuo' where 37% of the population are speaking a foreign language whereas only 7,6% of the entire population of the city are foreign language speakers.⁶² At the same time the accentuated socio-economic problems are seemingly piling up as e.g. in the suburb of Varissuo the number of unemployed foreign language speakers is close to 50% whereas at the city level it is 16%.⁶³

Example of NGO Good Practice

The **Finnish Refugee Council KOTILO-project**⁶⁴ provides practical hints and general information on living in Finland. The information ranges from the sorting of waste to ordinary customs of living in Finland. All of the information is provided in multiple languages that are widely used within the Finnish immigrant population. The project also provides mediation to sort out problems caused by cultural clashes. The mediators work in pairs consisting of a native Finn and a person belonging to the immigrant population in Finland.

VI.ii The political and legal context

The National Programme to reduce long-term homelessness running from 2008 to the end of 2011 is coming to an end,⁶⁵ and although there are now more housing options available for persons suffering from homelessness there is quite a lot of work still to be done, even after the programme ends. Nonetheless, the Ministry of Environment has already publicised that the goal set for the first three year period has been reached with more than 1250 new dwellings built.⁶⁶ The programme will continue for another three year period from 2012 to 2015

⁶⁰ The most up-to-date view of the issue can be found from a study commissioned by the city of Helsinki. Ala-Outinen, Annina, *Hyvinvoinnin tukiverkko koetuksella. Helsingin palveluvirastojen toiminta kaupunginosien eriytymisen ehkäisemiseksi* (Helsinki: Helsingin kaupungin tietokeskus, 2010). See in particular p. 101 ff. for the conclusions and methods to improve the situation.

⁶¹ n. 55, p. 27

⁶² City of Turku, *Muutoksen suunnat. Ajankohtaiskatsaus Turusta 2/2011*, p. 2 <http://www.turku.fi/public/download.aspx?ID=132373&GUID={D2493AE8-4549-405F-9397-24312E55AB1C}>, accessed 29 August 2011.

⁶³ Ibid., p. 4

⁶⁴ The home page of KOTILO-project can be found at http://www.pakolaisapu.fi/en/finnish_refugee_council/frc_in_finland/kotilo-project/

⁶⁵ The evaluation of the process can be accessed from the internet site of Ministry of the Environment <http://www.ymparisto.fi/download.asp?contentid=125829&lan=fi>

⁶⁶ Ministry of the Environment and Ministry of Social Affairs and Health, *Target of halving long-term homelessness reached on 23rd of March 2011.*

according to the new Government Programme.⁶⁷ The programme for reducing the long-term homelessness has ten city-areas where most of the homeless people live as its focus. A particular emphasis is on the Helsinki region, where more than half of all homeless people live.

A report published by the Ministry of the Environment calls for more affordable housing, especially in the area around the capital, Helsinki, as well as in a few other major cities.⁶⁸ The acute need for affordable housing is most apparent in the Helsinki region. The need for more affordable housing for the immigrant population is recognised in the Government Programme but obviously, the nature of Government Programme as a mere political commitment gives reason to treat this information with a grain of salt. Also, as the report mentions, the problem lies not only in the absolute number of available and affordable apartments but also in the entire process of their production from planning to building.

A more extensive action plan for future housing policy in Finland is to be ready by the end of 2011.⁶⁹ According to the Government Programme this policy document will take note of the suggestions outlined in the aforementioned housing report, as well as an earlier report commissioned by the Ministry of the Environment⁷⁰ on the need to revise the legislation regulating state support for non-profit housing.

The problem of segregation has received fairly little attention from the policy makers and has remained mainly the municipalities' responsibility to solve it. In 2010, the Finnish government published a Communication for Metropolitan Policy.⁷¹ It outlines the future needs and demands of the so-called Metropolitan area (greater area of Helsinki including the cities of Espoo and Vantaa alongside a number of smaller municipalities). In this communication the government acknowledges that there is a need for more diverse and affordable housing as well as better planning across city borders in the area. However, the suggestions and policies remain largely on the level of principles thus providing fairly vague guidance on issue of housing. Instead of providing suggestions the communication states the facts, e.g., “[h]omelessness of immigrants is a rising phenomenon in particular in the area around the capital”, and, “preventing segregation and the accumulation of underprivileged people is one of the main challenges affecting the future development of the Metropolitan area”.⁷²

A hugely important development for the rights of the disabled is the strong commitment that has been shown for providing more housing for the disabled. The original impact came in the form of a decision in principle (*periaatepäätös* in

⁶⁷ A general description from the goals of the Government Programme and the full document can be downloaded from <http://www.vn.fi/hallitus/hallitusohjelma/en.jsp>

⁶⁸ Ministry of the Environment Reports 8 / 2011, *Valtiovallan rooli 2010-luvun asuntomarkkinoilla*

⁶⁹ Programme of the Finnish Government, p. 80

⁷⁰ Ministry of the Environment Reports 1 / 2010, *Yleishyödyllisyysäännösten kehittäminen*

⁷¹ Finnish Government, *Valtioneuvoston selonteko metropolipolitiikasta*.

⁷² *ibid.* p. 8

Finnish) from the Government⁷³, which was drafted in early 2010 and the actual Programme followed that November.⁷⁴ The Programme, prepared in co-operation with the Ministry of the Environment, Ministry of Social Affairs and Health and AFLRA, included the goal is to build 3600 new dwellings for the disabled with an annual quota of 600 new dwellings per year in the six year period (2010–2015). The purpose of these new dwellings is to reduce the number of disabled people living in institutions or in their childhood home.⁷⁵ A consultative committee for the housing of the disabled has also provided a document outlining the quality standards for the dwellings to be built.⁷⁶

Before the parliamentary election, the sitting president of the post-election Administration Committee, Mr. Halla-aho, wrote on his influential and widely read blog that segregation is a problem of immigration.⁷⁷ His blog entry remains the single most influential remark on the national policy level concerning the problem of segregation. He considers segregation in education and housing to be not a problem of these particular policy fields but rather a problem of Finnish immigration policy. According to Mr. Halla-aho, the municipalities ought to place their immigration population *missä se on järkevintä* [where it is most sensible/rational] for the municipalities.⁷⁸ His approach clearly implies that cost saving is a priority above avoiding segregation. He claims that this approach would take into account equality as well as reduce the estimated costs caused by the counter-segregation measures. As the Administration Committee deals with matters of “immigration affairs, and matters pertaining to the municipalities”⁷⁹ the opinions of its presidency are of great importance to future national policy development.

⁷³ Finnish Government, *Valtioneuvoston periaatepäätös ohjelmasta kehitysvammaisten asumisen ja siihen liittyvien palvelujen järjestämiseksi*, http://www.stm.fi/c/document_library/get_file?folderId=39502&name=DLFE-10827.pdf, accessed 29 August 2011.

⁷⁴ Ministry of Social Affairs and Health, Ministry of the Environment and AFLRA, *Valtioneuvoston periaatepäätöksen toteuttaminen: Ohjelma kehitysvammaisten asumisen ja siihen liittyvien palvelujen järjestämiseksi*, <http://www.ara.fi/download.asp?contentid=24521&lan=fi>, accessed 29 August 2011.

⁷⁵ See also, Ripatti, Päivi (ed.), *Kehitysvammaisten asumisen. Uusi reformi 2010–2015* (Helsinki: Terveys ja hyvinvoinnin laitos, 2011) for an array of articles on the housing of disabled under the new programme.

⁷⁶ Consultative Committee for the Housing of the Disabled, *Laatusuosituksen kehitysvammaisten henkilöiden asuntojen rakentamiseen vuosiksi 2010–2017*, <http://www.kvps.fi/download/pdf/ajan kohtaista/asuntojen-rakentamisen-laatusuositukset.pdf>, accessed 29 August 2011.

⁷⁷ Halla-aho, Jussi. *Segregaatio on maahanmuuttopoliittinen ongelma* at http://www.halla-aho.com/scripta/segregaatio_on_maahanmuuttopoliittinen_ongelma.html, accessed 22 August 2011.

⁷⁸ Mr. Halla-aho uses the Finnish phrase, “*julkisen valta*”, which translates to “government officials” but as the housing is provided by the municipalities it is likely the municipalities he refers to.

⁷⁹ Index page of the Administration Committee in English at <http://web.eduskunta.fi/Resource.phx/parliament/committees/administration.htx>, accessed 22 August 2011.

VII. Racism and related discrimination in education

VII.i Manifestations of racism and related discrimination in education

The problem of racism in education can be, *grosso modo*, divided into two distinct categories: structural discrimination, i.e., discrimination in official structures of education (e.g. student intake, segregation, &c.) and discrimination by peers and/or teaching staff. According to the most recent study on discrimination in education there is no official record of direct discrimination perpetrated by the municipalities, universities, or the State on student intake.⁸⁰ A handful of complaints sent to Regional State Administrative Agencies as well as to the Parliamentary Ombudsman and to the Office of the Chancellor of Justice have all been found inadmissible or ill-founded.⁸¹

A second structural problem, that of segregation, has been evidenced in recent years, particularly in the larger cities of Finland which also house most of the immigrant population.⁸² The problem of segregation in education is closely tied to segregation in housing (see above) as most of the Finnish children go to school in the vicinity of their residence. However, it is imperative to note that part of the issue of segregation is the genuine wish of the members of the immigrant communities to live near to other members of the same community. Nonetheless, this does not remove the problem posed by the segregation in education. The additional demand that the students also must learn the language of tuition (either Finnish or Swedish) increases the workload for the teachers. This has led to, as evidenced by the media, an exodus of teaching staff from heavily segregated suburb schools to other schools in the area.⁸³ Obviously, this poses the risk of insufficient or incompetent teaching staff in these areas, which could further accentuate the problems caused by segregation. However, one needs to bear in mind that the segregation is apparently a signal of a wider socio-economic phenomenon, but as it disproportionately targets immigrant population, it is also a cause for concern with regard to discrimination.

A particularly grave issue in structural discrimination in the Finnish educational system is the situation of indigenous people of Finland. The right of the Sami people to have education in their own native language is endangered due to lack

⁸⁰ Kari Huotari, Sinikka Törmä and Kati Tuokkola, *Syrjintä koulutuksessa ja vapaa-ajalla: Eriyistarkastelussa seksuaali- ja sukupuolivähemmistöihin kuuluvien nuorten syrjintäkokemukset toisen asteen oppilaitoksissa* (Helsinki: Ministry of Interior, 2011).

⁸¹ Ibid, pp. 15–28

⁸² See e.g. the study referred to in n. 55 *in passim*.

⁸³ Turun Sanomat, *Opettajat ovat alkaneet hylkiä köyhien alueiden kouluja*, <http://www.ts.fi/online/kotimaa/175516.html>, accessed 29 August 2011.

of competent teaching staff.⁸⁴ Hence, it is not possible to do matriculation (*ylioppilastutkinto*) in its entirety in any of the three main Sami languages of those spoken in Finland. Also the language rights, of those Sami people who live outside their traditional area of residence in northern Finland, (40% of all the Sami people in Finland), are insufficiently guaranteed. This is quite similar to the situation with the Roma language and its teaching; although it is guaranteed by a law, insufficient funding and a lack of suitable educational personnel prevents access to education in the Roma language. Nonetheless, the state does support teaching in these languages financially, by a substantial amount, which ought to provide sufficient impetus for the municipalities to organise teaching either through virtual classes or by employing a language teacher of their own. There is also special budgetary support (1.5M€) for Roma language, which is provided by the state to 31 municipalities in order to develop measures to help Roma children to get through basic education.⁸⁵

Example of NGO Best Practice

LäksyHelppi⁸⁶ is a project initiated by the Finnish Red Cross at and around Helsinki. It provides immigrant youths with a chance to do their homework, discuss and play together with Finnish volunteers. The goal of the project is to help as many immigrant youths as possible to complete either vocational education or sixth form.

The **Kaaleet kouluun! Project**⁸⁷ is a three year project to develop permanent models in education to enhance the integration of the Roma population. The purpose of the project is to support Roma children in their basic education and in their search for a place in further studies (vocational education, sixth form).

An entirely different problem is that of bullying, which has more bearing on attitudes of children and their parents than structural deficiencies *per se* in the educational system. A vast majority of all studies concerning discrimination in education are focused on children and adolescents. Therefore, the main body of research does not approach the possible problem of discrimination in higher education or in adult education. Also, the education targeted solely at immigrants or minorities, such as, integration training and Finnish or Swedish foreign language courses, have been side-lined in academic research, although the question of the poor quality and the accessibility of language education has been

⁸⁴Lukiokoulutuksen kehittämisen toimenpide-ehdotuksia valmisteleva työryhmä, *Lukiokoulutuksen kehittämisen toimenpide-ehdotuksia valmistelevan työryhmän muistio* (Helsinki: Opetus- ja kulttuuriministeriö, 2010), pp. 58–59

⁸⁵Ibid., p. 64

⁸⁶The home page of the project as well as further information is available (in Finnish) from <http://www.vastuutekoja.fi/106.html>, accessed 26 October 2011.

⁸⁷The home page of the project and further information can be found from <http://www.hdo.fi/projektit/207-kaaleet-kouluun-projekti>, accessed 29 August 2011.

brought up.⁸⁸ With this in mind, it is fair to say that in regard to discrimination by peers and/or by the teaching staff, there are ample studies.⁸⁹ Yet, they do provide somewhat diverging results. The difference in results is partly due to incomparable methodologies or heterogeneous points of view, though the differences can also be due to the different realities of immigrants and minorities in Finland.

A quantitative, statistical research study on the victimisation of immigrant preadolescent youths concludes that “immigrant youth are at higher risk of being victimized by their peers in Finland”.⁹⁰ However significant the result, it tells relatively little about the reasons behind this or about the groups most targeted by bullying, beyond referring to them being “atypical.”⁹¹ Nonetheless, based on this study it can be concluded that immigrant children do encounter more bullying than their peers and the reason for this is related to their difference (culture, physical appearance, &c.) not their personal traits. A conflicting result on the role of migration in relation to discrimination is found on other studies. The studies suggest that discrimination is a creation of prior intrapersonal traits, such as, acculturation stress rather than the fact that a person belongs to an immigrant or a minority group.⁹² To evaluate the effect this has on immigrant youths, one needs to refer to qualitative studies.

Qualitative studies suggest that the discrimination encountered at school has a direct effect on the willingness and opportunities for the youth to participate in hobbies or other free-time activities.⁹³ Hence, the discrimination in education experienced by virtually all minorities also leads to exclusion from certain popular hobbies (e.g. ice hockey) and further segregation of immigrants and minorities in to groups of their kin.⁹⁴ In addition to this effect on the social activities of youth, the intolerance can also directly affect the learning situation in the class room. Adolescent youths might refuse to work together in groups that mix immigrants and native Finns.⁹⁵ Also, the immigrants who are in doubt of their language skills might be reluctant to answer in the class room due to a fear of being bullied due to their incorrect use of the Finnish language.

⁸⁸ In particular with refugees and asylum seekers. See e.g. Pöyhönen, Sari et al. *Osallisena Suomessa. Kehittämissuunnitelma maahanmuuttajien kotoutumisen edistämiseksi* (Jyväskylä: University of Jyväskylä, 2010), p. 30 and Ramboll, *Loppuraportti Maahanmuuttajabarometri*, p.29, [http://www.intermin.fi/intermin/images.nsf/files/ddb4ac3c32066a64c2257825002f4f8b/\\$file/maahanmuuttaja_barometri_loppuraportti_2009_rmc.pdf.pdf](http://www.intermin.fi/intermin/images.nsf/files/ddb4ac3c32066a64c2257825002f4f8b/$file/maahanmuuttaja_barometri_loppuraportti_2009_rmc.pdf.pdf), accessed 29 August 2011.

⁸⁹ E.g. all of the publications of KiVa project (www.kivakoulu.fi) treat bullying on basic education. From recent years also studies by Ministry of Interior (Huotari et al., Syrjäntä...) and monographies by researchers (Souto, Anne-Mari, Arkipäivän...).

⁹⁰ Strohmeier, Dagmar et al. (2011) Intrapersonal and Interpersonal Risk Factors for Peer Victimisation in Immigrant Youth in Finland. *Developmental Psychology* 2011, Vol. 47, No. 1, 248-258. See page 255.

⁹¹ Ibid.

⁹² Ibid., p. 248–249

⁹³ Souto, Anne-Mari, *Arkipäivän rasismi koulussa. Etnografinen tutkimus suomalais- ja maahanmuuttajanuorten ryhmäsuhteista* (Helsinki: Nuorisotutkimusverkosto, 2011). In a rather similar vein also in n. 72, pp. 30–34 and Kankkunen, Paula et al., *Kuka ei kuulu joukkoon? Lasten ja nuorten kokema syrjäntä Suomessa* (Helsinki: Sisäasiainministeriö, 2010), pp. 23–25

⁹⁴ Suoto, Anne-Mari, Arkipäivän..., p. 89

⁹⁵ Ibid., p. 62

The discrimination in the form of bullying is not exclusive to immigrant groups. Other minorities such as disabled persons⁹⁶ or those belonging to a sexual minority⁹⁷ also face wide-ranging bullying. More than every third adolescent belonging to a sexual minority has personally experienced bullying due to their sexual orientation⁹⁸ and almost two thirds of all second grade students had themselves witnessed someone being bullied for their sexual orientation.⁹⁹ For disabled children the forms of discrimination are more tacit and structural. The disabled children are not always at liberty to choose their school and in many municipalities the schooling of disabled children is organised together with other municipalities in the region, forcing a number of young disabled children to travel daily, for a prolonged period of time, in order to get to school. Also, the practice of placing all the disabled children in one class, when in a normal school, is very troublesome. A similar practice vis-à-vis immigrant children was condemned by the National Discrimination Tribunal of Finland back in 2006.¹⁰⁰

VII.ii The political and legal context

A change to the Basic Education Act defined the right to remedial education for children who have encountered difficulties in one or several school subjects.¹⁰¹ This measure has been taken to prevent social exclusion at the level of basic education. It should also lower the number of pupils who are unable to finish their basic education. As 1.5% of immigrant children compared to 0.5% of children of main population fall into this category,¹⁰² these changes will further improve the equal rights of immigrant children in the educational system. Also, the importance of immediacy in remedial education is a key element in the prevention of problems in later education.¹⁰³

The single most important development has been the enactment of a new Act on the Integration of Immigrants.¹⁰⁴ It improves access to integrative education and, therefore, earlier access to language education. This education is available to

⁹⁶ Ilonen, Milla, "Että vois olla siellä missä ne muutkin". *Nuorisotyötä tekevien järjestöjen ja vähemmistöryhmiin kuuluvien nuorten käsityksiä ja kokemuksia yhdenvertaisesta nuorisotyöstä* (Helsinki: Suomen Nuorisoyhteistyö – Allianssi ry, 2009), pp. 60–69

⁹⁷ n. 72

⁹⁸ *Ibid.*, p. 62

⁹⁹ *Ibid.*, p. 60

¹⁰⁰ National Discrimination Tribunal of Finland, case 2732/66/2004 and subsequent judgement of the administrative court of Helsinki on case 07/0838/2. Both of the decision can be accessed in digital form via the internet page of National Discrimination Tribunal (<http://www.intermin.fi/sltk>).

¹⁰¹ Government proposal 109/2009 vp (HE 109/2009 vp) on Act to Change Basic Education Act.

¹⁰² Kuusela, J. et al., *Maahanmuuttajaoppilaat ja koulutus – tutkimus oppimistuloksista, koulutusvalinnoista ja työllistämisestä* (Helsinki: Opetushallitus, 2008), p. 141. A thorough evaluation from the success of children of immigrants in education in Finland in English can be found from Kilpi, Elina, *The Education of Children of Immigrants in Finland*, Dphil Thesis (Oxford: Oxford University, 2010). The thesis is available on digital form at <http://ora.ouls.ox.ac.uk/objects/uuid%3A9ae6dfc5-bda6-4d6f-8780-c97abab350e9>, accessed 29 August 2011.

¹⁰³ Basic Education Act (628/1998), §§16, 16a, 17

¹⁰⁴ Act on Integration of Immigrants (1386/2010). The new act enters into force on 1 September 2011.

everyone at request, whereas the prior Act did not provide integrative education to those who arrived in Finland as a family member or those who were outside the scope of certain state subsidies for some other reason. The new Act will also make a personal integration plan a subjective right which is to be provided to everyone who requests it and *ex officio* to immigrants who are unemployed or are living on relief. These goals, together with a definitive commitment to language education, are key elements for removing the discrimination against different immigrant groups in basic education.¹⁰⁵

In the Act on the Integration of Immigrants, the government provides an extensive *travaux préparatoires* for the future application of the Act. In the government proposal,¹⁰⁶ the importance of the new Act as a tool to further improve the integration of immigrant women and children, by providing more extensive support for them, is an anti-discriminatory act *par excellence*. Through developing the language skills of immigrant women, the new Act would also improve the integration of entire families. However, it is still too early to assess the results of these changes as the Act has not, as of yet, entered into force. The new tool entitled 'preliminary mapping' (*alkukartoitus* in Finnish), which assesses the specific needs of an individual for integrative measures, is of great importance for improving integrative education for immigrants¹⁰⁷.

A special anti-bullying programme, KiVa, has run for years and is actively supported by the Ministry of Education.¹⁰⁸ By the end of 2011, the programme will cover 90% of all schools providing basic education in Finland. Such active commitment from the municipalities, the State, and schools to the anti-bullying programme can be considered an effective pre-emptive measure for countering bullying that is based on differences. Also, a co-operative network of NGOs, Service Centre for Development Cooperation (KEPA), maintains an internet portal for providers of global education and global understanding so that the teachers and other actors in the field of education are more aware of challenges in multicultural schools and education.¹⁰⁹

¹⁰⁵ Government proposal 185/2010 vp (HE 185/2010 vp) on Act on Integration of Immigrants and on Changing Certain Acts Related (Hallituksen esitys Eduskunnalle laiksi kotoutumisen edistämistä ja eräiden siihen liittyvien lakien muuttamisesta).

¹⁰⁶ Ibid. A specific Finnish document which predates all legislation, entitled 'government proposal'. This document is widely used in administration and judiciaries to interpret the law-in-books into law-in-action.

¹⁰⁷ Act on Integration of Immigrants (1386/2010), §9

¹⁰⁸ The project home page at <http://www.kivakoulu.fi>, accessed 22 August 2011.

¹⁰⁹ The project home page at <http://www.globaalikasvatus.fi>, accessed 22 August 2011.

VIII. Racism and related discrimination in health

VIII.i Manifestations of racism and related discrimination in health

The main form of discrimination in the health sector in Finland is based on the socio-economic standing of the citizen rather than their “race”, ethnicity, or culture.¹¹⁰ As many minorities also belong to underprivileged groups in society, their health is of concern due to their lower than average socio-economic standing. The fact that during the past decade Finland has actively tried to shorten the time one has to wait to gain access to communal healthcare has narrowed the gap between it and private healthcare. Moreover, the recent legislative change which allows a person to freely choose which communal health centre he or she wishes to attend, within the borders of their commune, has effectively reduced the risk of segregation in healthcare.¹¹¹

Although a positive trend in a number of areas of healthcare can be noticed, certain deeply rooted problems that are of concern still remain. The foremost issue is the insufficient funding to detect and provide mental healthcare for refugees who have escaped torture, persecution, or violence.¹¹² This creates unnecessary hurdles in their healthcare and in many cases can negatively affect their integration. Also, the municipalities housing reception centres are not always able to provide the specialised healthcare which is required, by e.g. illiterate or disabled refugees and asylum seekers, due to a lack of preparation or insufficient funding. Another major concern is that of language, as finding healthcare professionals with relevant language skills, even in the largest immigrant languages, remains an issue. Furthermore, there is a concern that learning difficulties and other mental disabilities are not diagnosed.¹¹³

According to a report, published by the National Institute for Health and Welfare (THL), in general immigrants use less healthcare services than the main population and, in general, estimate their health to be at least equally good as that of everyone else.¹¹⁴ There are, however, vast variations between the different immigrant groups. For example, immigrants from other European Union member states are normally fairly well-off; they have a similar employment rate to the main population, they are of working age and of fairly good socio-economic

¹¹⁰ Rotko et al. (2010), *Kapeneeko kuilu? Tilannekatsaus terveyserojen kaventamiseen Suomessa 2007–2010* (abstract in English). See in particular first, second, third and sixth chapter for relevant information.

¹¹¹ A brief summary of the changes is provided by Sihvonen, Anniina, *Mitä uusi terveydenhuoltolaki muuttaa?*, <http://www.suomenlaki.com/uutiset/mita+uusi+terveydenhuoltolaki+muuttaa/a563314>, accessed 29 August 2011.

¹¹² Suikkanen, Sirkku, *Selvitys kidutettujen ja vaikeasti traumatisoituneiden turvapaikanhakija- ja pakolaislasten ja -nuorten määrästä sekä heidän psykiatristen palvelujen tarpeestaan* (Helsinki: Helsingin Diakonissalaitos, 2010), pp. 81–83

¹¹³ These views are based on personal communication with Sirkku Suikkanen and Hannaleena Pölkki. Although we are much indebted to them for their views, any possible inaccuracies are of our own.

¹¹⁴n. 110, pp. 69, 74

standing. Hence, their health fares better than that of the main population in general. On the other end of the scale are refugees and asylum seekers who are suffering from serious disabilities and trauma. Nonetheless, the THL report indicates that the immigrant population in general, uses less healthcare services than the main population, although there might be other reasons for this, e.g., cultural reasons.¹¹⁵ The particular problem of honour violence, and more broadly domestic violence,¹¹⁶ and female genital cutting,¹¹⁷ are also insufficiently known amongst healthcare personnel, creating problems for detecting and combating these unacceptable cultural practices endangering the health of many immigrant women.¹¹⁸

The situation of irregular immigrants is particularly problematic as they fall outside of all forms of healthcare. The Finnish constitution and the fundamental rights it provides guarantees everyone non-discriminatory access to healthcare, which also includes irregular immigrants. However, mostly due to fear of expulsion and a lack of information, many irregular immigrants are not within the reach of healthcare system even when in acute need of medical care. There are a few thousand paperless immigrants in Finland. A private, secret clinic was established in Helsinki by voluntary medical professionals aiming to provide these irregular immigrants with basic healthcare.¹¹⁹ In order to improve the situation of irregular immigrants, more information ought to be distributed to clarify the fact that irregular immigration is not a crime as such and irregular immigrants should receive more information about their rights.

Example of NGO Good Practice

The Mannerheim League, Amoral-project,¹²⁰ (2008–2010) focused on honour violence in Finland. It provided healthcare professionals and teachers with practical and theoretical guidance on how to meet and treat people who have faced honour violence. The project illustrated aspects of honour violence from various viewpoints (victim, community, offender) and tried to find effective ways to prevent honour violence.

¹¹⁵Vaughn, Lisa M. and Holloway, Miranda, 'West African immigrant families from Mauritania and Senegal in Cincinnati: a cultural primer on children's health'. *Journal of Community Health* (2010) 35: 27–35 *in passim*. See also the impact of atypicality associated to immigrants in Finnish schools underscored in Strohmeier, Kärnä and Salmivalli (2011), p. 255

¹¹⁶Sosiaali- ja terveystieteiden tutkimuskeskus, *Naisiin kohdistuvan väkivallan vähentämisen ohjelma* (Helsinki: Sosiaali- ja terveystieteiden tutkimuskeskus, 2010), p. 60

¹¹⁷Johansson, Janneke, 'Methods for the Prevention of Female Genital Cutting in Finland', *Finnish Journal of Ethnicity and Migration*, Vol. 3, No. 2 / 2008, pp. 96–98

¹¹⁸From the recognition of particularly vulnerable groups to domestic violence in general, n. 116, pp. 26–32

¹¹⁹Vierula, Herta, Salainen klinikka avaa ovensa, http://www.laakarilehti.fi/uutinen.html?opcode=show%2Fnews_id%3D10043%2Ftype%3D1%2Fref%3Duk, accessed 29 August 2011.

¹²⁰English home page of the project with access to entire project material (mostly in Finnish) can be accessed at http://uudenmaanpiiri.mll.fi/toiminta/kunniaan-liittyvan-vakivallan-eh/amoral-project_in_english/

Finnish League for Human Rights run the **KokoNainen project**¹²¹ seeks to prevent female genital cutting in Finland. It provides information to the health care professionals as well as immigrant communities within which the practice is most prevalent.

Monika – Multicultural Women's Association¹²² organises a network of Resource Centres and a special shelter where it provides shelter for women who face domestic violence. Furthermore, the centres provide with information as of where to seek additional help and counseling in the aftermath of the acute violence.

VIII.ii Manifestations of racism and related discrimination in the lives of disabled immigrants

The multiple discrimination faced by disabled immigrants is a worrisome and partially neglected development. Overall, Finland's commitment to rights of the disabled has been lacklustre, a problem that is further accentuated in the case of immigrants. It can take a long time to receive a diagnosis and even with a diagnosed disability an immigrant might have their request for, e.g., a personal assistant, denied. The abysmal situation of the disabled is clearly indicated by the numerous complaints to the Parliamentary Ombudsman¹²³ as well as in the courts.¹²⁴ A range of communications by the Finnish Association of People with Physical Disabilities point out that the important weaknesses on the level of protection of this group, do not only affect the health care of people with disabilities but also their everyday life.¹²⁵

The government policy programme to reduce the number of disabled people living at home with their parents late into adulthood and/or in institutions does not lay sufficient emphasis as to how the rights of disabled immigrants will be guaranteed.¹²⁶ The five-year Disability Policy Programme¹²⁷ (2010–2015) also

¹²¹The home page of the project as well as additional information at <http://www.ihmisoikeusliitto.fi/index.php/toiminta/kokonainen>, accessed 27 November 2011.

¹²²The home page of the project as well as additional information (mostly in Finnish) at http://www.monikanaiset.fi/index.php?option=com_content&view=article&id=102&Itemid=107, accessed 27 November 2011.

¹²³ Dozens of cases are reported by the Parliamentary Ombudsman annually, though there is not a violation in all of the reported cases, the large number of reports is also tantamount to the large number of people who perceive they are being discriminated against, according to their personal evaluation. The list of cases with a reference to people with disabilities can be found at http://www.eduskunta.fi/triphome/bin/eoar3000.sh?HAKUSANA=vammai*

¹²⁴ A number of reported cases in the administrative courts can be accessed at [http://www.finlex.fi/fi/oikeus/hao/haku.php?search\[type\]=pika&search\[pika\]=vammai*&_offset=0&_max=82](http://www.finlex.fi/fi/oikeus/hao/haku.php?search[type]=pika&search[pika]=vammai*&_offset=0&_max=82)

¹²⁵ E.g. communications dated 31.3.2011 with subject *Vammaiset nuoret eläkkeelle vastoin tahtoaan* (Young people with disabilities forced to retire without their consent) and one dated to 14.3.2011 with subject *Vammaisen naiseus on sukupuoliälyttömyyttä ja väkivallan uhkaa* (Womanhood for a disabled woman means asexuality and a threat of violence).

¹²⁶ n. 74

does not recognise the challenges faced by those encountering multiple discrimination. The Policy Programme has only a single reference to particular concerns of disabled immigrants. This reference is to a different document regarding integration in which disabled immigrants are grouped together with elderly and housewives as non-active members of society.¹²⁸ A mandatory plan for personal assistance for disabled people is also ineffective as it, although it is seen as a contract between the disabled individual and the municipality providing the service, it is not binding.¹²⁹ Also, the Parliamentary Ombudsman has found room for improvement in the practice of municipalities when they are creating plans for personal assistance and, in a solitary case, found that the city of Vantaa had, without proper cause, refused to even create a plan for personal assistance.¹³⁰

The right of a disabled person to have personal assistance can, at times, require disabled people to employ their assistant themselves.¹³¹ This role of 'employer' can be daunting, even for those who have no problem due to language and/or cultural barriers, not to mention for an immigrant who is equally entitled to said services. Another important supportive aspect that is mostly lacking for disabled immigrants, is the chance to get peer support.¹³² Although the needs of the disabled person may be taken care of, their immediate family often fall outside the scope of official assistance; therefore, the importance of peer support as well as access to mental healthcare would be imperative.

The close connection between employment and good health should also receive more attention. People with disabilities' willingness to work is fairly high, with 46% of all disabled people having an interest in work of one kind or another.¹³³ It is most likely that the willingness to work amongst immigrants suffering from disabilities is at a somewhat similar level. Hence, the present situation where there is a general lack of recognition for the special needs of, e.g. refugees or asylum seekers with learning difficulties, is worrisome. This creates particular hindrances for the disabled immigrants within the integrative education as there are no guarantees that they can learn e.g. the Finnish language within the time period reserved for it (which is sufficient for persons without disabilities). As mastering the language is key in finding a place of employment, the insufficient

¹²⁷ Sosiaali- ja terveysministeriö, *Vahva pohja osallisuudelle ja yhdenvertaisuudelle. Suomen vammaispoliittinen ohjelma VAMPO 2010–2015* (Helsinki: Sosiaali- ja terveysministeriö, 2010).

¹²⁸ Kokeilulakia valmisteleva strategiatyöryhmä, *Maahanmuuttajien tehokkaan kotoutumisen kolme polkua. Kokeilulakilla toteutettava alkuvaiheen ohjauksen malli Osallisena Suomessa* (Helsinki: Sisäasiainministeriö, 2009), p. 13

¹²⁹ Konttinen, Juha-Pekka, *Palvelusuunnittelu* (Vaasa: assistentti.info, 2010), pp. 17–18

¹³⁰ Parliamentary Ombudsman case 2855/4/10.

¹³¹ Valta, Mervi, *Ensi askeleet työnantajana -opas*, [http://www.aspa.fi/files/3430/Ensi_askeleet_yleinen_by_SA_\(01-2011\).pdf](http://www.aspa.fi/files/3430/Ensi_askeleet_yleinen_by_SA_(01-2011).pdf), accessed 29 August 2011

¹³² Lampinen, Reija (ed.), *Helsingin vammaispoliittinen selvitys 2010*, http://www.hel.fi/static/public/hela/Sosiaalilautakunta/Suomi/Paatos/2011/Sosv_2011-03-22_Soslk_05_Pk/9FFC1A88-4605-418F-97F9-A2B518D8203F/Julkaistu_versio_25.pdf, accessed 29 August 2011. See in particular p. 37 with the assessment of the situation by the NGOs working with disabled.

¹³³ Laiho, Veera et al. *Erityisryhmien työkyky – työttömät ja vammaiset* (Helsinki: Pellervon taloustutkimus PTT, 2010), p. 28

focus on the special needs of disabled persons in regard to language learning leads to their permanent exclusion from the society, which further threatens their health.¹³⁴

And, ultimately, the access to even basic services, such as social security, can be burdened with excessive bureaucracy. Access to social security services through the Social Insurance Institute of Finland (KELA) is generally good. The problem arises when the application for a service is refused for one reason or another or when KELA asks for additional information; the process that follows refusal is complicated, time-consuming and lacking in transparency. Also, the very same person who made the original negative decision might also be the one to decide whether the appeal against the refusal should be considered or not. The process is, in general, difficult for the disabled, not to mention for disabled immigrants who might be missing linguistic and cultural prowess as well as knowledge of where to seek assistance or aid for the process.

Example of NGO Good Practice

A support **Hilma, a support centre for disabled immigrants**,¹³⁵ is run by the Finnish Disability Forum with support from the Slot Machine Association. The centre provides information and carries out research on the lives of disabled immigrants in Finland with the purpose of promoting the integration of disabled immigrants in society as well as providing interest groups and authorities with up-to-date information on the situation of disabled immigrants.

VIII.iii The political and legal context

A new Health Care Act (1326/2010) enacted at the end of 2010 entered into force on the 1st of May 2011. It allows more freedom in the choice of health centres further reducing the risk of segregation in health care. Furthermore, it guarantees access for children and youth to mental healthcare within three weeks, improving the situation from before. Also, more seamless co-operation between operators in different fields of government, in particular those from the social sector and health care, is promised. The possible impact of these changes on reducing discrimination in health care remains to be seen.

A new law on the right to interpretation for disabled people (133/2010)¹³⁶ entered into force on the 1st of September 2010, guaranteeing all disabled people with a permanent residence in Finland the right to interpretation services. It provides a

¹³⁴ Ibid., 34

¹³⁵ English home page for the centre can be accessed at http://www.tukikeskushilma.fi/index.php?option=com_content&task=view&id=11&Itemid=14&lang=english

¹³⁶ Laki vammaisten henkilöiden tulkkaukspalveluista (133/2010)

minimum number of interpreting hours and defines the scope of services for which and for whom the service can be provided.

In 2010, first assessments of the functioning of the 2009 revision to the act dictating the specialised services guaranteed to disabled persons (380/1987), were published.¹³⁷ Various NGOs advocating for the rights of the disabled made a common statement which was widely publicised in the media.¹³⁸ The initial evaluation of the act was fairly positive, but a few improvements were deemed imperative, the most important of which is that the right to have personal assistance should not be considered a subjective right, but should rather be considered a right belonging to everyone with a disability, without an evaluation of need. This is because the current consideration has led to the situation where each municipality is evaluating the need for assistance in a different fashion, with many municipalities evaluating the need with a more intense focus on the costs than on the needs.

Outside legislative work, important action plans and other policy programmes have also been established and followed. With regard to discrimination, the most important ones have been the National Action Plan to Reduce Health Inequalities 2008–2011¹³⁹ and Finland's Disability Policy Programme 2010–2015.¹⁴⁰ The former sets an imperative to draw up a plan to map the special needs of immigrants, including also health promotion.¹⁴¹ The latter sets five primary goals ranging from implementation to the UN Convention on the Rights of Persons with Disabilities to improving the socio-economic situation of the disabled.¹⁴² The former sets a more wide-ranging target of bridging the gaps in healthcare in Finland. The means to reach this goal are equally wide-ranging from pre-emptive measures (e.g. leading a healthier life) to providing better access to healthcare services.

¹³⁷ Laki vammaisuuden perusteella järjestettävistä palveluista ja tukitoimista (380/1987)

¹³⁸ A survey with a summary on the functioning of the Act can be read from an article written by Matti Ojala and Keijo Jokinen, 'Järjestökysely: Vuosi vammaispalvelulain muutoksesta – mikä on muuttunut?', *Porras* 2/2011, pp. 28–29. For the common statement read e.g. STT and Pekka Moliis, Järjestöt: *Vammaispalvelulaki ei ole kaikille sama*, http://www.verkkouutiset.fi/index.php?option=com_content&view=article&id=37349:jaerjestoet-vammaispalvelulaki-ei-ole-kaikille-sama&catid=29:kotimaa&Itemid=4, accessed 29 August 2011

¹³⁹ Information from the action plan is available also in English at <http://www.teroka.fi/teroka/index.php?option=content&pcontent=1&task=view&id=102&Itemid=135>, accessed 29 August 2011.

¹⁴⁰ n. 116

¹⁴¹ See also Communication from Commission on European Agenda for the Integration of Third-Country Nationals, COM(2011) 455 Final.

¹⁴² *Ibid.*, pp. 17–19

IX. Racism and related discrimination in criminal justice

IX.i Manifestations of racism and related discrimination in criminal justice

IX.i.i Policing and ethnic profiling¹⁴³

The question of ethnic profiling has received some attention every now and then, mostly during the annual week of intensive monitoring of immigrants.¹⁴⁴ This particular week, along with current practices in day-to-day policing, runs the risk of using ethnic profiling as many of the decisions are made based on the gut-feeling or street instincts of the police. Whilst undoubtedly practical and efficient, such practice causes concern as it is easily at variance with non-discrimination legislation. Moreover, the relaxing of internal border control within the Schengen area has moved the pressure from border control to policing. As a result of the growing number of immigrants residing permanently in Finland and the less stringent border controls the police are in a difficult position.

Nonetheless, the concern of ethnic profiling is a serious one. Sadly, there are no available statistics on the number of stop-and-search procedures performed during day-to-day policing. As there are, however, such statistics available from the annual week of intensified immigrant control, this data can be used to assess the extent of possible malpractice in policing. There are a number of reasons for this. Firstly, the Finnish police do not provide information on the total number of stop-and-search procedures conducted. Secondly, even if such information were readily available, it would be illegal to include the person's ethnicity or "race". Hence, whether or not the daily policing is biased in an unacceptable fashion cannot be statistically demonstrated. A qualitative study evaluating police interaction with Thai immigrants, however, shows that there is still some work to be done to make police-to-immigrant interaction functional.¹⁴⁵

Therefore, ethnic profiling is evaluated based on personal communication with NBI and the statistics provided from the latest intensive immigration monitoring week.¹⁴⁶ The activities during the week can be roughly divided into four categories.

- Visits to the facilities of employers of immigrant workers (either in the past or present);

¹⁴³ The Open Society Institute defines "ethnic profiling" as the "use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity".

¹⁴⁴ Keskusrikospoliisi, *Poliisi suoritti tehostettua sisämaan ulkomaalaisvalvontaa*, <http://www.poliisi.fi/poliisi/krp/home.nsf/ptbdarch/91362CBEFE34F608C225788D00226E47?opendocument>, accessed 29 August 2011.

¹⁴⁵ Lumio, Milla, *Hymyn takana – Thaimaalaiset maahanmuuttajat, viranomaiset ja kotoutuminen* (Tampere: Poliisiammattikorkeakoulu, 2011). Abstract in English.

¹⁴⁶ See n. 142 for the statistics.

- Raids in nightclubs and restaurants that are known to be popular amongst the immigrant population, ;
- Verifying the right to reside, stay or work whilst performing other police duties, most particularly by National Traffic Police whilst doing breathalyzer test or asking for driver's license, and ;
- Stop-and-search procedures targeted at people who look foreign, at public transport facilities, e.g. at Helsinki railway station.

The first three of these categories fall within the scope of differing, yet non-discriminatory treatment. But the fourth category is problematic vis-à-vis the late decision of the Human Rights Committee on the case *Rosalind Williams Lecraft v. Spain*.¹⁴⁷ In said decision, a practice upon which a person was stopped based on her physical appearance, was found to constitute a violation of her rights, and be a form of ethnic profiling. Ms. Williams Lecraft was stopped at the railway station and asked to identify herself, which is similar to the practices outlined in the fourth procedure mentioned above.¹⁴⁸

Another cause for concern with regard to the intensified immigrant monitoring week is its proportionality.¹⁴⁹ The most recent immigration monitoring week targeted a total of 1851 persons out of which roughly a third were targeted by National Traffic Police (656 persons). Out of the remaining cases (1195 persons) there is no information as of where and how they were targeted. As a result of the heightened intensity of checks for illegal immigrants for the week, the police were able to find 21 people that did not have valid permission to stay in the country, i.e., irregular immigrants or undocumented immigrants. This raises the question of proportionality of these weeks: only about 1% of all procedures performed by the police led to finding a person who was staying in the country illegally. It should be considered whether there could be methods that would violate the rights of immigrants to a lesser extent for the same results.

An auxiliary cause for concern with regard to present immigrant control praxis is the damage it can cause to relations between the police and immigrant communities. As evidenced in e.g. England and Wales¹⁵⁰ and in Finland with regard to youth crime,¹⁵¹ such intensified police checks may lead to the stigmatisation of its targets. Moreover, as a corollary of the damaged respect, the

¹⁴⁷ UN Doc. CCPR/C/96/D/1493/2006

¹⁴⁸ A prior decision by Deputy-Ombudsman Rautio (24.8.2004, n:o 2711/4/03) did find a violation in this praxis but as this prior decision dates back a number of years and does not reflect the new case law by international organs it can hardly be considered valid. The concern voiced on the decision of Deputy-Ombudsman Rautio is that of stigmatisation of immigrants solely based on their physical appearance, yet he finds that with proper safeguards such a discriminatory system would be tolerable.

¹⁴⁹ Numbers are taken from the news report of NBI referred above. See n. 142.

¹⁵⁰ See for example Rebekah Delsol and Michael Shiner, 'Regulating stop and search: a challenge for police and community relations in England and Wales', *Critical Criminology* (2006) Vol. 14: 241–263 and the statistics on the amount of stop and search procedures based on ethnicity at Ministry of Justice, *Statistics on Race and the Criminal Justice System 2008/2009* (London: Ministry of Justice), pp. 22–31

¹⁵¹ Saarikkomäki, Elsa, *Nuoriin kohdistuva poliisikontrolli kyselytutkimuksen valossa* (Helsinki: Oikeuspoliittinen tutkimuslaitos, 2010). See in particular chapters 2 and 3 (pp. 3–22 *in passim*) for the stigmatisation theory and its application to Finnish youth crime. English abstract.

immigrant communities are less likely to report crimes that they encounter and/or crimes committed by members of their own community. Hence, this stigma may be counter-productive in particular vis-à-vis the programme of internal security which does stress work against trafficking and irregular immigration.¹⁵²

Example of NGO Good Practice

There are no NGOs in Finland actively working on issues of ethnic profiling nor policing in general. The only remarks by civil society are limited to groups on social media and even those are inactive. Ethnic profiling is used as a tag word to cover all policing against minorities by a number of actors but this does more to prevent the emergence of good practices than to create them.

IX.i.ii Racist violence and crime

There is readily available information on the number of registered incidents of racist violence. This information is published annually by the Police College of Finland and is based on the police registers.¹⁵³ The statistics are accompanied by analysis of the data as well as any traceable trends. The most recent report is for the year 2009. As the use of racist violence criteria is used somewhat unevenly on the police register it is possible that there are cases included as racist crimes when it is not actually the case and vice versa.¹⁵⁴

As in previous years, the number of racially motivated crimes has been on the rise, with a total of 1007 reports under the title of 'hate crimes' out of which 858 were classified as 'racist crimes'. The growth in the number of racist crimes has been relatively rapid as the number of crimes registered rose by 103, or 14% from last year. The most common of racist crimes are 'slander' and 'threats' with 34% of all racist crimes falling under these two categories, followed by assaults (28%) and affray in which both parties committed a crime (16%).¹⁵⁵

The communities most likely to be targeted by racist violence and crimes in Finland are people of Somali origin followed by persons of Russian origin. When compared to the size of immigrant population in Finland the three most likely groups to face racist violence are Somalis, Iraqis and Turks. From this it can be concluded, that the communities most likely to suffer from racist violence are those whose members most distinctively differ either in physical appearance or cultural tradition from those of the main population.¹⁵⁶

¹⁵² Sisäasiainministeriö, Safety first. Internal Security Programme (Helsinki: Sisäasiainministeriö, 2008), pp. 6–15 *in passim*

¹⁵³ Peutere, Laura, *Poliisin tietoon tullut viharikollisuus Suomessa 2009* (Tampere: Poliisiammattikorkeakoulu, 2010).

¹⁵⁴ *Ibid.*, p. 30

¹⁵⁵ *Ibid.*, p. 36

¹⁵⁶ *Ibid.*, p. 56

Example of NGO Good Practice

As with ethnic profiling, racist violence and crime are not actively dealt with by NGOs. There are no NGOs that would openly oppose racist violence and crime, rather the discussion takes place in media instead.

IX.i.iii Counter terrorism

Finland has had a counter-terrorism programme¹⁵⁷ since 2010, which echoes to a great extent the sentiments expressed in Europol's terrorism report.¹⁵⁸ The national programme states that the risk of terrorism in Finland is low, yet mentions that the so-called lone wolves of Islamic terrorist cells could launch a terrorist attack on Finnish soil.¹⁵⁹ The counter-terrorism activity in Finland is closely tied to internal security measures, most notably to countering social exclusion and trafficking. The social exclusion of second generation immigrants is seen as a particular problem as examples of radicalisation in such situations exist in other Nordic countries.¹⁶⁰

In general, counter-terrorism actions in Finland have remained moderate. The stereotypical image of a terrorist as a Muslim fundamentalist could be seen as incendiary tool for discrimination. However, the relative safety of Finland has also kept counter-terrorism measures at bay. Whether Finland will change its strategy in the future to reflect the fact that a lone wolf actor can also be a non-Muslim, as exemplified in Norway,¹⁶¹ remains to be seen.

Example of NGO Good Practice

As terrorist activity in Finland has been low, so has the interest of NGOs in relation to this field. The counter-terrorist measures of Finland remain largely unnoticed and their effect on minorities has not received any attention.

¹⁵⁷ The programme was drafted by a working group assigned by the Ministry of Interior. The entire programme in Finnish, titled *Kansallinen terrorismin torjunnan strategia*, can be found at [http://www.intermin.fi/intermin/images.nsf/www/terrorismintorjunnanstrategia/\\$file/terrorismintorjunnan_strategia_110310.pdf](http://www.intermin.fi/intermin/images.nsf/www/terrorismintorjunnanstrategia/$file/terrorismintorjunnan_strategia_110310.pdf)

¹⁵⁸ Europol, TE-SAT 2011, EU Terrorism Situation and Trend Report (The Hague: European Police Office, 2011)

¹⁵⁹ See n. 155, p. 6

¹⁶⁰ Ibid., pp. 5–7

¹⁶¹ See e.g. Norway attacks: at least 92 killed in Oslo and Utøya island, <http://www.guardian.co.uk/world/2011/jul/23/norway-attacks>, accessed 16 October 2011.

IX.ii The political and legal context

Overall, the police response to racist violence is commendable. The Police College of Finland provides extensive reports on racist violence and community relations that are further utilised in the education of police personnel.¹⁶² The police have, also, established a permanent presence in the digital world for practical ease of reporting crimes,¹⁶³ discussing and developing common standards for civilised discussion over the internet.¹⁶⁴ Such initiatives are imperative to harness the growth of openly defamatory or racist communication under the anonymity of the Internet.

A racist motive as an aggravating circumstance was partly revised to extend its scope both *ratio materiae* and *ratio personae*.¹⁶⁵ The law now covers in addition to the purely racist motives, also other grounds, such as, sexuality, religion and disability. The *ratio personae* extension comes in the form of the extension of the responsibility of operators of internet forums. They are now expected to moderate discussion that is deemed inappropriate, as in fulfills the criteria of inciting others to hate crime. Also, under the revised norms, anyone can be a target of racially motivated or a hate crime, hence, including members of the main population. These changes do transform the Finnish Criminal Code to be in line with the demands set forth in the Framework Decision on Racism and Xenophobia. At the same time the criterion for rape was extended to also cover cases where the victim was unconscious, correcting previously lenient rape legislation.¹⁶⁶ Both of these revisions were much needed and they improve gaps in older legislation. However, the question remains whether the clarification of 'hate crime' or 'racist motives' will in fact also increase the application as an aggravating ground in the criminal proceedings.¹⁶⁷

At the policy level there was much debate before the Parliamentary election on whether immigration would be one of the main questions of the election. This was because opinion polls showed a vast increase in the support for the True

¹⁶² See e.g. reports referred to in previous notes 143 and 151.

¹⁶³ A page through which a report from suspicious digital content (in Finnish) can be found at <https://www.poliisi.fi/poliisi/home.nsf/feedbacktip?openform&l=1>

¹⁶⁴ For such an initiative can be mentioned the digital police force's role on debate over definition of hate speech. See e.g. the thread at Hommaforum (see also below in media) discussion forum at <http://hommaforum.org/index.php/topic,54302.0.html>, accessed 25 October 2011.

¹⁶⁵ The government proposal (in Finnish) HE 317/2010 vp *Hallituksen esitys Eduskunnalle Euroopan neuvoston tietoverkkorikollisuutta koskevan yleissopimuksen lisäpöytäkirjan, joka koskee tietojärjestelmien välityksellä tehtyjen ja luonteeltaan rasististen ja muukalaisvihamielisten tekojen kriminalisointia, hyväksymisestä ja laiksi sen lainsäädännön alaan kuuluvien määräysten voimaansaattamisesta sekä laeiksi rikoslain ja tietoyhteiskunnan palvelujen tarjoamisesta annetun lain 15§:n muuttamisesta*. Also a committee communication *Rasistiset rikokset -työryhmä, Rasistiset rikokset* (Helsinki: Oikeusministeriö, 2010)

¹⁶⁶ Government proposal (in Finnish) HE 283/2010 vp *Hallituksen esitys Eduskunnalle laiksi rikoslain 20 luvun muuttamisesta*.

¹⁶⁷ See on the problematic application of racist motive as an aggravating ground e.g. cases of Turku Court of Appeal N:o 1645, 2 July 2010 R 09/2255 where the court found that there were grounds to consider an act as racist when the defendant had called plaintiff with derogatory names. On the other hand in case Turku Court of Appeal No. 1495, 21 June 2010 R 09/1616 a battery of four persons belonging to same ethnic minority did not constitute a racially motivated crime.

Finns, a party which had previously been associated, at least in the mainstream media, as a party that staunchly criticised Finland's immigrant policy. However, much of this expectation remained unrealised at the national level, as most of the televised debates focused on other, more pressing, issues such as nuclear safety (due to post-tsunami nuclear catastrophe in Japan) and the European Union (due to financial bailout of Portugal and Greece). Therefore, much of the anticipated immigration debate was marginalised to the blogosphere and various internet forums.

The post-election political situation has, in the eyes of many, created an atmosphere where criticism bordering on open xenophobia and racism has become more and more acceptable. A number of public figures (e.g. members of parliament) have openly voiced their racially motivated views. However, such transgressions have been condemned equally by those who generally voice critical remarks about immigration. Some reports indicate that immigrants also hear openly racist remarks more often in the public space (public transportation, restaurants, workplaces, &c.). This implies that the heated public debate has trickled into everyday parlance. However, there are no studies dealing with this matter at time of writing this report, and, therefore, this phenomena might have other explanations (e.g. minorities' growing awareness of their rights or greater sensitivity amongst the main population against racist parlance).

A particular and relatively recent development is the increase in use of the term 'hate speech' in public discourse. Whether this marks a new era where the boundaries of freedom of speech are tested, an increase in the number of flagrantly xenophobic or racist arguments, or something else, remains to be seen. However, the growth of a blogosphere that is openly critical to all forms of immigration is certainly a breeding ground for hate speech, as indicated by a few isolated and widely publicised cases.¹⁶⁸ The issue of hate speech has also found its way into political discourse where many front-line politicians have demanded that the leader of True Finns, Mr. Timo Soini, must clearly separate his party's political agenda from any and all visible manifestations of hate speech.

¹⁶⁸ E.g. the now removed blog entry by Mr. Freddy van Wouterghem where he wrote "As a positive thing from all this is that when you kill a Muslim girl you take out a potential mother for future Muslims." [Positivisena asiana voidaan pitää, aina kun tapetaan muslimi tyttö, saadaan yksi potentiaalinen muslimien synnyttäjä pois pelistä.]

X. Racism and related discrimination in access to goods and services

X.i Manifestations of racism and related discrimination with access to goods and services in the public and private sector

The discrimination in the access to goods in the private sector is rarely visible, yet many minorities suggest that such discrimination is commonplace. For example sexual minorities, Roma people, and immigrants often report being treated with disrespect or being refused entrance to bars and clubs.¹⁶⁹ However, due to the evident problems of verifying the actual reasons for limiting entrance or for disrespectful behaviour, these concerns are only rarely reported. There are some media references to such practices¹⁷⁰ and there was a court case concerning Roma people¹⁷¹ a few years back, but for the most part it appears that most people who encounter discrimination in this area decide to disregard it and move on.

The Ombudsman for Minorities reports numerous cases where the security guards in shops, for no apparent reason, focus their attention entirely on various ethnic minorities following them intensely while they are shopping.¹⁷² Another curious case is that some private sector actors require proof of Finnish nationality from their customers in order for them to receive the service. According to the Ombudsman for Minorities such differing treatment constitutes discrimination in access to goods and services.¹⁷³ However, in summer of 2011 a charity providing food packages for those in need refused to give them to those who weren't able to verify their nationality with a passport. Those responsible for the charity had reportedly asked the local police for permission to use this limitation, and the police had deemed it legal.¹⁷⁴ Such mixed messages around the definition of the discrimination are cause for concern with regard to legal certainty.

¹⁶⁹ The problem of evidence on discrimination is addressed on at least two publicised cases of the National Discrimination Tribunal of Finland in recent years. The reported cases with case numbers 2009/595 and 2392/66/2005.

¹⁷⁰ See e.g. Hiiri, Jukka, *Ravintolasyrjinnästä vaikea saada näyttöä*, Helsingin Sanomat 7.3.2011

¹⁷¹ A decision from the Vaasa court of Appeal is not publicised through Finlex database, but reference to judgement can be found at e.g. STT, *Hovioikeus korotti Porin ravintolasyrjinnän korvauksia*, Kaleva 7.5.2009

¹⁷² Vähemmistövaltuutettu, Vähemmistövaltuutetun vuosikertomus 2010 (Jyväskylä: Vähemmistövaltuutettu, 2011), pp. 13–14. NB! Although there is an English version of the Annual Report it does not contain the information referred to. The English summary of the annual report can be accessed at [http://www.vahemmistovaltuutettu.fi/intermin/vvt/home.nsf/files/VV%20vuosikertomus%20englanti%20NETTI_PDF/\\$file/VV%20vuosikertomus%20englanti%20NETTI_PDF.pdf](http://www.vahemmistovaltuutettu.fi/intermin/vvt/home.nsf/files/VV%20vuosikertomus%20englanti%20NETTI_PDF/$file/VV%20vuosikertomus%20englanti%20NETTI_PDF.pdf)

¹⁷³ Ibid., p. 14

¹⁷⁴ Yle Kymenlaakso, *Leipäjonon passivaatimus hämmentää viranomaisia*, YLE 17.6.2011, http://yle.fi/alueet/kymenlaakso/2011/06/leipajonon_passivaatimus_hammentaa_viranomaisia_2670135.html, accessed 29 August 2011

The Ombudsman for Equality has also considered a number of cases where there has been a question of discrimination based on gender.¹⁷⁵ The cases have mostly been concerning pricing e.g. men and women having to pay a different price of ticket to sport event or a car show, both of which are considered 'differing' yet 'non-discriminatory' treatment. Hence as a conclusion can be drawn that men having to pay more to visit a car show could be acceptable, if the practice is only temporary. The Ombudsman for Equality has also received a growing amount of cases concerning sexual minorities and their access to education, goods and services.¹⁷⁶ From the publicised reports, it appears that both the private and the public sector are equally to blame for discrimination based on sex or gender when it comes to access to goods and services.

There are a few cases in which public actors are also judged to have violated the equality of citizens. These cases are mostly regarding language rights, for example: the communal information letter being only partly translated in languages other than Finnish and a case where automated traffic control only provided documents informing people on traffic fines in Finnish.¹⁷⁷ It seems that otherwise cases on access to services against public actors are few and far between; this hardly means that there are no violations of rights other than language rights in regard to the access to services but rather that the language cases are so clearly manifested that neglecting their existence is not possible.

Examples of NGO Good Practice

The Finnish League for Human Rights has been provided monetary support to publish another discrimination report. An extensive and far-reaching survey, such as, the most recent report from 2009 on discrimination by the Finnish League for Human Rights¹⁷⁸ is instrumental for a fact-based argumentation on all matters relating to discrimination.

X.ii The political and legal context

¹⁷⁵ For the list of decision and recommendations for the year 2010 can be accessed at <http://www.tasa-arvo.fi/tasa-arvoaltuutettu/lausuntoja/2010> (in Finnish)

¹⁷⁶ An English summary of the annual report for 2009 is available at http://www.tasa-arvo.fi/c/document_library/get_file?folderId=1323445&name=DLFE-11801.pdf, see therein p. 2. For the entire report (in Finnish) see Tasa-arvoaltuutetun toimisto, *Tasa-arvoaltuutetun vuosikertomus 2009*, http://www.tasa-arvo.fi/c/document_library/get_file?folderId=1323445&name=DLFE-11767.pdf, accessed 29 August 2011

¹⁷⁷ Eduskunnan oikeusasiamies, *Eduskunnan oikeusasiamiehen kertomus vuodelta 2010* (Sastamala: Eduskunnan oikeusasiamies, 2011), p.58 and a database query on with search criteria syrjin* from the database of the Parliamentary Ombudsman.

¹⁷⁸ Milla Aaltonen, Mikko Joronen and Susan Villa, *Syrjintä Suomessa 2008* (Helsinki: Ihmisoikeusliitto, 2009)

As most of the concerns around discrimination in the access to goods and services are in regard to the private sector, the policy level work has been rather insignificant. The traditionally strong emphasis on the 'freedom of contract' between private sector actors has positioned most of the policy level discourse into the realm of wishes and hopes rather than strong guidelines. The reluctance of the state actors to explore the issues of discrimination in access to goods and services in the private sector, is curious. At the moment, most of the debate is founded on single incidents and small-scale qualitative surveys which have been mostly ignored by actors in the private sector.

The impunity of discrimination in the private sector has effectively led to discrimination grounds being considered insignificant in regard to access to goods and services.¹⁷⁹ As the most severe consequence of discriminatory practice is typically a notification or a remark from bodies monitoring the state of discrimination, it is hardly surprising that most who encounter discrimination try to ignore the fact rather than report it. For example, when a service station posted a sign which prohibited more than one Roma from entering the premises at a time, there were no consequences as no one felt like reporting the incident.¹⁸⁰

In the public sector, where discrimination is less institutionalised, discriminatory practices are commonly swept under the carpet using a reference to the tight budget or other economic reasons. As illustrated in the abovementioned cases of discrimination, non-discrimination is seen more as an additional cost rather than an added value. This problem in the public sector has been brought up by SETA – LGBT Rights in Finland when it has questioned the policy of allocating people belonging to sexual minorities in old people's home. The members of sexual minorities are not entitled in all cases to be accommodated together with their partner.

Overall, development in the field of access to goods and services has been haphazard. It would be a step in the right direction to protect equal treatment in services in the new Equal Treatment Act. As this new Act is promised at some point during the term of office of present government (2011–2015), it would also be important to hasten its enactment so that both the private and the public sector service providers would have to re-assess their current laissez-faire attitude.

¹⁷⁹ The fines are in sub-1000€ range as referred in multiple studies. See for example Milla Aaltonen, Mikko Joronen and Susan Villa, *Syrjintä Suomessa 2008* (Helsinki: Ihmisoikeusliitto, 2009), pp. 32–39 *in passim*

¹⁸⁰ Turun Sanomat, Huoltoasema haluaa asiakkaakseen vain yhden romanin kerrallaan, 11.3.2010, <http://www.ts.fi/online/kotimaa/117194.html>, accessed 29 August 2011.

XI. Racism and related discrimination in the media

XI.i Manifestations of racism and related discrimination in the media, including the internet

The main problem in Finnish media is the impact of the internet. In general, the Finnish media field is dominated by fairly limited number of actors with a few major media houses owning the newspapers, magazines and television channels.¹⁸¹ This has created fairly monolithic opinion generation through the media, as the variance from one newspaper or magazine to another is relatively small. The fairly homogenous media has shown lukewarm respect for minorities. This has accentuated role of the Finnish Broadcasting Company (YLE) as a gatekeeper of new and controversial topics to Finnish media. Hence, YLE has been the source of some of the most controversial comments whilst at the same time openly advocating for the rights of the minorities.

Although the content of the mainstream media is fairly tolerant in its broadcasting, there have been discriminative practices in regard to employment. One of the larger actors in the Finnish media field, Alma Media, hired a lesbian as an editor-in-chief of one of its regional newspapers, Lapin Kansa. When the firm found out that she was a lesbian, she was fired. The case went to the Court of Appeal where the affiliate of Alma Media was found guilty of discrimination. It is hard to say whether this reflects a more common phenomenon in the Finnish media field where minorities may have a voice as a subject but not in actually producing the content.¹⁸²

The internet has been growing in importance in the Finnish media field of late. Although it is hard to say which of the new internet news sites, blogs or discussion forums have been the most influential, it is easy to identify certain internet sites that have been central in Finnish immigration discourse: an internet newspaper Uusi Suomi¹⁸³ with its blogging service, and a blog entitled 'Scripta'¹⁸⁴ which is updated by the president of Administration Committee of the Parliament and Hommaforum,¹⁸⁵ and is an internet forum for many critics of immigration.

¹⁸¹ For example: Finnish Broadcasting Company (YLE), Sanoma and Alma Media.

¹⁸² The case can be accessed from Finlex database (<http://www.finlex.fi/fi/oikeus/ho/2010/helho20100714>), HelHo 18.3.2010 714, accessed 25 August 2011.

¹⁸³ [C:\Users\hannah\Dropbox\Finalised\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.IE5\6ZZEQL9N\ http://www.uusisuomi.fi](http://www.uusisuomi.fi) accessed 25 August 2011.

¹⁸⁴ [C:\Users\hannah\Dropbox\Finalised\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.IE5\6ZZEQL9N\ http://www.halla-aho.com/scripta](http://www.halla-aho.com/scripta) accessed 25 August 2011.

¹⁸⁵ [C:\Users\hannah\Dropbox\Finalised\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.IE5\6ZZEQL9N\ http://cms.hommaforum.org/index.php](http://cms.hommaforum.org/index.php) accessed 25 August 2011.

However, the proliferation of borderline racist parlance has found its way into virtually all Finnish internet forums.

Uusi Suomi has been influential due to its history as a (now defunct) nation-wide newspaper and because it is seen as an alternative to the mainstream media which is dominated by only a few big news corporations. Its site has contained a number of blogs where opinions against so-called 'established values of tolerance' are openly vented. As the material from the blogs is also used as material for the news in the internet newspaper, some of the debate emanating from blogs with harsh criticism towards the immigrant population has found its way, through Uusi Suomi, to other media. Although this new media has provided to diverse opinions in Finnish society with more attention, it has also maintained a rather guarded attitude towards the more extreme opinions, which interlinks it more closely to the older, more established, and larger news corporations rather than the blogosphere or forums.

For years now, the 'Scripta' blog of Jussi Halla-aho has been a point of departure for many critical views about the role of immigrants in Finland. Through their popularity, Mr. Halla-aho's views have rippled all over the internet and become a large feature in the Finnish immigration debate. Entries on the blog are often highly controversial and in many cases on the brink of being defamatory, discriminatory and racist. The question of whether this border has been crossed has also been evaluated by a court. The Helsinki Court of Appeal found that one of Mr. Halla-aho's entries violated the freedom of worship. This has, however, not reduced the popularity of his blog, but instead has made him a champion for freedom of speech for many. Nonetheless, it remains a fact that the repercussions of Mr. Halla-aho's writing is difficult to over-estimate in regard to Finnish media coverage on immigration.

The 'Hommaforum' internet forum is a gathering place for many of those who share the views of Mr. Halla-aho. It has become a breeding ground for many outright racist thoughts, but through active moderation of the forum much of the discussion has remained fairly civil. Moreover, the digital police unit is actively monitoring the discussions. Nonetheless, the discussion at the forum is an open manifestation of critical or negative opinion against many of the immigrant minorities. The household discussions on the forum revolve around topics such as disproportionate amount of crimes committed by immigrants, problems of multiculturalism, the Islamisation of Finland and the loss of Finnish values and the costs of immigration to Finland. Although a forum for open criticism can be considered a positive development, the single-mindedness and lack of criticism for the posted critiques has created a number of asinine prejudices towards immigrants and minorities.

Examples of NGO Good Practice

Electronic Frontier Finland¹⁸⁶ (Effi) has kept the issues of freedom of speech and freedom of expression topical. By providing an annual Big Brother Award, Effi highlights the decisions by politicians, officials and corporations alike that are damaging to the fundamental right of freedom of expression, especially in digital media.

XI.ii The political and legal context

The most important development for the past year is a change to Criminal Code which extended the criminal responsibility of racist or discriminatory remarks also to operators of internet forums on which the remarks are posted.¹⁸⁷ By extending the responsibility to include those operating the internet forums an impetus has been created to moderate the content of the forums more actively. This change is likely to have reduced the most vocal use of racist or discriminatory language over the internet.

An important aspect of the control of content on the internet is a reporting service provided by the police.¹⁸⁸ Through the service, anyone browsing the internet may report content that they find to be racist or to incite hatred. As a result, the police can gain information on inappropriate content on the internet without having to monitor every susceptible web page themselves. A system such as this guarantees the freedom of expression whilst still providing the authorities with the necessary information.

Recently, many, both in the general public and in high political offices, have asked for more effective tools to intercept the spread of hate speech on the internet. As the Finnish Criminal Code does not contain any definition for hate speech, it is a problematic issue: before any intervention one has to evaluate the balance between the freedom of expression and other freedoms. As illustrated by the great number of violations of the right to freedom of expression in Finland at the European Court of Human Rights,¹⁸⁹ the legislation needs clarification for police, prosecutors and courts to recognise illegal messages from a legal ones. Such guidelines are, as a matter of fact, being worked on at the moment, in close co-operation between the digital police unit and the users of Hommaforum, showing a great initiative of integrating the persons most accused of hate speech in to the process.

¹⁸⁶ The home page of Electronic Frontier Finland with further information at <http://www.ffi.org/>, accessed 26 October 2011.

¹⁸⁷ See supra note 163.

¹⁸⁸ This tip-off service Nettivinkki is mentioned also on the English summary of the report of Ombudsman for Minorities. See supra notes 150 and 157.

¹⁸⁹ See e.g. Eduskunnan oikeusasiamies, *Eduskunnan oikeusasiamiehen...*, pp. 52–53

XII. Political and legal developments in anti-racism and anti-discrimination

There have been a number of important developments in the political and legal spheres to counter racism and discrimination. One of the most important, is the decision to establish a National Human Rights Institute to monitor the realisation of human rights and fundamental freedoms in Finland.¹⁹⁰ Also the new Act on the Integration of Immigrants¹⁹¹ is an important tool for nation-wide, and more regional, work towards the better integration of immigrants and immigrant communities in society.

Alongside these important legislative and institutional changes the past year has seen a growing number of regional contracts between the State and regions to improve the standing of immigrants. As most important of these, is a contract between the cities in Metropolitan area and the State regarding the improvement of employment and integration of immigrants.¹⁹² More than half of the entire immigrant population of Finland lives in this area. Therefore, all actions that improve chances of employment in the area can also be efficiently used in other parts of the country to improve the employment rate of immigrants.

The recent change in the political landscape of Finland has been drastic, and mostly a more critical attitude towards difference. The striking rise to power of the True Finns with their quasi-populist agenda, which considers immigration to be a cost and the importance of traditional Finnish values has found support also from other political parties. For example the immigration policy of the Social Democratic Party (SDP) was encapsulated by the party leader Ms. Jutta Urpilainen in her statement that 'either you live by the Finnish tradition or you leave the country' (citing the old Finnish adage of *maassa maan tavalla*).¹⁹³ It seems that the popularity of the True Finns has also tempted other parties to flirt with themes of immigration, with most of the parties focusing on an idea that Finland has been too lenient with its immigration policy.

The anti-immigration movement has, on the other hand, created a more active movement to support the more tolerant views on immigration. Many have felt that the tolerant views are being threatened and, thus, have decided to participate more actively in public life. As this group is fairly heterogeneous, it is unlikely that

¹⁹⁰ Ihmisoikeusinstituutiotyöryhmä, *Kansallisen ihmisoikeusinstituution perustaminen. Ehdostus oikeusasiamiehstä ja oikeuskanslerista annettujen lakien muuttamiseksi* (Helsinki: Oikeusministeriö, 2010)

¹⁹¹ See supra note 104.

¹⁹² *Valtion ja pääkaupunkiseudun kuntien välinen aiesopimus (2010–2012) maahanmuuttajien kotoutumisen ja työllistymisen nopeuttamiseksi ja tehostamiseksi*, 1.12.2009, http://www.hel2.fi/Helsinginseutu/Pks/aiesopimus_maahanmuutto_081209.pdf, accessed 29 August 2011

¹⁹³ STT-HS, *Sdp:n uusi maahanmuuttolinjaus: Maassa maan tavalla*, 20.3.2010, <http://www.hs.fi/politiikka/artikkeli/Sdpn+uusi+maahanmuuttolinjaus+Maassa+maan+tavalla/1135254843389>, accessed 29 August 2011.

it will have a similar impact on the Finnish debate on immigration as the anti-immigration movement has had.

Finland's legislation is on par with all the demands set forth in the European Union equality directives. However, the implementation process at national level leaves much to be desired. According to Deputy Chancellor of Justice, Mr. Mikko Puumalainen, the implementation of the EU equality directives has led to fragmented national legislation where different discriminative grounds are treated in a different manner, which, in fact, almost leads to discrimination.¹⁹⁴ This fragmentation of legislation is also visible in number of different equality bodies in Finland. Depending on the grounds on which the discrimination took place, there are different equality bodies to complain to. Choosing between e.g. the Ombudsman for Minorities and the Ombudsman for Equality means two different levels of protection, effectively making gender based discrimination sort of a super-discrimination.

The various Equality Bodies get their funding from the State. Their funding is on a level where their capacity to function effectively is guaranteed. For the year 2010, the entire budgetary funding for Ombudsman for Minorities was 872 000 € which includes salaries. The funding of the Ombudsman for Equality does not include salaries but only operating costs. These operating costs are 138 000 € on top of which comes salaries for 10.5 man-years and rent for premises. For discrimination in employment (other than gender-based) the responsible authorities are the Regional State Administrative Agencies. As these Agencies have a wide range of different tasks it is hard to say what the funding for these particular operations are.

The gathering of data on discrimination is as scattered as the bodies monitoring it. Therefore it is hard to say anything precise on the amount of discrimination in Finland. The last extensive survey on discrimination was conducted by the Finnish League for Human Rights in 2008.¹⁹⁵ The amount of discriminatory acts contested in the courts (both general and administrative) based on all the different discriminatory grounds were gathered together with data from the complaints sent to equality bodies. In the courts the total amount of cases were in the dozens whereas in the equality bodies they were in hundreds. One can expect that the gathering of this kind of data will be more focused once the national human rights institute begins its work.

¹⁹⁴ Puumalainen, Mikko, 'Syrjintäkiellon soveltamisesta laillisuusvalvonnassa', in *Valtioneuvoston oikeuskanslerin kertomus vuodelta 2009* (Helsinki: Oikeuskanslerinvirasto, 2010).

¹⁹⁵ Supra note 176.

Examples of NGO Good Practice

Joku raja! campaign¹⁹⁶ by Amnesty International has sought to improve the national legislation in Finland to better notice domestic violence as well as sexual offences committed on close relationships. Partly due to the campaign the Finnish legislation concerning rape and domestic violence has been amended.

At present the campaign seeks to promote a policy change to reflect the recent legislative changes.

¹⁹⁶The home page of Joku raja! campaign with further information (in Finnish) at <http://www.amnesty.fi/kampanjat/joku-raja>, accessed 27 November 2011.

XIII. Migration and integration

There has been a few noteworthy changes in Finnish migration and integration policy and legislation in the reviewed period. The most important is the enactment of a new Act on the Integration of Immigrants which will enter into force on 1st of September 2011.¹⁹⁷ It will increase the level of access to integrative education as well as widen the range of different tools available to guarantee successful integration. Also of great importance, is the fact that with this change, every immigrant will be entitled to a personal integration programme and municipalities will be obliged to provide such a programme to all unemployed immigrants. With the new Act Finland will also meet the requirements outlined in the European Common Agenda for Integration.

A more negative development was the changing of the colour of identity cards to reflect nationality.¹⁹⁸ These cards are now provided in blue and brown colours where blue is reserved for the Finnish nationals and brown for foreign citizens. The purpose of this change was to make it easier to differentiate different versions of the identity card, as the one provided for Finnish nationals also functions as a travel document, whereas the one for foreign citizens does not.¹⁹⁹ However, such a line of argument is dubious at best. After all, if the validity of an identity card is checked only based on colour, it raises the question of how well they are checked in the first place. If the check is more thorough, the colour serves no function as the nationality, and hence the validity as a travel document, can be verified instantly. Therefore, this differing treatment lacks justification and can be considered discriminatory in nature.

The change in political discourse has also tacitly changed the legislation on immigration: the growing criticism of Finland's family reunification policy led to a change of legislation which set more stringent requirements for the family provider and his or her ability to support the family about to be reunified.²⁰⁰ Yet, this has not silenced the criticisms of the policy such as: that it is too lenient and allows immigrants to freely decide who belong to their family. These views are erroneous and not supported by the legislation which demands DNA tests to verify that family members are related as well as requiring that the person wishing to re-unify their family in Finland is able to prove that they can provide for their family. All in all, it appears that political discourse has led to some inhumane

¹⁹⁷See supra note 104.

¹⁹⁸Press release of Police dated 27 May 2011 'Changes in the identity card' at <http://www.poliisi.fi/poliisi/home.nsf/pages/1789EF5276DF7942C22577340032505F?opendocument>, accessed 29 August 2011. General information from the electronic identity at Population Register Centre's portal (<http://vrk.fi/default.aspx?id=21>) and citizen certificate at FINEID portal (<http://fineid.fi/default.aspx?docid=2331&site=10&id=486>).

¹⁹⁹Sotamaa-Leino, Henna, *Ulkomaalaisten henkilökortti on pian erivärinen kuin Suomen kansalaisten*, Aamulehti 30 May 2011, http://www.aamulehti.fi/cs/Satellite?c=AMArticle_C&childpagename=KAL_newssite%2FAMLLayout&cid=1194680965955&p=1194626958999&pagename=KALWrapper, accessed 29 August 2011.

²⁰⁰Government proposal (in Finnish) HE 240/2009 vp. *Hallituksen esitys Eduskunnalle laiksi ulkomaalaislain muuttamisesta*.

treatment of asylum seekers as the presumption seems to be that every asylum seeker is trying to abuse the system.²⁰¹

According to the MIPEX indicator, Finland's integration policies rank fourth best.²⁰² The indicators for Finland are partly misleading. For example, the mobility on the work market might be important for those migrants who happen to have work but as the unemployment rate for migrants is, for certain groups close to 100%, and for many immigrant communities around 50%, it is difficult to speak of a good result although the mechanisms and state support may be state-of-art. A similar stigma haunts e.g. political participation. Although Finland does provide right for migrants to participate in local elections, there is an apparent lack of migrants in elected seats for municipal decision making positions. It appears that the legislative framework provides for a wide range of rights but their fulfilment is lacklustre.

An important step in the inclusion of the Roma in Finnish society was the creation of first National Policy on Roma.²⁰³ The emphasis in the policy programme is on improving the education of Roma through a range of good practices and a more active role of the State actor. The purpose of the programme is to extend the educational goals to both children and adults alike to enhance the possibilities for Roma to get access to employment. Along with the improvements on the educational level, also the employment services for Roma are to become more tailored for their needs. The other goals of the National Policy on Roma are to improve the access of Roma to goods and services, as well as to housing, and to maintain and improve the standing of Roma language and culture amidst Roma and in general.

In Finnish political discourse both reciprocal and unilateral integration of immigrants are supported. The present legislation and policies support the reciprocal approach, where both the main population and the migrant population work together to improve integration of migrants. The responsibility for integration is equally on the migrant and the main population. This inclusion policy has not necessarily succeeded too well contact between migrants and the original population is scarce, and, the growing segregation is certainly not going to improve the situation. From these perceptible observations emanates the demand for integration policy where the migrants are the only ones responsible

²⁰¹The comparison of the Finnish legislation to that of other European countries see Sisäasiainministeriö, *Eduskunnan hallintovaliokunnalle kokonaisvaltainen ja systemaattinen selvitys voimassa olevista ulkomaalaislain perheen yhdistämissäännöksistä ja niiden soveltamisesta*, [http://www.intermin.fi/intermin/images.nsf/files/141b01ea16857e7fc22577c700290b20/\\$file/perheenyhdistamisselvitys_ek_221010.pdf](http://www.intermin.fi/intermin/images.nsf/files/141b01ea16857e7fc22577c700290b20/$file/perheenyhdistamisselvitys_ek_221010.pdf) and Suomen pakolaisapu and Pakolaisneuvonta ry, *Perheiden yhdistäminen – taustaselvitys*, <http://www.pakolaisneuvonta.fi/files/PERHEIDENYHDISTAMINEN%20SELVITYS%20180610.pdf>, both accessed 29 August 2011

²⁰²<http://www.mipex.eu/countries>

²⁰³Romanipoliittisen ohjelman valmistelun työryhmä, *Suomen romanipoliittinen ohjelma. Työryhmän esitys* (Helsinki: Sosiaali- ja terveysministeriö, 2009)

for integration, and their failure to integrate and find employment should lead to expulsion.

Many have voiced concern over the changes in the Finnish political field towards more limited migration. Finnish civil society is, however, woefully limited and matters of integration and migration are not on the agenda of any of the influential NGOs. The NGOs have failed to participate in the discussion with reasoned arguments, instead the solitary arguments posed have been emotionally tainted. In general, the Finnish state-driven welfare model seems to side-line NGOs. Also, the funding of NGOs rests too much on state subsidies which keep the role of NGOs more on the margins. The lack of sufficient funding eventually means lack of paid personnel which obviously is detrimental for the hopes of gaining an active role in civil society.

Examples of NGO Good Practice

Sadly there are no examples of NGO best practice in this area, due to the reasons outlined above.

XIV. National recommendations

Employment

- The number of unemployed immigrants is the most severe illustration of discrimination in the Finnish employment market. To improve the standing of immigrants in the work market, the focus should be set on proper education and recognition of prior education migrants might have accrued at the land of origin.
- The labour unions should seek to integrate immigrants into their ranks more actively. By treating immigrant workers according to the same standards as everyone else in the work market, integration can be fully achieved. Through work, many immigrants would gain important contact and interaction with the original population, providing further chances to improve both the language skills and cultural awareness of immigrants.

Housing

- Municipalities and the State should work closer together to recognise the needs of immigrants and immigrant families in housing. The Metropolitan Policy Programme is the first step in the right direction. By securing municipal rental apartments that are of suitable size and within the price range of those who are, at present, homeless, for both the original population and immigrant population alike, has to be the goal for future housing policy. The housing policy must make careful use of the land, planning, and funding in a fashion that will guarantee as heterogeneous a population as possible in each area.
- For municipal rental apartments to be a tenable alternative, the State and municipalities have to find a common ground on the distribution of costs of housing the underprivileged.

Education

- The education of immigrant housewives needs to be guaranteed. Their integration is of the utmost importance for the successful integration of the entire family.
- Language education should be available to more diverse groups with all of courses having the same goal of providing an acceptable level of language proficiency.

Criminal justice

- The current practice of monitoring and checks by the police is questionable vis-à-vis Rosalind Williams case: it should be revised to better reflect the spirit of the Williams decision. If there is a need for control of identity at the centrals of public transport, any and all control should be performed in a fashion that does not stigmatise people due to their physical appearance.

Access to goods and services

- The Act on Equal Treatment should be revised to also contain discrimination in the access to goods and services as a violation of rights.
- Discrimination in private sector should be harnessed through closer co-operation between the responsible authorities and the private service providers. The first step would be to gather and analyse data on the amount of discrimination encountered in access to goods and services.

Media

- Finland needs to clarify its stance as to where the balance lies between freedom of expression and other freedoms guaranteed as fundamental rights. This is necessary to rectify the present situation where neither the courts nor the citizens know what kind of message is acceptable or non-violable in a democratic society and what falls outside the scope of protection.

General

- **Anti-racism and anti-discrimination**
 - a. The NGOs need to take a more active role as the voice of civil society. At present, civil society remains silent on most of the national problems on human rights issues and the information gathered by the NGOs is rarely publicised in a fashion which would encourage its use in political decision-making or political discourse.
- **Migration and integration**
 - a. The need for differently coloured of identity cards must be re-assessed. The argument based on ease of checking, is hard to justify as the checking of identity cards can, under no circumstance, be based solely on the colour of the card.

XV. Conclusion

Finland's decision to establish a National Human Rights Institute to oversee and guide the national research, education, and awareness of human rights is most welcomed. The institute will provide much needed coordination for all the research and surveys conducted by the numerous bodies already working on the field of human rights. As long as the funding of the institute remains at an acceptable level, the human rights argument will have more bearing on political decision making than it has had before.

The enactment of the new Act on the Integration of Immigrants shines as another bright beacon of light in the development of Finnish non-discrimination legislation. By extending the scope of integration to entire family units the new Act recognises the importance of family units as meaningful units of integration. Also, the earlier evaluation of the needs for integrative measures on an individual level will remove the delays that have haunted the implementation of personal integration programmes. Importantly, the Act also guarantees the right to have a personal integration programme for every immigrant.

The rapidly growing number of homeless immigrants is one of the most important developments of the past year. The challenge posed to larger cities in the south of Finland needs to be tackled in close co-operation between the cities and the state. Also, the importance of segregation has been further highlighted in the past year as the first suburbs passed the level of housing more than 30% immigrants. There is tendency where immigrants move straight from reception centres to cities in southern Finland, which is understandable as these cities also have the largest immigrant communities as well as provide the best chances of finding a job. Yet, these cities, and particularly Helsinki, are seemingly unable to cope with the challenge and are facing alarming levels of homelessness amongst the immigrant population.

Civil society rarely voices an opinion on developments in discrimination policies. The problem faced by NGOs in particular is that their media visibility is relatively low. For example, migrant communities are in a challenging situation as their opinion is heard only when something negative happens. Civil society needs new channels to influence and distribute the information that they have gathered. Although many NGOs are doing important work, their funding rests at a level which means that most of the work is done by volunteers or in short-term projects.

Hence, the contribution of the civil society to anti-racism and anti-discrimination policies remains superficial and lacking in substance for the most part. Only a few affluent groups, mostly consisting of minorities within the original population, have sufficient know-how and assets to voice their opinion visibly, whereas a

vast majority of all work rests at the grass-root level sometimes preventing even excellent practices from spreading elsewhere.

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Annex 1: List of abbreviations and terminology

AFLRA	Association of Finnish Local and Regional Authorities
ARA	Housing Finance and Development Centre of Finland
FRA	European Union Agency for Fundamental Rights
KELA	Social Insurance Institute of Finland
KEPA	Service Centre for Development Cooperation
MIPEX	Migrant Integration Policy Index
NBI	National Bureau of Investigation
THL	National Institute for Health and Welfare
YLE	Finnish Broadcasting Company

