
Racist Violence in Finland

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An assessment of overall trends and patterns

There are no full-proof statistics for racist violence available in Finland. However, a detailed report is published annually by the Police College of Finland (PCF). The Finnish Act on Protection of Personal Data prohibits registering sensitive information, including that of ethnic group or ethnic origin, hence, there are no statistics available from the number of Roma or Sami people living in Finland not to mention the amount of racist violence they may be subject to. On the other hand, information from immigrants, refugees and other people of foreign origin can be acquired from registers by using queries on country of birth, citizenship and/or native language¹. It is also noteworthy that the authorities do believe that a great number – if not a majority – of all racially motivated crime is never reported to the Police².

In accordance to the police database for 2008, the foreign citizens that were most often complainants at the preliminary investigation were those of Russian, Turkish or Somali origin³. However, when the figures are compared to the relative number of foreign citizens in Finland, the groups most often subject to racially motivated crime are citizens of Turkey, Iran, Iraq and Somalia. It appears that individuals who stand-out most discernibly from the general population, are the ones facing the majority of racially motivated crime⁴. As with previous years, the majority of complainants were male. Regardless of their gender, roughly a third of all complainants were between 15 and 24 years of age⁵. It is worth noting that these numbers reflect the entire scope of hate crimes in Finland, including offences such as discrimination. Nonetheless, the bulk of all hate crimes fall under the scope of racist violence as defined by Enar, ergo offences like assault (32 %), defamation (13 %) and petty assault (11 %)⁶.

Despite the lack of exact figures on the number of Roma in Finland, there are numerous reasons to infer that the Roma are often victims of hate crime. Generally the public attitude towards the Roma is negative and given the extent of problems faced by the Roma with issues such as residence, education and work back up this assertion⁷. Every now and then, the hate crimes targeted at Roma emerge even at

1 Laura Peutere, *Poliisin tietoon tullut viharikollisuus suomessa 2008*, Poliisiammattikorkeakoulun raportteja 85/2009 (Tampere: Poliisiammattikorkeakoulu, 2009), p. 26.

2 Ibid., p. 18 and 48–49. Milla Aaltonen, Mikko Joronen and Susan Villa, *Syrjintä Suomessa 2008* (Helsinki: Ihmisoikeusliitto, 2009), pp 37–39. Sisäasiainministeriön poliisiosasto, *Poliisin tietoon tullut rasistinen rikollisuus 2002*, Sisäasiainministeriö, poliisiosaston julkaisusarja 12/2003 (Helsinki: Sisäasiainministeriön monistamo, 2003), p. 2.

3 Peutere, (n), pp 68–69.

4 Ibid., p. 69–70.

5 Ibid., p. 72.

6 Ibid., p. 53–54.

7 In the Eurobarometer survey published in 2008 Finnish respondents were highly mistrustful of Roma as a neighbour (5.5 on a scale from 1 to 10). (Milla Aaltonen, Mikko Joronen and Susan Villa, *Syrjintä Suomessa 2008* (Helsinki: Ihmisoikeusliitto, 2009), p. 23–24.) In 2007 the National Discrimination Tribunal of Finland imposed a default fine to the commune of Himanka who was found guilty of discrimination by repeatedly neglecting an application for a rental apartment made by a Roma family. (Ibid., p. 36.) The scantiness of teaching of the Romani language is also problematic. Moreover, Roma children are too readily placed in remedial classes as teachers believe them to be troublesome and in need of special attention. Roma also discontinue comprehensive education more often and apply for secondary education more seldom than the general population. (Ibid. p. 65–68.) In a survey carried out in 2008, employers were asked whether they would be ready to recruit a Roma if he or she would have applicable education and experience for the post. More than every tenth employer would under no circumstance hire a Roma. Nearly a third of employers

the level of national media⁸.

The other traditional national minority of Finland, the Sami, has not reportedly been subject to large scale racial violence. Nevertheless, the Sami do face other forms of hate crime, particularly with regard to their rights as indigenous people of Finland. The elevated protection for their cultural rights is not sufficiently resourced by the government which violates their right to education in their native language, in particular outside the northernmost Finland⁹. Also, the unsettled land ownership dispute is a source of constant struggle.

Trends in victimisation.

The international reports highlight that racist crimes in Finland has increased between the years 2000 and 2006¹⁰. More recent international reports concerning the situation in Finland have not yet been published. An accurate assessment of the changes in racial violence in Finland is given by the hate crime reports of Police College of Finland for the years 2003–2008¹¹. The 2009 report will be published later this year.

The number of suspected crimes with racist characteristics has been steadily increasing but there is a significant leap in the number of cases between 2007 and 2008¹². Complainants for the suspected crimes with racist characteristics have – between 2003 and 2008 – been mostly from the same countries of birth and representing the same nationalities. The largest group is formed by citizens of Finland and those born in Finland. The citizens of Finland have been complainants on roughly every other case, though in 2008 this rose to 62 %. Both based on nationality and country of birth, the Russians, Turks, Somalis, Iraqis and Iranians are facing most of the crimes with racist characteristics¹³. The only notable trend in figures has been the decline of racially motivated crime towards citizens of Somalia, where the number of crimes has fallen from 58 cases to 37 cases. The decline in the number of cases cannot be explained by more Somali-born having gained Finnish citizenship as illustrated by the statistics based on country of birth that show, except for 2006, that the number of cases has steadily been around 70 to 80¹⁴.

considered the customs of Roma culture or lack of trustworthiness of Roma as a hindrance to employment. For one fifth, a Roma employee tarnishes company's public image. (Ibid. pp 65–68.) Cf. also e.g. EUMC, *The Annual Report on the Situation regarding Racism and Xenophobia in the Member States of the EU* (Budapest: EUMC, 2006), p. 64, 80.

8 Cf. e.g. Turun Sanomat, *Huoltoasema haluaa asiakkaakseen vain yhden romanin kerrallaan*, <http://www.ts.fi/online/kotimaa/117194.html>, accessed 6 July 2010.

9 Saamelaiskäräjät, *Saamelaiskäräjien lausunto valtioneuvoston kulttuuripoliittisesta selonteosta eduskunnan sivistysvaliokunnalle* (Inari: Saamelaiskäräjät, 2010).

10 Human Rights First, *2008 Hate Crime Survey*, <http://www.humanrightsfirst.org/pdf/FD-081103-hate-crime-survey-2008.pdf> p. 15. EUMC, *The Annual Report on the Situation regarding Racism and Xenophobia in the Member States of the EU*, (Budapest: EUMC, 2006), p. 16.

11 Peutere, (n), p. 108.

12 Before, the amount of suspected crimes has increased by 10 to 30 cases a year, whereas there is an increase of 152 suspected crimes from year 2007 to 2008. For example, in 2003 there was a total of 387 suspected crimes with racist characteristics, 2004 there were 400, in 2005 it rose to 412 cases and this upwards trend continued in 2006 and 2007 to 442 and 454 cases respectively. In 2008 the number was 606 cases using the same classification method as in previous years and 755 cases using the new classification methods. Ibid., p. 57.

13 These are also groups that have a significantly higher unemployment rate than general population. c.f. e.g. Pentti Arajärvi, *Maahanmuuttajien työllistyminen ja kannustinloukut*, Sisäasiainministeriön julkaisu 2/2009, (Helsinki : Sisäasiainministeriö, 2009), p. 19.

14 Peutere, (n), pp 68–71.

It appears that the racist crime most often encountered by Roma is discrimination, albeit acts of violence, such as assault, are by and large the most common crimes with racist characteristics in the entire data. The PCF reports for years 2003 to 2007 mention that the majority of complainants on discrimination cases have been the Roma. The most common form of discrimination minorities' face seems to be being refused entry into restaurants or being refused service whilst in one. The PCF report of 2007 mentions the situation of Roma only in one passage and in 2008's report there are no figures on their situation¹⁵.

Besides the Roma, other traditional Finnish minorities are not mentioned as victims of racial violence. Furthermore, there are very few statistics on religious groups being the victims of hate crimes. This is partly due to classification problems, because if there is no clear indication for the motive of crime, it cannot be classified as hate crime¹⁶. The Sami have not reportedly encountered any crimes with racist characteristics and the Jews are mentioned as complainants in only a few cases in 2004's report¹⁷. Suspected crimes with islamophobic or anti-Islam characteristics are first mentioned in PCF report of 2007. In 2008, the report for the first time compiles statistics from hate crimes based on the religious background of an individual. Data for 2007 illustrates that there were 14 suspected crimes with an anti-islamic motive, with assault being the most common crime classification¹⁸. In 2008 there were reports of 17 suspected hate crimes against Muslims with most common crime classification being defamation and threats¹⁹.

In sum, it appears that if there is a single group whose situation has worsened in Finland it is the Muslims. At the same time, racist violence against Somali citizens has decreased.

Reports of racist violence

The authorities aspire to monitor the amount and scope of racist violence together with NGOs. For example, a report on discrimination made by the Finnish League for Human Rights in 2008 was commissioned by Ministry of the Interior.

According to the official data, the most likely victim for racist violence is a male between 15 to 24 years of age. The amount of racist violence together with its manifestation varies between the sexes. Men are more likely to face assaults

15 Tuunia Keränen, *Poliisin tietoon tullut rasistinen rikollisuus Suomessa 2003*, Poliisiammattikorkeakoulun Tiedotteita 39 (Espoo: Poliisiammattikorkeakoulu, 2005), p. 4, 20 and 29. Tuunia Keränen, *Poliisin tietoon tullut rasistinen rikollisuus Suomessa 2004*, Poliisiammattikorkeakoulun Tiedotteita 40 (Espoo: Poliisiammattikorkeakoulu, 2005), p. 25 and 37. Ellonen, Noora, *Poliisin tietoon tullut rasistinen rikollisuus Suomessa 2005*, Poliisiammattikorkeakoulun Tiedotteita 53 (Espoo: Poliisiammattikorkeakoulu, 2006), p. 10, 21, 33 and 57. Tanja Noponen, *Poliisin tietoon tullut rasistinen rikollisuus Suomessa 2006*, Poliisiammattikorkeakoulun Tiedotteita 62 (Helsinki: Poliisiammattikorkeakoulu, 2007), p. 40 and 64. Mikko Joronen, *Poliisin tietoon tullut rasistinen rikollisuus Suomessa 2007*, Poliisiammattikorkeakoulun raportteja 72/2008 (Tampere: Poliisiammattikorkeakoulu, 2008), p. 33.

16 Peutere, (n), p. 37.

17 Keränen, *Poliisin tietoon tullut rasistinen rikollisuus Suomessa 2004*, (n) pp 43–44.

18 Mikko Joronen, *Poliisin tietoon tullut rasistinen rikollisuus Suomessa 2007*, Poliisiammattikorkeakoulun raportteja 72/2008 (Tampere: Poliisiammattikorkeakoulu, 2008), p. 30.

19 Peutere, (n) pp 82–84.

whereas women are more often victims of libel and slander or discrimination²⁰. The religious background of an individual is rarely a motive for the crime. In 2008 the Police database had in total 859 cases that could be classified as suspected crimes with racist characteristics. Out of these, there were 53 cases in total where the cause was victim's religious background²¹. Furthermore, the majority of suspected assaults, as well as criminal damages to property, were committed during the evening and night whereas suspected crimes of menace and defamation took place mostly during daytime and evening²².

Besides the fact that a large amount of racist violence is never reported to the police, many crime investigations expire or lapse at the preliminary investigation as the complainant does not raise any demands or withdraws his or her demands. The reason for the withdrawal may also be a suggestion from the prosecutor or the police officer handling the preliminary investigation. In such cases the dispute is settled between the parties. The purpose of this procedure is to minimise the risk of problems coming to a head regarding petty offences. Another reason might also be the lack of trust of the authorities or the victim's personal belief that the offence is so trivial that there is no reason to go through the arduous court procedure²³.

Assessment of trends

One of the main explanations for racist violence in Finland is without a doubt the concentration of immigrants in major cities together with the high unemployment rate of the immigrant population²⁴. The amount of crime cannot be solely explained by the relative number of immigrants within an area²⁵ as illustrated in the community of Närpes. The Commune of Närpes has some of the highest percentage of immigrants in Finland, roughly seven% of the total population by the end of 2009²⁶. Despite the high concentration of immigrants the number of crimes with racist characteristics is not exceedingly high, as illustrated by the PCF's report for 2008²⁷. The opportunities for criminal behaviour increases in urban surroundings and this better explains the racist violence in Finland, rather than the relative number of immigrants within communal border²⁸.

20 Peutere, (n) p. 72 and 77.

21 Ibid., p. 50.

22 Ibid., p. 62–63. Furthermore, the majority of assaults (including petty and aggravated assaults) happened in public locations, such as roads and streets. Roughly every fourth assault took place in a bar or a restaurant or in their immediate vicinity. Regarding damages to property; the majority took place at the victim's apartment or at its yard or staircase and at bars and restaurants. The latter cases typically involve a restaurant owned by an individual of foreign origin. A third of all menace and defamation crimes happen at the victim's apartment or in its immediate vicinity, see Peutere (n), pp 59-62.

23 Laura Peutere, *Rasistisia piirteitä sisältävät rikosepäilyt rikosprosessissa – Tapaustutkimus Helsingistä 2006*, Poliisiammattikorkeakoulun raportteja 73/2008 (Tampere: Poliisiammattikorkeakoulu, 2008), p. 44–45.

24 Pentti Arajärvi, *Maahanmuuttajien työllistyminen ja kannustinloukut*, Sisäasiainministeriön julkaisuja 2/2009, (Helsinki : Sisäasiainministeriö, 2009), p. 19

Etnisten vähemmistöjen ja maahanmuuttajien turvallisuus paikallisissa turvallisuussuunnitelmissa, p. 2.

25 This claim is made in Laura Peutere, *Rasistisia piirteitä sisältävät rikosepäilyt rikosprosessissa – tapaustutkimus Helsingistä 2006*, Poliisiammattikorkeakoulun raportteja 73/2008, (Tampere : Poliisiammattikorkeakoulu, 2008), p. 15–16.

26 At the end of 2009, there were 658 foreign citizens living in Närpes. The commune's entire population was at the time 9464. Tilastokeskus, *Taulukko: Väestö kielen mukaan sekä ulkomaan kansalaisten määrä ja maapinta-ala alueittain 1980 – 2009*, http://pxweb2.stat.fi/Dialog/varval.asp?ma=060_vaerak_tau_107_fi&ti=V%E4est%F6+kielen+mukaan+sek%E4+ulkomaan+kansalaisten+m%E4%E4+r%E4+ja+maa%2Dpinta%2Dala+alueittain++1980+%2D+2009&path=../Database/StatFin/vrm/vaerak/&lang=3&multilang=fi accessed 5 July 2010.

27 Peutere, (n), p. 65.

28 Andresen, Martin A., 'Crime Measures and the Spatial Analysis of Criminal Activity', *British Journal of*

Therefore it is characteristic for racist violence in Finland, to be concentrated into the Helsinki region and in other major cities in southern Finland, namely Turku and Tampere. Although the relative number of immigrants for the entire population is not higher than in Närpes, there are other causes for the increase of violence including racist violence. Regional differences in employment rates as well as income and educational levels are more discernible in bigger cities than in Närpes²⁹.

At the same time it is noteworthy that Finland was a relatively isolated country for a prolonged period after the Second World War. The number of foreign citizens first increased after the collapse of Soviet Union. When comparing the years 1988 and 2009, the number of foreign citizens increased by 734 %. Moreover, the population of Finland has in same time period increased by eight %³⁰.

In Finland the majority of people follow the daily news either through newspapers, television or other media sources. This increases the power of media in moulding the image of minorities as different. Furthermore, the seemingly multicultural journalism can create stereotypes³¹. News reporting *per se* cannot be said to be racist in Finland, but at the same time it sustains strong stereotypes. Racist content on the internet must also be noted. For example the Finnish Ombudsman for Minorities is contacted frequently on matters of racist material on internet³².

The importance or significance of extreme groups or movements is hard to evaluate as they have gradually disappeared from main stream culture. For example the hate crime report of 2004 states that nearly 10 % of all suspected crimes with racist characteristic were made by skinheads³³. In 2007 and 2008 such extreme groups are no longer mentioned³⁴.

Also, the global recession should be noted. It reached Finland during autumn of 2008. The attitudes towards immigration and immigrants were negative during the previous recession at the early 1990's³⁵. A similar effect could explain the increase in number of suspected crimes with racist characteristic between 2007 and 2008.

Furthermore, there has been a change in the political climate evidenced by the action plan to counter illegal immigration to Finland, commissioned by the Ministry of the Interior³⁶. It sets demands on increasing the amount of inland surveillance. As a

Criminology, 46 (2006), 258, 280–283.

29 Turku locates is the most multicultural suburb of Finland, with relative number of immigrants being 33%.

Etnisten vähemmistöjen ja maahanmuuttajien turvallisuus paikallisissa turvallisuussuunnitelmissa, p. 2.

30 In 1988 there were 18,676 foreign citizens in Finland. The overall population was 4,954,359. In 2009 there were 155,705 foreign citizens and an overall population of 5,351,427 respectively. The number of people born abroad also increased. In 1990 there were 64,922 born abroad which equals to 1.3% of entire population. In 2009 233,183 persons were born abroad, that is 4.4% of entire population. See Tilastokeskus, (n).

31 Pentti Raittila (ed.), *Etnisyys ja rasismi journalismissa*, Mediakriittinen julkaisusarja 6 (Vammala: Suomen Journalistiliitto, 2002).

32 Vähemmistövaltuutetun vuosikertomus 2009, p. 29.

33 Equal in Law, Unequal in Fact Racial and ethnic discrimination and the legal response thereto in Europe (), p. 51.

Skinheads are mentioned also in the following report: ECRI, *Third report on Finland – Adopted on 15 December 2006* (CRI(2007)23), p. 23 and 26.

34 Joronen, (n). also Peutere, (n).

35 *Ibid.*, p. 95.

36 Esko Ruokonen, Per Ehrstén, Jukka Martikainen and Arja Saarto, *Laittoman maahantulon vastainen toimintaohjelma 2010 – 2011*, Poliisin ylijohdon julkaisusarja 5/2009 (Helsinki: Sisäasiainministeriö, 2009).

central obstacle for more effective surveillance; the action plan finds the international humanitarian treaties and the interpretation of fundamental rights by the Finnish administrative courts. These treaties provide for the free movement within the national borders of Finland³⁷. By increasing the surveillance in Schengen area, there is a risk of too much subjectiveness in the exercise of power. In particular this is visible in profiling done by police authorities. If people who look foreign are more often subject to police inspection, this constitutes negative treatment that cannot be justified by the alleged benefits³⁸.

An analysis of the responsiveness of the police and criminal justice system to racist violence

The Criminal Code of Finland does not include a separate definition for racist violence. Instead, the Finnish legislation strives to prevent racist violence predominantly through directions and by binding the authorities and employers. Minorities also have their rights protected by a number of Acts, the most important being the constitution which provides protection against discrimination³⁹. The Criminal Code provides the means to give a severer sentence when a crime is committed against an individual merely because they belong to a certain national, racial, ethnic or other population group⁴⁰. The Equal Treatment Act ensures non-discrimination and strengthens the legal protection for those facing discrimination⁴¹. The Aliens Act implements and promotes good governance and legal protection in matters concerning foreign citizens, particularly in matters of entry and leaving the country as well as working and residing in the country⁴².

Particularly in recent years, the Police have been actively working to prevent racist violence. To counter, among others, racist comments on the internet, the Police have established a hint service. People can use this service to submit anonymously information from online discussion, writing, etc. that they deem to be racist⁴³. Furthermore, the Police Administration has created a separate discussion forum with various groups representing ethnic minorities in Finland. The purpose of this forum is to prevent racism, hate crimes and discrimination⁴⁴.

Changes to the prosecution and court system have been less significant, as legal aid has been extended to everyone residing in Finland⁴⁵. The applicant's available

37 Ibid., p. 24.

38 Ibid., p. 13–14 and p. 26

39 Finlex, *Suomen perustuslaki 11.6.1999/731*, <http://www.finlex.fi/fi/laki/ajantasa/1999/19990731> accessed 6 July 2010.

40 Finlex, *Rikoslaki 19.12.1889/39*, <http://www.finlex.fi/fi/laki/ajantasa/1889/18890039001> accessed 5 July 2010.

41 Finlex, *Yhdenvertaisuuslaki 20.1.2004/21*, <http://www.finlex.fi/fi/laki/ajantasa/2004/20040021> accessed 5 July 2010.

42 Finlex, *Ulkomaalaislaki 30.4.2004/301*, <http://www.finlex.fi/fi/laki/ajantasa/2004/20040301> accessed 5 July 2010.

43 Poliisi, *Poliisi on verkossa*, <http://www.poliisi.fi/poliisi/bulletin.nsf/vwSearchView/50A779B545E1B98CC22576E30032DC52> accessed 5 July 2010.

Poliisi, *Nettivistin*, <https://www.poliisi.fi/poliisi/home.nsf/feedbacktip?openform&l=1> accessed 5 July 2010.

44 Poliisi, *Poliisi lisää yhteistyötä ja vuorovaikutusta eri etnisten yhteisöjen kanssa*, <http://www.poliisi.fi/poliisi/hallitus/home.nsf/webprint/8A68BA448F920A33C2257720003DC06F?OpenDocument> accessed 6 July 2010.

45 Oikeuslaitos, *Oikeusapu*, <http://www.oikeus.fi/4313.htm> accessed 6 July 2010.

Finnish legal aid has been noted on previous reports on discrimination in Finland; cf. e.g. EUMC, *The Annual Report on the Situation regarding Racism and Xenophobia in the Member States of the EU*, (Budapest:

means is the decisive factor on deciding whether legal aid is free. A victim of a serious violent crime or sexual crime is entitled to legal aid irrespective of his or her means⁴⁶. Legal aid also covers possible interpretation or translation fees, but it does not guarantee the availability of these services⁴⁷.

There has been relatively little research done on the actual criminal justice process on hate crimes in Finland. Hence, official data for the pre-trial investigation, charges brought and the court proceedings are limited. The only extensive study on the subject was performed in the Helsinki jurisdictional district in 2008⁴⁸. It reveals that in the pre-trial investigation the suspected crimes with racist characteristics were solved as fast as and as efficiently as all the other cases⁴⁹. Also, the courts' decisions seem to follow the general trends with the average processing time and sentence passed being close to comparable data⁵⁰. In this respect it should be possible to exclude large scale bias or discrimination by officials. Yet, the prosecutors did not demand an increase in punishment on grounds of racial motivation in any of the 54 cases that were identified as having suspected racist motivation. The prosecutors openly admitted that they extremely rarely – only one in five recalled ever having used it – demand an increase of punishment on grounds of racial motivation (the Criminal Code of Finland: chapter 6, section 5, paragraph 4). In many cases the prosecutors instead pursued an alternative route of having breach of honour as a secondary offence alongside the main offence. Thus, breach of honour was seen as a substitute for demanding severer punishment on grounds of racial motivation⁵¹. The same holds true for the court proceedings where the racist motivation is only exceptionally used as a ground for more severe punishment⁵².

A brief assessment about trends in the experience of violence and crime in general in your country.

Compared to the previous year, there appears to be no drastic change in the number of crimes in 2008. Only the amount of fixed penalties imposed on traffic violations increased dramatically⁵³. In general, there were less people sentenced than in the previous year. When comparing the statistics from years 2005 to 2008 on sentenced offences, based on four chapters of the Criminal Code containing violent crimes, it appears that the amount of crime has remained relatively stable. Sexual crimes are the only crimes where there is marked systematic growth⁵⁴.

EUMC, 2006), p. 33.

46 Oikeuslaitos, *Muu julkinen oikeusapu*, <http://www.oikeus.fi/4344.htm> accessed 6 July 2010.

47 For the victims of sexual crimes there is support from NGOs, inter alia., by Raiskauskriisikeskus Tukinainen (www.tukinainen.fi), and from the public legal aid offices. With interpretation and translation services the field is somewhat more complex and the services provided are based on the status of applicant (e.g. refugee, looking for work, seeking social security etc.). (http://www.mol.fi/mol/fi/99_pdf/fi/04_maahanmuutto/07_aineistot_kirjasto/02_julkaisut_raportit/tulkkihoje.pdf) In addition to official quarters there are NGOs akin to Refugee Advice Center (www.pakolaisneuvonta.fi) that provides assistance to asylum seekers, refugees and other foreigners in Finland.

48 Peutere (n).

49 Ibid. p. 48–50. The same holds true with the consideration of charges, p 58.

50 Ibid. p. 65–66.

51 Ibid. p. 12 and p. 61–63.

52 Ibid. 67.

53 Tilastokeskus, *Ennätykselliset yli puoli miljoonaa rangaistusta viime vuonna*, http://www.stat.fi/til/syyttr/2008/syyttr_2008_2009-12-09_tie_001_fi.html accessed 6 July 2010.

54 The amount of sentences imposed on sexual crimes per annum: 435 cases in 2005, 450 cases in 2006, 472 cases in 2007 and 541 cases in 2008.

Tilastokeskus, *Taulukko: Syytetyt, tuomitut ja keskimääräiset rangaistukset alueittain ja rikoksittain*,

A more subjective view on the violence encountered and from the fear of violence in Finland, provides a self-report survey conducted every third year. Based on the survey, less and less people are concerned as ending up being victims of violence. In 1997 the number of people concerned was 45 %, whereas in 2009 the number had fallen to 30 %. When monitoring the same time period there are no other major changes. Roughly every fifth avoids moving alone during the evening and night, approximately two % state that they have experienced violence causing physical damage whereas some four % have experienced violence that hasn't caused physical damage. The amount of people who have encountered threats or intimidation has fluctuated from four to six %⁵⁵.

Typical case study

Assaults often linked to alcohol

An average Finnish neurosurgical patient has stumbled in a drunken stupor, whereas a foreigner lies in the Department of Neurosurgery due to an assault.

Alcohol is linked, in one way or another, to nearly every assault committed in Helsinki, says chief inspector Juha Rautaheimo from the Criminal Investigation Division of Helsinki Police Department. The amount of violence in Helsinki has not increased nor become more brutal, according to Chief Inspector Rautaheimo, who has been working in the Helsinki Police Department since 1975. This statement is surprising as in recent years the headlines in newspapers continuously refer to the increase in brutal violence.

The change in the nature of violence is observed from a similar vantage point by chief physician Juha Hernesniemi from the Department of Neurosurgery at Töölö Hospital. He has worked as a physician in Töölö Hospital since 1973. Mr Hernesniemi read an article published in Helsingin Sanomat on August 5th, which stated that the number of assaults in Stockholm increased this summer (2010) by 15% compared to that of previous summers. At the same time the amount of assaults had remained the same in Helsinki.

Hernesniemi wrote a reply to this article. He voiced his concern over increasingly brutal violence. 'Even though the amount of violence in Helsinki has not increased its brutality has. In the past people were beaten, nowadays they are battered and kicked into intensive care'. He states that, foreigners, young non-white tourists and

ensimmäinen oikeusaste 2005-2008 (käräjäoikeudet, hovioikeus ensimmäisenä oikeusasteena), http://pxweb2.stat.fi/Dialog/varval.asp?ma=020_syyttr_tau_101_fi&ti=Syytetyt%2C+tuomitut+ja+keskim%E4%E4r%E4iset+rangaistukset+alueittain+ja+rikoksittain%2C++ensimm%E4inen+oikeusaste+2005%2D2008+%28k%E4r%E4i%E4oikeudet%2C+hovioikeus+ensimm%E4isen%E4+oikeusasteena%29&path=../Database/StatFin/oik/syyttr/&lang=3&multilang=fi accessed 6 July 2010.

55 Tilastokeskus, *Taulukko: Uhrikokemusten kehitys 1980-2009, http://pxweb2.stat.fi/Dialog/varval.asp?ma=optula_tau_104_fi&ti=Uhrikokemusten+kehitys+1980-2009&path=../Database/StatFin/oik/optula/&lang=3&multilang=fi*, accessed 6 July 2010.

Tilastokeskus, *Taulukko: Rikollisuuden pelko 1988-2009, http://pxweb2.stat.fi/Dialog/varval.asp?ma=optula_tau_103_fi&ti=Rikollisuuden+pelko+1988-2009&path=../Database/StatFin/oik/optula/&lang=3&multilang=fi* accessed 6 July 2010.

immigrants have gone through some hard times – they have been pummeled and kicked. This has led to half a dozen serious brain injuries and consequently permanent disability in the past month alone’. He continues, ‘for Finnish men, brain injury is, the result of falling whilst drunk, for foreigners, surgery is usually necessary due to an assault’.

For example, a young Mexican student was visiting Helsinki as a tourist. He was unconscious for weeks and has a permanent brain injury due to a racist violence attack. Professor Hernesniemi teaches annually some 150 foreign students and he has been advertising gladly that Helsinki as a safe city to live in. Now he questions whether this still holds true. ‘Helsinki has been commonly held as the safest capital in the whole of Europe. Has the community commenced to attack immigrants and non-whites? Has the recent critical voices in politics towards immigration given the permission to kick foreigners?’ asks Hernesniemi. ‘As we speak there is a family from a far-off country gathered to mourn a victim of an assault. It is an abysmal view’.

Hospitals always report the assaults to the police. However, chief inspector Rautaheimo is unable to find the cases Mr Hernesniemi described as racially motivated from the police record. Rautaheimo went through all 27 cases of aggravated assault from June and July but not one of them was considered racially motivated. ‘Parties might be a foreigner and a Finn or an immigrant and a Finn but it does not automatically mean that the act itself would be racially motivated. It might just as well be a quarrel regarding their place in the queue’ according to chief inspector Rautaheimo. The motive for the assault has to be solely based on the colour of the skin before the police classify the crime as racially motivated. ‘It is not that I would overlook the remarks made by chief physician Hernesniemi. On the contrary, he is a remarkable physician in his field’. ‘Maybe the cases have happened outside Helsinki or there is some other reason why they are not visible in our records’, he ponders. ‘In assaults alcohol plays a major role. It is part of the basic setting for an assault. Rarely someone gets beaten up due to his race, belief or other such circumstance’.

Translation of an article published in Helsingin Sanomat 17th of August 2010.

Recommendations

- **Legislation against racist violence**

A committee commissioned by the Ministry of Justice proposed in January 2010 that the criminalisation of racist and xenophobic acts should be clarified⁵⁶. This is advisable so that the racist and xenophobic crimes would be recognised more readily.

Another committee was commissioned to prepare a proposal for new non-discrimination legislation⁵⁷. We see that the new act should combine the fields of gender discrimination and other forms of discrimination under one act. This would lead to fairer and equal treatment in discrimination cases as the grounds of discrimination would no longer define the scope of legal protection. At the same time, complainants could carry on simultaneously an action based on multiple different discriminatory grounds. This would further improve legal protection as it is hard to recognise at times which discriminatory ground might have been the reason for discrimination in a particular case. As it stands, referring to the Act on Equality between Women and Men is more efficient than referring to the Equal Treatment Act. This disparity in legal protection also conceals some of the racial discrimination as it is more rational for complainant to refer to gender than for example ethnic origin.

- **The official recording of racist violence**

There is relatively little information on racist violence experienced by the religious minorities in Finland⁵⁸. This lack of information has been duly noted at the Police College of Finland. The situation of religious minorities will be one of the areas monitored in the forthcoming hate crime reports⁵⁹.

- **Responses of the police, other law enforcement agencies and the criminal justice system, to racist violence**

The general atmosphere in Finland towards racist crimes needs to change so that the victims of racist violence report to the Police more often. On the other hand, the officials should also be more familiar with the legislation regarding racist violence and they should refer to this legislation in the court proceedings where appropriate. The increase in the number of inspections and surveillance as part of controlling illegal immigration is alarming, as there are no guarantees it will not be targeted amongst those residing legally in the country. If individuals who appear foreign are subject to these inspections more often solely due to their appearance, there is a mounting risk of inequality based on appearance.

56 Oikeusministeriö – Justitieministeriet, *Rasistisia rikoksia koskevia rangaistussäännöksiä halutaan tiukentaa*, <http://www.om.fi/text/Etusivu/Julkaisut/Mietintojajalautusuntoja/1247668349404> accessed 7 July 2010.

57 Yhdenvertaisuustoimikunnan mietintö, *Ehdotus uudeksi yhdenvertaisuuslaiksi ja siihen liittyväksi lainsäädännöksi*, Komiteamietintö 2009:4 (Helsinki: Oikeusministeriö, 2009).

58 Laura Peutere, *Poliisin tietoon tullut viharikollisuus suomessa 2008*, Poliisiammattikorkeakoulun raporteja 85/2009 (Tampere: Poliisiammattikorkeakoulu, 2009), p. 28.

59 Ibid., p. 5.

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- *Vähemmistövaltuutetun vuosikertomus 2009*, (Porvoo: Kirjapaino Painoyhtymä Oy, 2010).

Annex 1

Recording incidents of racist violence

The background situation in Finland:

A report conducted by the Police College of Finland (PCF) shows that the number of suspected hate crimes are on the rise. A total of 859 suspected hate crimes were reported to the police, which is significantly higher than in the past. This increase is partly explained by the change in methodology of the survey conducted by PCF.

The report of the Police College of Finland defines hate crime as an act that is motivated by prejudice or hostility towards the reference group of the victim. The most common types of hate crime are assaults and defamation of various kinds. According to Permanent Secretary of Ministry of the Interior, Ritva Viljanen, it is advantageous for Finland to be amidst the chosen few countries within Europe that are systematically recording hate crimes.

– Hate crimes relate to various crimes, for example, to assaults and defamations. The more extensive use of Internet has also increased exponentially the amount of on-line hate crime. According to Mrs Viljanen, it is a matter of concern.

In 2008, 23 hate crimes were reported to the police where the most probable motive was the victim's sexual orientation. A victim's religious belief was the suspected motive in 53 cases. In roughly every third case the crimes were committed against Muslims. For example there was a reported offence of property damage to a mosque. There were 28 recorded cases where the victims disability was deemed the motive.

(This section is a translation from journal uusisuomi.fi.

STT – Uusi Suomi: *Viharikollisuus "kasvanut räjähdysmäisesti" netissä*, 14.12.2009 <http://www.uusisuomi.fi/kotimaa/79699-viharikokset-lisaantyneet-selvasti>, accessed 31.8.2010)

1.1 Are records kept of incidents of racist violence reported to your NGO?

Yes. We interviewed twenty-five clients of five different NGOs. We asked if they had faced racist violence during the last six months. Every other interviewee answered in the affirmative to this question.

50% of those interviewed from visible minorities faced racist violence. Likewise, half of all the members of minorities were subject to verbal abuse, whereas 90% of visible minorities were confronted with verbal abuse. The majority of members from a minority did not report the incidents to the police. This is due to the lengthy court proceedings and problems with finding the offenders.

1.2 What is recorded about incidents reported to your NGO?

We (ENAR-Finland) collect descriptions of incidents from individual cases. For each

incident, we open a case file where we gather all information detailing how the particular incident occurred and how the officials responded to it. Whenever we feel the victim did not get a just decision, we request the police to provide a thorough report on the incident. Through this co-operation with the Police we can monitor how individual cases were handled by the officials. At times immigrants find the language barrier unsurmountable; they have hard time to grasp what the officials are trying to explain to them.

The so-called visible minorities are the most likely victims of both racism and racially motivated crime. Also, those whose language discernably differs from Finnish are subject to diverse forms of discrimination. Based on a number of surveys carried out regarding the experiences of racism and discrimination faced by immigrants (e.g. Honkatukia 2005; Jasinkaja-Lahti et al. 2002), it appears that those most at risk are most targeted are the Somali.

A noticeable reluctance to immigrants in Finland can be traced back to the level of attitudes; Finnish society at large is uneasy of immigrants originating from poorer countries. This is particularly for immigrants whose appearance and/or culture distinguishes them as belonging to a minority. (Jaakkola 2009)

1.3 Are records kept of the characteristics of victims, such as their:

Age	Yes
Sex	Yes
Ethnic identity	Yes/No
Language	Yes
Religion	Yes/No
National origins	Yes/No

1.4 Are records kept of any other characteristics of victims not mentioned above?

No.

1.5 Are records kept of the types of incidents reported, such as whether they involve physical violence, verbal abuse and threats, and damage to property, for instance?

Yes. Records are kept for physical violence, verbal abuse, threats, and damage to property.

1.6 Are records kept of the locations of incidents reported?

No.

1.7 Are records kept about the perpetrators of incidents reported?

No. We consider this to be within the police's field of activities. Hence, for this information we rely on pre-trial investigation and on eyewitness reports.

1.8 Are records kept of the characteristics of the perpetrators of incidents reported, such as their:

Age	Yes
Sex	Yes
Ethnic identity	Yes/No
Language	Yes
Religion	Yes/No
National origins	Yes/No
Affiliation with any extreme group	Yes/No

1.9 Has your NGO carried out or commissioned any victim surveys of racist violence? If “Yes”, please provide details.

No

1.10 Are any records kept of incidents of racist violence reported to your NGO used by any national or international bodies for their monitoring of racist violence? (If “yes”, please specify).

No. Within the framework of this racist violence study we have, for the first time, conducted an interview of our member organisations. We interviewed members from five member organisations of ENAR Finland, in total twenty-five persons. This and consequent surveys will function as tool to nationally fight against racism and injustice.

Reviewing incidents of racist violence

2.1 Does your NGO periodically review any records it keeps of incidents of reported racist violence?

From our 20 member organisations only one periodically reviews its records on racist violence. Therefore, we can conclude that a practice of reviewing records is not widely carried out amongst our member organisations. The following answers are based on the one organisation that had an effective review process in place.

2.2 How often are they reviewed?

Once a month. Any emerging issues are handled in close co-operation with the office of Ombudsman of Minorities (hereafter Ombudsman).

2.3 How are the reviews carried out?

The reviews are carried out on case by case basis. The cases that appear to have been insufficiently recognised by the Police or other officials are sent to the office of the Ombudsman. Together with Ombudsman the case is discussed in detail. When necessary the case is taken to the Police for re-assessment. In civil cases, the victim is advised to get a lawyer and it is suggested to take the matter to court.

2.4 Are reports written based on the reviews?

Yes. The report is normally a short description of what has occurred and how, in addition to which there is the response of the police as well as any additional information the victim can provide. The written material is preserved in order to provide support for eventual litigation process.

2.5 Have any reviews been used to plan any responses by your NGO to racist violence – such as support for victims or any other responses?

Yes. In instances where the victim does not remember what happened our written records from the incident can prove useful. This can be the case as the Finnish criminal court proceedings lasting for a very long time, at times more than a year.

2.6 Have any reviews been used to plan the resources of your NGO?

No. NGOs in Finland are working with limited resources and as most of the work is done on a voluntary basis, it is not possible to allocate resources to problems arising from the reviews.

2.7 Have any reviews been used by your NGO to make claims for additional resources?

No. The lack of resources hinders the use of this information as most of ENAR Finland's member organisations do not have sufficient resources to hire skilled personnel to fill in project applications. Hence, the first hurdle the NGOs have to face is that of finding funding to get the first project up and running.