

March 2002

## **ENAR SHADOW REPORT FOR FINLAND 2001**

The first months of 2001 were very interesting. President Tarja Halonen took a stand on racism in her New Year's speech, and also several weeks later when she spoke in the meeting of European Council in Strasbourg. She voiced her concern for the position of Roma in Europe, calling the question of Roma a test for European human rights policy. The background was of course the position of Roma in the eastern European countries, which received much of publicity in 2000 and 2001.

### **Legislative reforms**

Legislatively, it is lively in the area of racism: for example the Ministry of Labour established a work group to execute the directive for racism; the preparation of the total reforms of the Aliens Act and naturalization laws proceeded; the Directorate of Immigration begun to carry out asylum questioning along with the police; the governmental proposal for integration of immigrants and receiving asylum seekers was created. In September the Office of the Ombudsman for Foreigners was replaced with the Ombudsman for Minorities.

The legislative reform that took force in September 2001 was underpinned by European unions so-called racism directive, which requires the member states to engage proper measures against racist phenomena. There was some discussion concerning the title of the new office. In the governments bill (39 / 2001) the suggested title was Discrimination Ombudsman, but finally the bill was approved as a law on Ombudsman for Ethnic Minorities. The job description of this office is comparable with, but somewhat wider than the one of Ombudsman for Foreigners.

Compared with the preceding office, Ombudsman for Foreigners, the job description of the new office includes also other ethnic minorities than just foreigners, such as the Roma and the Sami, and foreigners who have gained Finnish citizenship. This has to be considered as a step forward. However, the office requires sufficient personnel resources to be effective. After one or two years it is reasonable to evaluate, what kind of measures the office actually is taking, and does it have sufficient authority in terms of gaining its objectives.

According to the Aliens Act, persons taken into custody on the grounds of the Aliens Act should not be kept in provincial prisons, but in separate facilities meant for such purposes. However, practice is different from theory: persons in custody under the Aliens Act are kept together with criminal suspects and prisoners. NGOs such as the Finnish League for Human Rights and the Refugee Advice Centre have for change. Governmental proposal for specific detention facilities and legislation was completed in 2001. According to the proposal, a separate place for custody should be provided in close proximity to the reception centre of Helsinki.

During spring 2002, the government gives an account about the effectiveness of Law on Integration of Immigrants and Reception of Asylum-Seekers. There has been some public discussion concerning the defects of the Integration Act. Especially there has been lack of Finnish language education for immigrants. Language studies are of crucial importance, for they improve one's cultural integration, as well as the odds of gaining a student status or a decent job. It is also appropriate to criticise the form of the act; it allows negative sanctions to be engaged against the

immigrant if he/she fails to go with the programme. In practice, this means reduction of social benefits. On the other hand, no sanctions what so ever are passed to the other party, i.e. the commune or the employment office.

Foreign persons, who are held in custody, would be met with accommodation, board and lodging, interpretation services and necessary security of basic human needs. According to governments' bill, foreign persons held in custody should be treated fairly and with respect of their human dignity. Foreign persons should be informed about their rights and duties. They would have the right to be in contact with the world outside the detention facility and to have visitors. These rights might be restricted in grounds of investigative causes or for security reasons. Security checks could be done to foreign persons, and banned objects and substances could be taken away.<sup>1</sup>

In the end of October 2001, the Alien Act working group, set by the Ministry of the Interior, published its report, which is a large, 362-page paper and which had exceptionally many, five, differing opinions. The report suggests altogether 176 sections, which means that the new act would be larger and more exhaustive than the present one.

The aim of this comprehensive reform is to produce a act, which would be as clear, logical and unambiguous as possible and which would "consider the legislative rights of the foreigner, and especially pay more attention to fasten the asylum procedure, prevent the misuse of the asylum system, improve efficient engagement and strengthen the position of the Parliament in the field of immigrant policy."<sup>2</sup>

At present the report is going through a statement round, and it was criticised for example because of it included a proposal about continuing the practise of fastened processing of asylum applications. The criteria for getting asylum is also very strict, and as they are formulated in quite general terms, they are open for interpretation. The report does not suggest that the fastened processing of asylum application should be removed from the act. On the contrary, the report demands that the grounds, on which an application can be seen as obviously unfounded, should be broadened. Several NGOs have stated that the report should have taken a critical stance towards the present asylum application processing and its' functioning. Finnish asylum policy has also been met with international criticism; for example United Nation's CERD has pointed out its concern on the matter.<sup>3</sup>

As a whole, the report would weaken the juridical position of immigrants, in spite of some improvements. The renewal includes enactments, which are extraordinary administrative practices, such as obligation of the party concerned to generally do business personally, and the right of the police to fetch a foreign person for hearing. The parts of the act, which discuss the grounds of granting a resident permission, also need to be clarified.

The positive part of the report is the proposal that suggests that the husband or spouse of a Finnish citizen could stay in Finland while waiting for the first residence permit. This procedure should have however been extended to include also the husbands and spouses of foreign citizens who live in Finland.

One amendment of the Aliens Act in 2001 concerned the questioning of the asylum seekers. The Directorate of Immigration began questioning asylum seekers in March. The questioning was

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<sup>1</sup> HE 192/2001.

<sup>2</sup> Aliens Act committees' report 2001, p. x.

<sup>3</sup> See committees' recommendations and conclusions and conclusions concerning Finland's' 15th periodical report.

transferred to the Directorate of Immigration so that decisions could be made faster and more carefully than before. Most of the questioning is still done by the police, but according to the plan, in 2004, after a three-year transition period, all the questioning would be done by the Directorate of Immigration.

A report on total revision of Aliens Act was completed by a work group in November. It aroused a lot of criticism among NGOs, especially concerning provisions of seeking asylum. A governmental proposal is supposed to be created in 2002.

Generally speaking, the development of legislation seemed to be ambivalent. In the question of ethnic discrimination, there was an attempt to advance the rights of minorities, but with respect to asylum, the policy remained strict.

### **Governmental action plan and Parliamentary Ombudsman**

In March, the government accepted the action plan against racism and ethnic discrimination. The plan states that its purpose is to “support and develop actions to advance good ethnic relationships and prevent ethnic discrimination and racism in Finnish society”.<sup>4</sup> It also states that “Finland is committed to implement and follow the principals of equality and non-discrimination, which it has included in its new constitution, in which the rights of the Sami, Roma and other groups to maintain and develop their own language and culture is particularly mentioned. The government strategy during Prime Minister Paavo Lipponen’s second term in office, emphasizes the importance of good ethnic relationships among the population. It also underlines focusing on actions against discrimination in legislation and in the acts of authorities than before”.<sup>5</sup>

In March 2001 the government accepted an action programme against ethnic discrimination and racism. It aims to “support and develop measures to improve good ethnic relations and to combat ethnic discrimination and racism in the Finnish society”.<sup>6</sup> It also states, that “Finland is committed to carry out and follow the principals of indiscrimination and good ethnic relations, which it has written down in its constitution, which especially mentions the Sami as a indigenous people and the rights of the Roma people and others to preserve and develop their languages and cultures. Prime minister Paavo Lipponen’s second government’s policy programme emphasizes the importance of good ethnic relations among the population, and of giving more attention to anti-discriminative measures in legislative terms, as well as in the practices of the authorities”. The programme lists several different players to be potentially active parties on the way towards its objectives; these include the authorities, political parties, trade unions and other labour market parties, NGO’s and religious communities. The government and ministries are given a crucial role in the actualisation of the measures. These are for example the responsibility of each administrative sector to promote employment of persons belonging to ethnic minorities, to promote cooperation between labour market parties in combating ethnic discrimination, and to take care of the development and vitality of research activity in this field.

In October, Finland gave its 16th periodical report to CERD. The reporting is required in the United Nation’s ICERD agreement (agreement to remove all forms of racial discrimination). Finland’s report covers a period of two years counting from August of the year 1999. The Finnish League for Human Rights gives its shadow report during the spring of 2002, when the CERD committee processes the Finnish report.

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<sup>4</sup> The government’s action plan against racism and ethnic discrimination, page 1.

<sup>5</sup> The government’s action plan against racism and ethnic discrimination, page 1.

<sup>6</sup> The government’s action plan against racism and ethnic discrimination, page 1.

In a statement in May 2001, the Ombudsman stated that working against discrimination and recognizing the rights of the minorities are a part of his responsibilities. The number of complaints concerning the rights of Sami, Roma and immigrants in recent years has not been significant, roughly estimated at a few percent.

### **The role of the Finnish League for Human Rights**

The Finnish League for Human Rights continued as the National Focal Point appointed by the EUMC (European Monitoring Centre on Racism and Xenophobia). The work as a Focal Point for the EUMC began in December 2000. The first task was to survey all who were working in the field of anti-racism and xenophobia, including research institutes, authorities and non-governmental organisations (NGOs). This information was gathered within three months, and was then sent to the EUMC at the end of February 2001. Starting in July, the task was to produce information about legislation concerning racism, the employment and education of the ethnical minorities, and racist violence. Similar National Focal Points are appointed in other EU member states also.

### **Racial crimes and violence**

Racially motivated crimes can take very different forms, like physical assaults, verbal insults, discrimination etc. An exhaustive follow-up of court cases does not exist. When the report was completed there were no statistics available about cases in local court concerning certain crimes, for example, Paragraph 8 of Article 11 in the criminal code concerning incitement against ethnic groups and Paragraph 9 of the same Article that concerns discrimination, and also Paragraph 3 of Article 47 about employment discrimination.

The sentences of district courts in the year 2000 (The information about the year 2001 are available in June 2002):

	<b>Discrimination</b>	<i>Employment discrimination</i>
Place	Charged/dismissed	Charged/dismissed
Alavus	0/3	
Forssa	1/0	
Helsinki	4/4	1/0
Kouvola	2/0	
Lahti	1/0	
Orimattila		0/1
Riihimäki	3/0	
Vammala	1/0	
Vantaa	0/2	1/0
Total	12/9	2/1

These statistics are based on the fact that the crime in question is mentioned as primary crime. Cases that have another primary crimes, aren't in the statistics. It should also be noticed that the paragraph 9 of the article 11 in the criminal code concerning crimes of discrimination covers also other kind of discrimination than the one based on ethnic background (for example the gender or the age can also be grounds for discrimination in the law).

## **Sami rights**

During 2001 the issues concerning the rights of the Sami were mainly about the land rights and the use of land. The situation was mapped by the Doctor of Law Juhani Wirilander, and the so-called Pokka's Sami committee. Other themes worth mentioning are, for example, language issues and, of the legal issues, one decision of the UN's Human Rights Committee, which dealt with Finland. It stated, that the costs of Forest Administration's legal proceedings in a certain logging case, were order to be paid by the Sami on inappropriate grounds and that this violated the Un general agreement on civil and political rights.

The issues concerning the land rights of the Sami have been under investigation for a long time. Areas, which are situated in Sami home land territory, have normally been considered as forest area belonging to the State of Finland, which the Forest Administration administers. The Committee of Sami Issues proposed in 1990, that the areas should be given back to the Sami, to be more precise, to be Sami common areas of the re-established "Lapland villages". The proposal met contradictory responses. The clearing of the Sami land rights has been the job of Sami delegation (later the Sami court). The Sami Delegation and its successor, the Sami court, have repeatedly stated that the rights of possession, ruling and usage, belonging to the Sami in the Sami common area, have to be settled.

Pekka Vihervuori was authorised by the Ministry of Justice to clarify the right to use land in the Sami common areas. He proposed that there should be a new organ linked to the Sami local court. This organ would be called common area's Land Right Committee, and would have representatives from both the Sami, and the communes of the area. The Land Right Committee would supervise the rights and benefits of the Sami and other local population in issues dealing with the use of land and water in the Sami common area. Vihervuori's proposal states that the ownership of the State's lands should still be in the State's own hands, and the Forest Administration would be administrating the areas, as in the present situation. This proposal can be met with criticism from the Sami point of view.

In November 2001 the United Nation's Human Rights Commission decided in favour of two Sami reindeer farmers regarding a complaint made in 1997.

The complaint concerned the Forest and Park Service's logging of Kariselkä, in the area of reindeer owners' association in Sallivaara. The Sami urged a local court of Lapland to prohibit the logging. According to the reindeer farmers', the logging should have been forbidden because it threatened Sami reindeer breeding, and thus Sami culture. The local court prohibited the logging, but the Court of Appeal in Rovaniemi changed the decision after an oral processing in 1997 and obligated the reindeer farmers to pay the Forest and Park Service's costs in the local court and in the Court of Appeal, altogether 73 000 Finnish Marks (approximately 12 200 euros). The Supreme Court did not give the reindeer farmers a licence to appeal. The logging has been carried out after the proceedings.

The Forest and Park Service charged the costs by a debt recovery procedure and stated in public, that "it isn't about the money but the principle. We hope that the reimbursements have a preventive influence. Continuing prohibitions and proceedings don't make our work easier".<sup>7</sup> The costs have been paid to the Forest and Park Service, including the compound interest.

The reindeer farmers appealed the decision with the United Nations Human Rights Committee. According to the Human Rights Committee, ordering the reindeer farmers to pay the costs to the Forest and Park Service violated the first paragraph of Article 14, together with the Article 2 in the Covenant of Civil and Political Rights. The first paragraph in Article 14 covers fair trial and equality before the court. Article 2 concerns non-discrimination and one's right to receive trial in jurisdictional court. According to the Committee, obligating the reindeer farmers to reimburse the Forest and Park Service's costs concerns the reindeer farmers' right to practise their culture as Sami, and might prevent investigations of possible human rights violation. In this way, the decision to reimburse costs violated the reindeer farmers' rights.

Consequently, the Human Rights Committee ordered the Forest and Park Service to return the money to the reindeer farmers. According to the Committee's decision, the reindeer farmers' right to fair trial (defined in Article 14 of the United Nation's Covenant on the Civil and Political Rights) was violated in the Court of Appeal when the Forest and Park Service's letter in the legal process was considered - even though it was left after the deadline, and the reindeer farmers were not given a copy. The violations were not corrected, because the Supreme Court did not give the reindeer farmers the right to appeal.

The Committee did not rule on the question of logging in the area of Kariselkä. The District Court prohibited the logging, but the proceedings in the Court of Appeal, which allowed the logging, did not offer fair trial. The Committee obliged Finland to research the damages that the logging could cause to the reindeer farming – so the case returned to the Finnish courts.

Article 27 concerns the cultural rights of national minorities, among other things – in this case the rights of the Sami. According to the Article, the Sami people must be able to enjoy their culture. The Committee obliged Finland to guarantee that similar violations of rights do not happen in the future.

## **Roma**

In November there was a seminar in Finland, which aim was to discuss about how to develop international Roma cooperation. The meeting had representatives also from several international organisations, such as the European Union, the Council of Europe, and the Organisation for Security and Cooperation in Europe (OSCE). The meeting discussed the functioning and structure of the new international Roma organ.

The proposals of the informal committee, which was set up for further processing, are to be discussed during 2002. The task will surely be difficult, but on the other hand, working for the founding of the new organ would improve the position of the Roma in Europe. The event was probably the most important Roma seminar ever held in Finland. Still, the media coverage form the event was very small.

The Roma organisations have brought out their concern about the housing problems faced by the Roma. The organisations claim, that the while the housing situation has generally got worse, the communes have tightened their housing policy, which has clearly affected their tenant choosing criteria. Often it is noticed that the communes are competing over good tenants and make themselves guilty of discriminative statements concerning Roma who are applying for apartments.<sup>8</sup>

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<sup>8</sup> Advisory Board on Romany Affairs meeting report, 8<sup>th</sup> October 2001.

The Advisory Board on Romany Affairs has received information, which indicates that the Roma are put in isolation in prisons fairly often. The prison authorities claim that the isolation practice guarantees the safety of Roma prisoners, which could not otherwise be guaranteed because of the inter-group tensions inside the prison facility.

The Advisory Board states that the isolation practice has to be seen as raising the punishment, which should not be engaged in collective terms, and on ethnic grounds. In certain prison facilities, traditional cultural clothing is not allowed during relatives' visiting hours. In practice this often means actually denying the meeting of Roma inmates and their relatives.

### Asylum-seekers

In the year 2001, the United Nations Geneva Refugee Convention became 50 years old. The Convention's meaning and challenges in the future were considered in several theme-seminars during the year.

The administrative practice in Finland came under criticism, as it has before, because only a few asylum seekers are accepted annually. In the year 2001, over 2200 decisions were made regarding asylum, and only four applicants were granted the asylum. One could ask if Finland has properly adopted the Geneva Refugee Convention. On the other hand, on the grounds of international protection, permission was given to 347 persons, and 827 people received a residence permit.

Decisions on asylum made by the Directorate of Immigration in the year 2001:

Positive reason	Persons	Negative decisions	Persons
Asylum	4	"safe origin" (of the manifestly unfounded)	108
International protection	327	Manifestly unfounded	
Other Reason	427	Total	409
Family members	47	Other reason	674
Total	827	Total (negative decisions)	1083
		Dropped	300

(Source: Directorate of Immigration)

Altogether 2208 decisions were made. Of the four people who received asylum, two were Afghans, one was Iraqi, and one was Burmese. These figures are based on the statistics of the Directorate of Immigration. The decisions can be appealed in the Helsinki Administrative Court.

According to the initial information from the Directorate of Immigration, 1590 people applied for asylum in the year 2001. Compared to the year 2000, there was a significant decrease in the number of asylum seekers, down from 3170. The biggest groups of asylum seekers in the year 2001 were Russians, Ukrainians and Iraqis.

### Summary

In an international comparison Finland is doing quite well. On the other hand, there are many things to be improved. Racism and discrimination is still quite common. We do not have a systematic monitoring system, so it is difficult to estimate whether racism has increased or decreased. The government is officially supporting multi-culturalism and promoting anti-discrimination. However, their asylum policy remains strict.

The situation of ethnic minorities, especially Roma and Sami, has improved along the years. There are still some problems: Sami rights have not been realised in the use of their land and socio-economic status of Roma is very low.

### **Case Hakunila**

The violent incident, which occurred between Somali and Finnish youth in Hakunila in the autumn of 2000, was processed in Local Court and in the Court of Appeal during 2001. The incident took place after a stabbing incident of a Somali youngster, and another stabbing the night after, which was revenge of the first one, and in which the victim was a Finnish youngster.

During the night of the latter stabbing, a mob of Finnish youth had gathered in the parking lot of the local mall, and started shouting at some Somali youngsters who were spending time in a yard nearby. A gang of Finns, at least some of them armed with baseball bats and one even with an axe, gathered around a car of one Somali male. The windshield of the car was hit with an axe, so that the axe penetrated the glass, and the glass got cracked in a wide area. The side windows of the other back door of the vehicle were smashed completely. After this, the driver had accelerated the vehicle quickly, and hit one Finn, while two others managed to avoid the car.

In the Local Court, the driver appealed to a forced situation, in which he was in panic because of the threatening attack, and was therefore unable to do anything, but to escape from the scene by all means necessary.

The Local Court of Vantaa stated in its statement that the Somali youngster was guilty of three attempted manslaughter and the punishment was a 4 years' prison sentence, and in addition a indemnity of 80 000 marks. The reasons of the statement, which had to do with the claimed forced circumstances, mentioned, that "it has to be seen that the action taken by the accused was particularly deliberate, and the actual motive was something else than forced circumstances caused by the panic reflex of the accused. - - - the described procedure is deliberate and cruel, and implies lack of pity in the accused party".<sup>9</sup> The other Somali youngster, who was accused of assault committed as a minor, was freed from charges.

The verdict of the local court met criticism especially concerning the evaluation of evidence, the judicial conclusions based on that evaluation, the hardness of the punishment, and the convicted compensations. The police investigation was criticised as well.

The Court of Appeal of Helsinki gave its statement about the matter after a vote. The court mentioned that the other Somali person was guilty of two aggravated assaults and to attempted aggravated assaults. As a punishment the court stated two and a half years' prison sentence. The Justice of the Supreme Court was left in minority, as he thought that the accused was guilty of causing grave injury and danger to life and health, but would have left the accused unpunished precisely because of the forced circumstances. The majority thought however, that there were no forced circumstances. In the reasons the court stated, for example, that "it was not essential to accelerate the vehicle in such a quick manner while driving towards people as the accused was escaping the scene. The accused [Somali] must have understood this in spite of the sudden and frightening situation". In the case of the other Somali youngster, the Court of Appeal thought it was proven that the accused had hit the complainant "three to four times with the back of an axe". The

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<sup>9</sup> Vantaa Local Court R 00/3085, p. 16.

punishment was decided to be three years imprisonment. The sentenced indemnity became lower. The Local Court had sentenced 90 000 marks to be paid to the complainant for pain and suffering. The sum lowered down to 3 000 marks in the Court of Appeal.

### **Complaints to the Parliamentary Ombudsman**

The preliminary information from the Parliamentary Ombudsman's office is that the office received 19 complaint concerning language issues. The office's criteria for language issues covers issues, which concern the rights in the 17<sup>th</sup> § of the Constitution, which are the right to use one's one language, Finnish or Swedish, and in more general terms about securing linguistic rights. The complaints of the year 2001 criticized for example lacking Swedish street signs in Swedish-speaking communes, and that the complainant didn't have the right to get the Court's documents in Swedish. One complaint concerned the right of receiving teaching in Russian in comprehensive school. A few so-called minority complaints, which concern other minorities' rights, were made in 2001.

Around 40 foreigner- and citizenship complaints were made. Foreigner complaints are usually pointed at the Directorate of Immigration, the police or the border guard.

During year 2000 40 foreigner complaints were settled, which means that the amount of complaints has remain more or less the same. However, it should be noticed that also complaints form earlier years were settled during the year 2000.

Complaints, which express accusations about discrimination carried out by the authorities, are not classified as a separate category at the moment. Information from the Parliamentary Ombudsman's Office's secretariat implies that there were around 20 complaints about discrimination during 2001. The discrimination accusations in the complaints were widespread, ranging from discrimination against Roma prisoners or recruitment discrimination, to discrimination in getting a rental apartment.<sup>10</sup> It has to be noticed, that Ombudsman's legality supervision focuses only on the actions of the authorities and public offices.

There were altogether 2 512 complaints during the year 2001. In this context, complaints that were connected to ethnic background or minority position, were very few. On the other hand, one can assume that the threshold to complain via official channels is higher in the case of immigrants and ethnic minorities, than it is in the case of the average population. Also it is likely that immigrants' knowledge about the Ombudsman institution is more limited than in the case of the average population.

How often does the Ombudsman receive minority- or immigrant complaints which don't belong to his jurisdiction? A representative of the Ombudsman's office has figured that the amount is fairly low.

Some overlapping occurs in the statistical markings of the Ombudsman's Office, and this can not be fully avoided. A complaint may have several claims; about language issues, authority procedure, as well as about discrimination.

The happenings of September 11th had effect on the lives of immigrants in Finland, as well as everywhere else in the western world. In Finland the situation didn't however escalate as much as it

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<sup>10</sup> Employment discrimination hasn't been classified as a separate group.

did in several other countries. The Minister of the Interior, Ville Itälä, the Minister of Labour Tarja Filatov, and representatives from the church suggested in their statements, that Islam and the Muslim population should not be stereotyped and judged because of the terror attacks and one extremist fraction. Also president Mauno Koivisto took a stance by stating that Islam is not a violent religion, and that the actual reasons for the terror attack were not religious.<sup>11</sup>

It's difficult to evaluate the extent to which immigrants in Finland were harassed because of the terror attacks. The problem is, that the people who experienced harassment of some kind, weren't necessarily able, or even willing to, bring their experiences into the open publicly. Many immigrants told that they had avoided going outside during the days after September 11th. According to newspaper information stones were thrown at two Somali women in Espoo a couple days after the incident, and some slogans about the terror attacks were shouted at them. An Islamic kindergarten got a threatening phone call, and a few threat letters soon after September 11th. In addition, immigrants told that they were shouted at in the streets and other public places, and that they had been stared at more than usual. It would seem however, that the situation got better again quite soon, and that more severe, physical incidents were avoided in Finland.

In November 2001 the Ministry of the Interior published a report on racist crimes registered by the police in inland during the year 2000. For the first time, the publication included reports of an offence made by the police.

During 2000, altogether 3 060 reports of an offence were made in Finland<sup>12</sup>, which had something to do with immigrants or other ethnic minorities. These reports included altogether 3 432 crimes, and 63 different crimes. Police researchers aim to separate so-called ordinary crimes from crimes, which have racist motives. According to the police researchers, a racist motive (Yes -category) was found in 215 cases, and a probable racist crime was found in 74 crimes. Therefore, criminal cases, which were interpreted as racist, were altogether 289.

Most typical crimes with a racist motive were acts of violence, such as assaults and attempted assaults (38 per cent). Usually the assault took place in a public place, such as in a street, in a park or in front of a restaurant during night time. In most cases, the person committing the assault was beforehand unknown to the victim (70 per cent). Other typical racist crimes were discrimination, damage or vandalism, illegal threat, and slander or libel.

Biggest victim groups by nationality were Finns, Somalis, Turks and Iranians. Victims belonging to the category of Finns were for the most part immigrants with Finnish nationality, especially of Somali background. The biggest victim group among native Finns were the Roma.

The collection of reliable statistical data is however somewhat difficult. Firstly, it is difficult to evaluate the amount of hidden criminality. Among racist crimes there are fairly large proportion of incidents, which are not reported to the police - this conclusion can be drawn for example from different victim surveys. When it comes to the incidents reported to the police, it is probable that, according to the classification, the proportion of racist crimes is underestimated.<sup>13</sup> It is most probable, that "possibly a racist crime", and "can't tell" -categories include racist crimes. This

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<sup>11</sup> 1st monthly report "Survey and reporting on attitudes towards minority communities in the EU member states".

<sup>12</sup> The figure includes also reports of an offence, in which the complainant was a native Finnish citizen, or there was no mentioned complainant (altogether 64 cases). The complainant was a foreigner or had an immigrant background in 2 996 reports of an offence.

<sup>13</sup> Makkonen 2000, p. 30.

hypothesis is supported by the fact, that when writing down the reports, the police classified only 113 cases as racist, whereas the police researchers found altogether 289 cases with a racist motive. The explanation part of the reports of an offence is sometimes so scanty, that the police haven't necessarily written down all the relevant and known facts, such as motive or nationality.

Police researches conclude, that it would seem to be hard for the police to identify crimes against the Roma as racist crimes.<sup>14</sup> Breaking of domestic peace and discrimination (such as denying an entry to a restaurant), were classified as least racist crimes.

Despite the shortcomings, police statistics on racist criminality are guiding and it is therefore coherent to conclude annual developments concerning racist criminality in Finland, based on these statistics.<sup>15</sup>

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<sup>14</sup> SM 15/2001 p. 15.

<sup>15</sup> On methodological issues, see Makkonen 2000, p. 30-31.