



ENAR SHADOW REPORT 2004 FINLAND

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Message from the President

ENAR's 2004 European Shadow Reports cover a period of 12 months. They are not a scientific study of the state of racism or discriminatory practices in EU Member States, but a compilation of information and data collected and provided by a vast network of NGOs working with antiracism, protection of human rights and provision of legal help and moral support to victims of discrimination, unequal treatment and marginalisation in the European Union.

This commendable work is done by many dedicated individuals, groups and organisations, who every year put a lot of effort in piecing together vital information in preparing reports from each EU country. Since official reports often paint a rosier picture of the local situation by excluding what NGOs say or experience, ENAR's reports have the added value of providing an overall picture from the ground.

EU institutions can use this information to check the performance of Member States and ask them to live up to the letter and spirit of Directives and Guidelines. In 2003, many international organizations, journalists, institutions of higher learning, European and non-European students and sister NGO networks utilized these reports.

ENAR wishes to highlight the fact that a number of diverse groups who live in the EU do not enjoy the socio-economic rights, equal opportunities and even legal protection they are entitled to. This lack of equality is not only a strong barrier in the process of mutual integration of these communities in society, but is also a tremendous financial loss to local economies.

Situations vary from country to country. Some have a long tradition of living with ethnic minorities, while others have only a few years experience. Some countries have good and functional anti-discrimination legislation in place, while others are still hesitant to comply.

Populist political statements and distorted media coverage has not helped to better the situation. Politicians hide behind "freedom of speech" to get away with the most hateful propaganda against certain groups, while the media holds the microphone. Mainstream media not only indulge in the generalisation of minorities but are also

steadfast in denying any responsibility in creating an atmosphere in which racism thrives.

EU institutions have taken many important steps to rectify this situation through directives, information campaigns and even legal steps against some countries have been taken. ENAR is hopeful that by being a bridge between ethnic minorities, NGOs and EU institutions, it can help to create a Europe where all its inhabitants can live in harmony. Our expertise is there as well as our resolve. We are here to help because we believe in truth, justice and even-handedness.

I was pleasantly surprised when I was introduced to a prominent journalist from India at a conference in Brussels recently. When he was told that I was the Chair of ENAR, he smiled and said, “I wish we also had such an organisation in Asia that can bring civil society’s wishes to the decision makers.”

Bashy Quraishy
President – ENAR

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Foreword

This report has been compiled and written from several sources of information by ENAR-Finland, interviewing victims of racism and supporting anti-racism activists whose views are included in this report. In order to compile this report, information was collected from various immigrant organisations and associations working with racism issues, with additional information from various ENAR-Finland annual roundtable discussions with people, who have encountered racism in their lives during their stay in Finland. For the first time in the history of ENAR-Finland, two victims of racism were empowered to the stage to talk about their experience. While collating this report, we have taken grassroots opinions and substance from the immigrant communities into consideration, in particular from individuals whose views have not been heard in the past. We have also tried to find the real hidden phenomenon of racism and racist approach in Finland. According to the Ombudsman for Minorities office, those who encounter racism most often are the Roma and Somali communities.

Introduction

Immigration and minority issues are quite recent topics in Finland. Compared to other EU countries, the proportion of immigrants is very low in Finland. At the end of 2003, the number of foreigners living in Finland was 107,003 (amounting to 1.99% of the population). The largest groups were Russians, Estonians, Swedes and Somalis.

Approximately 20,000 immigrants are of Ingrian Finnish origin or ethnically Finnish, but have previously been living in the former Soviet Union. The position of the Ingrian Finns is quite unique, because they have been able to obtain residence permits only on the basis of their ethnic background.

As for other ethnic groups, there is an indigenous population known as the Sámi and other traditional minorities, such as the Roma, Tatars, Jews and a long-established Russian population (These groups have traditionally been small in number (altogether fewer than 30,000 people in total) and Finland has ethnically been a very homogeneous country.

Immigration became an issue in the early 1990s. In addition, the growth of the foreign population has been very rapid: within ten years, the foreign population has increased approximately five-fold.

When it comes to current anti-discrimination legislation, all ethnic and religious grounds are covered. For example, the Constitution lays down fundamental rules on non-discrimination and equality. There are also several non-discrimination provisions in various laws and, formally, there is broad and comprehensive anti-discrimination legislation. In addition, there are laws regulating such things as integration, reception of asylum seekers and naturalisation.

1. Refugeeism, migration and human rights

Human rights violations cause refugeeism. Effective Human Rights policy is vital as a preventive measure of refugeeism. The government considers women's and children's rights essential at all stages of the asylum procedure.

A topical issue is internationally functioning security for those in need of protection. The Geneva Refugee Convention-based organisation needs to be further developed in the face of new challenges, without encroaching upon the rights of refugees in need of protection. Access should be secured to all refugees without restriction.

Quota Refugee policy needs to provide for an extended flexibility with the follow-through of Finnish reception criteria, such as needs for protection and various humanitarian considerations.

The Asylum seeking procedures need amendments in efficiency and equity. The highlighted areas to be followed closely will be the accelerated procedure and children's rights and procedures in connection to deportation.

The realisation of human rights issues will be central in drawing up the Government Immigration and Refugee Policy Program.

1.1 Background

Refugeeism, asylum seeking and migration involve human rights. In many cases of the various human rights violations, crises and juxtapositions of different degrees are underlying. On the one hand, functioning human rights policy will be an effective pre-emptive in migration matters. However, securing rights for those migrating from their native country will be full of challenging issues both in Finland, Europe and worldwide. Movements of people and specifically asylum-bred challenges are a focal point of human rights matters globally.

Increasing migration and state internal crises falling increasingly on civilians, with ethnic minorities increased persecution and other human rights violations, have initiated new thematic topics in the refugee dialogue. Increasing international migration of people with the mixed-flows of groups for protection and economic refugees, in-country movement within state boundaries with the odd case of uncontrolled emigration, are the new challenging issues for the international protection system.

Considering the ongoing human rights violations worldwide the Geneva Convention cannot be regarded as outdated, but rather the opposite, as the organisation of international protection for those in need of it is rising as a heated topical issue.

The Geneva Convention is the cornerstone of the refugee protection system. Finland as a country has systematically at various forums worked for the recognition and enforcement of international protection with its leading principles. These forums include the United Nations Refugee Council in UNHCR, the International Migration Organisation (IOM) and the European Union (EU). The EU confirmed their commitment on the international protection principles at the Tampere Summit Conference, where these issues were connected to the principles of international security and non-discrimination. Such an extensive outlook will be vital and gravely needed in the future, as well.

Finland is committed to the Refugee Convention-based International Protection System and fully supports the UNHCR in the supervision of the agreement's implementation. Furthermore, the government considers both economic and political support to UNHCR being of vital importance in countries where the protection system doesn't work effectively. The government finds the evolvement of international protection in co-operation with other countries important. The EU's new member countries and future candidates should develop their own activities towards an effective and fair organisation.

The existing protection network does not however meet with today's asylum and refugee challenges in the best possible ways. While the various states process countless numbers of ungrounded asylum applications, a large number of applicants in acute need of protection are left without much-needed help. One of the biggest present day challenges is, and will remain to be, the recognition of individuals among migrant flows in need of concrete and real intervention.

The in-country migrant situation is often critical as well. The International Refugee Protection, including the Geneva Convention, does not deal with this group at all. By definition, it is clear that human rights should be applicable to everybody, but individuals forced to migrate in-country are often facing problems such as the government's incapability or reluctance to protect their rights, as well as the mandatory (UNHCR) and concrete action problems connected to international activists.

Thence has reacted to these new challenges by launching international protection consultations in 2001 to reinforce protection systems (Geneva Refugee Convention

2001). In the aftermath of these consultations, the Agenda for Protection was endorsed, with practical action plans and schemes for the UNHCR, states and international organisations in need of international protection devices.

The government finds the thematic dialogue on various new forms of international protection important with the evolvement of the system in first asylum states and transit countries. New approaches should, however, complementing existing organisations without weakening or depriving refugees of their present legal status but strengthening international protection systems. The more detailed discussion and processing of these new thematic topics will take place with the compilation of the coming government Migration and Refugee Policy Programme.

After the 1991 Summit Conference in Tampere, work was launched to harmonise asylum application procedures in the EU with several ongoing decree projects in refugee and asylum matters. Some of these have been criticised by human rights organisations for the weakening of international refugee protection. In these meetings, Finland has taken the standpoint that international protection should be emphasised and this viewpoint of enhancing protection in the countries of provenance as part of the international protection system evoked a vivid discussion. The discussion has involved the establishment of future asylum procedure centres, where the EU could transfer asylum seekers. Finland has considered all new approaches important, but warns about the various future problems arising specifically with the creation of asylum procedure centres outside the EU.

The majority of refugees are women and children. The government supports all actions taken to ensure and support women's rights and special needs at various phases of asylum. The government sees the prevention of violence directed at women in refugee camps as pressing and important and states that exhaustive surveys should be carried out on gender-based human violations when developing the international protection system. Matters concerning the status of women and children have been discussed e.g. with UNHCR administrative bodies.

It is essential that access to the protection system will be guaranteed to victims of persecution and human rights violation in all conditions. This issue has become topical and emphasised with more organised supervision of immigration. From a human rights viewpoint, it is of vital importance to clarify and ensure that the immigration monitoring procedures don't interfere with the granting of international protection. In addition to access to protection, effective and just actions are important when carrying out protective measures. This point should be considered carefully when developing accelerated methods in asylum procedures.

Finland supports the UNHCR objectives in permanent solutions such as resettlement, integration into the initial, first asylum state and voluntary return to the country of origin. During the last years, returnee projects have been successful and the total figure of refugees worldwide has decreased. Conflict after-care and the whole of United Nations co-ordinated activities within the aforementioned regions have played an important role in the reconstruction process.

Report Parliament of Finland:

<http://formin.finland.fi/doc/fin/palvelut/julkaisut/ihmisoik/ihmisoik04.pdf>

1.2 Refugee quota policy

The Refugee Quota Policy plays a vital and important role in Finnish refugee policy as well as in humanitarian cooperation activities within the UNHCR. The focal points in the resettlement policy are: 1) transparency of the scheme's implementation 2) contribution to UNHCR resources in directing the re-settlement activities 3) contribution in raising the refugee quota in reception countries.

The reception of refugees in need of re-settlement goes according to fixed, old routine procedures in ten different countries. The number is still relatively low and the government and UNHCR target number in resettlement is hoped to be higher with those countries involved in resettlement. The greater involvement would enable the UNHCR to better predict and plan for future protective activities for the rights of refugees.

Finland has met the UNHCR refugee quota 1979. The Parliament ratified the first refugee quota in 1985 and since then reception has been based on the quota compiled and ratified with the Parliament's annual budget. Quota allocations are discussed and defined in the Ministerial Group for Immigration Policy and Ethnic Relations. The basis for the decision is the UNHCR assessment of global resettlement needs and goes on to propose to Finland reception target areas.

In 1995-2002 Finland gave protection to 4,982 quota refugees and their affinities were granted residence permits based on family ties.

Since the majority of the annual quota will be worked out with the UNHCR, the criteria will be largely corresponding. The emphasis falls on needs for protection, medical care, shelter and protection of violence and torture victims and the status of single parents (women) with the account of possible integration in the Finnish

society. One of the basic principles will be the non-implementation of human rights in the resettler's country of origin.

Special attention in the choices made by Finland will be drawn to the causes underlying asylum. Finland aims for a cohesive policy with regard to families and children's needs. 10% of the annual quota has been allocated for emergency cases in need of reception. The decision on refuge will be processed based on given documentation in an accelerated procedure.

Resettlement needs will change and thus mean that Finland needs to reconsider the practises in use. Future reception will involve less actions taking place in lengthy processes through several reception camps. The UNHCR proposals for quota refugees reflect the prevailing reality with the quota representing various types of groups with no arranged protection in the country of their contemporary residence. Finland needs to be prepared for flexibility with the influx of a many and varied array of applicants. This will naturally lead to criteria of selection with the need for protection as a leading principle to be followed closely with the applicants. The situations change rapidly and continuously and will raise new challenges. All these issues and challenges need to be dealt with and solved when the government-nominated immigration working group compiles their proposal on immigrant policy.

1.3 Asylum issues

The asylum issue is undoubtedly one of the focal and acute human rights issues in the whole of Europe and such is the case in Finland as well, although the number of asylum seekers is still relatively low. Compared to other European countries, the quota refugee policy comprises the largest part of the Finnish refugee policy. In the past the percentage in asylum granting has been low, but on the other hand residence permits have been allocated during asylum procedures to a higher number of applicants than the average in many other EU- countries.

In the recommendations of international monitoring of conventions, Finland has repeatedly been advised on asylum issues in public. Special attention has been drawn to the accelerated procedure, which has given reason to recommend the protection of asylum seekers judicial rights. The United Nations Racial Discrimination Committee advised in their reference lines of August 22 2003 that the accelerated procedure with strict processing deadlines doesn't necessarily contribute to relevant complaint measures and can result in an irrevocable situation, even if the complaint would later go through. The Committee further advised

Finland to ensure that the Finnish asylum procedures are in line with the international decrees.

The European Council Human Rights Commissioner, Mr. Alvaro Gil- Robles, has called for the accelerated procedure regulations and the human rights protection criteria to be implemented. He further issued a statement on the new Government Alien Act proposal in the Parliamentary session. The sections he criticised were the short appeal times and raised the question of children's status in the procedures.

Initiating the accelerated procedures implementation has been called for. Asylum procedures have been one of the most utilised methods in the granting of asylum status during the past decade. A need for special procedures has risen in alignment with international aspirations to process applications in one state only. Rationalised procedures aim to cut the waiting time for the decision to a minimum and that the institution would be available for those, who acutely need the protection. The Government finds it important that asylum seekers will be included within the protection system notwithstanding their background.

Implementation is called for with good reason based on international practises and on the prevailing situation in Finland.

Essential in the compatibility with regulations and human rights obligations is their proper and fair application. The Government underlines that all applications should be dealt with as separate individual cases. This should be the procedure in cases where it is difficult to judge whether the applicant's country of origin is a so-called 'safe' country or not with a careful study of all conditions involved. The Parliament Committee for Constitutional Law has earlier provided that listings of safe countries of origin should not be compiled but decisions should be lawful and case-specific.

The Parliament puts the Government motion on the table for a new Alien Act with the objective of explicit rules and regulations and the promotion of proper administration and legal protection in alien affairs. The regulations have been proposed to be kept in their present form contextually, but some corrections have been made. One of them is the status of women where gender can be specified as a social group and causing persecution, which then can give grounds for asylum.

In the debate on Law Reform, the accelerated procedure methods emerged with the need for careful follow-up on practises in use. The debate has specifically drawn attention to the regularity of the accelerated procedure applied in all cases related to Romany asylum seekers. Open civil debate provides that data on the practical

methodology be compiled and available serving as source material in human rights issues whose compilation falls within the framework of the Ombudsman for Minorities.¹

Secondly, the issue of children's rights and their implementation in asylum procedure has repeatedly been a focal point. The recommendations of International Convention Monitoring Bodies are related to the hearings of lone minors as asylum seekers. The techniques used in these hearings and the educational background of the minors' representatives have drawn the attention of monitoring bodies, as well as the special needs of children arriving from warfare areas. Lately, the hearings have been under growing specific scrutiny and from the beginning of 2002 hearings have been transferred from the police to the Office for Alien Affairs. The hearings are run by trained members of a Child Work Group familiar with and experienced in dealing with minors.

Before the hearing transfer to the Office for Alien Affairs the group members participated in a two-year minor asylum seekers project organised by the EU (Children First - Minors in the Asylum Process: A Training Program for Officials (2001-2002))² The Office compiled a set of hearing procedure rules and a hearing form for the project. These rules come with a separate appendix on meeting and dealing with a traumatised children and special emphasis has been given to the fate of children in areas of warfare.

Apart from the interpreter and interviewer, the persons present at the asylum hearing are the lawyer provided by the Refugee Advice Center and the person representing the child. During the Reform of the Immigration Legislation the issue of guaranteeing the rights of children was a focal point and the government emphasised the principle of the child's benefit included in the UN Convention on the Rights of the Child Article 3, which should primarily be considered in decisions concerning children.

Part of a well- functioning protection system of asylum seeking is the return of those denied asylum and the systematic follow-up of the principal that denial automatically leads to deportation.

¹ Suuri osa näistä tuli maista, jotka tulevat EU:n jäseniksi 1.5.2004. Amsterdamin sopimukseen liitetyn lisäpöytäkirjan mukaan toisen EU-maan kansalaisen tekemä turvapaikkahakemus on lähtökohtaisesti ilmeisen perusteeton.

² *Children First - Minors in the Asylum Process: A Training Programme for Officials (2001—2002)*.

In this way, Finland is trying to avoid the emergence of foreign communities that are left outside Finnish society and the primary method of a voluntary return should be strongly supported.

The actual moment of deportation for a person denied asylum is critical for the implementation of International Human Rights Obligations. One of the Refugee Convention central principles also included in other agreements on human rights, provides that foreigners should not be sent into situations where their rights are seriously offended. On the other hand, these situations are also complicated for the executing authorities.

An example of such a case is a situation that became public in the autumn of 2003, when the European Council's Committee Against Torture criticised Finland in their preliminary account for the involuntary medication that occurred during the return process of a Ukrainian family. The case has led to investigations on the actions of police and medical personnel. What is important in the future is to ensure that the instructions and their grounds for jurisdiction in these situations are clear to the authorities involved. In the implementation process, the individual's rights and objectivity should be respected with minimized restrictions in the pursuit of a decision.

The creation of an Immigration Policy Programme mentioned in the Government agenda has been initiated. The program is prepared in cooperation with several ministries and one of the goals is to develop a Finnish immigration policy towards a system that promotes human rights.

1.4 Reception of asylum seekers

The asylum seeking procedure is based on the law regarding integration and reception of asylum seekers and has been planned in such a way that there is always a sufficient amount of accommodation places to correspond to the amount of people arriving. Unforeseen things happen and cause substantial variations in the number of entries, but the objective of all 14 reception centres is to respond to the arising accommodation needs.

Asylum seekers are given the opportunity to receive free legal aid and counselling by the Refugee Advice Centre during the procedure. Additionally, the Centre gives information to asylum seekers regarding Finnish immigration laws and asylum seeking procedure with consultation on the rights and obligations of the applicant.

The Centre receives governmental aid for provision of such services, but if needed the applicant is entitled to use other legal aid channels as well.

The new Alien Act and the law on the treatment of foreigners taken into custody and decree on detention units came into force on March 1 2002. The temporary 30-place detention unit was opened in the year 2002 in the old facilities of the Katajanokka prison. The permanent site is to be located in Metsälä. The Metsälä reception centre is going to house both a detention unit and a reception centre, which facilitates the lodging of family members and especially the children of those asylum seekers taken into custody.

According to law, a foreigner taken into custody must receive fair treatment and his/her human dignity must be retained. His/her rights must not be restricted more than is necessary to maintain the purpose, security and order required. This includes providing information on the rights and obligations of the individual, the right to communicate, visiting rights and the use of the telephone, solitary confinement, transfer from the detention unit and decision making. The foreigner must be informed about his/her rights and obligations. These rights can be restricted for investigation purposes or if the restrictions are needed to maintain security and order. In exceptional situations, the foreigner can be temporarily placed in custody by the police. In such cases, the district court must be notified immediately.

1.5 Reception of unaccompanied minors as asylum seekers

In recommendations concerning Finland, it has been said that unaccompanied minors as asylum seekers must be provided with sufficient resources for the training of their representatives. Training was organised by the Ministry for Labour, responsible for the reception of asylum seekers, as well as TE-centres and reception centres. Training was also been organised in two consecutive one-year projects funded by the European Refugee Fund and the Ministry for Labour. The Refugee Advice Center and Central Union for Child Welfare were in charge of these projects. The Council of State report on the execution of Integration Laws given in 2002, contains several proposals to improve the reception of minors. The proposal of creating a representative registry has been implemented and it was further implied that a separate guidebook on the duties of minor's representatives should be provided. The guidebook is now being prepared as a product of the above mentioned-projects.

The proposals for receiving unaccompanied minors in the report were: to regard family group homes intended for the under aged children and child protection

facilities as equal, as well as bringing the qualification requirements of group homes personnel and the ones of the personnel working in child protection facilities to the same level. The compensation system should also be changed for the municipalities with easier application for compensation from the state for organising child protection or similar activities for underage asylum seekers until the age of 21. The reception centres have offered their facilities for interviews to facilitate the hearing procedure of minors. Hearing is one of the Ministry for Foreign Affairs' fields of activities, while the family and group homes responsible for the children's reception ensure that the children receive the psychological care they need. The Municipality Social Affairs and Health Division is responsible for the refugees placed in the municipality. A problematic issue has been the availability of services and knowledge of specific problems faced by refugees, finding methods for their integration, as well as matters related to the language and use of an interpreter.

1.6 The rights of the immigrants

Human rights issues are directly related to immigration and to the treatment of immigrants.

Travelling has been made easier with better facilities, data transfer has become faster and flows of people have increased. The migration of people can be seen as a positive development, but it also has its disadvantages. With today's inequality, in many cases based on an unbalanced distribution of economic welfare, leaving one's homeland is not always an act of free will. If the conditions in one's homeland or land of residence are unbearable, the only solution is to seek out better living conditions elsewhere. This partly causes the rise of human abuse to varying degrees. It may occur that for the foreign workforce some norms and standards are not applicable the same way as to the mainstream culture. At its worst, abuse can take the form of human trafficking. Features of slavery and the emergence of new forms of slavery has been hinted at on various occasions. Human trafficking is expanded on later as a separate issue.

Over 100,000 foreign inhabitants reside permanently in Finland at this moment. Refugees are only a minority of the foreigners arriving in Finland and many of the immigrants have arrived in the country for family reunification and to apply for work. The amount of granted residence and work permits has increased steadily, which has led to longer processing times. Shorter processing of permits and applications is the central challenge of immigration. At the same time, the goal is to prepare for the processing of a growing number of alien applications. The increase in work related immigration has been significant, especially during the past

economic boom. This increase was not based on changes in the immigration policy, but has followed the fluctuations in the demand for foreign labour in the employment market. Flexible response to the employment market's qualitative and quantitative needs has been possible as residence and work permits granted in Finland have not been restricted by quotas or defined by previously approved policies as in many other countries.

Finland is, like many other Western European countries, in a situation where there is a need for extra workforce from outside due to changes in age distribution. It is important that immigration policies are well planned, justified and open. Reasons for immigration have to be understood and made transparent, which makes it easier to create a more approving atmosphere towards immigrants and facilitates their integration. The norms and regulations concerning immigrants and their status, rights and obligations, should be clear and sufficient and correct information should be made available to potential applicants. Legal residents that have been in the country for some time should be given the possibility to stabilise their position. It is important that their status is as similar as possible to that of the Finnish citizens.

Equal treatment is important not only regarding human rights, but also because Finland needs extra manpower to develop and maintain its society. People participating in these efforts should be, regardless of their citizenship, able to enjoy the results of their labour as equally as possible.

Finland's new Nationality Act (359/2003) came into force on June 1 2003. According to the Act, people who have lost their Finnish citizenship regain it by submitting a declaration. Since the beginning of 2004, payments for citizenship declarations were reduced regarding persons over 65 and those citizens who were the children of World War II.

According to Prime Minister Matti Vanhanen's Government Programme, the Government will prepare an Immigration Policy Programme which includes facilitation for growth in immigration. According to the Government Programme, the Immigration Policy Programme should be comprehensive, with definitions on the values of immigration policy and respect of human and civil rights as a leading principle. The goal is to complete the programme by end May 2005.

The Government proposal for the new Aliens Act under preparation by the Parliament should maintain and promote good administration and legal protection in issues regarding foreigners. Additionally, controlled immigration and international protection would promote respect of human and civil rights. Apart from the Aliens

Act revision, there is also separate preparation work underway on possibility of facilitating the studies of foreign students in Finland.

Finland has also emphasised the importance of fair and equal treatment of immigrants, comprehensive immigration policy and the respect of human rights in the EU. The Tampere summit (October 1999) resolutions concluded that the partner relationship with the country of origin, 'third world' citizens fair treatment and the effort to control immigration flow, are vital. The establishment of a common asylum system was hence proposed. These objectives have since been specified and amended in Seville (2002) and Thessaloniki (2003) summit meetings.³

1.7 Integration of Russian speaking immigrants in Finland

Russian-speaking immigrants are the largest group of immigrants in Finland at the moment. Their number has increased substantially in the past ten years. Over 30.000 people report their native language as Russian (this number includes the so-called 'old Russians'). Even though the following section mainly studies the integration of the Russian-speaking population in Finland, the same definitions are applicable to other immigrants as well.

The main goal of the Government's Immigration Policy is to integrate people who are permanently residing in Finland with the objective of taking into regard the right of the immigrants to maintain their own language and their cultural background. The Government finds it very important that minority cultures aren't displaced or blended in with the mainstream. The Government also encourages minority cultures to participate in decision-making on matters concerning themselves at all levels.

A work group set-up by the Advisory Board for Ethnic Relations submitted a report "Finnish Russian-speaking population and related issues 2002." This report contains 38 recommendations related to the situation of the Russian-speaking population. The matter will be handed over for preparation to the Government-appointed Immigration and Ethnic Relations Ministry Work Group at the end of the year.

Even though the working government's efforts are targeted towards all immigrants, Russian-speaking clients are dominant and the need of services is acute. The largest client groups are from the former Soviet Union areas: the returnees (Ingrian Finns and descendants of Finnish citizens with their family members) and Russians married to Finnish citizens. Immigrants from the former Soviet Union are a very heterogeneous group regarding their service and information needs, so individual

³ Report: Parliament of Finland <http://formin.finland.fi/doc/fin/palvelut/julkaisut/ihmisoik/ihmisoik04.pdf>.

service requirement evaluations and plans are necessary at various phases of the integration process. This development has given good results in employment in many immigrant-related projects, although the projects themselves have in many cases only fixed-term, short projects. The integration process of the Ingrian Finns begins with a preparatory migration course before they move to Finland. Trainers used in these courses come from the former Soviet Union.

Apart from general employment services, employment administration integration activities aim to enhance and support the learning of the Finnish and Swedish languages and organise training for entering the labour market in Finland. The courses often include a practical training period, which is often followed by an additional training period in working life. This has turned out to be the most effective way of finding employment in the open labour market. Extensive services and know-how on immigration issues are improved by organising guidance and training courses for the employment officials, too. Among the Russian speaking population there is a substantial number of highly educated individuals, whose labour market follow-up data and promotion in entering the labour market in Finland is important. The trade between Finland and Russia, tourism and future labour market challenges, among other things, require the successful integration of the Russian- speaking population into the Finnish society.

2. Finland's actions in promoting human rights: central principals

The universal nature of human rights, indivisibility, the principle of non-discrimination and transparency are the central points of Finland's Human Rights Policy.

Finland, international human rights policy and the implementation of human rights are interrelated.

- Mainstreaming of human rights in different sectors of government is a special objective of the government for the coming years.
- Work on promotion of the rights of children, minorities and indigenous people continues. A specific focal point for the coming years is the promotion of the rights of disabled persons.
- The Government is committed to human rights education and cooperation with the organisational field. The Human Rights Advisory Council has a central role in this matter.
- The prerequisites for creating a national human rights institution will be studied in the near future.

2.1 Prevention of Discrimination and Rights of Minorities

- The prohibition of racism and discrimination is an essential part of human rights norms. Elimination of discriminating attitudes requires active measures from states on international, regional and national levels.
- Finland aims to promote the rights of people discriminated against for multiple reasons in particular.
- Finland emphasises the significance of participation rights for minorities. It is for its own part is committed to an open debate with minorities.
- Finland's objective in the UN is a more transparent and efficient processing policy with regards to minority issues. Finland also supports regional mechanisms such as the European Council working group's (ECRI) status and working requirements.
- Education on human rights and tolerance with training of officials are ways to combat racism and discrimination. Racist attitudes and discrimination are

problems that exist also in Finland. The Government is looking into methods for more efficient pre-emptive means to tackle these issues.

2.1.1 General issues

The Rights of Minorities are the focal point in Finland's Human Rights Policy. The promoting of minority rights and work against discrimination are interrelated in many ways, which is why these issues are discussed in the same section in this report.

Tolerance, equality and non-discrimination are basic principals in a constitutional state. The prohibition of discrimination is an essential part of human rights and strongly related to a democratic judicial system. According to the Constitution of Finland, the prohibition of discrimination is strongly-worded. Article 6 notes:

“No one shall, without an acceptable reason, be treated differently from other persons on grounds of sex, age, origin, religion, conviction, opinion, health, disability or other reason that concern his or her person.”

An essential requirement for the improvement of minorities' status is that they participate in the decision-making process. Finland has stated that minority rights are both individual and collective, a viewpoint which has not yet attained significant support in international forums. Nevertheless, the Government has continued its pursuit for improvement of minority rights in the form of public discourse. Finland has, in its own Human Rights Policy, emphasised the importance of those in the weakest position and especially the rights of those who have met with discrimination for multiple reasons. For example, women or disabled persons belonging to minorities can be victims of discrimination for more than one reason.

The position of sexual-orientation and gender minorities is in many cases often weak. In 2002, the UN General Assembly Third Committee approved by a good majority a resolution proposed by Finland concerning the introduction of the term 'sexual orientation', approved for the first time in a General Assembly Resolution. Finland also supports actively the Brazilian project to have the resolution regarding sexual orientation approved by the UN Human Rights Committee. Finland will continue to emphasise the importance of the rights of sexual-orientation and gender minorities at different forums as an essential human rights issue that has not yet forged enough attention.

2.1.2 The combat against racism

In Europe as well as in the rest of the world, the events of September 11th 2001 led to a noticeable increase in attacks directed towards Muslims. In many countries, anti-Semitic activities have taken on alarming proportions. Europe has been given a good reminder that work against discrimination must continue without disruption. We must react to new threats to prevent anti-Semitism and xenophobia from spreading in society.

In Europe, the OSCE and the European Council are significant regional actors besides the EU in preventing discrimination and promoting tolerance. The European Commission against Racism and Intolerance (ECRI) working alongside the Council of Europe, is a valuable body in equality promotion, providing reports and recommendations to EU member states.

OSCE work against racism, xenophobia and anti-Semitism began in 2003, with a special meeting on racism and anti-Semitism. Finland participated in both meetings as a nation and also as a member of the European Union.

ECRI issued its recommendations regarding Finland in the summer of 2002. ECRI stated, among other things, their concern regarding so-called 'accelerated processing of asylum applications', the widespread phenomenon of racist attitudes and the position of Sámi and Romani people in Finland. In cooperation with several Ministries, it has been studied which measures have been or should be taken to enforce the recommendations issued by ECRI.

The prevention of discrimination and racism is also an important part of the European Union's Human Rights Policy. In the EU Charter of Fundamental Rights, which is becoming a part of the new EU constitution, the prohibition of discrimination is very extensively defined (article 21). The European Community Treaty Article 13, declares the jurisdiction grounds for the EU in order to prevent discrimination. The EU has approved two directives to combat discrimination based on that article. It is the intention of Finland to enforce the directives by means of an Equality Act, which the Government proposed to Parliament in September 2003. The EU has also approved a Plan of Action against Discrimination for the years 2001-2006.

The European Monitoring Centre on Racism and Xenophobia (EUMC) assesses phenomena related to issues relating to racism, xenophobia, and anti-Semitism within the community area.

The activities of the EUMC have been strongly criticized of late. The body has been accused of inefficiency and structural inoperability. Finland has supported efforts to renew and intensify the monitoring centre's activities and has also participated in negotiations aiming at these objectives. Finland finds it essential that the EUMC should not function as a separate wing, but their observing and recommendations must have a clear impact on political decision-making in the member states. During the Italian chairmanship a decision-in-principle was issued to enlarge the EUMC into a European Union Human Rights Bureau.

International negotiations to combat racism have been very complicated in the past few years. The problematic of the division in Northern and Southern states or 'developed and developing states' has been very strong in negotiations and historical issues (for example slavery and colonial background), dominating discussions in such a way that issues of substance have suffered. Finland emphasises the importance of negotiations with other country groups in international forums to enable the furthering of the issues at hand. Finland has taken an active role as a bridge builder for example in the UN Human Rights Committee.

2.1.3 Follow-up to the Durban World Conference against racism

The third UN World Conference against racism was organised in Durban, South-Africa between August 31 and September 8 2001. Durban will remain in history as the first World Conference against racism that was capable of adopting actual recommendations. The Conference result was the approval — after prolonged and difficult debates — of a unanimous Declaration and Action Plan, although the United States and Israel walked out of the conference before its closure.

Finland participated in the Durban Conference with a large delegation headed by the Minister for Labour, Ms. Tarja Filatov, with public administration representatives, national organisations and minorities. The objective of Finland in Durban was to direct sufficient attention to the rights of women, children, indigenous people and minorities and to have these issues included in the final declarations. Finland works actively to take into regard the rights of the Roma and disabled people also. Finland reached its original objectives relatively well, as the Roma issue, equality, and multi-related discrimination are referred to in the Declaration and the Action Plan . The Durban preparations were particularly difficult and the conference itself did not go without difficulties.

For example, the difference of opinion regarding the situation in the Middle-East and colonial issues heated the atmosphere. Also, the follow-up of the Conference has turned out to be very problematic. In the Human Rights Committee session in the Spring of 2002, the acting African group coordinating country, Nigeria, surprisingly included in the Declaration the creation of two new working groups and one new fund. Additionally, a group of five eminent persons were given a new mandate that differed from the Durban final resolutions. The negotiations did not lead to desired results and as a result, countries who were members of the IOT voted against the resolution. A resolution covering mostly procedural issues was approved by the UN General Assembly in the Autumn of 2002. All EU member states voted for its approval. In the spring of 2003 the new IOT coordinator, South-Africa, led the racism negotiations with more willingness to consensus than its predecessor. The working group mandates were modified slightly following the wishes of EU. Agreement with the EU was not very far from being reached, but in the vote all the EU member states finally refrained. In the General Assembly of 2003, a relatively good understanding on the follow-up of Durban was reached.

The EU has had difficulties on reaching agreement on participating in new working groups on the rights of people of African origin and the follow-up of Durban. At the moment, some EU member states participate in the working groups as nations, while others have withdrawn completely. Finland has participated as a nation in both working groups.

The Anti-Discrimination Unit set up in the UN Human Rights Ombudsman Bureau assists working groups, reports on resolutions and organises seminars and functions as a follow-up of the Durban World Conference.

2.1.4 UN Working Group on Minorities

The UN Working Group on Minorities, set-up in 1995 is the only actual forum for minority issues within the UN. The Working Group consists of five experts, all members of a lower board and representing five different geographical regions. All UN members and minority representatives can participate in this working group.

The corner stone of the working group's activities is the declaration adopted by the UN in 1992 regarding the rights of national or ethnic, religious and language minorities. The mission of the working group is to observe the implementation of the UN Minority Declaration according to its purpose, to study possible solutions with regards to problems related to minorities, including mutual understanding between minorities and governments, and to recommend appropriate additional

measures to protect and promote the rights of minorities. In practice, the working group has been a very active forum of debate in minority related issues. The working group handles several thematic entities each year and processes documents related to them, which are drafted both by expert members and representatives of academic research and national organisations.

Finland has participated each year in the minority work group session and pursued interaction by drafting for example in 2001 a commissioned research programme on Finnish autonomy and self-direction models for the use of the working group. The objective of the government is a more visible and efficient processing of UN minority issues and the strengthening of the minority working group's status and actions and thus improving the rights of minorities.

In 2004, Finland is developing an interaction with the Minority Working Group using new methods. As a response to the Finnish initiative and invitation, the Working Group visited Finland in 2004 and met different Finnish minority groups. State visits are not exactly included in the mandate of the working group, but the working group has been willing to visit countries a better acquainted with minority situations. The visit of the Working Group offered a possibility for direct and open debate between the UN Human Rights Mechanism and minorities. The visit brought visibility to minorities' rights and acquainted different parties with the only actual UN minority mechanism. Additionally, the visit displayed support and respect towards the demanding work of the Working Group. A report of the visit to Finland will be issued this spring and the government will be given the opportunity to continue the debate with the working group. Finland's prior experiences, for example regarding the Council of Europe minority mechanisms or fixed-term report handling related visits, have also been extremely positive.

2.1.5 Prevention of Racism and Discrimination in Finland

Work against discrimination should be intensified in Finland. Regularly carried out studies on Finnish citizens' attitudes towards minorities and aliens residing in the country, show that prejudice lies deep within. Some studies on students' attitudes indicate that negative attitudes have increased in the past few years. International monitoring bodies observing the implementation of proposed actions have also noted the same development. For example, the Committee on the Elimination of Racial Discrimination has stated in its conclusion about Finland released in August 2003, concern regarding the racist attitudes of youth in Finland. The Committee has advised Finland to observe the development of the situation and to combat negative

development closely. The development of the attitudes of the population towards immigrants is evaluated by repeating so-called 'periodic attitudinal studies'.

Promoting of tolerance demands active measures by officials; the significance of education with tolerance themes is central in this matter. It should also be evaluated whether the existing administrative structures are vulnerable to discriminative behaviour and any changes required to prevent social exclusion should be made.

In this respect, it is important to listen to the voice of different population groups and gather their experiences in these issues in Finnish society.

The Ombudsman for Minorities began his work officially in September of 2001. The mission of the Ombudsman for Minorities is to promote good ethnic relations and the rights and position of ethnic minorities and aliens in Finnish society. The clientele of the Ombudsman includes both traditional and more recent ethnic minorities. The Ombudsman observed the implementation of equality, and the compliance of the prohibition of discrimination due to ethnic origin. He makes proposals, informs, reports and carries out tasks appointed by the Alien Act to the Ombudsman for Minorities.

The observations of the Ombudsman for Minorities on the occurrence of discrimination serve as valuable indicators on various unwanted developments. Others contributing to the matter are: the Ethnic Relations Negotiation Board working alongside the Ministry for Labour as the advisory body, the Ministry for Foreign Affairs International Human Rights Advisory Board and the Romani Affairs Advisory Board. They function as excellent channels of dialogue between the public administration and citizens.

2.1.6 The Equality Act

The new Equality Act came into force on February 1 2004 and its purpose is to ensure and promote equality in different sectors of society. The law enforces the Council of Europe directive 2000/43/EY on equal treatment regardless of race or ethnic origin (racism directive) and the Council directive 2000/78/EY on equal treatment in the workplace and regarding profession (work discrimination directive). The law does not replace the prohibitions of discrimination already included in other legislation.

The law prohibits discrimination grounded on age, ethnic and national origin, nationality, language, religion, conviction, and opinion, state of health, disability or

sexual orientation. The law is applied to employment issues, working conditions, terms of labour, career advancement, education and the prospects of entrepreneurship and supporting occupational activities. The law also prohibits setting a person in a different position based on ethnic origin in social and health care, social security benefits or other social based grants or benefits. The law requires officials to promote equality in all their actions. The state and municipal officials are required to make plans to improve ethnic equality.

The promoting of equality is also the objective of the regulation concerning the employment and education possibilities of disabled individuals. The law forbids both immediate and intermediary discrimination. Harassment and instructions or commands to perform discriminative acts are also defined as prohibited discrimination. The law also defines the procedures that are not considered as discrimination according to law.

3. Government measures against discrimination

Equality, diversity and non-discrimination have been promoted in Finland by following an EU action program to prevent all types of discrimination as well as the 2001-approved Government Programme guidelines against racism and ethnic discrimination, and by supporting the work of NGOs in the combat against discrimination and in the promotion of equality. In the detection of discrimination, taking action and developing and implementing preventive measures has taken into regard the combining of discrimination and the so-called multi-related discrimination and demands inflicted by the horizontal approach to a broadly-based, cross-administrative cooperation.

The Council of State appointed cross-administrative Ethnic Relations Advisory Board assists the Council of State and different Ministries as an expert group on developing, planning and monitoring refugee and migration policies. The Advisory Board also promotes the interaction between officials, national organisations, immigrants and ethnic minorities.

The National Action Plan Against Discrimination has utilised funds allocated by the Commission. Additionally, Finland has participated in European Social Fund EQUAL ventures focused primarily on the improvement of equality and diversity in regard to gender and/or ethnic origin in the labour market. National measures have been implemented by funding research in the field and by supporting the activities of equal status bodies, while organisations have been formed by different groups exposed to discrimination and activities to prevent discrimination within the public administration are being improved.

The Ministry for Labour has coordinated the JOIN (Joint Promotion of Anti-discrimination) project that aims to develop non-discriminative working practices in local administration and to find common methods for different governments and groups exposed to discrimination.

Another EU-project is called SEIS – Education and Information for Anti-Discrimination. The project is coordinated by the Ministry for Education, the Ministry for Social Affairs and Health and the Ministry for the Interior, implemented in close cooperation with the Ministries' regional administrations and representative organisations of discrimination target groups (The Advisory Board on Romani Affairs (RONK), The Advisory Board on Ethnic Relations (ETNO), SETA (Sexual Equality in Finland), Finnish Disability Forum, Central Union for the Welfare of the Aged, Finnish Islamic Congregation etc.) The objective of the project

is to raise awareness and to educate different parties to identify discrimination, to intervene and to develop structures for prevention as well as to empower the discrimination target groups to participate in the work against discrimination.⁴

Finland, apart from development projects, has also actively participated in European level activities to prevent discrimination and racism by issuing proposals (for example EU indicator work and the EUMC cooperative project) and by taking advantage of European level information distribution.

Finland is administering European projects funded by the Action Plan Against Discrimination, aimed at developing and standardising the monitoring of discrimination inside the EU. The project also studies the methods in different EU countries for indicators that manifest discrimination, gathers related data and makes proposals for standardised and compatible procedures.

The Ministries have funded migration and immigration research, studies on attitudes towards immigrants and racism and on encountering discrimination (victim study), as well as studies concerning the integration of the immigrants and employment issues. Additionally, the Advisory Board on Ethnic Relations ETNO has studied non-discrimination in the school environment and has monitored the status of ethnic relations in different areas of life, monitored by developing statistical methods.

The Ministry for Labour has coordinated and trained the discrimination expert network on ethnic equality in working life (ETNA/Nova Etna network). The members of the network represent diversely different public administration parties, education organisations and immigrants' and minorities' own associations and communities. The members of the network have been offered training in discrimination and racism issues and courses to help set-up national training networks on discrimination issues.

Attitudes towards immigrants, minorities and discrimination are still problematic issues. For example, the situation of immigrants in the labour market is very complicated. Prevention of discrimination with good and functioning social network calls for action, e.g. in the Immigration Policy Working Group recently appointed by the government.

⁴ www.join.fi/seis

4. The participation of the NGOs

Top level minority group organisations, SETA (Sexual Equality in Finland), Finnish Forum for the Disabled, the Finnish League for Human Rights and ENAR Finland, began as national partners in 2004 in the 'Join In' follow-up project administered by the Ministry for Labour and the State Provincial Office of Southern Finland. In this multinational project, the NGOs train the local administration in three cities: Helsinki, Vantaa and Hämeenlinna. The objective is to ensure that the voice of minorities is heard and to enable their participation in the implementation of the Equality Act in the cities' Equal Status plans. The project is seen as beneficial, acting as an NGO voice and generating cooperation and joint action between different NGOs and the public sector. At the same time the project increases the amount of cooperation between different NGOs. The participation of other EU states in the development work brings a wider perspective to the work of the NGOs. The distribution of good practices is possible, according to the NGOs, by concrete cooperation between the different sectors. Good practices should then become part of the structure with the voice of minorities being genuinely heard.

ENAR Finland administered in partnership with Immigrants Support in Finland EQUAL project, The Bridge of Synergy. The project was initiated at the end of 2004. The objective of the project is to find employment for immigrants and steering them towards becoming full members of the society. There are ten immigrant families participating in the project whose settlement and integration is being assisted comprehensively. A bridge between them and ten chosen working communities is built. A Trust and Diversity Analysis is implemented in the working community and based on its results diversified training is organised for working community leaders and employees. The project's national partnership parties are the Karjaa and Helsinki Labour Administrations, New Business Enterprises Centres, immigrant associations and individual enterprises in the educational field. International partners come from England, Slovakia, Italy and the Reunion Island (France). Established good practises are then communicated in cooperation with the international partners to Poland and Estonia. A link to the project and to other ongoing EQUAL projects is: <https://equal.cec.eu.int/equal/jsp/index.jsp#round>

5. Promoting Roma rights

The Government has continued its work on the promotion of the Romani people and their rights, both on a national level and internationally. The most important international project has been the motion by the president, Ms. Tarja Halonen, on establishing a special Romani Forum, which Finland has actively worked for in the European Council.

The Finnish Romanies also meet with racism. Problem areas have been the availability of services, housing and employment. The Advisory Board on Romani Affairs (RONK) found that the most frequent forms of discrimination have been refusal of entry (to restaurants, bars etc.), limited opportunities of service and the status of Romani prisoners. Romani women often meet with gender-based harassment and ethnic discrimination. Romani national dress worn in Finland has caused racist reactions in service situations and in finding work and training jobs.

Women should be seen as individuals, not as representatives of an ethnic group only, and recognition of the needs of Romani women should be supported both in education and the labour market.

Romani women are often victims of prostitution, poverty, and human trafficking in Europe and surrounding countries. Poor social status only adds to the risk of falling victim to human trafficking. The Government has stated their concern on the situation of Romani women and has drawn attention to this issue in international forums. The future will largely be defined by the attention given to Romani women's issues, as women play an important role in children's education and as mediators of cultural heritage. Various administrative sectors have initiated cooperative actions against discrimination and the Advisory Board (RONK) has aspired to enhance people's knowledge on Romani affairs by offering training to housing and school authorities and to the police force. Apart from the national Board, there are four regional committees established as permanent by parliament decree as of January 1 2004. These committees act as cross-administrative coordination bodies of the Romanies and various authorities and work in close cooperation with Finnish municipalities and the state. The assertion of the committees and increase of employment prospects enhance service competence with the bettering of living conditions and subsistence adding up to the further promotion of studies on Romani language and culture.

Acting on the motion of the Ombudsman for Minorities, Mr. Mikko Puumalainen, the Ministry for Labour has drawn a proposal for actions on employing Romanies.

Work started in the Ministry during the Spring of 2003 and the Advisory board has been updated on ongoing progress. The Ministry for the Environment, in charge of housing matters, has stressed equality in its Housing Guide. However, measures taken are only applicable to municipal and rented apartments. In private housing market, high rents and prejudice dominate.

A development project administered by the JOIN-project, has been initiated in cooperation with the Helsinki township and the Romano Mission, supporting Romani children's education and parent participation, with a package on Romani culture and advice on recognition and intervention in discrimination issues. The project workers have a Romani background, which facilitates the observation and detection of any occurring discriminative action.

Romani organisations have participated in the execution of the SEIS project from the very beginning. Phase I of the project included a training section, which involved Romani youth further education on cultural identity and lessons on their own language. Today, the management team of the SEIS project has Romani members and the project has produced material in the Romani language e.g. in their publication 'On the road to equality'. Both these SEIS projects have received partial funding from the European Commission. According to the Basic Education Act, the Romani language can also be used in teaching.

There are about 1,700 Romany children in need of secondary school education, but there is no data on the total number within the Finnish education system, as no data has been collected based on children's ethnic background. The latest curriculum provides for the education of Romani children and notes their status as an ethnic, cultural minority. The learning of their own language should accordingly enhance quality of education and promote the development of their minority identity.

Those participating in language lessons should be given the opportunity to express and develop their own cultural features within the school curriculum. The EU Socrates project was also initiated as a Drom Edu project in Autumn 2000 to integrate Romani children in schools by developing the training of intermediaries. The Romani Education Unit within the Ministry for Education carried out a survey on Romani Children's schooling in 2002 with the outcome showing that out of a total of 1,700 school-aged children, only about 250 availed of education in ten different municipalities in various schools in Finland. In most cases, the biggest problem in arranging schooling has been the scattered settlement of Romani people around Finland, which makes it difficult to start any teaching groups. Another difficulty has arisen with the employment of competent Romani teachers, as many

of those speaking the language have poor teaching qualifications (with insufficient basic education) or are incompetent in the language.

The Government has stated that the education of Romani teachers should be initiated. The Romani Education Unit has organised further teacher training in cooperation with various institutions and a language programme with teacher training for cultural minorities was organised and completed. In addition, those speaking the Romani language have had the opportunity to participate in long and short term training courses with an emphasis on Romani culture and language.

The initiation of language teaching since 1989 has stimulated the use of the Romani language and has led to the publication of articles in the Romani language in their own newspapers. Romani news on the national radio network once a week has also had a positive effect on language development, vocabulary modernisation and increased general interest in the language. This has encouraged the government to take steps towards the development of Romani children's educational opportunities in Finland.

A long-term objective proposes the compilation of a series of educational materials aimed at secondary and high school students, whose native language is Romani or who study it as a second native language. Since 1999, three new educational material projects have been launched to serve as the basis for the coming series of language teaching material. Finland has proposed the launching of international co-ordination with other countries. Vocational education aimed solely at Romani has been organised mostly in the fields where the target is the transfer of a certain skill (dressmaking, grooming horses etc.). The students have been involved in actual educational planning. Romanies are advised to follow the so-called 'normality principle', which means education available to everybody fulfilling entry requirements.

5.1 The European Romani forum

Finland's president, Ms. Tarja Halonen, proposed to the European Council General Assembly on January 24 2004 that a Romani counselling body should be established with representation at pan-European level. The incentive for the motion is the fact that European Romanies have inadequate possibilities in contributing to decision-making, in expressing their opinions and in demanding for their rights. There are 810 million Romanies living on European Council territory and the Government objective is the full and absolute recognition of Romani human rights, as they have

been decreed in international human rights norms. The Romani people are entitled to participate in policy-making both on European, national, regional and local levels.

The Government has actively promoted the establishment of such a forum under the administration of the European Council for a three-year period. The European Council General Assembly, Secretary and UN High Commissioner for Human Rights have endorsed the project.

5.2 The rights of the indigenous people

- Indigenous people are easy victims and are vulnerable to discrimination, women and children in particular
- Finland endorses the actions of the international permanent forum and participates in various action development programs
- Finland continues its active contribution to acceptance of the United Nations Declaration for the Rights of Indigenous People.
- At national level, there is a continuous strive for the abolishment of ratification impediments to the ILO general Act no 169 involving natives and their kindred people

5.2.1 The status and rights of indigenous people

The protection and promotion of indigenous people is still on the government list of important human rights issues. These people are the first native settlers in certain regions with a specific original relation to the land and its resources. They have their own culture, way of living and identity, and often their own native language. These people are often considered as minorities, but in some countries they compose the majority of the population.

The one and only indigenous group in Finland is the Sámi with a cultural autonomy in the Sámi homeland. They speak three separate Sami languages in the area, namely the Northern Sami (70%), Skolt Sámi (15%) and Inari Sámi (15%). The Finnish, Swedish and Norwegian Sámis have a common history, traditions, customs and communities. Reindeer herding, fishing, and hunter gathering and making handicrafts are the basic, traditional Sámi sources of livelihood. The Sámi Parliament attends to the rights and interests of the Sámi by presenting initiatives and proposals and by preparing opinions to the authorities. Focal points relate to matters concerning their language and culture, as well as their status as an indigenous people.

Parliament is represented at national and international level and has on several occasions been a versatile agent for the rights and promotion of their status. The UN Human Rights Committee and other international forums, such as the Nordic Council and cooperate with the Euro-Arctic Region of Barents. As a member of a working group, a permanent forum of the UN, Finland has had a say in cases concerning the preparation of a declaration on the rights of indigenous people. This took place at the Durban World Conference against Racism (2001). Additionally, Finland has been one of the countries to actuate on the establishment of the mandate of a Special Rapporteur on the Human Rights Committee, not to mention the annual participation in the work of the indigenous peoples' group.

The Government of Finland has set a goal for the independent development of culture and living conditions of indigenous people. This right however has often been endangered by the direct or indirect discrimination that indigenous people have met with, girls and women being the most vulnerable and prone to confrontation targeted towards their gender or origin.

The government continues to hold the opinion that the status of indigenous people needs be considered as a special, separate and important issue when working against discrimination and racism. Essential implementation calls for the acknowledgement of their civil and political rights, together with economic, social and cultural equality and free-willed participation in policy making. Finnish development aid projects are also working towards the promotion of the rights of indigenous people.

On various occasions, the government has brought up the importance of the maintenance and development of people's original, native languages. Mother-tongue is considered one of an individual's fundamental and collective rights enhancing one's identity. For certain national groups, e.g. indigenous people, this right is the very essence of existence and at the same time the opportunity to maintain one's unique character among nations. Language is a vital part of one's own culture and connected to people's traditions, livelihood, religions and beliefs.

With regards to the Sámi language's maintenance and development, the European Council Ministerial Committee issued some proposals on the implementation of a European Charter on regional and minority group languages. They recommended immediate Government actions to establish the status of the Sámi language in the curriculum. Special attention to language should be given in preschool and comprehensive education, bearing in mind the threat of extinction of Skolt and Inari Sami languages and increasing required teacher training and educational material. The status of the Sámi language in the media should be improved with concrete

methods and support for the founding of newspapers and regular television broadcasts. The Ministerial Committee further suggested the government take special actions towards organising proper conditions for the promotion of the use of the Sámi language in judicial and administrative offices in the Sámi homeland by offering education in the language for administrative and judicial authorities. The overall promoting actions should include social and health sectors, providing service in the Sámi language when needed.

After the proposal, a new act was enforced, promoting objectives recommended by the Ministerial Committee. There is no practical experience on the effect of the Act yet, but in the coming years periodic reports will be compiled and later handed-in to human rights monitoring bodies for inspection. Constructive dialogue will be continued with the expert committee to enforce a European Language Charter, aiming to develop and further promote the Sámi people's right to speak and maintain their own native language.

According to the Basic Education Act, the Sámi are entitled to be taught for the most part in their own language at schools in their homeland. In the new National Curriculum, there are sections on the teaching of Sámi as an individual subject and its implementation in teaching other subjects. There is also the option to study in Sámi in secondary and vocational schools also, but in practice the majority of teaching through the Sámi language takes place in primary schools. The government is preparing a report on the possibility of increasing the teaching of the Sámi language and teaching materials in Sámi and of funding a project aimed at developing and promoting the virtual study of the Sámi language outside the homeland.

The rights of indigenous people on a larger scale are to be included in the periodic reports to be handed in to UN Human Rights monitoring bodies, whose inclusion further facilitates the realisation of the rights of indigenous people. This report also gives information on the faults in the implementation of these given rights and proposes more effective ways and means for furthering these ends. The government is seeking to better recognise and find solutions to these issues in future through periodic accounts to be compiled over the next few years. Part of this reporting development process is the recent proposals on Sámi people given by the monitoring bodies translated into the North Sámi language.

The rights of indigenous people have been notified and allocations granted within Finnish development aid also. Ongoing projects in Nicaragua and Bolivia are working on the promotion of multiculturalism and bilingualism, which aims to

ensure indigenous peoples' education in one's own language based on the original culture. Finland has allocated its aid to the development of curricula, teacher training and on the compilation of basic learning material. Bilingualism projects are closely connected to a larger scale education reform in these two countries.

5.2.2 The permanent forum of indigenous people

In the UN Economic and Social Council's (ECOSOC) latest report, a special objective was to initiate the establishment of a permanent forum for indigenous people. This objective was realised and the forum had its first session in New York in 2002. The forum of sixteen government-appointed experts works as a consulting body of ECOSOC and as a coordinating seat for matters relating to indigenous people. The forum covers a large area of subject matter, such as human rights, health, education, culture, social and economic development and environmental issues.

Initial experiences of the forum were largely positive and thus established the position of the forum as an influential body in matters relating to indigenous people. The forum has taken vigorous action and development projects have been initiated, e.g. on the issue of indigenous children's and women's rights. One practical example of forum actions is the proposal addressed to the UN Children's Rights Committee on organising a thematic discussion day on the Convention and rights of indigenous children. This discussion day saw light in September 2003 and serves as a good example of the positive development and information the forum can produce with regards to children's rights.

The government plans to continue supporting permanent forum activities and participate in developing them. In practice, it is important to have adequate staff within the secretariat and secure future financial resources. The Government wishes to contribute and participate in matters which the forum is dealing with and promote dialogue between various bodies and individuals active on this issue. To cover the extensive forum mandate, it is vital to work in close cooperation with UN special organisations.

Together with the initiation of work within the permanent forum, an overall monitoring has been activated to rationalise the processing of indigenous people's matters and to eliminate any possible overlaps in procedure. Emphasis will probably be given to the future of the UN indigenous people's Working Group Committee, which was founded in 1982.

There will also be a report on the possible overlaps between the Working Group and the Permanent Forum human rights actions. The government admits the importance of the Working Group as a promoter of indigenous people's rights and is ready to consider various options when deciding on the future of the Working Group, together with indigenous people themselves.

5.3 The Nordic Sámi Agreement

The Nordic Sámi Council proposed the issuing of the Nordic Sámi Agreement in the 1980s. The Ministers in charge of Sámi matters in Norway, Sweden and Finland and representatives of the Chair of the Sámi Parliament, appointed on November 13 2003 a Nordic committee with six members to initiate preparatory work on this Sámi agreement. Three of these group members were Government representatives and the other three represented the Sámi Parliament of the countries involved.

According to the mandate, the work group is to draft a report on the need for a Nordic Sámi agreement. The work group has approached its mandate with an open debate on the central issues concerning the Sámi people in Norway, Sweden and Finland. The charter of debate results will be drafted into a Sámi Agreement. In the mandate, it is stated that international obligations and customary laws will be accounted for when compiling the draft.

One of the tasks the group has to deal with is to decide which stand they are going to take in the implementation of the agreement's monitoring and the possible need for a special monitoring body to this end. The Group will have to come up with their proposal by the end of 2005. The group does not have a special negotiating mandate. The Government finds the Nordic Agreement crucial in developing the Sámi people's status and rights in society. Government involvement in the work of the consultancy group in promoting the agreement project continues.

5.3.1 The Sámi and their land rights

Indigenous people have a specific connection to the land, water and natural resources. This, together with the exploitation of natural resources, is the very basis of indigenous people's culture and ways of living. The preservation of their original lifestyles is mostly dependant on the recognition of the right to land and its development.

Human Rights Monitoring Bodies have brought up the unsolved issue of Sámi land rights in Finland and hurried the ratification of ILO Convention no 169 on land rights of (1989) indigenous people and their kindred. The government has actively

tried to resolve the land rights issue of the Sámi homeland. The Ministry for Justice has carried out several assignments on account of land rights issues. This came to its peak in 2002, when the government proposal was drawn into a motion in The Ministry for Justice. A separate advisory board committed to issue a statement on principals of land use decrees was established. The Metsähallitus (Finnish national governing body in forestry) could have given a diverging statement only on special grounds. The Advisory Board was to be set up to address the principal issues of land use with a common, compatible line in environmental administration, use of natural resources and environment protection. This principle would provide that the Sámi culture and natural sources of livelihood would be secured with the consideration of the environment and local development aspects.

6. The rights of the disabled

- Finland emphasises the multi-orientated approach in promoting the rights of the disabled.
- Finland has an active part in negotiations for the compilation of an agreement on the disabled and their human rights. Finland has set the objective on a contextually viable amendment to the existing agreements.
- The disabled are a focal point in Finnish development policy.

6.1 Disability as a human rights issue

According to UN estimates, half a million (10%) of the world's population has either a physical or mental disability. Disability as a human rights issue has been strongly referred to in various international debates, which Finland considers to be a healthy and welcome trend. Finland is also actively involved in negotiations promoting human rights considerations.

Although the same rights apply to the disabled as to the other citizens, they cannot be compared on the same level. Mentally or physically handicapped individuals are in many cases deprived of full participation and commitment in societal activities. This fault has given rise to the international community to consider and discuss ways and means of correcting the current situation. The largest project on this theme is the UN preparations for the disabled people's human rights convention. Finland has stated that the adopting of the agreement would further add to the status and protection of the disabled.

Finland emphasises the promotion of disabled people's rights with a multi-orientated approach in protection and promotion of their rights. These rights should be in the mainstream as a part of all activities and included in all national and international programmes and policies.

The following account deals with the rights of the disabled in a separate, thematic chapter, as the subject will now be discussed for the first time as a central human rights issue for the coming years. The issue is one of great importance today.

6.2 Promotion of human rights of disabled persons

There are about 37 million disabled people living on EU territory. 2003 was the 'Year of the Disabled', which reflects the importance of the issue in the EU. The theme year objective was to increase information on the rights of the disabled: to

draw attention to the discrimination they meet with; to the protection they need; and to the implementation of their rights and entitlements. Specifically, Finland emphasised the importance of human rights, non-discrimination and participation. The National Council for the Disabled organised several educational training meetings and other events and published a Guide for the Disabled on their rights (Know your rights - stand up for them 'Tunne oikeutesi - pidä puolesi'). The Directive on Equality in Working Life entered into force on December 2 2000. The Directive aims to prevent direct and indirect discrimination of disabled persons in working life.

The Directive defines the concept of 'the Principle of Equity', which means that the employer has to undertake relevant actions which will give disabled persons the same opportunities as others when applying for a job and later actual working life. Furthermore, the disabled should be able to advance in their career and receive training, unless these actions cause unreasonable burden to the employer.

To enforce the Directive, an Act on Equality was decreed and issued on February 1 2004. The Act stipulates that to promote equality, the employer or the training organiser, if necessary needs to take reasonable actions in following up the stipulations of the Act (employment and training opportunities, coping with the job and career advancement). In evaluating the concept of equity, such as the cost of taken actions, the economic status of the employer or training organiser, and availability of public or other means of funding and support will be considered.

The European Commission funded a study (2001-02) on the subject titled 'Disability and Social Exclusion in The European Union - time for change, tools to change' under the auspices of the European disability Forum and with the support of the European Commission.

6.3 United Nations Agreement Proposal on the Rights of the Disabled Person

The concept of a Human Rights Agreement on Disabled Persons is not altogether a new idea. The proposal was first discussed by experts in 1987, but the idea lacked the support of relevant authorities. In December 2001, the UN General Assembly resolution 56/168 initiated the setting up of an ad hoc Committee, which was to take up the framing of a large-scale, international convention on disabled persons' human rights as well as the promotion and protection of human dignity. According to the mandate, the Committee was to adopt a holistic approach in its work, i.e. social development, human rights and social exclusion issues with progress and

achievement field reports. The Human Rights and Social Development Committees' recommendations and proposals are to be considered.

The Committee has had two sessions, the first one resulting in the decision of disabled persons having access to the Committee's work. At the second session in June 2003, a separate work group was set up to draw up an agreement draft to be used as a baseline for coming negotiations. The Work Group has members from the governments of various countries as well as representatives from many disability and human rights organisations. The group's first session took place in January 2004. Finland finds it important that disabled persons entitlement to voice their opinion is secured at all stages of the negotiation process, which should cover the outcome of the negotiations i.e. the actual, endorsed agreement.

The European Union has drawn up their own agreement proposal for the Work Group. The concept of non-discrimination serves as the basis of this proposal, as well as issues such as indirect and direct discrimination and the 'Principle of Equity'. Many other countries or groups and organisations representing disabled persons, have come up with various proposals for the Group. The Åbo Akademi Human Rights Institute has completed a Ministry for Foreign Affairs funded study on the proposals published and an evaluation on their usefulness in the coming agreement.⁵

Some focal issues have emerged in the negotiations that must be solved, such as whether there is a need to define 'disabled' for the implementation of the agreement, coverage of discrimination decrees and the concept of the Principal of Equity and its meaning. Although the political consensus is strong and in favour of the agreement, there is the likelihood that negotiations become a difficult and lengthy process of some years. The negotiations should not be forcibly hurried, when the goal is the effectuation of an extensive and viable agreement. It is vital to continue enhancing and promoting the rights already existing in the protection mechanisms for the disabled.

Obviously, international human rights agreements are applicable to everybody, including disabled persons, although this fact has only been stated in the Children's Convention. At any rate, the new formulation for the agreement should therefore cover the existing human rights standards and be based on and adhere to them. Finland should find a way to promote and enhance the implementation of these

⁵ Jukka Kumpuvuori: Observations on the Process of Elaborating a New Human Rights Instrument on the Rights of Persons with Disabilities; Åbo Akademin ihmisoikeusinstituutti 2003

existing rights in the negotiations and ensure that the agreement will amend to the UN ongoing process of safeguarding the status and rights of the disabled.

The UN Standard Rules are applicable in this context with the guideline on the development of the monitoring processes.

Finland finds that the UN Human Rights agreements and their implementation and monitoring should be developed and directed towards applicable and effective agreements in promoting and advancing the rights of the disabled. The agreement monitoring mechanisms occupy a central position in the implementation, which in practice calls for more extensive procedures in government periodic reports. Finland seeks to include the human rights of the disabled in the periodic reports, while organisations for the disabled are entitled to contribute to the agreement procedure. The participation of disabled persons in decision-making bodies should be supported, as membership would guarantee a stronger influence on decisions and proposals and on obligatory actions.

6.4 Rights of the Disabled Persons

In the Finnish Constitution, disability has been defined as one of the prohibited causes for discrimination in Article 6 of the Equality Act. Disability was included in the Reform of the Bill of Rights in 1995, which can be considered a step forward in the implementation of their rights.

Traditionally, the disabled have been considered as being well treated in Finland, but opposite experiences speak for themselves and do not support this belief. Disabled persons meet with discrimination in their everyday life, directly or indirectly. Disabled women, for example, often find that their entitlement to an equal relationship, to motherhood and family life is all too often questioned and undermined. Studies show that in Finland, disabled persons meet with so-called 'institutional discrimination', where societal actions shove them outside the mainstream.⁶ Legislative decision-making is not adequate on its own, but needs to be supported by comparable actions.

The Disability Policy in Finland promotes independent life management, equal opportunities and societal participation. Reaching these objectives is made easier by

⁶ Uusi ohjeisto löytyy internet-sivulta: http://global.finland.fi/julkaisut/taustat/disability_guidance_EU.pdf ks. esim. Jukka Kumpuvuori: Vammaisten henkilöiden ihmisoikeudet Suomessa; Åbo Akademin ihmisoikeus-instituutti 2003.

increasing the independent initiative and opportunities in decision-making and also eliminating physical, attitudinal and communicative obstacles.

The amended European Social Charter entered into force on August 1 2002 in Finland. Article 15, which specifically concerns disabled persons, states that the disabled are entitled to independent, social integration with the option to participate in communal activities. ILO regulations on the 'Code of Practice on Managing Disability in the Work Place' (2002) has been published in Finnish. The report is available on the Internet in English on the ILO website.

Employment organisations have a clearly defined role in that open market employment should comply with the non-discrimination principle and ensure applicable changes in working conditions.

Social welfare and public health service legislation secures the social rights in services and support measures for the disabled. The 2000 Act on the status and rights of the social welfare client is, in some instances, applicable to disabled clientele.

Participation in society activities and coping as an independent member of society needs to be backed up by freedom of movement. Obstacles in the environment, such as inadequate public transport facilities, are a hindrance for the implementation of free movement. Further obstacles to free movement can be the restrictions regarding one's dwelling.

Discrimination can occur in welfare institutions that cannot provide adequate services or support to the disabled, or when a situation arises where the disabled person is the target of social control by officials. Even if various institutions do not practice direct discrimination, their actions could, in an indirect or passive manner, lead to actual discrimination. Another form of this so-called 'institutional discrimination' are the restrictions on the free movement of the disabled in omitting the needs of the disabled in the development of the public transport system. In August 2003, the Finnish Ministry for Transport and Communications published an Accessibility strategy (Towards Accessible Transport). The document was prepared in cooperation with different ministries, the Association of Finnish Local and Regional Authorities and public organisations operating within the administrative sector of the Ministry for Transport and Communications. To support the implementation of the strategy, a three-year research and development programme, ELSA, was launched in autumn 2003. Accessible transport policy aims to abolish of discrimination and to implement the fundamental rights of citizens.

One fundamental right is that of an individual and his/her right to work, which has been reaffirmed in the Universal Declaration of Human Rights and in the European Social Charter. Furthermore, EU member states are committed to EC judicial systems on implementation of internal market laws. Everyone is entitled to subsistence in a freely chosen job, profession or occupation. Studies have shown that most European disabled persons at working age are unemployed and the situation is very similar in Finland, where unemployment is usually lasts longer. The Social Welfare Act, together with Social Insurance legislation and the Employment Act, were amended in 2002 in Finland, while the Act on Social Enterprises came into force in 2004. This Act asserts the status of social enterprises as employers of the disabled and long-term unemployed jobseekers and promotes the generation of new enterprises. The right to work and the right to non-discrimination are everybody's fundamental constitutional rights. From the point of view of the disabled, the omission of disability on the list of discrimination causes in the Employment Contract Act is a serious fault, while women are specifically discriminated against with regards to their disability and gender, both within the job market and in training.

In the Employment Security Act, disabled workers are accorded special care and the new Occupational Safety and Health Act (Art 12: paragraph 2) provides for their safety and wellbeing. Like the already abolished old Act stipulates, any planning of the work environment, as well as other work-related arrangements, should involve the disabled and other workers in health or safety-related issues. They should also embark upon any actions necessary for protecting these persons. Disabled persons are also entitled to cultural participation, which the Ministry for Education has accounted for in the Policy documentation, which includes State Council decisions in principle on the arts and artistry policy, as well as the Programme for Children's Culture.

7. New Strategy and Action Plan on Gender Equality

One of the Developing Countries Aid Policy main objectives is the promotion of gender equality in the project countries of Finland. In the 2001 principle decision, gender equality was the central issue in the battle against poverty. In this principle's Action Plan, the Ministry for Foreign Affairs adopted the Development Aid Strategy and Action Plan for the years 2003-2007. It should be noted that the strategy and action plan are applicable not only to the Development Aid Policy of Finland, but to the whole field of Finnish activities in developing countries.

Mainstreaming the gender-related viewpoint is already well adapted and familiar to people involved in development aid work, but on the other hand setting concrete objectives for a variety of projects and programmes in various fields is still a tough challenge. This requires better recognition of gender inequality and the setting of goals for the promotion of equality.

The implementation of this ambitious Action Plan requires constructive and well-planned know how and focused actions from the Foreign Ministry for Development Aid departments and related organisations as well as in the field of consultation. Running the programme calls for adequate economic resources and trained personnel in the administrative section.

Further training of the NGOs was initiated and supported by the Development Aid Service Centre in 2003 and training packages were made available through the Internet pages of the development policy department's activities.

7.1 Women's Rights in Finland

The present Government Programme covers an extensive variety of equality-related issues and the Government is of the opinion that the National Equality Action Plan should be initiated without further delay. The programme has been under preparation since Autumn 2003 in different ministries and is planned to be completed by Spring 2004. The coverage is extensive, including domestic and foreign policy projects and activities and the participation of NGOs in preparatory work. The topics covered include mainstreaming regional development, male viewpoints in assessment of equality issues, encouraging men to make use of family leave and managing and handling work and family life problems. Other topics for discussion are those of equal pay, turning periodic employment relationships into permanent ones and the distribution of employers' costs caused by running the family leave programme.

Those connected to women are women's entrepreneurship, prevention and abatement of violence and prostitution, women's studies and coordination, trafficking in human beings with the preventive action plan and promotion of girls and women and their rights by means of foreign policy, including development aid projects. Violence against and abuse of women are still the two uppermost issues in the field of human rights in Finland. The CEDAW (the Convention of the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly in 1979) monitoring body has referred to the extent of women-related violence in Finland, where most of the abuse takes place in the immediate family or with close relatives and relations. According to the latest study reports, one in every five women have been the victim of or are under the threat of violent abuse in their intimate relationship, but only about ten of them have reported cases to the police. There have been no major changes in the number of reported cases in Finland during the past few years (1998-2003), but the government is aware of the acute problem of family violence and is fighting the problem on all fronts to abate abuse. The Government Programme of June 24 2003 has brought up the issues of violent intimate relationships and abuse of women in these relationships and prostitution. The problem is being studied from a gender equality point of view and as a phenomenon weakening women's safety in the family.

The government is committed to appoint resources for combating violence and the trafficking of women, with some allocations for support services for women prostitutes. Different administrative sections have activated a national programme against violence for the promotion of citizens' safety, which also proposes some measures against family-related abuse. Victim Support Finland, a national helpline, is funded by various organisations and its activities are supported and implemented so as to secure the continuity of the helpline.

An extensive five-year campaign programme against women's abuse and prostitution was completed in 2002. The project was directed to all women experiencing violence and abuse, whether private (home) or public (e.g. workplace). Sexual harassment taking place in the workplace was another issue discussed in the project. The objective of the campaign was that all abuse or harassment of women and girls should be made transparent with an attitude reversal as an objective. Abuse should be discouraged and services aimed at helping abuse victims developed and promoted. The project was divided into two sub-projects focusing on pre-emptive work, one on women-targeted violence and the other on prostitution.

The sub-projects had a combined Board with the Minister for Basic Services, Ms. Liisa Hyssälä as the Chair. The Minister is in charge for preparing a national programme on 'Prevention of Intimate Partner and Domestic Violence 2004-2007'. The three most important components in the Action Programme are preventive actions carried out by social policy measures and the development of the overall social and health care service system. The work is boosted by the initiation of local pilot projects and by the provision of education and text books and other information for social welfare and health care professionals.

The Advisory Board for the Police, set up by the Government, operates in connection with the Ministry for the Interior's Police Department. Each District police station has its own police advisory committee appointed by the local council. The purpose of these advisory committees is to follow developments in areas that affect police operations, to monitor and to make proposals for improvement, to give statements on police matters and to handle any other matters assigned to them. Issues handled in the committees are the domestic violence pre-emptive measures, the Police Action Plan, and the initiation of its implementation.

The government proposal on the Domestic Restraining Order was referred to by Parliament in November 2003. The restrained individual was ordered to depart the family home for a preordained period of time. The law reform objective is to tackle domestic violence and improve the victim's position. Charges can now be dropped on behalf of the injured party. This amendment aims to improve the position of the victim in cases where there is an occurrence of pressurisation on the victim.

In working life, men are still dominant and women occupy positions of less appreciated status and only a third of working women are in management positions. In 2001, women's regular working hours earned them only about 82% of the monthly wages of men, a figure which has remained unchanged over the past few years. Gendered wage difference can be studied by standardising some variables, which changes the difference to about half of the earlier one. The biggest factors in differences are the scope of work and one's profession i.e. referring to the wage differences essentially being connected to women who are well-educated and in demanding positions. Their wages are less than the ones of their male colleagues in the same positions in working life. Many projects have been initiated to improve women's position in this regard.

In Finland, the majority of men and women have traditionally worked full-time, which is not the case in many other countries. Part-time employment, however, has become more common and women nowadays are often employed in part-time jobs.

After the recession of the 1990s, there was a sharp growth in periodic employment, especially among women. In 2002, the percentage was 20% of women and 13% of men. The work conditions barometer of 2001-2002 shows that individuals in temporary or part-time jobs were clearly a target for discrimination when compared to holders of permanent jobs. The number of periodic jobs does not however seem to be growing any more. According to the studies, the majority of those in temporary employment are looking for permanent jobs.

The state and municipalities have most temporary vacancies and the State as employer is looking into the matter and especially the requirements of temporary work. Municipalities are also working for a development towards permanency in their employment policies.

The International issue of trafficking in human beings comprises organised crime and is a tough challenge in the human rights sector. Trafficking pre-emptives have been stipulated in international agreements and cooperation work supported by the work of organisations such as the United Nations, ECRE, the European Union, the OSCE and some Nordic organisations. The government is explicitly committed to the pre-emptive work against trafficking in human beings, an acute human rights issue in Finland and across the world. Trafficking concerns a diversity of administrative sections with related initiatives at international level. Finland has set the objective of drafting a National Action Plan for tackling trafficking and related human abuse with a plan of completing the work by the end of 2004. Human trafficking is often connected to prostitution and to women in general in Finland. The Government Programme has directed resources for the whole term on the pre-emptive work against women's abuse. The Programme further promises allocations for support services for abuse victims and prostitutes and the safeguarding of victims of human trafficking.

Finland has participated in Nordic and Baltic cooperation and has cooperated with Russia in the work against human trafficking. The Ministry for Health and Social Affairs funded, coordinated and implemented an information campaign against the trafficking of women in 2003. This was Finland's contribution in the Nordic-Baltic cooperation campaign on the trafficking of women, which was implemented and carried out in cohesion with the Nordic Council of Ministers and three different Baltic countries. The latest cooperative mission is setting up the Nordic-Baltic working group promoting and compiling coordinated relevant data and raising awareness at the political level. The Ministry for Health and Social Affairs has appointed the Lapland County Administrative Board to launch a new cooperation campaign with an informative mission. The project is part of the cooperation of the

Nordic project with the Russian region of Murmansk, their officials and NGOs, initiated at the end of 2003. It will run for two to three years.

The United Nations Convention Against Transnational Organised Crime (12-15 December, 2000) and related trafficking of human beings, specifically women and children, was issued in Palermo together with the conference records. The Palermo Convention objective is to define and set pre-emptives for the combat against trafficking in human beings, with special regards to women and children and to protect and assist the victims of trafficking with respect to their human rights. All countries signing the Convention are committed to cooperation in the promotion of these objectives and to future cooperation on the issue.

Finland has signed both the convention and the records. The Palermo Convention needs to be internationally endorsed, an objective which calls for hard work. The Government proposal on accepting the General Conditions and the adhered legislation implementation was issued (HE32/2003) in the parliament in December, 2003. The working group processing the implementation assigned their final report in January 2004. The President of Finland gave her assent to the Palermo Convention General Agreement and affiliated national legislation in January 2004. The Ministry for Health and Social Affairs is preparing a National level Action Plan for 2004-2007 for pre-emptive measures for the trafficking of women, prostitution and domestic violence. The Action Plan includes violence and prostitution issues in conjunction with trafficking in human beings insofar as these phenomena are in the context of promoting service and supportive measures for the women involved.

8. Finnish Human Rights Policy needs reformation

8.1 Commentary on the Reformation of the Human Rights organization

(Unofficial translation)

Doctor of Law, Ms. Anna-Elina Pohjalainen (University Europe Institute, Florence) wrote in the daily newspaper, Helsingin Sanomat in the Reader's Voice on February 23 2005, commenting on the need for the reformation human rights organisations. She referred to the Council of State report, which shares the same opinion and was recently introduced to Parliament. A debate has been initiated in Finland on establishing a national, integrated monitoring body for the supervision and promotion of constitutional and human rights implementation. The Ministry for Justice appointed Advisory Board on Legal Protection has noted this issue and the President of Finland, Ms. Tarja Halonen, referred to the matter on the establishment of such an institute at a seminar on the 85th Anniversary of the Parliamentary Ombudsman Institute (Helsingin Sanomat February 9 2005).

The comments of Ms. Anna-Elina Pohjalainen are quoted here as a whole to elucidate the matter. From our point of view, it represents the opinion of many regarding the issue of need for reformation:

“The issue of national human rights structures is topical for two reasons at the moment. Finland has seen the establishment of many new human rights bodies, which are considered to be formally independent, but in fact economically and administratively function under the government of various Ministries. This coming Autumn, these structures will be complimented by the establishment of an Office of the Ombudsman on children’s rights, administered by the Ministry for Health and Social Matters. In future, the establishment of a separate office of the Ombudsman overseeing matters related to the disabled could be considered. Referring to earlier discussions, the rights of citizens, limited resources and division of the labour input, speak clearly for the integration of existing human rights monitoring mechanisms rather than their decentralisation. The advantages of such integration have been noted in several other countries, e.g. Sweden, where they are studying the options for processing cases of discrimination and children’s rights by one body which presently has been divided into five separate Ombudsman offices.

The reformation of organisation in Finland has become timely for one more reason, the preparations taking place in the EU for the Vienna-based Monitoring Centre on Racism and Xenophobia is being transformed into the European Office on Civil Rights. The participation of Finland in the functions of the proposed Office would

be facilitated a great deal with the establishment of an integrated human rights institution. The incoherence of our present Human Rights mechanism is largely based on the fact that new structures have been established along with international Human Rights institutions proposals and decisions. The Ombudsman for Foreigners post was expanded into an Office for Minorities and the Implementing of the EU Discrimination Directives. In connection with the establishment of the Ombudsman for children, the United Nations Children's Rights Committee and European Council recommendations were referred to.

At the time, the situation did not allow for the assessment of the national human rights infrastructure functionality as a whole, whose deficiency in preparative actions generally reflects the lack of a permanent, connective, coordinating body for constitutional and human rights issues.

Structures in the Finnish Human Rights Policy have so far been referred to in connection with the United Nations recommendations on Human Rights Institutions. However, there has been neither a debate on the safeguarding of the operational preconditions of human rights bodies, nor any discussion on the promotion of existing prerequisites. No closer studies have been instigated on economic, operative and beneficial synergies that integration would enhance.

There are several reasons for their reluctance to demolish existing structures, such as the viewpoint of the sectorial ministries referring to the inappropriateness of the differentiation of human rights from other functions of the sphere. Active human rights bodies however are worried about the possibility of their activities being discontinued in the future. Many NGOs emphasise the importance of their line of work as specific and there is a fear that the establishment of one integrated body could lead to the marginalisation of the whole field of activities.

These concerns are justified, but neither new nor insurmountable. There is also a need in Finland for an exhaustive report on the options for reformation of the existing organisation. Such a report should consider the opinions and viewpoints of all parties involved in human rights issues, while it is vital to make use of other countries' experiences in national network activities.”

8.2 Asylum decision accelerated in 2004

Mr. Jussi Niemeläinen, working as a reporter for Helsingin Sanomat, wrote about the acceleration of the Directorate for Immigration in asylum procedure matters as follows:

“The Directorate for Immigration succeeded in accelerating significantly procedures for residence permits and asylum seeker applications last year, although the number of applicants had risen by a third compared to the previous year. Decision-making procedures have been speeded up, as many of the applicants have already lodged or had an asylum application examined in another European, Dublin Convention, country. Last year, 60 % of the total number of applicants were in this category as asylum seekers. According to the Convention, the grounds for determining refugee status are applicable and consistent in all European countries acceding to the Convention and the countries trust each others’ considerations in determining the right to asylum. Hence, all the so-called ‘Dublin cases’ will be returned to the country where they originally sought asylum. Consideration of the application then takes place.”

Earlier application procedures were a lengthy process of several months. EU countries now have a common databank of fingerprints in use to facilitate and accelerate application procedures. Last year, less than 1% of applicants were granted the Geneva Convention defined refugee status.

“This practise frustrates those involved in the procedure as officials. It is a fact and common knowledge that there is a large number of persecuted people in the world, but only a fraction of them will enter the application procedure. The asylum procedure is a partly an organised process, where the applicant will be given wrong and many times chargeable information,” Special Advisor, Mr. Esa Markkanen revealed in a Helsinki interview on February 22 2005.

The Ministry for the Interior and the Directorate for Immigration are satisfied with the shorter process in determining right to asylum.

“Control of the functions and management have improved,” said Chief Director, Mr. Jorma Vuori.

“Although citizenship applications were not processed in the given time, the quantitative targets were reached,” stated the Minister for the Interior, Mr. Kari Rajamäki.

Mr. Rajamäki further calls for the whole of Foreign Affairs to be governed by the Ministry for the Interior. Presently, the Ministry for Labour is the administrative power for reception centres and confined detention units. The Minister for Labour,

Ms. Tarja Filatov, has not warmed to this proposition of her colleague minister as yet.

8.2.1 Target processing and implementation times in asylum procedures of the Finnish

Directorate for Immigration

- Residence permits: target 4 months, processing duration June to December in 2004 was 2.5 months
- Determining asylum procedures: target 7 months, implementation 4.3 months
- Determining cases where the application (according to the Directorate) is clearly ungrounded: target 4 months, implementation 2.4 months.
- Applications for Finnish citizenship: target 1.5 years, implementation 2.4 years
- Declaration for citizenship: target 2 months, implementation 2.4 months

8.3 Commentary by European Union Members of Parliament (MEP)

We interviewed some of European Parliament members and asked their opinions concerning the status of aliens and the situation in Finland in general. The replies can be summarised as follows:

The Finnish Parliament stipulated periodic obstacles concerning EU countries' newly arrived labour. Their free movement has distinctively affected the equality status of arrivees. ENAR Finland (European Network Against Racism) finds the obstacle of transfer time groundless and a bad example of protection of labour market organisation and unions in Finland.

9. Updated sources of information and studies on migration

Some of the new and updated sources of information and studies on migration in 2003-2004:

Finnish migration and immigration statistics on the web:

Report: Parliament of Finland (2004)

<http://formin.finland.fi/doc/fin/palvelut/julkaisut/ihmisoik/ihmisoik04.pdf>

Ministry for Labour (immigration): www.mol.fi/migration/kal02eni.pdf

Ministry for Labour (work permits) www.mol.fi/tyolupa/til.html

Directorate of Immigration: www.uvi.fi/englanti/ajankoht.html

Statistics Finland: www.stat.fi/index_en.html (includes a link to StatFin online statistics service)

Population Register Centre: www.vaestorekisterikeskus.fi (in Finnish and in Swedish)

Institute of Migration (University of Turku):

www.utu.fi/erill/instmigr/eng/e_tilast.html (extensive web site in English)

Foreigners and international migration (2003) Foreigners and international Migration in 2002.

Statistics Finland, Population 2003:8.

Forsander (ed.) (2002) *Immigration and Economy in the Globalization Process. The Case of Finland*. Sitra

Reports series 20/2002. (complete text is available in English at

www.sitra.fi/Julkaisut/raportti20.pdf

Government integration report (2002) Government report on implementation of the Integration Act.

Government report no. 5 of 2002. (complete text is available in English at

www.mol.fi/migration/govrep.pdf

Further information on the subject:

http://www.mol.fi/mol/pdf/fi/04_maahanmuutto/finrep2003.pdf

[Työhallinnon maahanmuuttosivulle](#)

[Ulkomalaisvirasto](#) (Directorate of Immigration)

[Pakolaisneuvonta ry](#) (Refugee Advice Center)

[Suomen Punainen Risti](#) (Finnish Red Cross)

Finnish League for Human Rights (<http://www.ihmisoikeusliitto.fi/tausta/introduction>)

[UNHCR](#), YK:n pakolaisasiain järjestö (United Nations High Commissioner for Refugees)

[IOM](#), Kansainvälinen siirtolaisjärjestö (International Organisation for Migration)

[ETNA](#) -etninen tasa-arvo työelämässä (Ethnic Equality in Working Life)

[ENAR-EU](#) www.enar-eu.org