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Asia: Ihmisoikeusliitto ry:n lausunto Suomen 17.–19. määräaikaisraporttiin Yhdistyneiden Kansakuntien kaikkinaisen rotusyrjinnän poistamista koskevan kansainvälisen yleissopimuksen (CERD) täytäntöönpanosta

Taustaa

Ihmisoikeusliitto ry on uskonnollisesti ja poliittisesti sitoutumaton yleinen ihmisoikeusjärjestö. Liiton päättävänä on Suomen ihmisoikeustilanteen valvominen ja kehittäminen. Toiminnan tarkoituksena on tehdä ihmisoikeuksia tunnetuksi sekä torjua ja vastustaa ihmisoikeusloukkauksia. Ihmisoikeusliiton yksi tärkeimpiin kuuluvista työalueista on rasismien ja etnisen syrjinnän vastustaminen ja ehkäiseminen.

Lausunto

Pyydettyinä aineistona Yhdistyneiden Kansakuntien kaikkinaisen rotusyrjinnän poistamista koskevan yleissopimuksen (CERD) täytäntöönpanosta annettavan Suomen 17.–19. määräaikaisraporttia varten Ihmisoikeusliitto esittää kohteliaimmin seuraavaa:

PART I. GENERAL

D. NATIONAL LEGISLATION

ANTI-DISCRIMINATION LEGISLATION

Finnish League for Human Rights wishes to highlight some issues of concern in the Finnish anti-discrimination legislation.

In Finland, associations or organisations do not have any notable role to play in judicial or administrative processes. Associations have a general right to request a statement on the correct interpretation of the Non-Discrimination Act (21/2004) from the National Discrimination Tribunal in matters pertaining to ethnic discrimination, but associations do not have a right to take a case to the court or to the National Discrimination Tribunal to pursue the matter in its own name, not even with the consent of the victim. Furthermore, associations cannot become third parties to such proceedings. This state of affairs arises from the national legislation on rules of procedure. Lawyers working for an organisation or association may represent a claimant under the general rules of representation and procedure. It may be

that the Finnish law does not adequately fulfil the requirements set forth by the Racial Equality Directive 2000/43/EC and Employment Equality Directive 2000/78/EC.

The Non-Discrimination Act includes a specific provision to the effect that the Act does not cover 1) the educational system or the objectives or content of education, or 2) entry into country or residence of foreigners, or differential treatment of foreigners on the basis of their legal status. These limitations to the scope of application *may* be too widely formulated in view of Articles 3(1) (g) and 3(2) of the Racial Equality Directive. With regard to education, further analysis is called for, especially with regard to question whether the restriction mentioned is justified in view of the fact that Article 3 refers to "the limits of the powers conferred upon the Community". Accordingly, whether there is a breach of Directive here depends on whether the educational system and the objectives and content of education belong to that category of matters which are excluded from the powers of the Community. With regard to the second concern, it should be noted that the Non-Discrimination Act excludes EU nationals from its scope by way of speaking summarily of "foreigners" (that is: those without Finnish citizenship), and not of "third country nationals or stateless persons" in accordance with the directives.

REFORM OF LEGISLATION PERTAINING TO MEDIA

The Act on Amending the Act on Finnish Broadcasting Company (635/2005) entered into force on 01.01.2006. It provides that public service programmes should especially "treat in its broadcasting Finnish-speaking and Swedish-speaking citizens on equal grounds and produce services in the Sami, Romany and sign languages as well, where applicable, in the languages of other language groups in the country".

At the moment, the only radio channel of Finnish Broadcasting Company that broadcasts news and programmes in Sámi languages is the Sámi radio. It broadcasts eight hours a day in three different Sámi languages in the Northern Finland. Unfortunately, the supply of programmes is limited to Northern Finland although half of the Sámi population lives outside the Sámi Homeland. It would be desirable that the Finnish Broadcasting Company would also broadcast radio programmes in the Sámi languages in the national network. Especially the need and demand for programmes for children has lately been brought to the attention of Finnish League for Human Rights.

The number of radio- and television programmes in Sami language and issues concerning Sami community should be sufficient in order to promote Sami language and prevent stereotypical attitudes towards Sami people. The Finnish Broadcasting company policy on services for minorities and special groups emphasizes the need to develop programmes for minority groups, including the Sami and Roma community. The schedule to enforce the policy is very slow (the policy will be enforced by 2010), and after that it will be possible to see how the strategy operates in practice.

E. BODIES MONITORING THE IMPLEMENTATION OF THE PROHIBITION OF DISCRIMINATION

OCCUPATIONAL SAFETY AND HEALTH AUTHORITIES

The view of Finnish League for Human Rights is that the most serious shortcoming in the system of legal protection for victims of racial discrimination is the *modus operandi* in cases of discrimination of the Occupational Safety and Health Authorities.

Section 11 of the Non-Discrimination Act (21/2004) provides that compliance with the terms of the Act in employment relationships and service relationships governed by public law, and in traineeships and other comparable activities at the workplace, shall be supervised by the Occupational Safety and Health Authorities in accordance with the provisions of the Act on Occupational Safety and Health Enforcement and Cooperation on Safety and Health at Workplaces (44/2006). Finnish League for Human Rights is of the opinion that the *modus operandi* of the Occupational Safety and Health Authorities – with regard to supervision of the terms of the Non-Discrimination Act is inadequate. The reason for this is that the Occupational Safety and Health Authorities do not provide assistance to victims of discrimination in pursuing their complaints by virtue of the provisions of the Non-Discrimination Act, but only by virtue of the provisions of the Penal Code. Finnish League for Human Rights is of the opinion that Finland breaches Article 13, Section 2 of the Council Directive 2000/43/EC of 29 June 2000.

Finnish League for Human Rights hopes that this shortcoming will be remedied by the Authorities as soon as possible.

PART II: INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

ARTICLE 2

A. PREVIOUS RECOMMENDATIONS

SÁMI ISSUES

Preparation of Government bill on Sámi land rights

The Government (Ministry of Justice) has for quite some time worked on a bill concerning the legislation covering the settlement of the rights of the Sámi to the land, water, natural resources and means of livelihood in the Sámi Homeland. The Government claims that the objective of the legislative proposal is to fulfil the minimum criteria that are required for the ratification of the ILO Convention No. 169. Thus, the proposal would provide for the ratification of ILO Convention No. 169 and strengthen the rights of the Sámi to the land and the traditional means of livelihood in the Sámi Homeland.

In the course of preparing the proposal, several researches have been carried out by the Government and also the Sámi Parliament. In 2002, the Government initiated a historical research on titles to the land in the areas of Kemi and Tornio in Lapland. The Government considers the study to be a key tool in finding a balanced solution. After repeated delays, the report of the joint research group of the Universities of Oulu and Lapland was finally published in October 2006.

Finnish League for Human Rights is of the opinion that because of the Government's phrasing of the question, the study did not address the fundamental issues concerning the rights of the Sámi as an indigenous people. In addition, the establishment of the research group enabled the Government to postpone the legislative decision for a few years. Subsequently, when the research was completed, the

lack of clear answers was used as grounds for postponing the whole matter past the forthcoming parliamentary elections in spring 2007. Finnish League for Human Rights wishes to underline that by doing so, the Government broke its pledge given at the time when it pursued membership in the UN Human Rights Council. The Government pledged that it would present a bill on Sámi land rights during 2006.

Proposal for Nordic Sámi Rights Treaty

In October 2001, the ministers responsible for Sámi affairs in Finland, Norway and Sweden and the presidents of the Sámi Parliaments agreed to appoint members to an expert commission to prepare a draft text on a Nordic Sámi Rights Treaty.

On 16th November 2005, the joint Finnish-Norwegian-Swedish-Sámi expert commission delivered a proposal for a treaty between the three countries about the rights of the indigenous Sámi people. The draft is fairly ambitious, including the recognition of the Sámi people as the indigenous people of Finland, Norway and Sweden, and provisions on the Sámi people's right of self-determination, on land rights, on consultation and co-deciding, on linguistic, cultural and other rights of the Sámi, and on the establishment of a joint treaty monitoring body. According to the draft treaty, consent by the three national Sámi parliaments would be required for the entry into force or amendment of the treaty. Work on the proposed Sámi rights treaty will continue between the Presidents of the three Sámi Parliaments and the Ministers responsible for Sámi affairs in the three countries. Parliamentary consideration of the treaty is not expected before 2007.¹

The proposal for a treaty between the governments of the three Nordic states and with the active involvement of the Sámi is an internationally unique, positive example of creating a regional system for protecting the rights of the indigenous people by emphasising simultaneously the right to self-determination of the Sámi and the protection of their means of livelihood. Should the treaty become reality, it could work as an important document for the development of the Sámi society in the area of the three countries where the object has been to decrease the significance of the boundaries between the countries. The creation of a strong Nordic Sámi Rights Treaty would also enable Finland to join the ILO Covenant mentioned above.

Even though the draft treaty corresponds with the ILO Convention No. 169 in respect of the land rights, it does not solve the disagreement concerning the Sámi land rights. This is because the question of which areas of land in the Northernmost Finland lie within the Sámi's title to land or are protected for the Sámi's usage. Finnish League for Human Rights wishes to highlight that the disagreements concerning the use of land utilised for reindeer herding between the Sámi reindeer herders and Metsähallitus (State Forest Administration) show that it is important to take into account the interests of both parties – that is, the state and the indigenous people living in its territory. Particular attention must be paid to the constitutionally protected status of the Sámi as an indigenous people and to their

¹ EU Network of Independent Experts of Fundamental Rights (2005), *Report on the Situation of Fundamental Rights in Finland in 2005*, CFR-CDF/FI/2005, p. 43.

right to maintain and develop their own language and culture, of which reindeer husbandry forms an essential element. Finland is bound to lose its credibility as a spokesman of human rights of the indigenous peoples if the logging which threatens different parts of the Sámi Homeland can not be brought to an end.

In early winter 2005 Metsähallitus began logging activities in an important winter grazing area for reindeers. Quarrel concerns the so-called old-growth forests of Nellim in Inari area that provide the most important source of nutrition for reindeers in winter. A temporary solution to this problem came with the UN Human Rights Committee decision 14.11.2005 that recommended suspending the logging activities in Nellim. The Human Rights Committee's decision will remain in force until the Finnish government has responded to complaints submitted and the Committee has had a chance to evaluate whether the logging prohibition should stay in force.

Early in November, Metsähallitus released a notice that included a questionable statement that the ongoing loggings in Nellim do not "offend the constitution, Act on Reindeer Husbandry or international contracts". The livelihood of the rest of the population must be secured in ways which do not interfere with Sami reindeer husbandry and which do not affect the vitality of Sami culture.

Several international monitoring bodies that have been dealing with the situation of human rights in Finland have consistently arrested the Finnish Government's attention to the unresolved question of ratification of the ILO Convention No. 169. The opinion of Finnish League for Human Rights is that the indecisiveness of Finland to join the Convention has created an atmosphere of insecurity, which has connived at aggravating the relations in the Northernmost Finland between forest workers and reindeer herders, in particular.

Most recently, for example, Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities has stressed Finland's need to address the prevailing legal uncertainty over land rights in the Sámi Homeland as a matter of high priority.² Finnish League of Human Rights shares the view that this should be done by providing high level political input and by designing a process that is endorsed by both the state of Finland and the Sámi Parliament. The outcome of the process should fully reflect the right of the Sámi to develop their culture and the current land use should be pursued in accordance with this obligation. To ensure that the cultural and participatory rights of the Sámi are honoured, particular attention should be paid to the logging practices and other related activities of Metsähallitus, including monitoring and evaluation from outside the said Administration.

Finnish League for Human Rights wishes to express its concern on the fact that the statements of the Ministries and other public authorities dealing with the Sámi question are not in line with each other. The national treatment of the Sámi question should be consistent and truly supportive of the constitutional status of the Sámi as an indigenous people. Particular attention needs to be paid on the necessity of co-operation between those involved in dealing with the Sámi question. The consistency of

² Advisory Committee on the Framework Convention for the Protection of National Minorities, 2nd Opinion on Finland, 2 March 2006, para. 56.

views of different administrative branches is required for resolving the Sámi question. Finnish League for Human Rights is of the opinion that this is the only way to ensure the realisation of the constitutional rights of the Sámi as an indigenous people.

RACIST AND XENOPHOBIC ATTITUDES

Attitude surveys and studies

A study titled *Ethnic and Cultural Diversity in the Work of Authorities* found that the attitudes of different authorities towards immigrants have become more positive in recent years.³ The slowest rate of improvement in attitudes was found among the police (improvement on average 4.3 per cent). Approximately 70 per cent of police officers were in favour of a statement that immigrants themselves provoke the negative attitudes of Finns with their own behaviour. A third of police officers agreed with a statement that it is too easy for immigrants to obtain a residence permit in Finland, whereas only 15 per cent of the judicial authorities were in favour of such a statement.

Study modules containing anti-discrimination issues and information on ethnic minorities have been added to the police training. However, the basic police training curricula still include only a little training in these issues. Finnish League for Human Rights is of the opinion that the Police College of Finland ought to incorporate more information on prevention of racism into the police training curricula and to build up contacts with ethnic minorities so as to decrease prejudices.

A research titled *The Attitudes of Finns towards Immigrants in 1987-2003* found that there is a clear general pattern in the attitudes of the Finnish majority population towards immigrants.⁴ The attitudes of Finnish people towards the immigration of people from the Nordic and Anglo-Saxon countries have been more favourable than towards the immigration of people who are visibly and culturally different from the Finnish majority population throughout the survey period 1987-2003. There is, however, a trend of improvement in the attitudes towards visibly different immigrants. The most negative attitudes had decreased markedly in the period 1993 – 2003.

The 2003 survey found that 63 per cent of Finnish people had a negative attitude towards the immigration of Arabs to Finland and 66 per cent towards the immigration of Somalians to Finland. Furthermore, 57 per cent of Finnish people had a negative attitude towards the immigration of Moroccan people to Finland, and 52 per cent towards the immigration of people from former Yugoslavia to Finland.⁵

A study titled *Experiences of Immigrants in the Helsinki Metropolitan area – follow-up study during the years 1997-2004* contains victim survey data on experiences of discrimination.⁶ The study reports on the discrimination experiences of seven ethnic groups: Arabs (i.e. people from Algeria, Libya, Morocco, Tunis, Egypt, Iraq, Jordan, Lebanon, and Syria, as well as those who speak Ara-

³ Pitkänen, P. (2006). *Etninen ja kulttuurinen monimuotoisuus viranomaistyössä*. Helsinki: Edita.

⁴ Jaakkola, M. (2005), *Suomalaisten subtautuminen maahanmuuttajiin vuosina 1987 – 2003*. Helsinki: Työministeriö

⁵ Jaakkola, M. (2005), *Suomalaisten subtautuminen maahanmuuttajiin vuosina 1987 – 2003* [The Attitudes of Finns towards Immigration in 1987 – 2003], p. 138. Helsinki: Työministeriö

⁶ Perhoniemi, R. and Jasinskaja-Lahti, I. (2006), *Maahanmuuttajien kotitutumien pääkaupunkiseudulla – Seurantatutkimus vuosilta 1997-2004*. Helsinki: Helsingin kaupungin tietokeskus .

bian as their mother tongue), Somalians, Turkish, Vietnamese, Russians, Estonians and ethnic Finns. The study found that 48 per cent of immigrants had experienced discrimination on account of their background while living in Finland.

The study found that 50 per cent of *those who had experienced ethnic discrimination* were of the opinion that their own experiences of ethnic discrimination have reduced in recent times. Twenty per cent were of the opinion that their own experiences of discrimination had increased in recent times. Altogether 41 per cent of all immigrant groups were of the opinion that hostility towards their own ethnic group had diminished considerably or to some extent, while 17 per cent were of the opinion that hostility had increased considerably or at least to some extent. Eighteen per cent of Somalians felt that hostility towards them had increased considerably, while the overall average was only five per cent. 34 per cent of Arabs were of the opinion that hostility towards them had increased considerably or to some extent, while the overall average was 15 per cent.⁷

In regard to the question about the prevalence of xenophobia, 30 per cent of the respondents were of the opinion that it had increased considerably or to some extent, whereas 29 per cent of them were of the opinion that xenophobia had decreased considerably or to some extent.

The overall conclusion of the study is that experiences of discrimination and views on the prevalence of xenophobia were more positive than in 1997, when the first part of the study was conducted.

Public discourse on racism and xenophobia

In Finland, manifestations of racism are still not condemned in public political debate.

The public debate, especially with respect to asylum seekers, has been condemning. In particular, the statements of the former Minister of the Interior, Mr Kari Rajamäki, on asylum seekers have raised well-grounded criticism.⁸ ECRI also noted the use of racist and xenophobic discourse in politics in Finland in its third report on Finland. Accordingly, ECRI recommends that Finnish authorities consider the adaptation of legal provisions targeting specifically the use of racist and xenophobic discourse by exponents of political parties.

B. RESEARCH, STUDIES AND PROJECTS

Since the last State report, Finnish League for Human Rights has authored and published four annual reports on the situation and state of racism and ethnic discrimination (covering the time period 2002-2005). The report published in 2007, concerning the issues of the year 2006, was expanded so that it also examines discrimination linked with diversity of sexual orientation and gender, disability and age in addition to previous focus on discrimination based on ethnicity, citizenship, language, religion and belief.⁹

⁷ Perhoniemi, R. and Jasinskaja-Lahti, I. (2006), *Maahanmuuttajien kotintumien pääkaupunkiseudulla – Seurantatutkimus vuosilta 1997-2004*, p. 59. Helsinki: Helsingin kaupungin tietokeskus.

⁸ <http://www.pakolaisneuvonta.fi/?cid=103&lang=suo>

⁹ Lepola, O. & Villa, S. (2007), *Syrjintä Suomessa 2006*. Helsinki: Ihmisoikeusliitto ry

ARTICLE 4

A. PREVIOUS CONCERNS

Finnish League for Human Rights is of the opinion that there has not been any significant improvement with regard to the phenomenon of racism on the internet, since the Committee recommended that Finland take appropriate measures to combat racist propaganda on the Internet.

Recently enacted new legislation has not been successful in combating racism on the internet. Finnish League for Human Rights is not aware of any court cases in which the Non-Discrimination Act (21/2004) has been applied in cases concerning harassment of an ethnic group on the internet. In the *travaux preparatoire* of the Non-Discrimination Act it is stated, *inter alia*, that harassment on the Internet of an ethnic group can be considered discrimination.

The Act on the Exercise of Freedom of Expression in Mass Media (460/2003) has not proved to be a successful tool in combating racism on the internet. This Act allows the release of information required for identifying the sender of a network message, provided that there are probable reasons to believe that the contents of the message are such that providing it to the public is a criminal offence. In addition, the distribution of a published network message can be ceased on the request of the public prosecutor, the head of a pre-trial investigation, or the injured party, if it is evident on the basis of the contents of the message that providing it to the public is a criminal offence.

Finnish League for Human Rights is of the opinion that the threshold of the authorities to intervene in the appearance of illegal material on the internet should be lowered and the self-regulation of the service providers enhanced.

ARTICLE 5

B. THE RIGHT TO SECURITY OF PERSONS AND PROTECTION BY THE STATE AGAINST VIOLENCE OR BODILY HARM

RACIST AND XENOPHOBIC CRIMES

Finnish League for Human Rights is of the opinion that there is a need to develop a systematic monitoring system on how racially motivated cases proceed from the police to the prosecution and to the courts. Immediate action should be taken to correct this shortcoming.

E. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

THE RIGHT TO WORK

Roma employment

Finnish League for Human Rights wants to highlight the lack of adequate statistical data which affects adversely the monitoring of the employment situation of the Roma and the identification of the root causes of the problems therein. This lack of adequate data also makes it more difficult to come up with viable suggestions for improvements. Finnish League for Human Rights encourages closer

cooperation between representatives of the Roma and the Finnish authorities for the purpose of acquiring more comprehensive statistics.

Immigrant employment

According to the Ministry of Labour, the total unemployment rate in Finland was 6 % in 2006.¹⁰ In comparison, the estimated unemployment rate of foreigners (i.e. persons who have been granted continuous residence and work permits or do not need such permits either because they are citizens of the EU or of the Nordic States) in Finland was 24 %.¹¹ Compared to the estimate of the Ministry of Labour from the previous year, both figures have decreased. The employment statistics of 2004 show that the officially confirmed unemployment rate of foreigners 27 % that year, whereas the confirmed total unemployment rate was 9 %.

According to the figures of the Ministry of Labour, the following groups suffered from the highest unemployment rates in 2006: Iraqis (66 %), Afghans (62 %), Somalis (58 %), Iranians (54 %), Moroccans (47%) and Serbians (45 %).¹² In addition to the current high unemployment rates, it is particularly alarming that the same nationality groups have remained at the top of the annual unemployment statistics for several years.

With regard to the situation of foreigners in the Finnish labour market there is evidence that in many work places the minimum conditions laid down in the legislation concerning employment relationships are not always met. The main problems concern pay and benefit issues: foreign employees often received smaller pay than other employees, in many cases even less than the minimum pay, and did not receive appropriate compensation for working over-time. In 2006, the Occupational Health and Safety Authorities carried out wage inspections in 687 such work places which employ foreigners. They found that in approximately 30 per cent of the inspected work places minimum conditions laid down in legislation were not appropriately met. In addition, the Occupational Safety and Health Authorities carried out work permit inspections in 708 such work places which employ foreigners. During these inspections they found that approximately 10 per cent of the inspected work places were violating work permit regulations.¹³

THE RIGHT TO HOUSING

Housing of the Roma

In 2005, the Office of the Ombudsman for Minorities processed 302 customer cases pertaining to ethnic discrimination (43 per cent of the total number of cases).¹⁴ Finnish League for Human Rights requested the Office of the Ombudsman for Minorities to calculate the share of customer cases concerning ethnic discrimination in the housing sector. The result was that altogether 114 customer cases concerned ethnic discrimination in the housing sector. When this information is coupled with the informa-

¹⁰ http://www.mol.fi/mol/fi/99_pdf/fi/04_maahanmuutto/08_maahanmuuttotilastot/wulktyoll.pdf (28.3.2007)

¹¹ http://www.mol.fi/mol/fi/99_pdf/fi/04_maahanmuutto/08_maahanmuuttotilastot/wulktyoll.pdf (13.4.2007)

¹² http://www.mol.fi/mol/fi/99_pdf/fi/04_maahanmuutto/08_maahanmuuttotilastot/wulktyoll.pdf (13.4.2007)

¹³ Lepola, O. & Villa, S. (2007), *Syrjintä Suomessa 2007*. Ihmisoikeusliitto ry: Helsinki

¹⁴ Ombudsman for Minorities (2006), *Annual Report 2005*, pp.18. Available at:

http://www.mol.fi/mol/fi/99_pdf/fi/06_tyoministerio/02_organisaatio/02_vahemmistovaltuutettu/vuosikertomus2005/vuosikertomus_englanti2005.pdf (16.10.2006).

tion provided in the Annual Report of the Ombudsman for Minorities that there were altogether 70 customer cases relating to discrimination of the Roma in the housing sector, it is possible to deduce that altogether 61 per cent of the customer cases pertaining to ethnic discrimination in the housing sector handled at the Office of the Ombudsman for Minorities in 2005 involved the Roma.

Housing of immigrants

The statistics published in the 2005 annual report of the Immigrant Information Office show that foreigners in Finland are in considerable need of guidance concerning housing issues. In 2005, there were altogether 1,349 customer contacts, of which 191 (14.6 %) pertained to housing issues. The figures include more than one contact by individual customers. In 2004, the number of customer contacts was 1,057, of which 120 (11.3 per cent) pertained to housing issues. In both years, housing issues ranked as the fourth common reason for contacting the immigrant information desk.¹⁵

The figures presented in a report of the Housing Fund of Finland indicate that immigrant homelessness is a gradually decreasing, but a persistent problem in Finland. In 2005, there were altogether 7,651 individual homeless persons of which 232 (approximately three per cent) were immigrants. In addition, there were 355 homeless families of which 50 (approximately 14 per cent) were immigrants.¹⁶ The report states that homelessness in general is most urgent in fast growing urban centres such as the metropolitan area (i.e. Helsinki, Espoo and Vantaa). In the metropolitan area, the situation is the worst in Helsinki. The report discloses that in Helsinki there were altogether 120 individual homeless immigrants, while the total number of individual homeless persons was 3,095; and 35 homeless immigrant families, while the total number of homeless families was 180, in 2005. In Espoo, the figures were 64 individual homeless immigrants, while the total number was 393; and one homeless immigrant family out of nine in total. In Vantaa, there was only one individual homeless immigrant, while the total was 470; and one homeless immigrant family out of 45 in total in 2005.¹⁷

THE RIGHT TO EDUCATION AND TRAINING

Native tongue teaching

The opinion of Finnish League for Human Rights is that with regard to native tongue teaching, the situation of the Roma, the Sámi and the Russian-speaking minority is of particular concern in Finland. There is a lack of teaching materials in the Romani language and shortage of teachers with Romani language skills. According to study published by the Finnish National Board of Education on the situation of the Roma in education, only 9 per cent of Roma pupils received tuition in the Romani language in 2001-2002.¹⁸ Russian-speaking minority is one of the largest minority groups in Finland, but the availability of Russian language teaching designed for native speakers in public educational system is inadequate. Finnish League for Human Rights is of the opinion that more should be done to meet the needs of the Russian-speaking population.

¹⁵ Social Service Department of Helsinki (2006), *Maahanmuuttajien neuvontapisteiden vuosiraportti 2005*, pp. 19. Available at: <http://www.hel.fi/wps/wcm/resources/file/eb6b041b930bf6/Vuosiraportti2005.pdf> (16.10.2006)

¹⁶ Housing Fund of Finland, (2006), *Asunnottomat 2005*, p. 2. Available at: <http://www.ara.fi/download.asp?contentid=20916&lan=fi> (16.10.2006)

¹⁷ Housing Fund of Finland, (2006), *Asunnottomat 2005*, pp. 8-9. Available at: <http://www.ara.fi/download.asp?contentid=20916&lan=fi> (16.10.2006)

¹⁸ Opetushallitus (2004), *Romanilasten perusopetuksen tila. Selvitys lukuvuodelta 2001-2002*. Helsinki: Opetushallitus.

Finnish League for Human Rights is of the opinion that the right to education in the Sámi language is not adequately complied with outside the Sámi Homeland area. This is a serious issue, since the number of Sámi living outside the Sámi Homeland area is significant. This problem is largely attributable to the fact that the Sámi teaching suffers from lack of qualified teachers and educational material.

There are also problems with regard to access to the Sámi language pre-school in the Sámi Homeland area. One issue of concern is that pupils are not granted education in their preferred language. The current practice is such that pre-school education in the Sámi language is provided only for those pupils who have entered Sámi as their mother tongue into the population registration system. The problem is that most Sámi children are de facto bilingual, yet it is only possible to indicate one language as a mother tongue in the population registry system. Finnish League for Human Rights is of the opinion that decisions regarding granting access to pre-school education should not be done on the basis of the mother tongue indicated in the population registry system.

As regards the supply of mother tongue teaching for pupils of immigrant origin, a survey carried out in 2005 by the Finnish National Board of Education, aimed at assessing the educational arrangements for immigrant pupils who have arrived in Finland during the upper level of comprehensive school and secondary school, found that more support is needed in the form of remedial and support classes in the native tongue of immigrant pupils in order to better respond to their educational needs. Currently, only some 45 per cent of immigrant pupils receive support teaching in their mother tongue, even though 87 per cent of teachers participating in the survey regarded support teaching in the mother tongue of immigrant pupils as productive.¹⁹

Racist bullying

According to the doctoral thesis by Mr Arto Soilamo, bullying is an everyday problem in multicultural schools.²⁰ The study, conducted in six multicultural primary schools in Turku, reveals that bullying as a phenomenon is clearly linked to schools with a large amount of pupils of immigrant origin. Of those pupils participating in the study, approximately one in four (26 %) was indicated by name as a victim of bullying by other respondents, and approximately one in three (39 %) regarded him-/herself as a victim of bullying. In light of the study, pupils of immigrant origin, in particular boys, face bullying more often than other pupils. Interestingly, immigrant boys seem to have a dual role in respect to bullying insofar as they feature prominently in the role of both bully and victim (49 % and 44 % respectively). Even though only 7.5 % of pupils of immigrant origin felt that their ethnic background was the reason for bullying, almost one pupil in four was afraid of being bullied during breaks.

THE RIGHT OF ACCESS TO PLACES OF SERVICE

Discrimination in access to services is still common in Finland. Finnish League for Human Rights conducted a test in autumn 2002 to reveal the attitudes of restaurants in Helsinki towards Roma and black clients. The result of the test was unambiguous: each party or some of its members faced discrimination at one or more restaurant doors. As a result, 11 reports of a discrimination offence were made to the

¹⁹ Finland, National Board of Education (2005), *Perusopetuksen loppuvaiheessa Suomeen tulleiden maahanmuuttajanuorten opetuksen järjestäminen*, available at: <http://www.edu.fi/pageLast.asp?path=498,526,7008,52893> (16.10.2006).

²⁰ Further information (in Finnish) available on the homepage of the University of Turku at: <http://domino.utu.fi/tiedotus/tiedotukset.nsf/61345dc704eae28ac22568bd00428706/13b4d5098b4cedcfc225721a003da4d9?OpenDocument> (28.3.2007)

police of Helsinki. In six of the cases, the doorman or the restaurant manager were imposed a fine and ordered to pay damages, in four cases a decision not to prosecute was made. The sentences were modest, both regarding the fines and the damages.

The length of investigation period on different incidents varied significantly. At worst the complainants and the witnesses were not heard until a year after the incident and the matter was dealt in court not until two years after the incident. The delay in the pre-trial investigation caused the fact that the time frame for consideration of charges was surpassed concerning five accused. Long pre-trials and mild sentences give to understand that the police authorities, the prosecutors and the courts do not take ethnic discrimination seriously. Finnish League for Human Rights is of the opinion that the prosecution threshold seemed to be particularly high concerning the restaurant managers and owners.

In June 2006, a similar restaurant test was carried out by a group of Roma in the city of Pori. The group tried to enter altogether 16 restaurants. Each of the restaurants denied access or service to the group. The group filed criminal charges with the local police.

ARTICLE 7

A. TEACHING AND EDUCATION

In Finland, the new core curriculum for basic education has been in force since August 2006. In brief, it states that teaching must take into account national and local specific features, the Sámi as indigenous people and the national minorities, and pay attention to the increased diversity of Finnish culture resulting from the immigration of persons with different cultural backgrounds into Finland.

Finnish League for Human Rights is of the opinion that the extent to which education in diversity is provided in basic education is insufficient. Furthermore, the view of Finnish League for Human Rights is that the situation with regard to the extent to which teaching of human rights is provided in basic education is insufficient, because it is only imparted as part of other subjects and not provided as a separate compulsory subject. Finnish League for Human Rights would like to see more efforts to integrate the teaching of human rights as well as global education into Finnish education system more fully on the part of Finnish authorities.