

31 January 2020

Submission from the Finnish League for Human Rights regarding 2020 report on combating glorification of Nazism, neo-Nazism and other practices

For the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

The Finnish League for Human Rights (FLHR) is a Finnish human rights organisation which focuses on the overall human rights situation on Finland. The FLHR highlights human rights violations and promotes the implementation of human rights in Finland through advocacy work, awareness raising and human rights training. The FLHR is member of the International Federation for Human Rights (FIDH).

The Non-Discrimination Act prohibits discrimination based on age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics. Antisemitism is thus included with other grounds of prohibited discrimination. The prohibition of discrimination based on gender is covered by the Act on Equality between Women and Men.

The Non-Discrimination Ombudsman can bring a discrimination case to the National Non-Discrimination and Equality Tribunal but identified individual victims are required. This is problematic because discriminatory acts including antisemitism may not be targeted at a person but rather at a group of people as whole. The threshold for individual victims to agree on their case to be brought to the Tribunal may be high due to stress and fear of repercussions, which makes it contradictory to demand that a victim should always be named.

In 2018 The Non-Discrimination Ombudsman brought a case on the use of Nazi flag to the Tribunal¹. A Nazi flag was used as a curtain inside an apartment but it was visible outside the building for several months. Property owner and police did not have means to have the flag removed. The Tribunal stated that the use of the Nazi flag contributed to creating hostile and offensive environment for the victim according to the Non-Discrimination Act. The Tribunal prohibited the respondent to continue the discriminatory act. However, there was no sanction in this case. The Tribunal has mandate only to decide on conditional fines (to be paid if discriminatory act continues).

Compensation for victims of discrimination needs to be demanded for through a separate civil procedure at victim's own risk within two years from the date of discriminatory act. Only a small number of victims use this channel seeking compensation due to the strict timeframe, lengthy complaint procedures at the monitoring bodies and the cost risk involved. Thus, victims often get no remedy at all even if the Tribunal or Non-Discrimination Ombudsman had stated that discrimination has taken place in the case.

The FLHR is of the view that the Non-Discrimination Act needs to be revised to broaden mandates of the Non-Discrimination Ombudsman and Tribunal including the ability to grant compensations for victims of discrimination.

In recent years on Independence Day of Finland demonstrations have been organised by so called nationalist groups with visible use of Nazi symbols. In 2018, police removed Nazi flags from one of

¹ Register number 393/2018.

demonstrations² and started investigation on ethnic agitation. In 2019, police authorities prohibited a demonstration organised by a neo Nazi group³. However, Nazi salutes were visible in other demonstrations on the same day⁴.

The Finance Committee of the Parliament of Finland considered recently a proposal to start allocating permanent funding for ensuring the safety of a synagogue in Helsinki based on increased threats⁵.

In January 2020, a synagogue in Turku was vandalised and a neo Nazi group burned an Israeli flag in Tampere⁶.

FLHR demands that more long-term commitment and systematic response from the highest political level are required to recognise and tackle racism and antisemitism. FLHR has grave concerns from a suggestion presented by a political party in 2019 to promote the freedom of speech by removing ethnic agitation from the Finnish Criminal Code. The suggestion has been discussed in media but not proceeded in the parliament at the moment of writing this submission.

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https://yle.fi/uutiset/osasto/news/police_crack_down_on_nazi_symbolism_in_independence_day_marches/10542608

³ https://yle.fi/uutiset/osasto/news/helsinki_police_ban_neo-nazi_march_on_independence_day/11102765

⁴ https://yle.fi/uutiset/osasto/news/police_detain_several_independence_day_protesters/11106739

⁵ <https://www.hs.fi/kaupunki/art-2000006352439.html>

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https://yle.fi/uutiset/osasto/news/president_worried_about_synagogue_vandalism_burning_of_israeli_flag/11178955