

**ANSWERS OF THE GOVERNMENT OF FINLAND TO THE ADDITIONAL
QUESTIONS RELATING TO THE SEVENTEENTH, EIGHTEENTH AND
NINETEENTH PERIODIC REPORTS ON THE IMPLEMENTATION OF THE
CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL
DISCRIMINATION**

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APPENDICES 1 - 10

I Population

1. Please provide additional socio-economic data on minorities living within the jurisdiction of the State party, including non-citizens and foreign-born persons. Does the State party intend to review its national data protection legislation so as to allow the collection of relevant statistical information disaggregated on the grounds of race, colour, descent and national or ethnic origin, as recommended by the Committee in its General Recommendation No. 24 (1999) on reporting of persons belonging to different races, national/ethnic groups, or indigenous peoples? (CERD/C/FIN/19, paras. 8-13)

Statistics Finland compiles statistics on the population structure of Finland. Next publication of population structure is on 20 March 2009. According to the last publication on 28 March 2008 (Appendix I) the number of non-citizens in Finland was 132 708. The largest groups of foreign citizens were from Russia (26,211 persons), Estonia (20,006 persons), Sweden (8,349 persons) and Somalia (4,852 persons). The number of foreign born persons was 202 528.

Of the population of Finland 4,836,183 persons (91.2 per cent) had Finnish as native language, 289,596 persons (5.5 per cent) Swedish and 1,777 persons (0.03 per cent) Sami. Persons with a native language other than Finnish, Swedish or Sami numbered 172,928, or 3.3 per cent of the population. The largest foreign-language groups spoke Russian (45,224 persons), Estonian (19,812 persons), English (10,589 persons), Somali (9,810 persons) and Arabic (8,119 persons).

Up-to-date information on the number of the Sámi living in Finland is obtained in connection with the elections of the Sámi Parliament every four years. The elections of the Parliament were last held in autumn 2007. According to the information obtained in that context there were app. 9350 Sámi living in Finland. 38 % of them live in the Sámi Homeland, that is, in the municipalities of Enontekiö, Inari and Utsjoki, and in the district of the reindeer owners' association of Lapland situated in the municipality of Sodankylä. The rest of the Sámi live outside the Sámi Homeland in Finland (55 %) or abroad (7%).

According to Section 11 of the Personal Data Act (523/1999), information regarding a person's race or ethnic origin is sensitive information, the use of which is prohibited under the main provision of the Act. Processing such information is, however, permitted on the grounds laid down in Section 12 of the Act. The processing of the sensitive data is permitted, among other things, for statistical purposes.

The Personal Data Act takes into account, in addition to the Finnish Constitution, also the international obligations binding on Finland relating to the protection of data, including the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data ETS N:o 108 and the Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data, which was implemented in Finland by the Personal Data Act.

II General legal framework

2. Please indicate whether the provisions of the Convention have been invoked before, or directly enforced by, national courts, tribunals, or administrative authorities

International Human Rights Conventions can be invoked, and they can be directly applied in national tribunals and other competent authorities. They also have been directly applied in judicial bodies, for example, several Supreme Administrative Court judgments have relied on the UN Covenant on Civil and Political Rights as one of the grounds for ruling. However, according to the information received by the Ministry of the Interior, the grounds for judgments delivered by national judicial bodies are not systematically monitored, so it is therefore not possible to conclude whether the provisions of the CERD have been directly applied in tribunals, and if so, how often.

3. How many asylum applications have been received and processed under the normal and accelerated procedures, since the entry into force of the Aliens Act in May 2004? How many were accepted, and how many rejected? Please supply information, disaggregated by country of origin, race or ethnicity, gender, and, where applicable, the grounds for rejection. Please indicate which measures the State party has adopted to protect the rights of asylum seekers during the accelerated procedure, and provide updated information on the proposed amendments of the provisions of the Aliens Act on holders of temporary residence permit (so-called B-permits). (CERD/C/FIN/19, paras. 38-40, 81-84 and 93-96)

In 2008, 4016 applications for international protection were filed in Finland (see Appendix 2). In 2008, the Finnish Immigration Service (Directorate of Immigration until 31 December, 2007) processed 2005 applications for international protection. 199 of the applications expired. 1032 applications were processed by the so-called normal procedure, and 792 of the decisions issued were positive and 240 negative. 94 of those accepted obtained an asylum, 488 obtained a residence permit on the basis of their need for protection, 148 obtained a residence permit for compassionate reasons, 25 a residence based on a family tie and 37 a temporary residence permit. 774 applications were processed by the so-called accelerated procedure, and they were all turned down. 501 of the refusals were based on the EU Regulation on determination of responsibility, 189 applications were manifestly unfounded and 84 applicants came from a safe country of origin. See the statistics enclosed for the nationalities of the persons having applied for international protection, and the numbers of positive and negative decisions including the grounds for them (see Appendix 3).

In 2007, 1505 applications for international protection were filed (see Appendix 4). In 2007, the Finnish Immigration Service processed 1956 applications for international protection. 135 of the applications expired. 1162 applications were processed by the normal procedure, and 860 of the decisions issued were positive and 302 were negative. 68 of those accepted obtained an asylum, 496 obtained a residence permit on the basis of their need for protection, 288 a residence permit for compassionate reasons, 38 a residence permit on the basis of a family tie and 30 a temporary residence permit. 659 applications were processed by the accelerated procedure, all of which were refused. 320 of the refusals were based on the EU Regulation on determination of responsibility, 306 applications were manifestly unfounded and 33 applicants came from a safe country of origin. See the statistics enclosed

for the nationalities of the persons having applied for international protection, and the numbers of positive and negative decisions including the reasons for them (see Appendix 5).

In 2006, 2324 applications for international protection were filed (see Appendix 6). In 2006, the Finnish Directorate of Immigration processed 2386 applications for international protection. 287 of the applications expired. 866 applications were processed by the normal procedure, and 816 of the decisions issued were positive and 248 were negative. 38 of those accepted obtained an asylum, 85 obtained a residence permit on the basis of their need for protection, 163 a residence permit for compassionate reasons, 33 a residence permit on the basis of a family tie and 299 a temporary residence permit. 1233 applications were processed by the accelerated procedure, all of which were refused. 873 of the refusals were based on the EU Regulation on determination of responsibility, 352 applications were manifestly unfounded and 8 applicants came from a safe country of origin. See the statistics enclosed for the nationalities of the persons having applied for international protection, and the numbers of positive and negative decisions including the reasons for them (see Appendix 7).

In 2005, 3574 applications for international protection were filed (see Appendix 8). In 2005, the Directorate of Immigration processed 3439 applications for international protection. 370 of the applications lapsed. 848 applications were processed by the normal procedure, and 597 of the decisions issued were positive and 251 were negative. 12 of those accepted obtained an asylum, 141 obtained a residence permit on the basis of their need for protection, 159 a residence permit for compassionate reasons, 26 a residence permit on the basis of a family tie and 259 a temporary residence permit. 2221 applications were processed by the accelerated procedure, all of which were refused. 70 applicants refused came from a safe country of origin, 1355 of the refusals were based on the EU Regulation on determination of responsibility, and 796 applications were manifestly unfounded. See the statistics enclosed for the nationalities of the persons having applied for international protection, and the numbers of positive and negative decisions including the reasons for them (see Appendix 9).

In 2004, 3861 applications for international protection were filed (see Appendix 8). In 2004, the Directorate of Immigration processed 4764 applications for international protection. The Aliens Act (301/2004) entered into force on 30 April 2004. There are no statistics available on the applications for international protection filed and processed in the first four months of 2004. In 2004, 546 of the applications expired. 1533 applications were processed by the normal procedure, and 800 of the decisions issued were positive and 733 were negative. 29 of those accepted obtained an asylum, 206 obtained a residence permit on the basis of their need for protection, and 464 on the basis of reasonableness, 74 a residence permit on the basis of a family tie and 27 a temporary residence permit. 2685 applications were processed by the accelerated procedure, all of which were refused. 1611 of the refusals were based on the EU Regulation on determination of responsibility, 752 applications were manifestly unfounded and 322 applicants came from a safe country of origin. See the statistics enclosed for the nationalities of the persons having applied for international protection, and the numbers of positive and negative decisions including the reasons for them (see Appendix 10).

Statistics are not kept on the grounds for refusals in the normal procedure. No statistics are kept on the race or ethnic origin of persons who apply for international protection since the

processing of such sensitive personal data is prohibited under the Personal Data Act (529/1999).

The Aliens Act defines situations where an application for international protection may be dismissed or when such an application is processed by the accelerated procedure. An application may be dismissed in its substance if another State is responsible for the examination of the application. The accelerated procedure may be resorted to if the applicant has arrived from a safe country of origin, the application is considered manifestly unfounded or the applicant has re-applied. As a main rule, applications examined in their substance are examined in the normal asylum procedure.

By virtue of Section 8 paragraph 2 and Section 8 paragraph 3 of the Aliens Act, a party is entitled to use a counsel in an administrative matter or an appeal filed by virtue of the Act. According to Section 9 paragraph 1 of the Act, provisions on aliens' right to legal aid are laid down in the Legal Aid Act (257/2002).

Due to the nature of the accelerated procedure, it is important that legal aid is available from the very beginning of the process. The obligation to provide information to asylum seekers is also currently fulfilled in practice, but supplementing the Aliens Act by a special provision to this end is being prepared. A Government Bill for the amendment of the Aliens Act (HE 86/2008 vp) was submitted to the Parliament in June 2008, in order to implement the EU directive on the asylum procedure. The Bill also proposes to supplement the Aliens Act by a provision on the provision of information to a person who applies for international protection. The proposed amendment requires that applicants will be informed about the asylum procedure, as well as their rights and obligations related to it. A fact of central importance to the applicant is his right to contact and be assisted by a legal counsel during the procedure.

The legal assistance provided to persons applying for international protection has been considered in the final report of a working group set up by the Ministry of Labour entitled "Legal counselling and aid given to aliens" (Labour Administration publication 377/2007). The most significant proposals of the working group relate to the organisation of legal counselling and customised assistance by the reception centres to their customers.

Taking into account the possibility under accelerated procedure to enforce a decision despite an appeal immediately or within eight days from informing him on the decision, requesting the tribunal to prohibit or suspend the enforcement of the decision has in practice developed into a guarantee for the effective realisation of the right to appeal.

Even if the Aliens Act does not contain an obligation from the part of the enforcement authority to wait until an application for prohibiting the enforcement of the refusal of entry has been processed, the police have, following an established practice, waited through the processing of an enforcement decision. The Supreme Administrative Court also has in practice been able to make decisions regarding applications for prohibiting enforcement very quickly.

An order issued by the Police Department of the Ministry of the Interior on 25 March 2008, regarding the sharing of responsibility related to the enforcement of a refusal of entry decision in respect of an alien, states as follows in relation to applications decided in the accelerated procedure:

Previously such circumstances have been described, where decisions may be enforced unless otherwise decided by the Supreme Administrative Court or the Supreme Court. By virtue of law there is no obligation to wait until the end of the processing of an application for prohibiting an enforcement decision. If it is known that an application has been filed for enforcement prohibition, the police should, before deporting an alien, inquire the Court by telephone or in another manner whether it intends to prohibit the enforcement of the decision.

A working group of the Ministry of Interior set up for the development of immigration administration and legislation, proposed in its final report in 2006 that it should be further examined how the provision of the Aliens Act on the enforcement of a refusal of entry decision made in the accelerated procedure could be made clearer, taking into account the legal protection of the asylum seeker and ensuring that the procedure would not slow down.

Questions related to the enforcement of refusal of entry decisions have been dealt with on the initiative of the Ministry of the Interior in 2008 in cooperation with representatives of judicial administration, and this examination will be continued.

A Government Bill for the amendment of the Aliens Act is currently under consideration in the Parliament with the objective to implement a directive for determining the minimum requirements of the definition of citizens of third countries or citizens without a nationality as refugees or as persons in need of international protection and the contents of the protection granted (2004/83 EC, so-called definition directive). The Bill also contains a proposal to grant prolonged (so-called A permit) residence permits instead of temporary ones (so-called B permit) to aliens who cannot be refused entry because of a technical obstacle. The Government Bill has given rise to a great deal of criticism. The Administrative Committee of the Parliament presented its report concerning the Bill in December 2008, in which it proposes amending the Bill. It proposes that provisions on the granting of temporary permits would not be removed and instead aliens who have obtained a temporary permit should be granted a work permit, which is currently not possible with the temporary permits. The Parliament is likely to adopt the Bill in February or March 2009.

4. Please provide detailed information on the implementation of the revised Language Act and the new Language Act, and indicate to what extent Swedish and languages are effectively used before the courts and administrative authorities of the State party. (CERD/C/FIN/19, paras. 34-36 and 72)

There are no reliable statistics regarding the use of Swedish before courts of law, as only the language of the proceedings is registered but not the languages used by parties or witnesses. Many cases are bilingual or even multilingual. In these cases only the language of the proceedings is registered. This does not exclude that Swedish in fact is used in more cases than what is known to the Ministry of Justice.

Many Swedish-speakers waive their right to use Swedish before courts of law, thus not exercising their constitutional right to use their own language. Reason for this might be the fact that the other party is a Finnish-speaker or that the command of Swedish of the judge is deemed insufficient in order to guarantee a fair trial. There might also be a feeling of indirect pressure from the court to switch to the majority language. Furthermore, the length of the proceedings in Swedish exceeds that of Finnish proceedings, as has been concluded

by the Deputy Parliamentary Ombudsman who has examined the length of proceedings according to language in the Appeals Courts of Helsinki, Turku and Vaasa.

It is primarily the responsibility of the courts of law to provide for the necessary language training for judges and other personnel. At least some courts have continuous language courses, yet there is no statistics regarding courses and attendance. The Ministry of Justice has from time to time offered language courses for judges and more recently for other court personnel with client contacts.

About one third of the Finnish Sámi speak Sámi as their mother tongue. 70- 80 % of them speak North, and Inari and Skolt Sámi both are spoken by 15 % of the Finnish Sámi. Inari Sámi and Skolt Sámi are spoken mainly in the municipality of Inari.

Under Section 7 of the Sámi Language Act, the Sámi are entitled to report Sámi as their mother tongue in the population register. Not all those who speak Sámi as their mother tongue have taken advantage of this particular right, so the figures in official statistics do not reflect the real number of those who speak Sámi as their mother tongue. 1777 persons have reported the Sámi language to be their mother tongue in the population register as of 31 December 2007.

Sámi is a regional minority language and the Sámi Language Act is, in principle, a regional act, its core area of application being the Sámi Homeland. The right of the Sámi to speak Sámi in tribunals and other authorities within the scope of application of the Act is broader in the Sámi Homeland than outside it, as are the obligations of authorities to use Sámi in different situations. There is no statistics on what extent the Sámi language has actually been used in contact with the authorities.

According to special provisions applied in the Sámi Homeland, authorities must, when employing personnel, see to that the personnel is able to serve their clients also in Sámi in public agencies and other offices (in the Sámi Homeland). By organising training or by other means, the authorities must also take care that the personnel have Sámi language skills, which enable them to perform their duties. According to information submitted by the Ministry of Justice, at least the personnel of the municipality of Enontekiö have participated in Sámi language training provided for them.

The first report drawn up by virtue of the Sámi Language Act on the observance of the legislation relating to the Sámi language and the fulfilment of the linguistic rights of the Sámi as well as on the development of the linguistic circumstances was submitted to the Sámi Parliament at the end of 2007 and, further, to the Ministry of Justice. The report is based on a more extensive study made for the Sámi Parliament entitled "The realisation of the Sámi language Act in 2004-2006". According to the report, no real change has taken place in the number of personnel speaking Sámi or services provided in Sámi in the municipalities of the Sámi Homeland.

However, authorities seem to have gained a better knowledge of the Sámi Language Act and its provisions during the past years, and, for example, forms related to judicial matters have been translated to all three Sámi languages.

Employment services

Following the entry into force of the revised Language Act (423/2003) in the beginning of 2004, the Ministry of Labour gave instructions for the implementation of the obligations included in the Act. The instructions emphasized the importance of good language skills of information officers and other personnel in the service of the public. Before the entry into force of the Act, the Ministry examined the level of language skills of the personnel working in customer service in the employment offices of the bilingual regions. According to the examination, the proportion of Finnish and Swedish-speaking officers in the employment offices corresponded to the share of the linguistic populations in the regions. It was estimated that in bilingual regions, language skills in Swedish were mainly sufficient and that they corresponded to the level of services required.

The area of operation of the Northern Lapland employment office (municipals of Ivalo, Sodankylä and Utsjoki) is currently unable to provide service in Sámi-language. When needed, customer service can have recourse to interpretation services, and, for example, information about employment related training offered is provided in Sámi as well.

III Institutional framework

5. Please provide additional information on the human and financial resources allocated to the Ombudsman for Minorities and the National Discrimination Tribunal, and indicate what measures the State party has adopted to strengthen their independence in relation to governmental authorities. What steps has the State party taken to increase awareness about the existence and functions of these bodies among the general public? (CERD/C/FIN/19, paras. 49-52)

Following administrative changes taking effect from 1 January 2008, the Ombudsman for Minorities and the National Discrimination Tribunal have been transferred under the Ministry of the Interior as independent authorities. In the context of the changes, the resources allocated to the Ombudsman as well as the duties were reviewed. The Non-discrimination Act was revised so that the duties of the Ombudsman for Minorities has been supplemented by 1) an obligation to make independent examinations and 2) reporting on human trafficking. The overall revision of the non-discrimination legislation under preparation in Finland is likely to further increase the duties of the Ombudsman. Due to new tasks, the resources allocated to the Ombudsman will be reviewed anew.

The budget of the Discrimination Tribunal has so far been regarded sufficient. After the summer 2008 in particular, the Tribunal has made an effort to work more efficiently. The improvements made so far have been considerable, the work of the Tribunal has been restructured, for example, by revising its rules of procedure, improving communications by renewing the website and by publishing all of the decisions of the Tribunal. The Tribunal has processed matters referred to it efficiently and rapidly. A plan has been drafted for developing the Tribunal's activities and increasing awareness of its duties. In particular, provision of information on the Tribunal's activities will be further improved.

6. Please explain why the State party has not endorsed the creation of a specific Russian Advisory Board, despite the recommendation made in this regard by the ad hoc working group established by the Advisory Board for Ethnic Relations to assess the cultural and linguistic needs of the Russian-speaking population in Finland.

The objective of the Advisory Board for Ethnic Relations is to serve as an expert on migration policy and promote multidirectional interaction. Efforts will be made to develop interaction between authorities, non-governmental organisations and political parties in the Parliament and immigrants and ethnic minorities. From the perspective of its role as an expert and the promotion of interaction, the strength of the Advisory Board has been the comprehensive representation of all ethnic groups in the Board. Separate advisory boards would not be able to provide the same kind of forum permitting regular and direct interaction between, for example, different minorities. A common advisory board promotes networking and sharing of experiences.

The Government has set up a renewed Advisory Board for the three-year period from 2008 to 2011. The representatives have been selected through an application procedure from candidates appointed by non-governmental organisations and belonging to groups of immigrants or ethnic minorities. In addition to the national Advisory Board, three regional Boards have been set up, as well as working groups dealing with thematic matters. Russian-speaking organisations are represented in both the national and regional Advisory Boards. Issues related to the Russian-speaking minority will be taken into account in the consideration of themes by the Board in the future as well.

Article 2

7. Please provide updated information on progress made by the committee set up by the Ministry of Justice in reviewing the existing anti-discrimination legislative framework, and explain whether the State party envisages adopting a single equality act covering all forms of discrimination in the political, economic, social, cultural or any other field of public life. (CERD/C/FIN/19, para. 28)

The Committee was set up in January 2007. At the first phase of its work, it was to examine, in particular, the need and options for reform of the anti-discrimination legislation and the related monitoring mechanisms and to prepare an interim report on these issues. The Committee submitted its report to the Ministry of Justice in February 2008.

In the interim report, information was provided on those options for reform, which had been initially discussed in the Committee. According to one of the options, the Committee could examine further the possibility of integrating the current legislation based on two general acts (the Non-Discrimination Act and the Gender Equality Act) into a single Equality Act covering all grounds of discrimination. Furthermore, the Committee proposed that the work to reform the equality and anti-discrimination legislation be continued in accordance with the following guidelines:

- The content of the legislation will be made more coherent, where appropriate and possible.
- Legal and linguistic aspects in the legislation will be improved.
- The ways to develop measures to promote equality and non-discrimination and to control and monitor the implementation of these measures will be examined.
- The ways to improve co-operation, participation and interaction in equality and non-discrimination issues both between the authorities and between the authorities and interest groups will be examined.

- The status, duties and powers of the special authorities within the field will be re-examined with special regard to their opportunities to operate independently.
- The need, in the longer run, to develop the system of promoting and monitoring fundamental and human rights as a whole in compliance with international obligations and recommendations, will be taken into consideration in the reform of the organisation of authorities.

The guidelines proposed by the Committee were in general received positively by authorities, non-governmental organisations and other stakeholders. However, the option of integrating the existing anti-discrimination legislation gained criticism.

The final report of the Committee is due at the end of 2009. The Committee will draw up its report and make its proposals taking into consideration the comments and criticism it has received.

8. Please indicate whether the State party intends to enact legislation aimed at prohibiting racist harassment by private individuals, in compliance with the provisions of article 2 (1) (d) of the Convention. (CERD/C/FIN/19, para. 129)

In a number of cases, racist harassment will be punishable as one of the offences referred to in paragraph 131 of the Periodic Report or as acts prescribed punishable elsewhere in the Penal Code or the Public Order Act, most often as defamation or menace. Employers are obligated to interfere with instances of harassment at work.

9. Please provide updated information on progress made by the State party in elaborating a definition of the term "Sámi" that take into account the preferences expressed by the Sámi Parliament for a more language-based definition. (CERD/C/FIN/19, paras. 73-75)

The evolution of the definition of the term "Sámi" has not been brought up in discussions between the Ministry of Justice and the Sámi Parliament in recent years. The decisions issued in 1999 by the Supreme Administrative Court regarding the applications for the entry into the election list of the Sámi Parliament have been seen as having sufficiently clarified the interpretation of Section 3 of the Act on the Sámi Parliament.

10. Please provide detailed information on the effectiveness of the measures taken by the State party pursuant to the Act on the Integration of Immigrants and Reception of Asylum Seekers to promote the integration of non-citizens into Finnish society. Does the State party envisage extending the provision of integration programmes to individuals who are currently not covered by them, including holders of temporary residence permit and persons belonging to minority groups who are Finnish citizens or have lived in Finland for a long time? (CERD/C/FIN/19, paras. 94, 112 and 164)

The Migration Department of the Ministry of the Interior will launch an extensive revision of the Integration Act during spring 2009. The scope of application of the Integration Act is intended to be enlarged to cover persons - regardless of why they have entered the country - who are likely to stay in Finland for more than a year. If an immigrant is likely to meet this requirement, he would be entitled to a customised integration plan and benefit from measures such as language training.

Article 3

11. To what extent is Finland's housing market segregated? Are people with a foreign background, Roma and Sami clustered in distinct urban residential neighbourhoods?

Ethnic residential segregation in Finland results from different dynamic intra-urban migration processes. Institutionally generated migration, i.e. migration patterns generated by various housing and immigration policies and procedures, is one of the central factors in the development of ethnic segregation. Also housing preferences and choices of Somali and Russian immigrants (two biggest groups) has had an effect on the concentration into the Capital Region and inside neighbourhoods. According to research interviews, Somali immigrants and especially Somali mothers, older people and youngsters value close social contacts with their own community.

The housing policy of Helsinki has a strong focus on social mixing and spatial dispersion of housing stock. Due to this, ethnic segregation in Helsinki has so far been fairly small-scale, concentrated in particular housing blocks. The number of residential buildings with a high share of immigrant population is very modest. However, the number of such buildings has doubled between 1996-2002. The concentration of immigrant population concerns mainly the public housing sector. The difference in the level of concentration between the public housing sector and privately owned housing companies is remarkable.

The importance of ethnic communities and networks is, however, acknowledged and small-scale concentration is therefore not considered harmful. The spatial pattern of concentration was formed already at the beginning of the 1990's when immigration to Finland suddenly peaked. New immigrant groups were housed in the neighbourhoods where public housing was available at the time.

The concentration of immigrant population has continued in the same areas during the beginning of the 2000's. The migration patterns of native population and the reasonably rapid changes in the housing market have emerged as new factors generating and influencing the ethnic residential segregation in Helsinki in the 2000's.

There is no spatial concentration of Roma people and there are at least two reasons for this. Firstly, the housing history of the Roma in Finland has been a relatively long period during which municipal landlords have been able to provide - with the help of special public grants - low-cost housing and to develop housing allocation practices. The second reason is related to the cultural rules between older and younger persons/families in the same residential building blocks.

In summer 2008, a study was made on the experiences of persons with an immigrant background and those belonging to the Roma population regarding how equality has been realised in housing. The results of the study are based on the interviews of immigrants with different backgrounds in their own language, the interviews of persons with a Roma background as well as views of housing authorities and those representing various non-governmental organisations involved in the questions of housing. According to the study, segregation takes place, not at the level of neighbourhoods, but at the level of quarters and apartment buildings. Segregation becomes more accelerated when one fifth of the inhabitants of an apartment building belongs to an ethnic minority; that is when the rest of the inhabitants who belong to the main population start to move out. Another central result

was that immigrants want to live in mixed residential areas, not in areas inhabited by their "own group" or inhabited principally by minorities. Most immigrants wished to have families with children belonging to the main population as their neighbours. The Roma did not seem to live in groups of their own, but many Roma live in areas with more inhabitants from ethnic minorities than usual. According to the study both immigrants and Roma people have encountered discrimination in housing and public services. A doctoral thesis on housing segregation is due to be completed in the months to come, and according to preliminary information, the results have been similar.

Issues related to segregation in housing have been widely discussed in the media in the past months, in seminars organised by local authorities and other events. Housing is one of the areas of human life falling within the national anti-discrimination monitoring system. The annual report on anti-discrimination 2008 will be published in March 2009, and it will deal with housing as a core area in relation to the various minority groups. In his annual report, the Ombudsman for Minorities reports on the discrimination encountered by Roma in relation to housing. The indigenous people of Sámi have not reported having encountered segregation in housing.

12. Does the State party have any programme to provide a home purchase guarantee to first-time home buyers, especially vulnerable groups like Sami, immigrants and Roma, who may experience difficulty in obtaining a mortgage?

The Finnish State supports home ownership through favourable taxation policies, by guaranteeing mortgage loans, and by paying interest subsidies on loans. Tax rebates to reduce the cost of home ownership loans is 30 % for first-time home-buyers (28 % for other home-buyers). First-time home-buyers are also exempted from property transfer tax, which is normally 1.6 % of the acquisition of homes owned by a housing company, and 4 % for real estate deals. These benefits are available to everyone, regardless of their ethnic background, social situation or financial circumstances.

13. Has Finland's national authority on housing investigated how landlords advertise and let their apartments with a view to eliminating discrimination?

There are around 800,000 rented flats in Finland, of which about half have been built using finance from the national ARAVA loan scheme or interest subsidy loans. These flats are owned by local authorities or non-profit-making organisations. Tenants are eligible for State-subsidised rented accommodation according to their need, income and financial circumstances. Rents are set to cover the costs of providing the housing, including capital construction costs and maintenance expenses.

By law, the tenants for ARAVA rental housing are selected on the basis of social and financial need. More detailed criteria are specified annually by the Government, including the urgency of the applicant's housing need, level of income and assets. Priority is given to homeless applicants and to those in urgent need of housing.

Tenant selection procedures are also determined and supervised by the local authorities. Each local authority is obliged to carry out random checks to ensure that selection criteria have been followed. Municipal and non-profit landlords are, according to legislation, obliged to use common criteria in choosing tenants. Landlords use different media channels for informing of available apartments (websites, newspapers, open service centres etc.). In

order to secure non-discriminatory allocation practices, local consultations have been arranged between minority ombudsman and national and local housing authorities.

14. Have the state authorities made any effort to curb discrimination in housing by heightening awareness among landlords, tenants, tenants' associations and relevant authorities regarding discriminatory practices and to make vulnerable groups aware of their rights?

Half of the rented apartments in Finland are privately owned, and have been built without State subsidies. Rents in the private sector are determined by market forces. Separate legislation controls private rental agreements, with conditions related to reasonable rent levels and how rent increases may be imposed.

The Central Union of Tenants and The Finnish Association of Landlords have made an agreement on fair rental practices. The purpose is to assist in creating a problem-free and functional residential lease and its continuous management and appropriate termination. Fair rental practices also include neighbourliness within the residential community. The well-being of the residential community is based on residents being interested in common issues and taking other residents, including immigrants and ethnic minorities, into consideration. In a pleasant residential environment, a resident understands his or her responsibility when using common facilities and yard areas.

The Non - Discrimination Act (2004) has been applied to discrimination based on ethnic origin concerning the supply of or access to housing on offer or available to the general public other than in respect of relationships between private individuals. According to the amendment of this Act (2009) it will be applied in the future also to private individuals, which rent or sell apartments on the market in order to get economic return on the investment.

To promote equality in housing, Finland has implemented several local level projects to support in particular residents with an immigrant background and to promote intercultural dialogue in residential areas. Many of these projects have been partly financed by the EU through foundations administrated by Finnish authorities. Residents' associations have participated, for instance, in local resettlement programmes facilitating the reception of refugees entering Finland.

State officials have provided information and training at national, regional and local levels about the non-discrimination legislation prohibiting discrimination in services, including housing. Information on the legislation has been published and disseminated in the form of easy reading guides in different languages and versatile material (documentation, tools, tests, reports etc.) have been made available on the www.equality.fi portal for raising awareness about people's right to equal treatment. A national anti-discrimination campaign implemented since 2002, as a form of cooperation between authorities and umbrella organisations representing minority groups, has directed measures for awareness raising on the right to non-discriminatory treatment in different areas of life including housing.

Article 4

15. Please provide updated information on the number of prosecutions and convictions, and on the sanctions imposed, pursuant to the provisions on racial hatred

and discrimination referred to in paragraph 131 of the report. Please explain why these provisions allegedly continue to be under-used, and indicate what measures the State party has taken to improve their implementation, including training for those involved in the criminal justice system and information campaigns aimed at raising awareness among potential victims of racism and racial discrimination of their rights and the existing mechanisms for redress. (CERD/C/FIN/19, paras. 31-33, 42-44, 119-128 and 130-131)

A study conducted by the Police College of Finland¹ on offences reported to the police in 2007 revealed that in 2007, reports were filed for crimes referred to in the question as follows: the total number of reports filed for racially motivated offences was 698. Out of these, 176 reports were filed for assault, 115 for criminal damage, 86 for defamation, and 68 for menace, 64 for petty assault, and 47 for discrimination, 9 for work discrimination, and 10 for incitement to racial hatred.

According to statistics, the figures relating to sentences for such crimes by general lower courts in 2006 are as follows: 18 offenders for discrimination, 12 for work discrimination, and 289 for defamation, 11 offenders for aggravated defamation, and 729 for menace. The sentences imposed were usually fines. Imprisonment has been imposed only for aggravated defamation and menace. In 2005, the total of 17 offenders were sentenced for aggravated defamation, out of whom 11 to conditional imprisonment. 707 offenders were sentenced for menace, out of whom 290 to imprisonment. The imprisonment sanctions were mainly conditional; 99 offenders were sentenced to unconditional imprisonment. Statistics are not available on how many of those guilty of the crimes had a racist motive.

Racist motivation has been used as a ground for imposing a more severe punishment in some cases. For instance in 2007, courts of law increased the punishments of nine offenders on the ground of a racist motive (see Penal Code, Chapter 6, Section 5(4) on racist motives as grounds for increasing the severity of a punishment). The small number of such cases may be due to the fact that in some cases where a court has increased a punishment, the legal provision laying down the grounds may have been omitted from the statement of judgement.

The first study² on the life cycle of racist crime was conducted in Finland last year. According to the study, imposing a more severe punishment has rarely been applied: in 2004, in 10 cases and in 2005 and 2006, in 14 cases a more severe punishment was imposed on the grounds of racist elements. According to the study, only less than 50 % of reports filed for racism go to the prosecutor for consideration of charges, in general because the identity of the suspects remains unknown to the police or the injured party withdraws his claims. As an outcome of the publication of the results of the study, more efficient training will be provided to prosecutors as regards invoking the grounds for a more severe sanction. The life cycle study is intended to be established as a permanent practice in Finland.

Reasons for the small number of cases have been assessed at least in paragraphs 128 and 119-125 of the Periodic Report and the whole process at a more general level in paragraphs 133-140. The reasons for why the provisions of Chapter 6 Section 5 of the Penal Code on

¹ Mikko Joronen: "Poliisin tietoon tullut rasistinen rikollisuus Suomessa 2007" (Racist crime reported to the police in Finland in 2007).

² Laura Peutere: "Rasistisia piirteitä sisältävät rikosepäilyt rikosprosessissa" (Crime suspicions with racist elements 2008)

racism and xenophobia are rather rarely applied by courts as grounds for increasing a punishment are examined in a recent study. During 2004-2006, the ground has seldom been applied by tribunals: 32 times in all (or 10 times a year on average). The reasons are partly general, similar to all criminal cases, partly related to the investigation of racist motivation.

First of all cases are dropped at different procedural stages. Less than a half of the cases examined in the study referred to above proceeded to consideration of charges, out of which charges were pressed in two thirds of the cases. The reason for not pressing charges is usually due to difficulties of presenting evidence, which is a problem connected to all criminal cases in general. The rest of the cases, which go further in the process (those which enter at least the stage of consideration of charges) present problems in relation to the identification, investigation and consideration of the racist motivation as an element for increasing a punishment.

There exists no systematic way of investigating racist motivation. Writing racist motivation down as an element may in practice be very random, and sometimes it also depends on the injured party's own activity. The element of suddenness of an act (e.g. a fight which started out of the blue, in the course of which the parties may have insulted each other in different ways) does not always speak for the existence of racist motivation, when such motivation should result from a thinking process before it takes place. Racist motivation may get covered by the fact that, for example, the fight started because of a conflict between the parties for some other reasons. Connecting racist motivation to an act may be difficult, if no evidence can be obtained for example because the incident had no witnesses.

16. Please provide more detailed information on the progress made, and the difficulties encountered, by the State party in preventing and punishing the distribution of racist, discriminatory and xenophobic material through the Internet. (CERD/C/FIN/19, paras. 119-128)

In their operation, the police have emphasized a low threshold for interfering with racist acts. The police take immediate measures with regard to racist crime brought to their attention. Like any other racist and discrimination offence, also racist crimes on the Internet reported to the police are investigated as far as possible without delay by making use of all means prescribed by law to hold offenders liable for their actions.

The police write an annual report on the number and characteristics of offences reported to them, suspected of containing elements of racist motivation. The 2007 report classified separately the Internet as a specific place for a crime to be committed. In all, 14 crimes were suspected to have been committed on the internet, out of which 7 were defamations (including one aggravated defamation) and 7 incitements to racial hatred. This is a classification that will be further continued in the future.

The activities of the police to prevent information network crime are closely related to the prevention of crime characterised by suspected racist motivation on the internet. In recent years, the police have invested considerable efforts in the prevention of network crime and the development of the monitoring of the internet. An officer has been appointed in the Police Department of the Ministry of the Interior in charge of the development of the prevention of IT crime. In addition, the Police College has appointed a teacher in charge of IT crime investigation, and corresponding syllabi have been prepared. Good practices and

experiences adopted in pre-trial investigation have been shared with a view of improving training. For example, a seminar held at the Police College in April 2008 dealt with, in addition to anti-racist measures, a case in which racist material had been disseminated on the internet.

The Internal Security Programme entitled "A Safer Community" adopted by the Government in May 2008, focused, among other things, on the improvement of the security of immigrants and the prevention of information network crime and the risks related to the use of the internet. The measures taken include, for example, revising legislation on information network crime, ensuring that the authorities have sufficient and up-to-date investigation methods, criminalisation of new forms of crime and the liability of those maintaining websites.

In order to improve the security of immigrants, a special measure has been taken to ensure that legislation and the legal system permit effective intervention in all racist crime and that criminal law permits addressing racist messages on the internet. Further, it will be assessed whether website administrators should be made obligated by law to monitor and delete material possibly containing elements of racist crime. The implementation of the Internal Security Programme has begun.

The prevention of racist crime committed on the internet meets with the same kind of challenges as the prevention of information network crime in general. Large quantities of material are downloaded on the internet every day and it cannot be monitored by the means possessed by the authorities alone. It is important that site administrators are made responsible for the contents of their sites and that people are urged to increasingly report incidences taking place on the network. In order to make people more actively report such crimes, the police are creating an internet crime reporting system, through which citizens and moderators can easily tip off the police on their suspicions regarding crime possibly being committed on the internet. The system will be taken into use during 2009. The crime classifications in relation to which crimes will be reported through the system have not yet been confirmed. The police consider it important that also tips on racist and hatred - motivated crime could be given through the system. In addition, the police are, in cooperation with the Ministry of Transport and Communications, drafting voluntary instructions on a plan of action for providers of internet services. They contain instructions for reporting suspected crime committed on the internet to the police.

The police conduct pre-trial investigation only in relation to suspected crimes, on which they have knowledge of. A suspected crime may be reported by the victim or an outsider or through police surveillance. All inappropriate messages on the internet do not contain elements constituting a crime, which means that they are not considered as crimes even if they may arouse general disapproval. The boundary between the freedom of expression and criminal liability is not always clear. Some acts considered as expressions of intolerance may be regarded as use of one's freedom of expression, which is a fundamental freedom protected by law.

Finnish legislation permits, where necessary, interfering with illicit material on Finnish servers and disseminated by the home computer of its creator. The global nature of the internet and the legislation in force in different countries do however pose challenges. For example, a message containing racist elements may be located on a foreign server, so having it removed or investigating it as a crime may be challenging or even impossible. Finnish

authorities have no authority over foreign servers. As for foreign servers, Finnish authorities may have recourse to requests of legal aid, but the outcome may vary depending on the particular case and country in question. Conceptions of legal vs. criminal activity vary from one country to another and conceptions also change in time as regards to what is acceptable and what is not. Also, due to the fact that the internet has such a broad range of users, illegal material may be disseminated to broad audiences very fast, which makes it impossible to remove all the unacceptable material.

Due to the global nature of the internet and the rules of jurisdiction, it is not always possible to react to material or events containing elements constituting crime on the internet. This renders criminal proceedings challenging and requires international cooperation.

Investigating and preventing crime is only a part of the fight against racism and other forms of discrimination and increasing tolerance. It requires, in general and on the internet, cross-administrative cooperation and collaboration between different organisations. In fact, the police have participated for example in the cross-administrative YES programme, the purpose of which is to increase general awareness about equality, for example, by specific information campaigns. To contribute to awareness raising, an internet site has been created at www.equality.fi.

The Police College has initiated a project with the objective to develop statistics and monitoring of racist crime in order to create a more extensive follow-up system of hatred-motivated crime. The objective is to create tools for statistics and research, which would tackle crime motivated by prejudice against the victim's ethnic background and crime related, for example, to his religious background, disease, handicap or sexual orientation or its expression. By creating such a follow-up system, it would be possible for the police to expand their annual reports on racist crime to cover also crime motivated by hatred.

Article 5

17. Please indicate the steps taken by the State party to combat racially-motivated violence against persons belonging to ethnic, national or religious minorities, including Roma, Somalis, Russians, Jews and persons perceived to be Arab or Muslim.

Racist crime has been annually reported on in Finland since 1997. In 2007, 698 racially motivated crimes were registered, a figure that is slightly less than the year before. The monitoring of racist crime is a central part of work done for their prevention. Through the monitoring, information is obtained concerning different groups victims of crime, the offenders, circumstances, the nature of the crime etc.

In order to prevent racist violence, work is done at many levels from general opinion formation to the exit-activities of potential offenders. The formation of cross-professional networks at the local level has proven to be effective.

18. Please provide detailed information on the measures adopted by the State party to protect Roma prison inmates from threats and violence from other prisoners and from discriminatory behaviour of some prison staff. In particular, please indicate what measures the State party intends to take to follow up to the recommendations

contained in the 2003 report of the Criminal Sanctions Agency on the situation of Roma detained in Finnish prisons. (CERD/C/FIN/19, paras. 143-144)

A revised Prison Act (767/2005) entered into force in Finland on 1 October 2006, and it has had an impact on the situation of Roma and other inmates as well in that their imprisonment is realised according to more effective planning than before. The Placement Unit is to make all prisoners a plan for the duration of their imprisonment, which, with the exception of prisoners serving only a short sentence, is based on the risk and need assessment done on the prisoner concerned. The plan aims to evaluate factors, which should be addressed to reduce the prisoner's risk of committing new crimes. Such a plan can also make it easier to place Roma prisoners in general, because even prior to receiving them in the prisons, factors promoting their participation in intra-mural activities will be taken into consideration.

Prisons have been asked to provide information regarding the situation of Roma inmates and the realisation of the proposals put forward by a working group assigned to examine the situation of Roma. According to the answers received, the situation is generally speaking good in open facilities. Also in closed prisons, as a main rule, Roma inmates can be placed in regular facilities and they can participate in regularly organised activities. Prisons have provided Roma with teaching in their mother tongue and culture and in addition Roma inmates can participate in the education provided for all. Taking part in professional education and training often pose a problem for Roma due to the incomplete basic education. As for participating in rehabilitation from intoxicants, Roma inmates have encountered problems, because they often are not willing to take part in the same rehabilitation with all the other inmates.

In certain prisons, the situation of Roma inmates has been rather difficult from time to time, mainly in the prisons of Riihimäki, Konnunsuo and Sukeva. The situation has improved in Riihimäki because the re-sectioning of the facility. Konnunsuo has also encountered fewer problems than before. The facility has strived to regularly address the situation and, for example, discuss with the body of inmates. In spite of these measures, Roma inmates cannot be placed in regular wards. According to information received from the Konnunsuo facility, Roma inmates participate in basic education full time. The Roma inmates (in the closed ward) have also been able to take part in a stone/jewellery workshop, assembly work, kitchen duty and ward cleaning duties. The inmates in the closed ward have also been given more opportunities per week than those in the regular ward to work out in the gym, do physical exercise and pursue outdoor activities. The number of Roma inmates has decreased considerably in Konnunsuo and recently, there have only been a few male Roma inmates. No problems have come up in the female ward.

In addition to the Konnunsuo prison, Roma inmates detained at Sukeva live currently in a separate ward at their own request. According to the report given by the Sukeva prison, they currently have 4-5 Roma prisoners. The ward has meals, outdoor and other activities of its own, including training and guidance four days a week. At this ward, the Roma live together with other prisoners, who have requested to live apart from the others, and all the inmates in the ward are treated equally and according to the same principles. The Roma receive one newspaper in their own language. In addition, Sukeva has provided adult education to the Roma in reading, writing and other basic skills with an appropriation granted by the Ministry of Education. Intoxicant rehabilitation can now also be made more efficient, since a new anti-substance worker was hired.

Prisons have not appointed contact persons for matters pertaining to the Roma, but the questions related to the Roma fall under the duties of the deputy director general of the prison. The support persons for the Roma inmates functioning outside the prison are currently organised on a voluntary basis.

Measures for monitoring the implementation of security of Roma prisoners, their standing as equals with others and the realisation of their rights

Improving the situation of Roma prisoners has also been addressed in the performance management of prisons. The issue is a central theme in the Equality Plan of the Prison Service confirmed in 2006. The plan contains, for example, the following guidelines and instructions for prisons, confirmed by the Prison Service management group:

- Every prison should aim to identify any treatment of prisoners belonging to minorities, which deviates from the treatment of prisoners belonging to the main population.
- Any racist incidents, minor ones as well, are interfered with immediately and effectively.
- Equality is promoted by adding guidance.
- Activities are increased in wards, in which inmates cannot participate in the activities with other inmates. The re-organisation of wards carried out in connection with construction projects is another means of increasing opportunities to participate.
- When it comes to basic and language education, it is justified to concentrate the teaching to certain prisons in the District Prison.
- A contact person responsible for matters pertaining to minorities is appointed to District Prisons.
- The promotion of equality is an aspect, which will be more effectively taken into account in the basic and complementary education and training of the personnel.
- When providing information on education and training in the sector of Prison Service and available vacancies, it will be emphasized, where necessary, that the Prison Service calls for knowledge of different cultures and competency in different languages.
- The employer supports the development of the atmosphere of the working community towards appreciating equality and diversity.
- The implementation of the Equality Plan is an objective of the performance management.
- The classification of the prisoner data system will be developed so that the entries may be searched for events containing racist elements.

The directors of District Prisons are in charge of implementing the Equality Plan. The Plan will be extensively discussed with the prison personnel.

The Criminal Sanctions Agency focuses on the position of Roma and prisoners belonging to other ethnic minorities and the realisation of the Equality Plan in the context of prison

inspections. The situation of the Roma and the realisation of the Plan have also been a special focus of the inspections of the Parliamentary Ombudsman in recent years.

19. Please indicate what measures the State party has taken to promote the equitable representation of persons belonging to ethnic, national or linguistic minorities in Parliament, Government, and other positions in the public service, including the police. Please provide recent statistical data, disaggregated on the basis of ethnic or national origin, language spoken and gender, on the participation of persons belonging to minorities in publicly-elected and appointed bodies, as well as in the public administration. (CERD/C/FIN/19, paras. 145-148)

In consideration of the national election laws in Finland, there are no specific provisions for the representation of persons belonging to ethnic, national or linguistic minorities in the Parliament, the European Parliament or the Municipal Councils which are the bodies elected by general elections and regulated by the Election Act of 1998.

Although not directly related to the protection of minority rights, it should be noted that one seat of the 200 seats in the Parliament is reserved by the Constitution of Finland for a representative of the Åland Islands. The special autonomous status of the Åland Islands is stated in the Constitution and based on international law for the purpose of protecting the linguistic rights and the culture of the autonomous Swedish-speaking territory.

The representation of the Sámi in the Parliament was last examined by the committee for the revision of the election acts in 1989. The committee examined three alternatives: 1) a seat in the Parliament for the Sámi based on a quota, 2) having a Sámi representative who would have a right to be present and to speak, 3) hearing the Sámi in the Parliament. Due to the problems attached to the first two alternatives, the committee considered alternative 3) the best solution since hearing the Sámi in the Parliament could be done without selecting a specific representative for them.

The current procedure, according to which the Sámi are heard in the Parliament with regard to a Government Bill or another matter concerning them, was implemented on the basis of the Committee's proposal in 1991. According to article 37 of the Rules of Procedure of the Parliament, hearing the Sámi is done in the context of the preparation of a matter by a committee, because at this stage it is still possible to influence the subject matter of the proposal.

20. Please provide updated information on progress made by the State party in addressing the situation of legal uncertainty regarding ownership and land use in the Sámi Homeland, and indicate what provisional measures have been adopted to ensure that the current practices relating to land use do not threaten the maintenance and development of Sámi's traditional culture and way of life, in particular reindeer herding. Has the bill referred to in paragraph 79 of the report been submitted to the Parliament? What is the current status of the inter-ministerial procedure for ratification of ILO Convention No. 169? (CERD/C/FIN/19, paras. 76-80)

Finland has made efforts for a long time to solve the question of Sámi land rights by way of legislation, but without success. The objective has been to reach a balanced solution that would comply with Finland's international obligations and ensure that not only the Sámi but also the other inhabitants can influence the way of arranging the use of their living areas. In

some places Sámi people and other inhabitants have lived as neighbours and carried on the same means of livelihood throughout centuries. However, the question has proved to be very complex and difficult.

The Finnish Government appointed after the 2007 parliamentary elections is committed to ensuring the right of the Sámi to maintain and develop their language and culture based on their self-government prescribed by the Constitution. In relation to this, the Ministry of Justice has negotiated first with the Ministry of Agriculture and Forestry and, later, with the said Ministry and the Sámi Parliament on the establishment of a new preparatory body in charge of reaching a solution for the land use right issue in the Sámi Homeland. The negotiations are still on-going.

21. Please provide further information, included recent statistical data, on the effectiveness of the measures adopted by the State party to ensure the equal and effective enjoyment by Roma of their rights under article 5 (e) of the Convention. Does the State party consider adopting a comprehensive programme to eliminate the widespread prejudice and persistent discriminatory practices faced by persons belonging to the Roma community in the fields of employment, housing, education and access to health care, social assistance and public services? (CERD/C/FIN/19, paras. 104-105, 156-161, 177-178, 191-192 and 195-198)

In Finland, statistics cannot be collected on ethnic origin for reasons related to the protection of sensitive personal data. However, in addition to surveying experiences related to equality in housing, two recent studies concerning the Roma have been conducted, one of them relating to employment and the other to the situation of the elderly population and their experiences in receiving services. The information on the situation of the Roma in basic education was mainly collected as early as in 2002, but published later. According to the report on their employment situation, young Roma find themselves in a particularly difficult situation. A considerable number of employers have prejudices that represent a barrier to the employment of Roma people. There are, however, other factors that contribute to these obstacles, as well, such as insufficient education and work experience.

The preparation of the first Roma Policy Programme of the Government has started in a broad-sectoral working group, half of the members representing the Roma population. The first stage of the programme is due to be completed in June 2009. The key objectives of the programme are related to increasing equality in respect of the Roma and their participation. The working group will draft recommendations for measures to be included in the programme for each relevant administrative sector. The group will also make proposals for possible research needed and provide information regularly to the Advisory Board and key Roma organisations on the status of the preparation of the programme. Further, it will hear relevant interest groups and organise consultation events.

The employment and economy administration has a network of contact persons in Roma affairs in Employment and Economic Development Centres and Employment Offices. In cooperation with the Ministry of Employment and the Economy and the Advisory Board for Ethnic Relations, a conference is scheduled to be organised for the network in 2009.

The access of the Roma to employment and occupation has been promoted by specific projects (funded for example by the ESF/Equal Initiative), which have built capacity for

access to employment among Roma communities as well as shared information on equal opportunities for all.

A study on the theme "The Roma: a long road to the labour market " commissioned by the Ministry of Employment and the Economy was published in autumn 2008. The objective was to provide an overall picture of the Roma as clients of the labour administration, their situation on the labour market, their possibilities to be employed, their level of unemployment and barriers to their employment. According to the study, the Romani encounter multiple barriers to employment. The most essential reasons include a low level of education, professional training and work experience gained. Also the lack of suitable jobs, the special features of the Roma culture and their own attitudes, as well as deeply rooted prejudice stand in the way of their employment.

According to the study, only a small minority of the Roma population are covered by intensified employment service efforts. Improving the situation of the Roma would call for parallel measures in several administrative sectors, as well as a capacity on the part of the Roma to become integrated into the national educational system and work life. The policy programme regarding the Roma under preparation could build a foundation for a comprehensive development work in the field. In addition, a dialogue between the different administrative sectors is also called for.

In autumn 2008, the Ministry of Education announced a special state subsidy for the period of 2009-2010 granted to municipalities by application for supporting the basic education of Roma children. The subsidy is intended for new municipalities which are not yet involved in the Roma children's basic education development programme launched in the spring 2008. The goal of these activities is to provide support for Roma children in basic education.

The education of Roma children should, according to the national core curricula, take into consideration the status of the Finnish Roma as an ethnic and cultural minority. Along with the social integration of the Roma and new legislation on the rights of minorities, questions related to education and the preservation of unique linguistic and cultural heritage should always be taken into account in basic education as well. Teaching Roma children their own language should promote the formation of a two-culture identity and improve the quality of their schooling.

The purpose of the activities supported by the state special subsidy is to implement the set of values on which national education is grounded by the national core curricula, to provide support for Roma children in basic education taking into account the linguistic and cultural aspects, and to integrate developed modes of operation. In order to realise these objectives, schools or municipalities are to draw up a plan for measures providing support for Roma children in basic education. These measures are then to be integrated into the daily routines of the school. The school community can also co-operate, for example, with the various organisations in the field of Roma culture.

22. Please provide detailed information on the progress made, and difficulties encountered, by the State party in implementing the various legislative and policy measures aimed at increasing professional training and employment opportunities for non-citizens and persons belonging to ethnic or national minorities. In particular, please describe what measures the State party has adopted to improve employers'

attitude towards persons belonging to minority groups, and to eliminate – as recommended by the Ombudsman for Minorities –those unnecessary barriers that currently limit their access to the labour market. (CERD/C/FIN/19, paras. 153-155 and 162-164)

The Government has, together with labour market parties and organisations representing minorities, launched several programmes with the objective of improving the attitudes of employers and working communities towards minorities. Diversity in Employment programme was fulfilled under the 2007 European Year of Equal Opportunities for All. The programme included, for example, regional seminars for employers and shop stewards, diversity management training for companies, training material for the use of employer and employee training centres, awards, guides etc. The events of the thematic year were coordinated in Finland by the Ministry of Labour.

The Ministry of the Interior has played a central role in a project entitled Discrimination - Free Zone, in which working places can declare themselves discrimination-free zones on the Internet. For example, a working place can be equipped with particular non-discrimination "traffic signs". Companies, sports clubs and other associations, as well as ministries are involved in the project.

The Internal Security Programme contains special measures for removing obstacles to employing persons with an immigrant background as public officials.

National Awareness-raising Campaign “YES – Equality is Priority”, co-funded by the EU PROGRESS Programme, includes activities implemented by the Ministry of Employment and the Economy and focusing on new forms of positive action to be developed and tested in the fields of employment and entrepreneurship. Activities to be implemented during 2008-2009 consist of, for example training of workplace consultants among local employment and enterprise offices to address equality, non-discrimination and diversity issues, including ethnic origin, religion, age, disability and sexual orientation. A training course for teachers/trainers of the educational institutions of Finnish trade unions will also be implemented, in order to mainstream equality, non-discrimination and diversity management issues to the curricula of shop stewards and trustees and to provide support and advisory services for the fellow workers, who have been discriminated against at the workplace. A related guidebook will be prepared and disseminated for the use of trade unions. Another material package on the existing guidebooks and other materials targeted both at employers and employees/work communities on recruitment and orientation of new employees with minority background will be gathered and complemented with new material on making work related arrangements and adoptions of work conditions and environment.

The purpose of the education centre situated in the Sámi Homeland is to provide education and training corresponding principally to needs existing in the Homeland area, to preserve and develop the Sámi culture and its natural livelihoods as well as to promote the production of Sámi-language educational material. In addition to basic degrees offered, the education centre trains annually hundreds of adults living in the Sámi Homeland by offering them various intensified courses.

Education and training opportunities for the Roma after basic education will be improved in cooperation by two providers of professional education and training. The Helsinki Deaconess Institute is founding a Roma education centre in cooperation with the Church

Training College in Finland. These two organisations, which have extensive experience of providing education to the Roma, can provide the Roma with professional basic education and training, different types of courses preparing them for professional basic education and training, complementary professional education and general educational services. The Roma also have the possibility of resuming and completing their incomplete basic education. The Ministry of Education has supported the project by increasing the number of students admitted in professional education and training based on this educational project.

By increasing the total annual number of students admitted in professional basic education and training from the beginning of 2008 and 2009, it has been possible in part to address the needs of immigrants' for professional basic education and training as well as the preparatory schooling. The number of schools providing courses for immigrants preparing them for basic professional education and training has been increased.

A study commissioned by the Ministry of Education is being conducted on the reasons of why immigrants drop out of basic professional education and training. The study will be completed by 31 December 2009. The objective of the study is to survey the main reasons for why students with an immigrant background drop out of basic professional education and training, as well as propose for measures by the implementation of which the drop out rate in professional education and training would decrease.

23. Please provide more detailed information on the measures adopted by the State party to improve provision of mother-tongue education and teaching in Finnish as a second language for children belonging to linguistic minorities, including Russian mother-tongue students and Sami children educated outside Sámi Homeland. Please provide recent statistical data, disaggregated by age and language spoken, on the number of students who have access to education in their minority languages as well as to teaching of Finnish as a second language. (CERD/C/FIN/19, paras. 187-190 and 238)

It is necessary to support an immigrant pupil's skills in his mother tongue, so that the language skills are preserved and improved and pupils become fully bilingual. According to international studies, teaching of mother tongue is a key precondition for an immigrant to become integrated into a new society. It has been established that teaching of mother tongue makes immigrant children's identity stronger, improves their learning results and decreases any socially deviating behaviour and crime.

The teaching of mother tongue provided for immigrants is currently not regarded as regular mother tongue and literature teaching as prescribed by the Basic Education Act. Instead, it is grouped as being additional to the regular basic education. A recommendation concerning the mother tongue teaching curriculum for immigrants has been appended to the national core curricula. Providers of education can obtain a special State subsidy for 2, 5 lessons per week per teaching group for the purpose of helping immigrant pupils maintain their mother tongue skills. At the beginning of the semester, such a group must consist of at least four pupils from either pre-primary, elementary or different levels of high school education. Pupils can also come from different municipalities or from private or public schools. Since providing immigrants teaching in their own mother tongue is no more than a recommendation, educational institutions are not obligated to provide such teaching.

In 2006, more than 11 000 pupils studied their own mother tongue at school. Teaching is provided in app. 150 languages. Outside the Sámi Homeland, the amount of Sámi language

teaching provided within the framework of the special state allocation has increased to some extent in recent years.

Legislation on the teaching of mother tongue provided to pupils speaking a foreign language, the teaching of the Roma language and the teaching of the Sámi language provided to pupils living outside the Sámi Homeland was amended in 2007. Among other things, the weekly number of lessons was increased from 2 to 2,5 lessons per week.

Article 6

24. Please provide updated information, including recent statistical data, on the number and outcome of civil and administrative cases concerning the alleged violation of the Non-discrimination Act (21/2004) or the Provincial Act on the prevention of discrimination in the Province of Åland, as well as on the compensation awarded to victims of discrimination. (CERD/C/FIN/19, paras. 24-27 and 211-220)

Since the establishment of the Non-Discrimination Tribunal, it has issued, by virtue of Section 13 of the Non-Discrimination Act, prohibitory decisions complemented with a conditional fine to enforce compliance as follows:

Tribunal of Non-Discrimination	prohibitory decision	conditional fine
2004	0	0
2005	1	0
2006	3	0
2007	4	4
2008	2	2
Total	10	6

The conditional fines imposed by the Non-Discrimination Tribunal have been in the amount of 200 - 7 000 €

According to a study conducted by the University of Joensuu, compensation in accordance with Section 9 of the Non-Discrimination Act has been applied for in every sixth discrimination case in which requesting such compensation was possible. In other cases, the victims of discrimination have generally requested and received damages for suffering under the Tort Liability Act. There are no precise statistical data on the amounts of compensations ordered to be paid, but according to the information provided by the Ministry of the Interior, a typical compensation for work discrimination would be 5 000 Euros.

Article 7

25. Please provide information on specific training programmes and courses, if any, for members of the judiciary, law enforcement officials, teachers, social workers and other public officials on the provisions of the Convention and their application. (CERD/C/FIN/19, paras. 253-255)

Special programmes for identifying and preventing discrimination have been developed and tested for the use of teachers (in teacher training and complementary teacher training), for students studying to become police officers, and the permanent personnel of the Army. Training events targeted at prosecutors, judges and lawyers have been carried out through EU programmes. The personnel in the sector of social welfare and health and the police have been provided with guides containing instructions for the identification of instances of discrimination and for reducing the threshold of reporting suspicions of discrimination to the police.

A large number of personnel in the sectors of health care, labour administration and education have been trained by various local projects, in which the training has been provided by representatives of the various groups of minorities.

According to the national core curricula, education is based on values such as the human rights, equality, democracy and the acceptance of the multicultural nature of society. Basic education promotes a sense of community and the respect of the rights and freedoms of the individual. Education aims at supporting the development of the multi-cultural identity of immigrant pupils, their partaking in the Finnish society and the world, which is becoming more and more global, while promoting tolerance and intercultural understanding.

A nation-wide project for the promotion of multicultural skills was launched in basic and high school education in Finland in 2007. The project will be pursued in 2009. The goal of the activities consists in the development of multicultural skills in pre-primary, basic and high school education. Multicultural skills (containing features from several cultures) refer, in this development project, to the skills of both immigrants and the main population to encounter persons belonging to different linguistic and cultural groups. The objective is to support the realisation of the values set in the national core curricula, the development and integration of multicultural skills in the school community. To implement the goal, schools or municipalities are to draw up a development plan of multicultural skills, the measures of which will be integrated into the daily routines of the school.

Please see also, what has been said above concerning the training of public officials under question 22.

26. Please provide additional information on the effectiveness of the measures taken by the State party in the field of education to address racist bullying and harassment in schools against pupils belonging to ethnic or national minorities, in particular Roma and Russian-speaking children, and to ensure that school curricula and textbooks for primary and secondary schools contain sufficient information on the history and culture of the different ethnic groups present in the territory of the State party. (CERD/C/FIN/19, paras. 85-92 and 233-234)

In the framework of a national anti-discrimination campaign, a guide for teachers was drafted in cooperation with personnel in the sector of education and different non-governmental organisations representing minorities (including immigrant and Roma organisations) with a view of enabling them to identify, interfere with and prevent discrimination. The guide has been extensively distributed for the use of schools. The guide also contains practical examples and descriptions of events that have taken place.

In 2008, in the framework of the campaign, an Internet-based teaching material package about the Sámi people, their history and culture as an indigenous people living in Finland was produced in cooperation with the Sámi Parliament and the Sámi Educational Centre. The material is directed to all comprehensive schools. This year, a study will be conducted on equality and the implications of transferring pupils with an immigrant background, belonging to the Roma community or with disabilities, to special needs education.

The National Board of Education has developed new methods for preventing bullying at school. The results have, according to a study carried out for their monitoring, been good in schools that have participated in the testing of the methods. The methods are currently being further disseminated.

In 2003, the Basic Education Act, the Act on General Upper Secondary Education and the Act on Professional Education and Training were supplemented by provisions, which obligate providers of education to draw up a plan, in conjunction to drawing up the curricula, to protect pupils from violence, bullying and harassment, to implement the plan and to monitor its observance and realisation.

KiVa Koulu is a programme financed by the Ministry of Education developed to reduce and prevent bullying at schools. The programme launched on 1 September 2006 was developed by the Department of Psychology and the Centre for Learning Research of the University of Turku. The gradual nationwide adoption of the KiVa Koulu programme will be launched starting from autumn 2009. The programme consists of different measures for preventing bullying and means of intervening effectively in incidences of bullying. As part of the programme, various materials on the programme are produced for schools and homes. The measures described in the material can be applied to individual pupils or to entire classes and schools. The development of the programme advances step by step. In total, during 2006 - 2009 more than 30 000 children and adolescents across Finland will participate in the development of the KiVa Koulu programme.

27. Please provide additional information on the measures adopted by the State party to preserve and promote minority languages and to ensure the right of persons belonging to linguistic minorities to enjoy their cultures, in particular through support to radio and television broadcasting in minority languages. (CERD/C/FIN/19, paras. 250-252)

According to the Section 17 of the Constitution of Finland, the Sámi, as an indigenous people, as well as the Roma and other ethnic groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sámi to use the Sámi language in dealing with the authorities are laid down by an Act. According to the Constitution, the rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act as well.

According to Section 45 of the Finnish Copyright Act of 1961 (rights of a performing artist) a performance of a literary or artistic work or a folk heritage shall not be fixed in a medium or made available to the public by means of radio or television or by direct communication, without the consent of the performing artist. A fixation of a performance is protected 50 years from the year the performance took place. The law protects the performer against unauthorized reproduction and subsequent distribution of the fixation, public performance

and communication to the public by wire or wireless means, including communication to the public on demand.

Finland has also had a special interest in promoting the protection of traditional cultural expressions (TCE/folklore) of indigenous people within the World Intellectual Property Organisation, WIPO. However, since the EU has in the past years been co-ordinating the positions on this question, Finland has been adhering to the views of the Community.

The Ministry of Education has granted subsidies to media, television and film education projects for Sámi children. Part of the support has been targeted to TV and radio programmes. Since 2006, the annual support provided has been around 20 000 Euros. The public service broadcasting company YLE distributes weekly a children's programme in Sámi produced on a national scale. The production is granted by means of the above mentioned governmental support and the programme is subtitled in Finnish.

Since 2003 the Ministry of Education has also granted subsidies to the production of DVDs in sign language. The support has been around 10 000 Euros annually and mainly focusing to children's films.

The Ministry of Education has granted annual subsidies to the Sámi Language Library in Rovaniemi. In 2008, the support was 61 000 Euros. The Sámi Language Library is a part of the Regional Library of Lapland. The Ministry of Education also grants annual subsidies to The Multilingual Library, which is run by the Helsinki City Library and is especially designed for the needs of immigrants and offers its services to all immigrants. The support was 120 000 Euros in the year 2008. The Multilingual Library provides its services for all the public libraries in Finland.

The Ministry of Education promotes cultural supply for Sámi children by organizing at the Cultural Centre of Sámi children activities with connection to traditional hand-craftsmanship, production of cultural content and art education. The Ministry also supports developing and teaching of Sámi music at the Sámi music of Centre.

The Ministry of Education grants also subsidies to support multiculturalism and anti-racist work. For the year 2008, 400,000 Euros were budgeted for this purpose, and the Ministry granted subsidies on the basis of applications. The 2009 state budget contains an appropriation of 500,000 Euros, which is budgeted for this purpose, 100 000 Euros of which will be allocated by the Arts Council of Finland to art projects promoting multiculturalism in Finland. In 2006, the Ministry of Education prepared a programme on Access to Art and Culture for All for the years 2006-2010. The programme aims, in particular, to strengthen the cultural rights of linguistic and cultural minorities and the minority with persons with disabilities. A committee will be appointed for the period 2009-2011 to explore ways to improve access to art and culture.