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**Committee on the Elimination of Racial Discrimination****Reports submitted by State parties under the article 9 of the Convention****Addendum****Information received from the Government of Finland on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/FIN/CO/19)\***

[17 December 2010]

**A. Introduction**

1. On 25 and 26 February 2009, Finland appeared before the Committee on the Elimination of Racial Discrimination for the review of its combined seventeenth to nineteenth report on the International Convention on the Elimination of All Forms of Racial Discrimination. In its concluding observations following the review, the Committee asked Finland to submit, within one year, information with respect to three of its recommendations contained in paragraphs 14, 16 and 19 of its concluding observations (CERD/C/FIN/CO/19). The Committee subsequently requested additional information, which is also provided herein.

**B. Paragraph 14\*\***

2. International Labour Organization (ILO) Convention No. 169 on indigenous and tribal peoples requires that a State party adopt special measures to safeguard the culture and language and the social and economic position of indigenous peoples. It has been regarded that the Finnish legislation does not comply with the provisions of the Convention, mainly when it comes down to the land rights of the Sámi.

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Paragraph numbers mentioned in the present document refer to the Committee's concluding observations published under symbol (CERD/C/FIN/CO/19)

3. Finland has, for a long time, tried to settle the rights of the Sámi to the regions traditionally used by them in a manner acceptable to all parties, 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 the use of their living areas is arranged.

4. The Finnish Government, appointed after the parliamentary elections of 2007, is committed to ensuring the right of the Sámi to maintain and develop their language and culture based on their self-government as provided for in the Constitution. There have been negotiations within the Government on a framework for further legislative work concerning the development of the indigenous rights of the Sámi. The aim has been to examine whether the proposals made in the course of the years be used as a basis for administering State-owned land areas in the Sámi Homeland and for supporting traditional sources of the Sámi livelihood, or whether different approach is necessary. The complexity of the issue has had its influence on this work, too; the work has not yet been completed.

5. The so-called study on land rights in Upper Lapland is an extensive academic study carried out by a group of researchers designated by the University of Oulu and the University of Lapland, on the basis of archives. The study consists of four separate studies and their conclusion (amounting to a total of 1,450 pages).

6. The studies are independent entities providing considerable information on the history of population, agglomerations, means of living, the Crown policy applied to Lapland, taxation and use of land and water, starting from the sixteenth century and extending to the beginning of the twentieth century, in those historical contexts and legal frameworks where the questions of land rights have emerged.

7. The results of the studies did not provide explicit answers on the basis of which the Sámi land rights could be resolved.

8. Although the questions of Sámi land rights have proved to be complex and difficult, they have not prevented the improvement of the participation of the Sámi in decision-making by means of other legislation. For example, at the end of 2009, a Government Bill (HE 273/2009) for the enactment of a new Mining Act and, in January 2010, a Government Bill (HE 277/2009) for the enactment of a new Water Act were submitted to Parliament. Both legislative proposals contain provisions strengthening the participating rights of the Sámi as an indigenous people. In addition, the Sámi would be given the right to appeal against decisions made under the new Acts, where their rights have not been sufficiently taken into account in the procedures authorizing the activities provided for in the Acts.

### **C. Paragraph 16**

9. A working group set up by the Ministry of Justice proposes in its report given in January 2010 that Finland ratify Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (CETS 189) and make the necessary amendments to national legislation in accordance with the requirements of the protocol.

10. The Protocol criminalizes racist and xenophobic acts committed through information systems. The aforementioned working group further proposes that, at the same time, the necessary legislative amendments be made to take into account the requirements of Council Framework Decision 2008/913/JHA of 28 November 2008, of the European Union, on combating certain forms and expressions of racism and xenophobia by means of criminal law. The Government intends to submit the Bill to the Parliament after all the opinions on the report of the working group have been received.

## **1. Police and the Internet**

11. The Ministry of the Interior set up a working group in 2007 to prepare a proposal on how to organize online investigations in connection with the reform of the police administration. The working group gave its report on 16 December 2008. On the basis of the report, the basic and special training in investigation by means of information technology has been improved. The police have been provided with project funding for the purpose of developing online investigation. The police have taken measures to increase online monitoring and surveillance and to enhance controls of website contents by the service providers themselves in cooperation with the relevant actors. Cooperation has been strengthened e.g. with the Finnish Federation for Communications and Teleinformatics (FiCom) for the purpose of developing a centralized service system for the purpose of reporting cybercrime.

12. The centralized service system is one of the measures discussed in the Internal Security Programme adopted by the Government in 2008. Through the system, individual citizens, companies and organizations will be able to easily report actual or suspected cybercrimes, threats against information networks or other suspicious material.

13. The Ministry of the Interior provides funding for the National Bureau of Investigation, the National Security Police and the Helsinki Police Department, which amounted to EUR 881,000 in 2009. This amount was used to recruit 10 persons of whom 7 were placed with the National Bureau of Investigation, 2 with the National Security Police and 1 with the Helsinki Police Department. With the help of the new officers, the National Bureau of Investigation has been able to increase online surveillance and to develop the methods used for that purpose. The National Security Police has also developed its online surveillance to follow the activities of persons and organizations threatening internal security and those involved in terrorist activities. The Helsinki Police Department has used the resource to increase general online monitoring and surveillance, addressing particularly online debates.

## **2. Online monitoring and surveillance by the police**

14. Online monitoring and surveillance means general monitoring of different types of criminal phenomena, to follow the situation. Apart from cybercrime as a type of crime, monitoring and surveillance may focus e.g. on the selling of stolen items, trafficking in human beings and prostitution, racism, hidden economic crime, narcotics offences, terrorist activities and illegal immigration.

## **3. Virtual police activities**

15. The work of the police is generally understood to include street patrolling, for example, but due to the increased use of online services it has become necessary for the police to also be present online. The presence of the police makes it possible for users to easily contact the police through the media they are familiar with. In addition, the visibility of the police online is presumed to have a calming effect in the same way as it has on the streets.

16. In March 2010, the police introduced a centralized online service through which other online service providers and users may report to the police suspected offences or preparation of offences they have observed on the internet, including racist offences and xenophobia.

17. In addition the service system includes information and materials essential for preventing cybercrime and limiting its damages. A manual for victims of cybercrime will be drawn up to promote reporting and to ensure efficient investigation.

#### **4. Challenges imposed by the use of the Internet**

18. It cannot be excluded that visible presence of the police on the Internet may also lead to the transfer of suspicious materials to private and closed forums, to which only a limited group of persons has access. Furthermore, real-time presence is only possible on a limited number of public forums, due to the practically unlimited amount of information and the open nature of the internet.

19. Suppression of Internet-related offences is subject to nearly the same type of challenges as the suppression of any cybercrime. The amount of material that can be uploaded on the Internet is huge and it is impossible to control it by measures of authorities alone. The responsibility of service providers maintaining website as well as the increased reporting of offences by users of the internet play an important role in the suppression of cybercrime. The aforementioned centralized online service is meant to increase the reporting activity.

20. The Finnish legislation allows interference, where necessary, with illegal materials placed on Finnish servers or spread by means of a home computer. However, the global nature of the Internet and the differences between the legislations of countries imposes challenges on such interference. For example, a message containing racist elements may be located on a foreign server, in which case its removal or the investigation of the related offence is challenging or even impossible. Requests for judicial assistance may be submitted to foreign authorities in respect of foreign servers, but the success with such requests depends on the case and the State. States may have differing views on what is allowed and what is considered criminal activity, including the time-frame. Due to the large number of internet users, illegal materials may spread in a short time so widely that it may be impossible to remove the materials entirely.

21. Because of the global nature of the internet and the national character of the provisions on the competence of authorities, it is not always possible to respond to such materials or phenomena on the internet as fulfil the elements of an offence. This makes criminal justice challenging and requires international cooperation.

#### **5. Measures by other actors**

22. The European Commission provides funding, through Safer Internet programmes, for networks and national projects aiming at safer use of the internet by children. The Finnish Internet Awareness and Safety (FIAS) is a two-year project launched in Finland (for the years 2008 to 2010), involving Save the Children, the Mannerheim League for Child Welfare and the Finnish Communications Regulatory Authority. The project is coordinated by the Mannerheim League for Child Welfare. The project aims at enhancing interference with illegal materials and harmful activities on the internet and at safer use of the internet by children, as well as at increasing awareness and knowledge.

23. In the same way as in most other European countries, the Safer Internet project in Finland consists of three main elements: a Hotline service coordinated by Save the Children aiming at the removal of harmful pages at their origin as soon as possible; a Helpline coordinated by the Mannerheim League for Child Welfare, which is a phone service for children and young persons in the event of problems faced on the internet; a Safer Internet Day coordinated by the Finnish Communications Regulatory Authority to raise awareness.

24. Within the framework of the Safer Internet project, both the aforementioned child welfare organizations actively raise awareness, provide training for different target groups and offer support and presence of adults in the social media. The Finnish Communications Regulatory Authority is responsible for organizing the Safer Internet Day as part of European cooperation. The national project benefits from the best practices outlined within the framework of the European networks of cooperation.

## 6. Assessment of implementation

25. In the report of the investigators of the school shooting incident in Jokela (publication of the Ministry of Justice No 2009:2), it is concluded that the shooter found the model for his behaviour from the Internet, including the possibility to adopt the motives of earlier shootings and to find like-minded persons to develop his ideas. According to the report, the internet played a role both in the preparation of the criminal act and in its commission, and had a significant impact on the criminal act in general.

26. After another school shooting in Kauhajoki, the group of ministers responsible for internal security decided to strengthen the measures outlined in the Internal Security Programme particularly for the suppression of cybercrime and risks related to the use of the internet. On the basis of that decision, several measures were further developed and the schedule for their implementation was made tighter. It is important to continue determined action for the prevention of similar incidents in the future and to further develop cooperation among the relevant actors.

## D. Paragraph 19

27. Government Bill on the new Act on the Integration of Immigrants was submitted to Parliament in October 2010. In the reform of this Act, changes in the structure of immigration and the operating environment will be taken into consideration. The objective is to expand the scope of application of the Act to all persons who have residence permit or right of residence in Finland, irrespective of the grounds for entering the country.

28. New and innovative ways of employing immigrants and supporting their integration is being explored in the context of a pilot programme. The special situation of Helsinki Metropolitan Area will be also taken into consideration by implementing a letter of intent drawn up between the State and the municipalities in the capital area (2010–2012) prepared as part of the Government's Metropolitan Policy Programme.

29. The goal of this agreement is to speed up employment and to develop initial stage guidance and advisory services supporting this as well as to ensure a more close-knit cooperation between local level actors. Quick access to employment will be promoted also by developing the service processes in the employment and economic development offices.

30. The Minority Ombudsman has undertaken, within the framework of the project Equality is Priority, to create a regional advisory network against discrimination together with organizations representing immigrants, Roma and other minorities. The Minority Ombudsman also provides training for regional organizations and authorities.

31. The Ministry of the Interior has introduced a project to combat discrimination and racism against persons belonging to visible minorities (particularly persons of African origin). Within the framework of this project, targeted training is provided for immigrants, including internships at ministries and central agencies. The objective is to reduce the under-representation of visible minorities in state administration and to increase acceptance of cultural diversity within the administration.

32. In 2009, members of trade unions and shop stewards were provided with training on discrimination related issues and an Equality Handbook was produced for workplaces. The Handbook is meant for both the employers and the employees. For shop stewards, it also serves as a tool for counseling on discrimination at workplaces. This year, the diversity practices in big enterprises operating in Finland are being assessed, and methods will be developed for transforming them into public-sector workplaces, e.g. in the field of health care.

33. As a part of the system on monitoring on discrimination, a study on the action taken by regional occupational safety and health administration was carried out. The results of this study were published in February 2010 and they were widely reported on the national and regional media.

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