

National Analytical Study on Racist Violence and Crime

RAXEN Focal Point for FINLAND

IHMISOIKEUSLIITTO RY –
FINNISH LEAGUE FOR HUMAN RIGHTS
FÖRBUNDET FÖR MÄNSKLIGA RÄTTIGHETER RF

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EXECUTIVE SUMMARY

This study is based on administrative documents, legislation, and existing research and analysis. The aim is to sketch the present and upcoming legislation, find out possible tendencies in immigration and minority issues, and evaluate the position of immigrants and ethnic minorities. Lobbying campaigns and potential measures that could be used to improve the situation of immigrants are presented. In addition, a few court cases and surveys dealing with racial violence/discrimination are described. Finally, conclusions and recommendations are given.

Immigration and minority issues are quite recent topics in Finland. Compared to other EU countries, the proportion of immigrants to natural born citizens is very low. At the end of 2002, the number of foreigners living in Finland was roughly 103,000, or approximately 2% of the population. Of these, the largest national groups were Russians, Estonians, Swedes, and Somalians.

As for other ethnic groups, Finland is home to an indigenous population, known as the Sami, and other traditional minorities, such as the Roma, Tatars, Jews, and a long-established Russian population.

Current anti-discrimination legislation covers all ethnic and religious grounds. The Constitution lays down fundamental rules on non-discrimination and equality. Section 6 of the Constitution remarks that discrimination shall not be tolerated. Moreover, Section 17 of the Constitution guarantees that the Sami, Roma, and other minorities have the right to develop and maintain their language and culture.

The Constitution sets out a general framework that places an obligation upon the Parliament and the authorities not to enact legislation that is discriminatory in nature. Although constitutional provisions can be interpreted in many ways, subsidiary legal norms have to be interpreted in a way that best fulfills the fundamental rights enshrined in the Constitution.

According to the Penal Code (*rikoslaki*, from 1889; amended 21.4.1995/578), incitement towards an ethnic group is prohibited. Chapter 11, Section 8 of the Penal Code explicitly criminalizes hate speech. However, wearing neo-nazi symbols is not considered a crime. The Penal Code also contains a provision that criminalizes discrimination *inter alia* on the basis of ethnic origin, race, and religion in Chapter 11, Section 9. There is also a similar prohibition concerning labor discrimination.

For data on racial violence and discrimination one can point out the police statistics. During the period 2000-2003, the Ministry of the Interior has published four reports dealing with crimes reported to the police. Crimes targeted at foreigners or people with ethnic background or their family members were collected. After this, crimes that could be classified as having a racist motive were searched for. The statistics for a particular year are made available in a report the following year.

The most recent report concerning the statistics for the year 2002, was released in October 2003. According to this report, which is based on the crimes informed to the police, there were 364 racist crimes in 2002. Concerning the racially motivated crimes,

typical crimes were physical violence (including attempts), which made up 38 per cent of all cases. Mental violence, including defamation and menace, made up 24 per cent of all cases. Damage and other related disturbance also formed a significant part of the crimes (18 per cent). The most typical damage was made against a car, with damage against restaurants owned by foreigners also being very common.

In 48 per cent of the cases the aggressor was unknown. Most of the racist crimes were committed in public places (36 per cent on streets, 12 per cent in parks). 12 per cent of the racist crimes took place in the victim's home. Most racist crimes were committed at night (36 per cent) and in the evening (21 per cent).

According to the police statistics, most perpetrators were young men, with 43 per cent of all suspects being of the age group 15-24. 90 per cent of the suspects were males. A typical victim was a Somalian male. Among the victims, only 25 per cent were females. Most of the suspected crimes (59 per cent) were committed in Southern Finland – where the majority of immigrants live. There were no indications about strong organised anti-Semitic or Islamophobic sentiments within the population, although prejudices about Islam certainly exist.

Concerning victim surveys, a comprehensive survey was published in the spring of 2002. The survey "Racism and Discrimination in Finland" (*Rasismi ja syrjintä Suomessa*, by Jasinskaja-Lahti, Liebkind, and Vesala) was the largest ever carried out in Finland. Even by international standards, it is quite a unique study, because it covers the whole nation. The survey contains many interesting, though not unexpected, findings.

According to the study 43 per cent of immigrants felt that they had been insulted or harassed because of their ethnic background, and 26 per cent of immigrants had been harassed by their neighbours. Moreover, one third of immigrants had been victims of a racist act in the past year. Half of these acts were insults, and just under one fifth were threats. Broadly, the most vulnerable groups for racial violence are young Somalian and Turkish men - and people whose appearance is similar. They are at a higher risk of being victims of racial violence than any other immigrant or ethnic minority group. Concerning other forms of discrimination, Somalians and Turkish men face more daily discrimination than the average immigrant group. However, there are no substantial differences among different ethnic groups (if we exclude those from Western countries). As for traditional minorities in Finland, the Roma face quite often discrimination. For instance, their access to restaurants is frequently denied.

There have only been a few court cases over the years concerning ethnic agitation and discrimination. It is evident that the threshold for court proceedings is very high among immigrants. According to several studies, most racist crimes go unreported. It seems that the current anti-discrimination legislation does not work. Taking into account what a wide-spread phenomenon racial discrimination is, what is extremely worrying is not only that a proportionally large number cases are dismissed, but that there are rarely any cases in courts.

Racist violence is a highly complex form of interaction which cannot be reduced merely to violence carried out for specific ideological motives. It is a characteristic of the phenomenon as such that the motivations are mixed, and that both the violent acts and the responses to them involve several dimensions. Not only the immediate perpetrators and

victims, but also racist and antiracist groups, the media, the police, the legal system, state and local authorities, and others are involved in the struggle over at least six different clusters of values: ideology and immigration policies, identity, scarce resources, sexuality, territory, and security. Several, but not necessarily all, of these dimensions are usually involved in connection with specific incidents.

The increase and decrease in racial violence and discrimination are influenced by a number of different factors working in combination. These factors include, along with unemployment and immigration rates, the political climate and discourse regarding immigrants, the activities of anti-immigrant organisations and activists, the media coverage of incidents of xenophobic violence, and, importantly, the responses to such violence by political authorities, the police, the legal system, and by individuals, groups and institutions in the local community.

Despite the improvements in monitoring racial violence and crimes, the Finnish League for Human Rights encourages the government to continue developing the monitoring system to help produce more relevant statistics.

Finnish League for Human Rights would like to stress the importance of victim studies. The government should allocate adequate funding regularly. The study of Jasinskaja-Lahti, Liebkind, and Vesala was a milestone, but follow-ups are necessary to map out tendencies. At present, there have been no systematic follow-ups in this field.

More emphasis should also be placed on multiple discrimination. Special attention should be paid to the situation of immigrant and minority women. Violence against women is a serious issue. However, there have been no studies dealing specifically with violence against immigrant and other women with ethnic background carried out. Therefore, there is an urgent need for such studies. In addition, more attention should be paid to the social evil of trafficking of women.

According to a study, the police and border officials have shown rather negative attitudes towards immigrants. Therefore, more cultural and tolerance education in the training of police and border officials should be provided. As their first contact with an official, an immigrant usually meets border officials and the police. It is essential that these officials have more neutral attitudes towards immigrants and traditional minorities. Further, the police should place more effort on taking reports dealing with racial crimes and discrimination seriously.

When their rights are violated, immigrants are not always aware of these or who they should contact. Therefore, there is a great need for establishing a nationwide support and legal advice network for immigrants. This could be carried out by governmental and municipal officials.

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DEFINITIONS

According to the EU race directive discrimination is “direct” and “indirect”. Direct discrimination occurs “where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin” (Council Directive 2000/43/EC). This includes the systematic denial of certain rights and privileges from members of a particular group, as a matter of policy or intent. Discrimination is also rejection, which may not be always criminalized. Discrimination is justified by direct reference to the individual/group characteristic, on which discrimination is based.

Indirect discrimination occurs, according to the directive, “where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary” (Council Directive 2000/43/EC). This includes practices that effectively exclude members of certain groups by putting them at a disadvantage, even though there may be no obvious intent to do so.¹

Racism could be defined as the disapprovable separation of people, which is based on their individual differences, and other action, which sets people in unequal positions without acceptable grounds. In legal terms, the definition of racism can be referred to the above-mentioned Race Directive and ICERD, Article 1. Moreover, religious aspects are also taken into account.

A crime has been defined as racially motivated if the crime has been committed against a person mainly because s/he belongs to national, racial, ethnic, or equivalent (i.e. religious or linguistic) group. When the motive is clearly expressed, it is not difficult to classify crime as racist. The problem occurs when the motive is either implicitly expressed, or not at all. In this case, weight can be put on the opinion of the victim, leading to a more subjective approach. This kind of classification is close to police instructions for recording racist crimes (please see [Chapter Seven](#)).² Naturally, acts of Islamophobia and anti-Semitism are considered as racist acts.

Racist violence is a highly complex form of interaction which cannot be reduced merely to violence carried out for specific ideological motives. It is a characteristic of the phenomenon as such that the motivations are mixed, and that both the violent acts and the responses to them involve several dimensions. Racist violence can mean many different things, such as harassment or ill treatment, but racist violence does not only refer to physical acts. Racist verbal abuse and intimidation can, for example, also be perceived as acts of racist violence, although they may not be always criminalized. For legal definitions, please see [Chapter 5](#).

¹ Discrimination is also defined in the Penal Code, [Chapter 11, Section 9. Please see 5.1.](#)

² In Finnish legislation and discourse there has been a tendency to avoid using the word ‘race’ because it is misleading, and is replaced with other concepts. For example, in the new Constitution, race has been omitted.

Good practice has been used to mean respectful behaviour, which encourages positive practices.

Return migrants: The term return migrant (*paluumuuttaja*) refers to a person of Finnish citizenship or foreign citizenship but Finnish ethnic and/or linguistic/cultural identity who returns to or enters Finland after having spent a period of time outside the country (Statistics Finland 2002). Return migrants of Russian citizenship are the Ingrian-Finns, inhabiting western Russia and border regions. About 20 000 Ingrian-Finns are counted as part of the immigrant population as return migrants, who have entered Finland since the 1990 legal provision allowing them to migrate to Finland from neighbouring Russia on the basis of cultural and ethnic ties (Finland Report ACFC/SR 1999).

Asylum seekers: In accordance with the Geneva Convention, asylum seekers are persons who have entered the country and applied for asylum, and who are waiting for the decision by authorities. According to the Aliens Act, section 30, an asylum seeker is a person who seeks safety in a foreign country because they have been persecuted in their own country for one or more of the following reasons: race, religion, nationality, political opinion, or membership of a particular social group. As party to the Geneva Convention, Finland has undertaken to provide asylum to those needing it. The Finnish Aliens Act embodies the terms of the Geneva Convention. Other than full asylum status, an asylum seeker may receive a residence permit (temporary protection) based on the need for protection due to the threat of inhumane treatment on return to his/her home country (Aliens Act, section 31). An asylum seeker may also be granted temporary protection if he/she cannot return to his/her home country due to the threat of armed conflict or an environmental catastrophe.

Refugees: A refugee is a person who has been granted full asylum on the grounds described above. Apart from asylum seekers who have been granted refugee status, Finland is one of ten countries in the world that accept so-called “quota-refugees”. These are persons granted refugee status by the UNHCR, who are chosen according to a quota set annually by Finnish government. In 2002, the quota was 750 but the government has planned a gradual increase since 1997 up to a limit of 1000. In recent years, quota refugees have mainly been from Iran, Iraq and the former Yugoslavia.

Concerning indigenous people, there are approximately 6,000-7,000 Sami in Finland, two-thirds of whom live in the North, in what is known as Sami homeland. Others live in urban areas. Only a minority of the Sami practice their traditional livelihood, reindeer herding and fishing. In Sami homeland, the legislation entitles them to use their own language, Sami, with officials. The majority of Sami speak fluent Finnish. Sami people also have the constitutional right to maintain and develop their own culture and language (See Section 17 of the Constitution).

Another long-established minority are the Roma people. The Finnish Roma are members of the Kaale (Cálo) group found widely across Europe and other parts of the world. They originally migrated eastwards in the 17th century when they were ordered by the Swedish Crown to settle in the outskirts of its realm, which is present-day Finland. There are approximately 10,000 Roma and about 3,000 Finnish Roma who emigrated to Sweden in the sixties and seventies. Today, the Roma maintain their culture, such wearing the traditional dress. The Roma live mostly in urban areas, mainly in Southern Finland. Like the Sami, most Roma speak Finnish as their mother tongue.

The Russian-speaking minority, numbering around 31,000 people, consists of “old Russians”³ and newcomers from the former Soviet Union: Russians, Estonians, Ingrian Finns (who can be Estonian or Russian citizens) and other Russian-speaking areas (the Baltic, Belarus, etc.). In other words, the Russian and Russian-speaking minority have existed in Finland for quite a long time.

Similarly as with other Western countries, Somalians have been arriving in Finland since the early 1990’s. The majority of the first arrivals were granted refugee status, and in the last few years most Somalians have come on the basis of family reunification.

Swedes have comprised part of Finland’s population since Finland became a part of the Swedish Crown in the 14th century. Most recently Swedes have immigrated to Finland because of family ties. Even though Swedes are one of the biggest minority groups, their numbers are relatively low. Generally they are very well integrated into society. In addition, there is a Finnish Swedish-speaking minority. About 6% of the population are Swedish-speaking Finns. Their socio-economic position is better than that of an average Finn. Swedish-speaking Finns live mainly on the West coast and in Southern Finland.

Ethnically, Finland has tended to be a very homogenous country. Within the past ten years, the growth of the foreign population has been rapid – multiplying to numbers five times greater than what it was in the early 1990’s.

³ Roughly speaking, the so-called Old Russians have come to Finland in different occasions: the first ones in the beginning of the Russian rule in the early 1800 as officials, priests and salesmen and last ones after the Russian revolution in the 1920’s. At highest, there were 33 500 Russian-speaking people in 1922. Many emigrants continued their trip to bigger European cities. For details, please see ETNO 2003, pp. 6-8.

1. INTRODUCTION

The aim of this study is to explore the existence of racial violence and discrimination, as well as to trace good practices and measures aiming to improve the situation. The structure of this report is based mainly on the EUMC guidelines. Please note that the guidelines have been slightly modified, some parts being slightly shorter than requested and others a little longer. This liberty has been taken in order to give a comprehensive picture of the current legislative situation. The main chapters follow each other in the order set out by the EUMC. In Chapter 2 the political climate is explored, Chapter 3 deals with existing legislation and Chapter 4 with monitoring bodies. Chapters 5 and 6 handle the data on racial violence and discrimination, including police statistics, victim surveys and court statistics. Chapter 7 analyses the phenomena of racial violence and discrimination. In Chapter 8 good practices and initiatives are presented, and the last chapters 9 deal with the conclusions.

The methodological context is two-fold: this study builds on the analysis of previous research, as well as statistical sources and administrative documents. Police statistics do not reveal all racial crimes, because many crimes go unreported. In addition, police sometimes refuse to report discrimination cases, even though they have legal duty to do so. Therefore, to gain a better idea of the extent and nature of racial crimes, victim surveys are useful tools, despite their defects. Victim surveys are usually very subjective as the victims can define themselves on a subjective basis: firstly, whether they have been victims of a crime, and secondly, if that crime was racially motivated. Despite lack of objectivity, victim surveys show the proportionality of unreported crimes, and surveys usually map the motives for non-reporting.

2. THE POLITICAL CLIMATE

Officially, the political climate is tolerant and non-discriminatory. All political parties in the Parliament have signed the *Charter of European Political Parties for a Non-Racist Society* by the EU Consultative Commission. However, the political rhetoric and policies are not always immigrant-friendly.

For example, in Parliamentary elections in March 2003, the leader of the political party True Finns (perussuomalaiset) received the fifth highest amount of votes in the whole country. Previously and in his campaign as well, he has become known for xenophobic statements. As an ex-professional boxer and a colourful personality, he has received much media attention and publicity to his views. In addition, few years earlier he had published a book called “Judgment Day” (Tuomiopäivä) the content of which can be considered very racist. A group of people made a criminal report about the book, saying that it constitutes incitement against an ethnic group, criminalized in the Penal Code (Chapter 11, Section 8). The investigations took about one year and the Ministry of Justice published its decision not to prosecute only a week after Parliamentary elections. The Ministry of Justice claimed that due to freedom of expression, the section of the Penal Code should be interpreted very cautiously. In the opinion of the Finnish League

for Human Rights, the reasoning of the decision was not fully convincing. For example, it did not take into account the fact that freedom of expression is not an unlimited right, but can be restricted under certain conditions (such as in order to protect the rights of other people).

The party True Finns have three seats in Parliament and generally speaking, they cannot be classified as immigrant-friendly. There is latent potential for a populist party to appear, but at the moment, right-wing movements are small and separate. Two new parties “Suomi noussee – kansa yhdistyy” (Finland Arises – People Unite) and Sinivalkoinen puolue (Blue and White Party) participated in the elections. They represented actively racist and xenophobic themes. These parties did not get a single seat in the Parliament and combined they received less than one per cent of all votes.

One further movement should be mentioned: the National Front, which has gained success in local elections in Turku (one of the largest cities in Finland). The movement has three seats in the City Council. But despite the movement’s popularity in Turku, it is mainly a local phenomenon. The leader of the National Front is also active in the Blue and White Party.

As far as we know, only a few researches have been made recently on the political situation of the populist parties. In this connection, at least one publication is worth mentioning: *Monenkirjava rasismi* (different forms/”colours” of racism).⁴ This book handles many issues relating to racism and concerning populist parties and gives a historical presentation at European level from the Second World War up to the present.

Political movements and extremist organisations do not have that much public activities – other than in the Internet. In Finland, there are some political movements which have racist material on the web. One of the most important homepages is that of IKL (www.kauhajoki.fi/~ikl) - a movement which has connections with Vlaams Blok and Sverigedemokraterna, among others. However, IKL does not have any representatives in Parliament or in City Councils. One can also mention the National Front (*Kansallinen rintama*, at: welcome.to/kansallinenrintama/), which has gained success in municipal elections in Turku. Other movements are more marginalised and their homepages are not as “informative” as the two mentioned above.

There are also more radical movements and groups presenting their views on the Internet - for example, different Skinhead groups. They have distributed their material quite widely on the Internet. The contents of web pages vary: from patriotic claims to outright hate speech and Holocaust denial. One of the widest web pages is Blood & Honour: bloodandhonour.com/~finland. It is a part of international Blood & Honour movement, which has local groups in several Western countries.

Recently, a study was published on racism on the Internet: “*Rasismia Internetissä – vierasvihaisten nettiaineiston kartoitus*” (Racism on the Internet - an analysis of xenophobic material on the net) by Anna-Maria Pekkinen.⁵ One of the findings was that official associations usually have more moderate content, and they usually have a Finnish

⁴ *Monenkirjava rasismi*, ed. by Raija Simola and Kaija Heikkinen, 2003.

⁵ The survey was a part of “Racism and Ethnicity in the Media” – research programme by the University of Tampere. The programme is financed by the Ministry of Education. The survey mainly presents the material, there is not much of analysis.

server. The more racist the content, the more likely it is that the server is not Finnish. According to the study, Blood & Honour is the most frequently visited site among the racist webpages: average is around 7,000 visits per month.⁶

The Finnish Ministry of Education organised three seminars concerning racism in the Internet during the years 2003 and 2004. Seminars were organised under the national awareness-raising campaign SEIS- Finland Forward without Discrimination (presented in Chapter 8.6.1 of the present report). The first seminar organised in September 2003 was targeted to diverse experts dealing with the problem, including prosecutors, other authorities and Internet operators. The two seminars organised in 2004 were targeted to persons working in the educational sector and to prosecutors and police.

To our knowledge, excluding EU-barometers, majority population's attitudes towards migrants and minorities have not been measured during 2001-2003. According to the most recent Eurobarometer⁷, Finns are more tolerant towards (im)migrants and minorities than an average EU-citizen. Approximately 1, 000 Finns were interviewed for this barometer in spring 2000. One of the most striking discoveries was that among all EU-citizens, Finns were less concerned about the effect of immigration on unemployment.⁸ In Finnish discourse, unemployment in general was an important issues during the economical recession in the 1990's. The finding can be explained, however, by the economical boost in 2000 and during that time wide discussions took place about possible shortages of labour in future.

3. LEGISLATION CONCERNING DISCRIMINATION, RACIST VOILENCE AND RACIST CRIMES

3.1. PRESENT LEGISLATION

Current anti-discrimination legislation covers all ethnic and religious grounds. The Constitution lays down fundamental rules on non-discrimination and equality. Section 6 of the Constitution remarks that discrimination shall not be tolerated. Moreover, Section 17 of the Constitution guarantees that the Sami, Roma, and other minorities have the right to develop and maintain their language and culture.

The Constitution sets out a general framework that places an obligation upon Parliament and the authorities not to enact legislation that is discriminatory in nature. Although constitutional provisions can be interpreted in many ways, subsidiary legal norms have to be interpreted in a way that best fulfills the fundamental rights enshrined in the Constitution.

⁶ As Pekkinen points out, the figures have to be handled with certain caution, because the figures may not be accurate. Please see Pekkinen 2002.

⁷ EUMC: Attitudes Towards Minority Groups in the European Union - Eurobarometer. Wien 2001.

⁸ Ibid. For details, please see pp. 10-20.

According to the Penal Code (*rikoslaki*, from 1889; amended 21.4.1995/578), incitement towards an ethnic group is prohibited. Chapter 11, Section 8 of the Penal Code reads as follows:

"A person who spreads statements or other notices among the public in which a certain race or national, ethnic or religious group or a comparable group is threatened, slandered or insulted shall be sentenced for agitation against an ethnic group to a fine or to imprisonment for the maximum of two years."

As one can conclude, the above mentioned section explicitly criminalizes hate speech. However, wearing neo-nazi symbols is not considered a crime.

The Penal Code also contains a provision that criminalizes discrimination *inter alia* on the basis of ethnic origin, race, and religion in Chapter 11, Section 9. The provision reads as follows:

"He, who in the practice of a trade, the practice of a profession, in the offer of public services, in the exercise of duties as a civil servant, or in another public duty or in the organization of a public gathering or meeting, without an acceptable reason

1. does not serve a person in accordance under generally practicable conditions;
2. refuses to allow somebody entry to a gathering or meeting or removes him therefrom;
3. places somebody in an unequal or otherwise significantly worse position due to race, national or ethnic origin, skin color, language, gender, age, family relations, sexual orientation or health, or because of religion, political opinion, political or professional activity or some other reason comparable to these, shall be sentenced for discrimination to a fine or imprisonment up to six months, unless the act is punishable as discrimination in the field of employment."

There is also a similar prohibition concerning labor discrimination. Chapter 47, Section 3 reads as follows:

"Employer or his representative, when announcing a vacancy or choosing an employee or during the contract period, places a person without a valid, acceptable reason at a disadvantage, because of

1. race, national or ethnic origin, skin color, language, gender, age, family relations, sexual orientation or health,
2. religion, political opinion, or professional activity or some other reason comparable to these, shall be sentenced for labour discrimination to a fine or imprisonment up to six months."

3.2. IMPLEMENTATION OF THE RACE AND EMPLOYMENT DIRECTIVES

In March 2001, the Ministry of Labour set up a working group consisting mainly of governmental officials with some representatives from two major labour organisations, as well as two NGOs - the Refugee Advice Centre and Finnish League for Human Rights. The group accomplished its work in fall 2002, submitting a report for a draft law on

Promoting Ethnic Equality. Instead of simply proposing amendments to several existing laws, the group outlined a single law.

Ministries, courts, labour market organizations, NGOs, and other actors responded to the circulation of the draft law. After this stage, labour market organizations continued preparations for the law, combining the Race Directive and the Labour Directive. The purpose of this was to implement both directives at the same time and in the same law.

However, Parliament was not able to process the draft law before the elections in March 2003 and so it was dropped. Under the new government, preparations have continued under the Ministry of Labour. The draft law was submitted to the Parliament in September 2003. The content of the draft law is almost the same as the dropped draft law.

The content of the draft law will only deal with civil proceedings, excluding criminal proceedings and class action proceedings. Many of the provisions of the draft law are similar to articles in the directive, such as those that outline the scope and purpose of the law and the definition of discrimination that is used.

The most crucial aspect of the law is the creation of an anti-discrimination board. Its purpose would be to prohibit discriminatory practice and initiate counter actions. To secure compliance with the law, the board can impose threats of fines for violations. However, the board would not be invested with the authority to handle compensation claims for a breach of the law. All compensation claims would be addressed to a lower court and handled by ordinary civil court proceedings. Additionally, there is no minimum amount for compensation, which could result in the sanction being very low. Allowing for certain exceptions, the maximum sanction would be €15,000.⁹

The decisions of the discrimination board could be appealed through administrative courts. The qualification requirements of board members would be equivalent to those of court judges. Board members would be nominated by the Government.

Courts, the Ethnic Minority Ombudsman, and practically any official could request a statement from the board in an individual case (i.e. how to apply the law). In the draft law, it has been proposed that the same right be given to any organization, including NGOs. It is a question of interpretation whether this provision fulfils the minimum criteria of the Article 7 of the directive. Article 7 seems to invest more authority to NGOs to proceed the cases.

Before resorting to the discrimination board, the Ombudsman can begin reconciliation negotiations between the parties. If an agreement is reached, the board has authority to confirm the agreement.

The law would extend the mandate of the Ombudsman for Ethnic Minorities, which has an important role in monitoring the implementation of the new law. It remains to be seen if resources will be allocated to his office accordingly.

One of the aims of the implementation is that relevant legal definitions (such as 'harassment') would be in accordance with the implementation of the Gender Directive.

⁹ HE 269/2002.

Also, the legislation should be clear enough so that there would be no room for “forum shopping”. In other words, a victim of any kind of discrimination should be aware which law would be applied.

The ‘fine-tuning’ of the draft law actually translated into its deterioration. The original working group had prepared a wider draft law and had proposed more effective legal measures to prevent discrimination and to protect victims.¹⁰ Despite this criticism, the new law would be a clear improvement.

3.3. THE EU COUNCIL’S FRAMEWORK DECISION COMBATING RACISM AND XENOPHOBIA

The Constitutional Committee of the Parliament has addressed the EU Council’s framework decision combating racism and xenophobia (PeVL 26/2002). The Government of Finland and the Committee both agree on the importance of combating racism and emphasize the need to further specify the crimes proposed in the framework. Based on the principle of legality, some conceptions in Article 4 of the framework are too broad and loose. Both governmental bodies found that the obligation to criminalize racist action should be applied only to extreme racist behavior. For example, the Committee stated that the obligation to criminalize public disparagement of racist crimes is not precise or in accordance with the principle of relativity. The definition of racism and xenophobia should also be more precise. They also emphasized that the severity of sanctions should be left up to the authority of each EU Member State. All member states have their own legal systems, and sanctions should be evaluated within the national context.

Despite criticism, governmental bodies find legislative action against racism and xenophobia very important. The framework is a useful tool but must be more precise. From the point of view of an NGO, we can agree with the governmental bodies. However, we are concerned that there has not been further public discussion about the framework decision

3.4. AMENDMENT TO THE PENAL CODE

The amendment of the Penal Code (515/2003) addresses general principles of criminal liability - such as the discharge from liability and principles for measuring punishment. The amendment will come into force on January 1, 2004. It introduces an aggravated motive for crimes committed for racist or equivalent motives and proposes using this criterion for pronouncing appropriate punishment. According to the law’s Chapter 6, Section 5 §:

“an aggravated motive would be committing a crime against a person, because of belonging to a national, racial, ethnical or equivalent group.”

¹⁰ For example, the original working group proposed a minimum sanction of 3, 000 euros and wider mandate to the discrimination board. Secondly, the original working group proposed that the discrimination board would have been invested with the authority to handle compensation claims for a breach of the law. Otherwise, the proposals were quite similar.

As the preparatory work points out (HE 44/2002), racist motives are usually connected with organised crime and therefore must be prioritised over adding other negative characters and inclinations into the law. Ethnic groups who suffer discrimination require specific protection.

This amendment is a step in the right direction. It rejects all forms of racism and clearly expresses that racism is condemnable. Such an amendment also improves the reporting of racial violence. Currently, only the following crimes can be monitored: discrimination, labour discrimination and incitement to an ethnic group. Since January 1, 2004, different type of racially motivated crimes can be monitored, such as assaults, damage to property, illegal threats and so on.

4. MONITORING BODIES

4.1. INTRODUCTION

There are several institutions dealing with minority issues in Finland. The most recent institution, established in September 2001, is the Ombudsman for Minorities. The institutions of the Parliamentary Ombudsman and Chancellor of Justice are perhaps the most important and well-known specialised bodies. They act broadly as legal guardians, dealing with individual complaints against public authorities, carrying out independent investigations of their own initiative, and providing input during the preparation process of new legislation. They also monitor the implementation of basic individual rights and liberties, as well human rights. In addition, they handle complaints dealing with racial discrimination and related intolerance. The Ombudsman and Chancellor of Justice represent high moral authority. Their organs are presented briefly below.

4.2. THE OMBUDSMAN FOR MINORITIES

The legislative reform that came into force in September 2001 was underpinned by the European Union's 'Race Directive' (2000/43/EC), which requires that member states implement proper measures against racism. There was some discussion concerning the title of the new office. In the draft law (HE 39/2001), the suggested title was Discrimination Ombudsman, but finally the bill was approved as the Law on Ombudsman for Minorities.

The new office replaces the former Ombudsman for Foreigners. In addition to covering issues pertaining to foreigners, the mandate of the Ombudsman extends to cover indigenous people and other ethnic minorities. Concerning ethnic minorities in Finland, the tasks of the Ombudsman are to foster good relations, to monitor, improve, and report on their status and rights, to take initiatives to eradicate ethnic discrimination, and to inform the public about the legislation and implementation of laws. The Ombudsman's opinion can be considered in the processing of asylum applications and in the extradition cases of foreigners. The Ombudsman also supervises the implementation of equal

treatment in collaboration with other authorities. The new Ombudsman assumed his position on January 1, 2002.

The new Ombudsman's office is a positive development after a delay of several years in its establishment. It was not until the Race Directive increased the pressure for its creation that the procedures involved were taken seriously. Currently administered by six permanent officials, its resources are still very limited. The Ombudsman has been most active in promoting ethnic equality.

According to the Ombudsman's register, during the period 1.9. – 25.11.2002 the Ombudsman had been contacted on circa 70 occasions with regard to matters dealing with racial discrimination. About 25 per cent of the cases required further measures and circa 75 per cent of the cases did not require more than a piece of advice.¹¹ Typical cases dealt with housing, employment, social security benefits and racially motivated harassment.

4.3. THE PARLIAMENTARY OMBUDSMAN

The Parliamentary Ombudsman has taken an active role in the promotion of human rights, including anti-racism cases and related instances of intolerance. In one instance, the Parliamentary Ombudsman took his own initiative which involved a prosecutor's comments regarding a court case he had been assigned by the District court of Helsinki, with regard to a warning handed to an army official who had called a black soldier 'Negro'. In an interview, the prosecutor claimed the case had not been worth going to court about, but that since superiors are quite sensitive, they had pushed to have the case brought to court. The prosecutor stated that he did not consider the word 'Negro' offensive, and for him it is normal to use the word 'nigger'. The Ombudsman requested a report from the Army Office about whether the prosecutor had complied with his duties as an official prosecutor. The Army Office wrote that they considered the prosecutor's action inappropriate and one could draw the misleading conclusion that using the word 'Negro' is not offensive in the army. The Parliamentary Ombudsman agreed with the Army Office and informed the prosecutor of his opinion. Because the Army Office had already informed and advised the prosecutor, there was no need for further action besides issuing a reprimand to the prosecutor.¹²

The Parliamentary Ombudsman has taken his own initiative in a few other similar cases, especially ones concerning the language used by police officers.¹³ Generally, systematic evaluations of underlying patterns of discrimination have seldom been carried out by the office of the Ombudsman due to a lack of resources. According to the case findings, there are annually about 20 complaints dealing with discrimination. However, it is rather difficult to trace all discrimination complaints, because such complaints are not classified as such.¹⁴

¹¹ HE 44/2003, p. 14.

¹² Parliamentary ombudsman 28.2. 2002, 839/2/99, p. 3

¹³ Annual report 1999, p. 173 and statement 24.5. 2000, 429/2/00. In annual report 2002, there are no cases with racial violence, but a couple of cases concerning the appropriateness of procedure of immigration authorities.

¹⁴ HE 44/2003, p. 14.

4.4. THE CHANCELLOR OF JUSTICE

The Parliamentary Ombudsman handles most immigrant complaints, including those of racism. However, in certain cases, the Chancellor of Justice may review complaints dealing with minority issues and equality. In the annual report for the year 2000, the Chancellor of Justice cited one case in particular.

The complainant accused municipal officials of violating equality statutes by granting an extra social allowance for Roma women to pay for their traditional dress without extending the same payment to other groups. The Chancellor of Justice stated that the constitutional provision (§6) on equality does not require that everyone be treated equally in all circumstances. To secure both formal and substantive equality may require positive discrimination. Regarding Section 17 of the Constitution, Roma have the right to maintain and develop their own language and culture. The traditional Roma dress is more expensive than a more common woman's dress, and wearing the traditional dress is an essential part of Roma culture. Considering these facts, and taking into account the position of the Roma minority, the municipal officials have not violated constitutional equality when entitling a Roma an extra social allowance for the dress.¹⁵ In the annual report of 2002, there are no cases dealing with the topic of racial violence or discrimination.

5. POLICE DATA

5.1. INTRODUCTION

Perhaps the most important source of information on racial violence and discrimination is the statistics of the police – despite its defects. According to a system introduced in 1997, the police should always record a racist motive in criminal reports. Education of the police force has taken place, but many policemen are still not aware that a racist motive should be mentioned in the police criminal report. Unfortunately, there is no systematic monitoring of how these cases proceed, and the due course of racially motivated crimes from the police to the prosecution and on to the courts cannot be verified, therefore. This is a clear deficiency. According to the lawyers involved in the cases, the number of racist crimes handled in the courts has risen in recent years.¹⁶ The racist motives of a crime are also now more frequently used as justification for more severe sentencing when deciding on punishment.¹⁷ Racist crimes handled by the courts must be more systematically monitored in the future.

¹⁵ Chancellor of Justice, diario 83/1/99 and 2000, p. 55. The statement can be found at <http://www.vn.fi/okv/>

¹⁶ Makkonen 2000, p. 29.

¹⁷ Ibid., p. 29.

5.2. CRIMES REPORTED TO THE POLICE

During the period of 2000-2003, the Ministry of the Interior has published four reports dealing with crimes reported to the police. Crimes targeted at foreigners or persons mainly because s/he belongs to national, racial, ethnical, or equivalent (i.e. religious or linguistic) group or their family members were collected. After this, crimes that could be classified as having racist motives were searched for. The statistics for a particular year are made available in a report the following year. The most recent report, of the statistics for the year 2002 was released in October 2003.

As of 1997, the police have been instructed on how to define a racist motive. According to the instructions, a racist motive should be noted when a member of a minority group has been a victim of crime mainly or partly because his/her race, colour, nationality and ethnical ground differs from the person who has committed a crime. Racial features or motives may appear in the statements of the victim, someone else involved, or something noted by the police. In uncertain cases, the police should report a crime as racist.

The reports have been divided into five groups according to the motive. The categories are

- “*yes*”: racist motive was clearly expressed. For example, racist slogans have been used. A crime was also classified in this category if the victim thought him/herself to be a victim because of his/her background.
- “*most likely*”: the only difference with the above mentioned is that racist slogans were not explicitly used.
- “*possibly*”: a crime has been committed without notable motive. A typical crime is an assault in a restaurant which began without a clear reason. If a person has been a victim several times, the report has been classified as possibly racist. Also, cars with foreign plates which have been damaged have been considered as possibly racist crimes.
- “*do not know*”: the information in each report was insufficient to discover the motive(s). Lacking information was due to the short description by the police or simply because there was not enough information. Many cases concern damages to property, or when the suspect was unknown.
- “*not racist*”: these crimes definitely do not have racist motive. Typically, it was a question of domestic violence, or a foreigner was a victim accidentally. Immigrants’ own crimes are also classified under this category.¹⁸

Currently, the police classify the first three categories as racist. As researcher Timo Makkonen has pointed out, this classification system probably leads to underestimating the racist crimes reported, since it is likely that some racist crimes are found in the ‘don’t know’ categories.¹⁹ The figures regarding racist crimes reported to the police provide, therefore, only a direction. Yet one can draw conclusions about the nature of these crimes and also, to a certain extent, about their quantitative development from year to year.

¹⁸ The Ministry of the Interior 2003, pp. 8-9. In data collection: PUB/FI/0036.

¹⁹ In defining a crime as racist, the Ministry of the Interior may in the near future move to a system in which the victim’s perception of an act’s degree of racism is particularly heavily weighed. For details, please see Makkonen, Timo: Racism in Finland 2000 (Helsinki, 2000).

5.3. THE STATISTICS OF YEAR 2002

In 2002, 364 racist crimes were reported to the police.²⁰

Table 1: Crimes classified by racist motive

Motive	2002	
	Cases	Share
Yes	179	5 %
Most likely	44	1 %
Possibly	144	4 %
Do not know	1309	39 %
No	1692	51 %
Total	3367	100 %

(Source: The Ministry of the Interior)

In 2002 the distinction was made in the same format as in previous years: based on the motive. Racist motive (“yes”) was found in 179 cases, which was five per cent of all the 3,367 crimes under the study. “Most likely” racist motive was in 44 cases (one per cent). “Possibly racist” were classified in 144 cases (4 per cent).²¹ With this distinction, there was racist motive in a total of 367 cases.²² The amount of racist crimes in 2001 was 448.

Concerning the racially motivated crimes, typical crimes were physical violence (including attempts), which made up 38 per cent of all cases. Typically, an assault took place in public, such as on the street, in a park, in front of a restaurant or station. Mental violence, including defamation and menace, made up 24 per cent of all cases. Damage and other related disturbance also formed a significant part of the crimes (18 per cent). The most typical damage was made against a car, with damage against restaurants owned by foreigners also being very common.²³

Most of the racist crimes were committed in public places (36 per cent on streets and 12 per cent in parks). 12 per cent of the racist crimes took place in the victim’s home. In 48 per cent of the cases the aggressor was unknown. In 13 per cent of the cases the aggressor was known to the victim in some way, and in 10 per cent of cases the aggressor was a neighbour. Not surprisingly, most racist crimes took place at night (36 per cent) and in the evening (21 per cent).²⁴

According to the police statistics, most suspected perpetrators were young men. 43 per cent of the suspects belonged to the age group of 15-24 years. The most typical suspect was 16 years. 90 per cent of the suspects were males.²⁵ Most of the crimes (59 per cent) were committed in the province of Southern Finland – where the majority of immigrants

²⁰ The Ministry of the Interior 2003, pp. 1-3. In comparison, there are annually approximately 30,000 criminal reports in Finland.

²¹ The Ministry of the Interior 2003, pp. 13.

²² Please note that in RAXEN2 and RAXEN3 reports the categories were only “yes” and “most likely”. In this RAXEN4 report, “possibly” has been added as racially motivated. This classification is in conformity with the classification of the Ministry of Interior.

²³ The Ministry of Interior 2003, pp. 13-14.

²⁴ The Ministry of Interior 2003, pp. 19-20, and 26.

²⁵ The Ministry of the Interior 2003, pp. 28.

live. About 30 per cent of all the racist crimes were committed in Helsinki. 44 per cent of the racist crimes committed in Helsinki were assaults (including attempts).²⁶

Table 2: The nationality of the victims of racist crimes

Nationality	Number of people		
	2000	2001	2002
Finnish	148	161	112
Somali	89	76	45
Turkish	24	13	25
Russians	22	13	21
Iranians	22	15	19

(Source: The Ministry of the Interior)

When it comes to the nationality of the victims of the racist crimes, the largest groups were Finns, Somalis, Turkish, Russian, and Iranians. In the Finnish group, the majority were immigrants who had been given Finnish citizenship (73). However, when looked at the birth country of the victims, Somalis came first.²⁷

Out of the victims, 75 per cent were men and 25 per cent women.²⁸

Researchers are now wondering if in the up-coming studies, more emphasis should be placed on multiple discrimination (ethnic ground and gender), especially when calling names.

The police have not noted crimes with racist motives very accurately. The police in charge of recording the motives, reported 119 cases as “most likely” or “yes”. As mentioned above, when all the reports were searched, 223 cases were classified in those categories. Compared with the previous year, the situation has improved slightly in this respect.

When incidents of racist crimes are compared to the percentage of foreigners in a particular city foreigners are proportionally at a much greater risk of being victimised than average citizens. There are also substantial regional differences. Statistically, when it comes to violent crimes, areas with the highest risk are Kajaani, Imatra, and Järvenpää. However, it must be noted that researchers thought these figures should be handled with due caution. These are very small cities with very few foreigners, so only a few cases can statistically show an increase in hostility. Besides, statistics of previous years do not exist in smaller cities. However, we can assume that these figures could indicate that people in these areas have xenophobic attitudes.

Table 3: Tendencies and conclusions of the police reports

Motive	2000	2001	2002
Yes	7 %	7 %	5 %
Most likely	3 %	1 %	1 %
Possibly	9 %	5 %	4 %

²⁶ The Ministry of the Interior 2003, pp. 30-32.

²⁷ The Ministry of Interior 2003, pp. 22-24.

²⁸ The Ministry of Interior 2003, pp. 22-24.

Do not know	37 %	45 %	39 %
No	44 %	42 %	51 %

(Source: *The Ministry of the Interior*)

As Makkonen has pointed out, based on the police crime statistics, one cannot estimate the total number of crimes accurately: the crimes in police reports are only the ones reported to them. One could assume the number of unreported crimes to be relatively large, especially in cases of racist crime. Research based on interviews and questionnaires focused on immigrants and traditional minorities (so-called victim research) can be used when attempting to map out the true extent of racist and discriminatory crimes.

Police crime statistics reveal that an immigrant is, on average, 2.5 times more likely to be the victim of an assault for example (a typical racist crime), than a Finn.²⁹ Using the above method, the *theoretical* number of racist assaults reported to the police should be around 1, 000. This estimate, however, somewhat exaggerates the estimated number of racist crimes reported to the police. The reason for this overestimation is that the violence experienced by immigrants is inflated by the fact that immigrants usually live in cities and are very often young men, both factors which have been found to increase the risk of becoming a victim of violent crime, racist or not. Nevertheless, the statistic that an immigrant is 2.5 times more likely to become the target of violence than a member of the original population provides a very important perspective when trying to estimate the level of racist violent crime.

6. OTHER DATA

6.1. VICTIM SURVEYS

A comprehensive victim survey was published in spring 2002. The survey “Racism and Discrimination in Finland” (*Rasismi ja syrjintä Suomessa*, by Jasinskaja-Lahti, Liebkind, and Vesala) was the largest ever carried out in Finland. Even by international standards, it is quite a unique study because it covers the whole nation. In the survey, seven different ethnic groups were interviewed: Albanians from Kosovo, Vietnamese, Somalis, Arabs, Russians, Estonians and Ingrian Finns. The survey was part of the cross-scientific Syreeni programme.³⁰ The survey contains many interesting, though not unexpected, findings.

Forty-three per cent of immigrants felt that they had been insulted or harassed because of their ethnic background, and 26 per cent of immigrants had been harassed by their neighbours. Moreover, one third of immigrants had been victims of a racist act in the past year. Half of these acts were insults, and just under one fifth were threats.³¹

²⁹ This estimation has been based on the police statistics of 1999. Makkonen 2000, p. 31.

³⁰ Syreeni is a three-year research programme under the topic “Exclusion, inequality, and ethnic relations in Finland”. The programme is financed by the Academy of Finland.

³¹ Press release 16.3. 2002.

Table 4: Have you been a victim of violence, robbery, stealing, or any other crime due to your ethnic background?

	Albanians	Arabs	Somalians	Vietnamese	Russians	Estonians	Finnish	All
Never	85,9 %	72,2 %	63,7 %	84,0 %	92,7 %	94,6 %	90,8 %	86,1 %
1-2 times	10,6 %	18,0 %	20,8 %	12,0 %	6,0 %	4,5 %	7,3 %	9,9 %
3-4 times	2,7 %	5,0 %	6,9 %	2,3 %	0,6 %	0,4 %	1,5 %	2,2 %
5 or more often	0,8 %	4,8 %	8,5 %	1,6 %	0,8 %	0,4 %	0,4 %	1,8 %

(Source: *Racism and Discrimination in Finland, 2002*)

According to the survey, 13.9 per cent of all those interviewed said that they had been victims of violence, theft or other crime due to their ethnical background on at least one occasion within the past year. However, there were large differences among the groups.

As one can conclude from the statistics, the most vulnerable groups are the Somalians and Arabs. It is quite alarming that a total of 36.3 per cent of Somalians felt that they had been a victim of a crime at least once within the past year. Among Arabs, the figure was 27.8 per cent. The least discriminated were Estonians with a figure of 5.3 per cent. People from neighbouring countries (Estonians, Russians, and Ingrian Finns) faced the least discrimination in this respect.

Table 5: Have you been a victim of assault within a year due to your ethnic background?

	Albanians	Arabs	Somalians	Vietnamese	Russians	Estonians	Finnish	All
Once	42,9 %	38,3 %	43,2 %	61,5 %	55,6 %	50,0 %	75,0 %	46,8%
Two times	28,6 %	19,1 %	20,5 %	15,4 %	33,3 %	50,0 %	16,7 %	21,3 %
3-5 times	14,3 %	31,9 %	22,7 %	15,4 %	0,0 %	0,0 %	0,0 %	20,6 %
6-9 times	0,0 %	10,6 %	11,4 %	7,7 %	11,1 %	0,0 %	8,2 %	9,2 %
10 times or more	14,3 %	0,0 %	2,3 %	0,0 %	0,0 %	0,0 %	0,0 %	2,1 %

(Source: *Racism and Discrimination in Finland, 2002*)

Again, it is quite alarming that even 46.8 per cent of all those interviewed answering yes, felt that they had been victims of an assault during the last 12 months (and 20.6 per cent, three to five times).

Somalians and Arabs turn out to be the most vulnerable groups. However, in the category 'once occurred assault', Ingrian Finns, Estonians, Russians, and Vietnamese outnumber Somalians and Arabs. Concerning multiple assaults, Somalians and Arabs have higher figures. For example, 31.9 per cent of Arabs felt that they had been assaulted three to five times within a year. On the other hand, there were no Russians, Ingrian Finns, or Estonians, who had been assaulted three times (figures: 0.0 per cent).

In most crimes, immigrants have not made a report to the police.³² Only 10.5 per cent of all those interviewed had consistently reported the crime to the police, and the majority never reported (69.9 per cent). Vietnamese were the most active group - almost half of them reported to the police, at least occasionally (47.9 per cent). Perhaps unexpected:

³² All crimes, but excluded assaults, damages, illegal threats and insults.

Russians, Ingrian Finns, and Estonians were the most passive groups. Roughly 80 per cent of them never made a report to the police.³³

When compared to other non-racial victim surveys, Finns tend not to report crimes to the police, although in this comparison, the differences are quite small. The motives for non-reporting are similar.

6.2. SURVEY ON NATIONALISM AND VALUES OF THE YOUTH

Osmo Virrankoski researched values, attitudes, and prejudices of 15-year-old 9th grade high school students. The information was collected nationwide and 1,026 students filled out the questionnaire. Although the students do not match the statistical demographic average, the answering percentage was high - more than 90 per cent - because the questionnaires were filled out during classroom time. Many of the questions dealt with attitudes and opinions concerning ethnic minorities and racism.³⁴

Generally, girls were more tolerant than boys. The findings are worrying. For example, 42 per cent of boys claim that refugees posed a threat to Finland, something with which only 11 per cent of girls agreed. Moreover, 41 per cent of the boys (and 14 per cent of the girls) felt that foreigners should not be given Finnish citizenship.³⁵

If the students faced a couple in which the man was black and the woman white, about half of the students would be neutral. However, more than 40 per cent of the boys would react negatively, and only five per cent empathetically (girls have almost reverse figures). According to Virrankoski, subtle racism is quite common. Of students who had decided to continue studies in upper secondary school (*gymnasiet*) the majority (66 per cent) would give skinheads the right to act, even though student him/herself would not agree with the action of the skinheads.³⁶ When observing pro-Skinhead students, Virrankoski discovered that it is precisely these students who are not willing to discuss racism and reasons behind racism. The difference was significant when compared to other students.³⁷

The Government of Finland expressed concern about these findings when it submitted its 16th periodical report to the CERD.³⁸

6.3. SENTENCES OF DISTRICT COURTS

Table 6: The Sentences of District Courts 2000-2002

Year	Discrimination		Employment discrimination		Incitement against ethnic group	
	<i>Charged</i>	<i>Dismissed</i>	<i>Charged</i>	<i>Dismissed</i>	<i>Charged</i>	<i>Dismissed</i>

³³ Jasinskaja-Lahti – Leibkind – Vesala 2002, p. 178.

³⁴ For secondary analysis of the research, please see Streng 2002, pp. 39-40.

³⁵ Virrankoski 2001, p. 117.

³⁶ Ibid., p. 135.

³⁷ Ibid., p. 140.

³⁸ The Government of Finland 2001, p. 16.

2000	12	9	2	1	-	-
2001	15	5	2	5	3	1
2002	13	6	4	-	-	-
2000-2002	40	20	8	6	3	1

(source: Statistics Finland)

There were altogether 60 cases of discrimination in district courts in the period 2000 - 2002. The court found the accused guilty in 40 cases, and in 20 cases the charges were dismissed. Concerning employment discrimination, there were only eight cases, of which six were dismissed.

These statistics are based on the fact that they are the primary crimes in each case. Cases that do not have discrimination or employment discrimination as the primary crime are overlooked in the statistics. Additionally, it should be noted that Section 9 of Chapter 11 in the Penal code also covers discrimination other than the kind based on ethnic background - for example, gender and age can also be grounds for discrimination.

There is no systematic follow-up of court cases. Moreover, there are no relevant court cases in the Supreme Court dealing with racial violence or discrimination. However, the Finnish League for Human Rights has collected district court decisions concerning discrimination and agitation against ethnic groups. Most discrimination cases have concerned Roma whose entrance to restaurants has been denied. Only in few cases have there been immigrants as victims of discrimination. There have been court cases of these in several parts of the country.³⁹ In some of the cases the charges have been dismissed. The fines have been relatively mild: the average is about 20-30 day fines and compensations for mental suffering have been around 200-500 euros. In most cases, the doormen have denied the charges saying that the reason for denial has been the security, i.e. Roma have caused trouble in the restaurant earlier or they have been misbehaving when trying to enter the restaurant. Typically, Roma have stated that they have been told that they are not allowed in, because they are Roma. This contradicting evidence leaves room for the courts to evaluate the credibility of testimonies.⁴⁰

Concerning other court cases about racial violence, one could mention a case which took place in Raisio in December 2000. Four young Finnish boys (two of them minors) seriously harassed an Iranian Kurdish family. First, one of the boys phoned the family several times, and threatened to beat and kill the family and burn their house down. Later, all four boys went to the house and damaged property, and one of the boys then started burning the house with gasoline. The door was burning when the boys left the place. Fortunately, the fire was extinguished quickly. The family was afraid of other incidents, and they slept some nights in their car after the attack. Later, the family moved away from the area.

³⁹ Vantaa district court judgments R 00/2753 and R 01/1308, Äänekoski district court R 01/544, Toijala district court R 01/45, Tuusula district court R 01/33, Oulu district court R 00/2136, Kouvola district court R 01/154. Rovaniemi Court of Appeal R 01/615 and Turku Court of Appeal R 01/1725.

⁴⁰ The Finnish League for Human Rights has also arranged so-called restaurant tests in August and September 2002. For these results, please see Chapter 10.9.

The court found that three of the boys were guilty of grave domestic disturbance and one for arson attack. The caller was guilty of illegal threats as well. Considering the circumstances, the sentences were not severe. Three boys got conditional prison sentences ranging from three to five months and one received a 60 day fine amounting to 360 euros. The judgment was given in 2002.⁴¹

6.4. DOES THE LAW WORK IN PRACTICE? : SOME CRITICAL NOTIONS

There have been few court cases over the years concerning ethnic agitation and discrimination. It is evident that the threshold for court proceedings is very high among immigrants. According to several studies, most racist crimes go unreported. It seems that the current anti-discrimination legislation does not work. Taking into account what a wide-spread phenomenon racial discrimination is, what is extremely worrying is not only that a proportionally large number cases are dismissed, but that there are rarely any cases in courts. Even in draft law of Promoting Ethnic Equality, it is admitted that there is a threshold to report to the police and taking the case to the court. In the draft law, it is mentioned that immigrants might be unaware of their legal rights.⁴²

7. ANALYSIS OF RADICAL VIOLENCE AND DISCRIMINATION

‘Racist violence’ is a highly complex form of interaction which cannot be reduced merely to violence carried out for specific ideological motives. It is a characteristic of the phenomenon as such that the motivations are mixed, and that both the violent acts and the responses to them involve several dimensions. Not only the immediate perpetrators and victims, but also racist and antiracist groups, the media, the police, the legal system, state and local authorities, and others are involved in the struggle over at least six different clusters of values: ideology and immigration policies, identity, scarce resources, sexuality, territory, and security. Several, but not necessarily all, of these dimensions are usually involved in connection with specific incidents.

The increases and decreases of racial violence and discrimination are influenced by a number of different factors working in combination. These factors include, along with unemployment and immigration rates, the political climate and discourse regarding immigrants, the activities of anti-immigrant organisations and activists, the media coverage of incidents of xenophobic violence, and, importantly, the responses to such violence by political authorities, the police, the legal system, and by individuals, groups and institutions in the local community.

⁴¹ Turunseudun käräjäoikeus 02/442, R 02/274 (Turku district court, judgment 02/442, diario R 02/274).

⁴² HE 44/2003, p. 15. Concerning legal rights, one could point out the right to free trial (if income is low).

Moreover, the causal chain from developments at the macro level to the actual acts of xenophobic violence is extremely complex and cannot be predicted by analysis of macro factors alone. In order to understand what is actually inducing certain youths to carry out acts of violence against ‘foreigners’, it is necessary to focus on the levels of individual perpetrators in the context of the groups to which they belong, and on these youth groups and gangs in the context of their local communities. Xenophobic violence is a typical group crime, and group dynamic processes obviously play an important role in the development leading up to such acts.

Perpetrators of racist or xenophobic violence may be divided into at least four distinct types which vary considerably in terms of social background, motivation, and behaviour, as classified ‘ideological activists’, ‘xenophobes’, ‘criminals’ and ‘fellow travellers’. These types of individuals differ significantly with respect to how they are affected by various socio-economic and other factors. Applying the classification in a process perspective, various racist groups may be described as different mixtures of these individual types. Both groups and individuals may go through ‘careers’ whereby they change their character over time. The potential for organisational transformation is also central to the following classification of groups which have been found to have been involved in various capacities in connection with racist violence: Lone wolves, groups of friends, counter-cultural youth gangs/milieus, lobbies, political parties, combat groups, and media enterprises. These types of groups are often integrated into national and transnational networks. Right-wing extremists may also be classified along an ideological dimension into two main categories: ‘national democrats’ (anti-immigration activists), and ‘racial revolutionaries’ (neo-Nazis).

Racism can be “bad business” for a city or a community. If a place has racist reputation, it can weaken the public image of the place and even reduce investments. There is an example of this in Finland. The Finnish town of Joensuu became known for racist activities in the mid 90’s. The skinheads had had relatively free hands “to operate” in the city in the early 90’s until mid 90’s. This phenomenon raised nationwide publicity when an AfroAmerican basketball player decided to leave the town. This and other incidents, including damaged public image of the city, raised concern among the city authorities and they decided to take counteraction.

Activities and campaigns seemed to help. The skinheads were apparently visible in the streets in the early and mid-90’s, but vanished gradually by the end of the 90’s. It did not mean that racial acts would have ceased to exist. Instead of violence, there has recently been more damage to property and ordinary looking young Finnish men still have certain xenophobic views. However, many locals believe that the city is a much better a place than its reputation and by statistical figures on racial violence and acts, Joensuu is close to an average city.⁴³

According to the police statistics, most perpetrators are young men, 43 per cent of all suspects were at the age group 15-24. Typically, a suspect was only 16 years old. Out of the suspects, 90 per cent were males.⁴⁴ Compared to other crimes, suspects of racial motivated crimes are slightly younger and more male-dominant. Moreover, there are more male victims in racially motivated crimes than in other crimes.

⁴³ These statistics include crimes reported to the police, victim surveys etc, court judgments etc.

⁴⁴ The Ministry of Interior 2003, p. 1.

There have been some differences in police statistics since 1997. The recent decrease is still so low that one cannot draw any conclusions about a decreasing trend of racially motivated crimes.

8. STRATEGIES, INITIATIVES AND GOOD PRACTICES

8.1. INTRODUCTION

In this Chapter both governmental action plans (the previous and current government) and institutions dealing with minority issues are presented. The institutions include the Advisory Board on Romani Affairs (*Romaniasiain neuvottelukunta*), The Advisory Board on Sami Affairs (*Saamelaisiain neuvottelukunta*) and the Advisory Board for Ethnic Relations (ETNO). The structure and tasks of each of these institutions vary. Their organs and the governmental action plans are presented briefly below. Moreover, awareness-raising campaigns are also presented in this Chapter.

8.2. ACTION PLANS

8.2.1. The Government Action Plan to Combat Ethnic Discrimination and Racism

The government's plenary session on 22 March, 2001 adopted the Government Action Plan to Combat Ethnic Discrimination and Racism. The purpose of the government programme is to develop and support measures that promote good ethnic relations and prevent racism and ethnic discrimination in Finnish society. In the programme, the government "stresses the importance of honouring and adhering to international guidelines and conventions on human rights and EU practices when preparing statutes at national level and taking measures at local level. [It] approaches racism and ethnic discrimination with the seriousness these issues warrant, which concerns a continuous national process of development and adaptation respecting the rights and human dignity of each individual".⁴⁵

The action plan focuses on 2001 to March 2003, covering the office's government term. The action plan has been prepared "in a manner enabling the government to implement or launch a considerable proportion of the proposed measures." These apply to immigrants who are new, have resided in Finland for many years, or are second generation. It also extends to established ethnic minorities including the Lapps (the original inhabitants of Finland), the Roma, the Jews, the Tatars, and the long-established Russian population. It

⁴⁵ The Government Action Plan to Combat Ethnic Discrimination and Racism 2001, p. 1. The programme can be found in English at <http://www.mol.fi/migration/etnoraen.pdf> (23-09-2003)

is also applicable to expatriated Finns and their families who have returned to Finland. The action plan sets out principles for good administrative procedures, but is not legally binding.

The measures are divided nationally, regionally, and locally. Some of the measures have already been carried out. Pertaining to racial discrimination, the establishment of the Ombudsman is classified as a national measure. At the regional level, measures concentrated on the prevention of ethnic discrimination and racism in employment. Finnish League for Human Rights is not aware of any reported concrete measures or results from the latter initiative.

The government considers local level measures fundamental because “it is in the municipalities that people meet one another and encounter the various situations of everyday life”.⁴⁶ Differences between municipalities in Finland are substantial due to their various cultural heritages, economic structures, sizes, and population composition – understandably, the need for certain measures vary between municipalities. Some of the bigger cities have announced their own city programmes. These address problems at the local level concerning the authorities’ responsibilities dealing with integration, education and housing.

Although the officially adopted action plan reflects constructive behaviour, it remains without substantial improvements. Had the action plan been duly implemented, there ought to have been numerous improvements - so far its real effect has been minimal.

8.2.2. The New Governmental Programme

Taking office in June 2003, the present government announced its governmental programme, including immigration issues.⁴⁷ The programme calls for the preparation and development of integration policies towards immigrants. This is in response to its estimation that by the end of this decade, there will be demographic structure changes and therefore a smaller labour force. Given this, the government promotes labour-based immigration. The government emphasizes the value of good ethnic relations and preventing measures to combat discrimination. One could say that the government could be more active in employing immigrants and showing a positive example.

Among other immigration issues, a total reform of the Aliens’ Act is mentioned. The government assured that human rights are being taken into account fully in the total reform.⁴⁸ However, in our evaluation of the draft law, these assurances are, at best, rhetorical.

⁴⁶ Ibid., p. 2

⁴⁷ The programme is available in Internet at <http://www.valtioneuvosto.fi/tiedostot/pdf/fi/39357.pdf> (23-09-2003)

⁴⁸ Ibid., p. 48.

8.3. THE ADVISORY BOARD FOR ETHNIC RELATIONS (ETNO)

In August 2001, the Council of State appointed the Advisory Board for Ethnic Relations (ETNO) for one term, lasting from August 2001 to August 2004.⁴⁹ ETNO is as a broad-based expert consultative organ, which gives statements on matters relating to refugees

and migration, and on racism and ethnic relations. The Board is composed of governmental and municipal officials, labour market organisations, and representatives of minority language groups.

The cross-administrative Advisory Board assists, among other things, the Council of State and the various ministries as an expert on refugee and migration affairs.⁵⁰ ETNO also submits proposals and initiatives on matters concerning racism and ethnic discrimination.

In May 2003, ETNO received publicity on their sub-committees publishing a report on the situation of the Russian-speaking minority in Finland. The sub-committee made several far-reaching suggestions for improving the position of Russian-speakers. The sub-committee suggested that Russian should be recognised as an official language in areas where at least 10 % of the population speak Russian as their mother tongue. In Finland, the official languages are Finnish and Swedish (and Sami in Sami Homeland). This suggestion aroused a lot of criticism and the Ministry of Justice did not approve it. In the report, there were also less controversial suggestions. For example, the sub-committee suggested that there should be more Finnish language courses for all immigrants. Generally speaking, there are no indications that the report would eventually lead to any improvements.

8.4. THE ADVISORY BOARD ON ROMANI AFFAIRS

The Advisory Board on Romani Affairs serves as a link between the Roma people and the public authorities in Finland. The board is composed of Roma and governmental officials, with members appointed every three years. Despite the fact that the Board has few resources, it has been quite active and has improved the position of Roma in fields such as housing and education.

There are four provincial advisory boards on Romani affairs, namely in conjunction with the State Provincial Offices of Southern Finland, Western Finland, Eastern Finland and of Oulu. The advisory boards act as inter-administrative bodies for the Romani population and the authorities. They work with both provincial and local authorities. The government made the provincial advisory boards a permanent fixture in 2004, following a six year trial period. They are entitled to propose candidates to sit on the national Advisory Board. Their tasks include increasing the understanding of Romani culture, promoting equality

⁴⁹ The first advisory board to precede ETNO was the Migration Commission (SAN) in 1970. Since then, there has always been a similar board dealing with immigration issues.

⁵⁰ Please see information in English at <http://www.mol.fi/etno/esiteenglanniksi.pdf> (23-09-2003)

and preventing discrimination. The provincial advisory boards can also run regional and local development projects for improving the situation of the Roma.

8.5. THE ADVISORY BOARD ON SAMI AFFAIRS

The Advisory Board on Sami Affairs serves as a consultative body, with representatives from the central government, the County of Lapland and the Sami Parliament. It works to improve the social, cultural, educational, legal and economic situation of the Sami people. Both the Sami Parliament and the Advisory Board have publicly taken a stance on questions such as Sami land-ownership and reindeer herding. Over the years, their input and efforts have raised the general level of awareness about the Sami and improved their situation.

8.6. AWARENESS-RAISING CAMPAIGNS

8.6.1. STOP - Finland Forward without Discrimination

STOP- Finland Forward without Discrimination is a national awareness-raising campaign on equality, diversity and non-discrimination. It is funded by four Finnish ministries, the Office of the Ombudsman, the Advisory Board for Ethnic Relations and the European Commission. Activities are carried out in co-operation with NGOs representing potential victims of discrimination (Finnish Disability Forum, SETA - Sexual Equality, Islamic Parish of Finland, and the Central Union for the Welfare of the Aged). The campaign aims at non-discrimination through education and information sharing. STOP focuses on minorities and discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation. Awareness-raising is fostered among discriminated groups as well as among authorities. Also co-operation between different actors on the field of anti-discriminatory action is fostered. STOP I, the first phase of the project was carried out during the years 2001-2002.

STOP II -project lasted from July 2002 to June 2003. Awareness-raising activities were targeted to promote non-discrimination primarily within public administrations and the media and secondary within the civil society and general public. Groups exposed to discrimination on all grounds were involved in project activities as co-operating parties and experts of practical anti-discrimination measures. The project activities included 8 regional workshops, 3 training-of-trainers sessions, 1 national conference and other information sharing components e.g. information sharing at working places, thematic newsletters and information dissemination via project website www.join.fi/seis.

STOP III -project lasted from July 2003 to June 2004. The campaign consisted of both high-profile activities and structural, long-term anti-discrimination work. The first national Diversity Day was launched on December 10, 2003, when various thematic seminars and workshops were organised all over the country. A large conference in Helsinki was one of the main events. As a part of the long-term anti-discrimination work, the campaign aimed at changing basic attitudes and behaviour. The activities included, for example, designing and testing specific modules in studying programmes for teachers,

police and social partners and by training other key actors. Other activities included the organization of training sessions for trainers and a database with details of experts on discrimination on the campaign. The campaign aimed also to deepen the understanding of anti-discrimination policy, legislation (Equality Act) and their practical implementation in the Finnish society. The campaign was focused on employment, education and media sectors. In the first half of 2004, the campaign included a joint training programme for staff working in TV and for other media professionals and seminars on 'Racism and discrimination on the Internet' for public prosecutors, police and Internet operators, in particular. It also included training programmes for employers on diversity policy organised jointly with the Finnish Employers' Management Institute and an international meeting of organisers of national awareness-raising campaigns from various countries.⁵¹

8.6.2. The Exit-project

Since 2000, the Exit-project has been a part of *Joensuun Nuorisoverstas* (Joensuu Youth Workshop Association)⁵², in cooperation with the University of Joensuu and the Youth Department of the City of Joensuu. The aim of Exit is to prevent and reduce xenophobia and racial violence among Skinheads, and to get Skinheads out of the movement. The target group is students between 15 and 20 years old. The target area is Joensuu. The association hired a field worker to enhance old contacts and to find new ones. The field worker has been lecturing students and teachers at schools, cooperating with officials involved with correctional treatment of youth criminals, participating in gang work and so on. In addition, parent groups have been formed, and arranged different seminars and even a rock concert. Moreover, two researchers were collecting data for their doctoral dissertations. The project finished at the end of 2002. The analysis or results of this project are not available to the Finnish League for Human Rights so far.

8.6.3. The Non-fighting Generation

The aim of the the Non-fighting Generation -project is to reduce racial violence among Skinheads, and in the beginning of the project in 2001, target areas were Helsinki and Turku. During the years 2002 to 2003, the project is expanding to the Metropolitan Helsinki Area, including the neighbouring cities of Espoo and Vantaa. The method of reducing racial violence is to establish small groups, and through group meetings use pedagogics in which the violently behaving skinheads will see their behaviour as a conscious choice with negative consequences. The idea is that skinheads will learn new, more tolerant ways to handle conflicts and reduce stereotyping of ethnic minorities. After they have permanently changed their behaviour they could be put back into the 'rehabilitation' process and help other skinheads.⁵³

⁵¹ More information of the STOP-project is available in Internet at <http://www.join.fi/seis/english/introduction.shtml> (30-11-2004)

⁵² Joensuu is a middle-size town in Eastern Finland and has had a reputation for Skinhead activity in the mid-90's.

⁵³ Non-Fighting Generation Project Plan 4.12. 2001, pp. 1-3.

8.7. CAMPAIGN FOR DISTRIBUTING ANTI-DISCRIMINATION LEGISLATION

The IOM is conducting a project called Awareness Raising and Legal Training on Discrimination Practices in altogether five countries (Austria, Finland, France, Germany, Greece). This project aims to address the need for information on different forms of discrimination and relevant legislation on discrimination among personnel of the judiciary system of each EU Member State participating in the project. All areas of discrimination is covered, including the grounds of race or ethnicity, religion or belief, disability, age or sexual orientation. The project consists of two components: training and information distribution. The training will be carried out in each participating Member State in the form of workshops. The information distribution will be a common effort of project partners and will also be carried out through the Internet site www.iom.fi.

The training is targeted to a selected group of lawyers, attorneys, prosecutors and judges and will include the organisation of workshops in each participating country. The workshops will facilitate the exchange of information on identification of forms and expressions of discrimination. Workshops will also bring the personnel of the judiciary system together with the representatives of the minority and other groups that are vulnerable to discrimination so as to encourage mutual understanding and awareness of the discrimination as well as its solution. Furthermore, the training aims at informing target groups on relevant national, European and international legislation on non-discrimination as well as relevant case law. The trainers of the legal component will consist of specialists in human rights, lawyers and academics working in this field.

IOM in collaboration with the Finnish League for Human Rights organised the first Finnish training event on 19 November 2003. Moreover, the Finnish League for Human Rights prepared the programme for the one-day conference which consisted of three sessions: national and international anti-discrimination legislation, experiences of discrimination, and the legal fight against discrimination. The speakers will include officials from Ministries and other governmental bodies as well as NGOs representing different discrimination grounds.⁵⁴

8.8. JOINT PROMOTION OF ANTI-DISCRIMINATION AT LOCAL LEVEL - PROJECT

The European Commission granted co-funding for the JOIN-project from its Community Action Plan to Combat Discrimination for two years (1.9.2002-31.8.2004). Project partnership included different types of organisations, e.g. public authorities and NGO's, from Finland, Germany and Ireland. The overall aim of the project was to: promote local know-how to identify, prevent and affect discriminatory processes and indirect discrimination; promote dialogue between local authorities and groups exposed to discrimination; develop and test new working practices; and exchange experiences and ideas at transnational level on good practices for anti-discrimination. Different grounds of discrimination were taken into account, such as ethnic origin, religion, disability, age and

⁵⁴ For more details, please visit IOM website at <http://www.iom.fi/anti-discrimination/project.htm> (03-12-2004).

sexual orientation. Activities of the JOIN-project included training sessions, thematic workshops, staff exchange/study visits and sub-projects for testing tools and methods at local level. The objective was to discover similarities in the experiences of different groups exposed to discrimination and to promote equality and anti-discrimination through a joint effort regardless of the discrimination ground. The Finnish sub-projects for testing tools and methods for antidiscrimination included for example in Vantaa “Prevention of Community Conflicts”, in which the police together with its local partners aimed at developing a preventing working model, which is based on close co-operation of the police and the religious and ethnic groups.

During the years 2003 and 2004 the project organised in Finland for example local training sessions concerning the promotion of non-discrimination in education (June 2003), in health care (December 2003); and in police work (March 2004). A workshop on the Promotion of Non-discrimination within and by Police in Capital Area of Finland was organised in June 2003.⁵⁵

8.9. AN EXAMPLE OF A SUCCESSFUL COURT CASE

As a part of good practices, successful court cases are requested. In this connection, it is worth mentioning that the Finnish League for Human Rights has also arranged so-called restaurant tests in August and September 2002. Groups consisting of ethnic minorities and “white Finns” visited restaurants in Helsinki in a couple of weekend nights. The purpose of these tests was to find out how common the everyday discrimination is, especially with regard to entrance to restaurants. In these tests, it turned out that people with traditional Roma dresses and some of the black people were not allowed into certain restaurants – but at the same time the other group members were allowed in. These denials prompted the group members to file criminal reports. Altogether, there should be three different court hearings based on these restaurant tests.

As an example, one case was handled in Helsinki district court in October 2003. One doorman was accused of not letting in an African man and woman. There were two witnesses, two members of the test group, both Finns. They would have been allowed into the restaurant at the same time.

In the court proceedings, the doorman explained that inside the restaurant, there were some “ultra nationalistic” people and it was a threat of health for these Africans. However, the other victim, male, told to the court that doorman had denied the entrance on ground of “wrong colour”. Doorman had also told to him that if the customers notice black people, they will not come to the restaurant again. The female victim said that the doorman had told her that she was in a wrong place and black and dark eyed people are not let in. The doorman agreed that he had used the phrases ‘wrong place’ and ‘black person’. For Finns, the doorman had said that they were welcome and he also asked whether they are journalists. Both Finns’ testimonies supported the stories of the victims.

⁵⁵ More information of the JOIN-project is available in Internet at <http://www.join.fi/index.html> (30-11-2004)

Therefore the court found that no legal ground for denial had been given (such as aggressive behaviour) and the only ground for denial was the colour of the skin.⁵⁶

8.10. ONGOING RESEARCH PROGRAMMES

Syreeni is a cross-scientific programme with the topic "Exclusion, inequality, and ethnic relations in Finland". The programme is financed by the Academy of Finland. Syreeni will produce several doctoral dissertations and surveys dealing with foreigners as victims of racially motivated crimes. The programme is concerned with the mechanisms leading to inequality and marginalisation in society with special reference to ethnic relations. Furthermore, as far as ethnic relations are concerned, other issues of interest include racism, xenophobia, and discrimination, discrimination against immigrants in the labour market, and immigrant groups at a particularly high risk of social exclusion.

The aim of the multidisciplinary programme is to strengthen the theoretical and methodological foundations of research, to increase interaction among researchers, and to promote international contacts in this field. The programme will be carried out during the years 2000 to 2003. The total budget of the programme is approximately 4.5 million euros.⁵⁷

9. SUMMARY AND CONCLUSION

It can be concluded that there is little information on racial violence. There has been only limited information in the previous years as well. Generally, data collection on racial violence, crimes, and ethnic discrimination is a relatively new phenomenon in Finland mainly because it is only in the past few years that we have had immigrants in significant numbers. In addition, it has taken some time to persuade officials of the importance of such a task. The monitoring system needs to be developed as it covers only few fields at the moment. Therefore, we do not have a sophisticated statistical or data collection system. However, there have been improvements during the last five years. The police have been classifying racist crimes since 1997, the Parliamentary Ombudsman has been classifying minority complaints since 2001, the post of the Ombudsman for Ethnic Minorities was established in 2001, and there are many ongoing studies such as the wide, cross-scientific Syreeni programme etc. Moreover, the government has taken its reporting duty to the CERD more seriously, and the quality of reports has been improving. In addition, the amendment to the Penal Code about aggravated motive will improve the monitoring of racially motivated crimes.

It is still rather difficult to evaluate whether there has been clear progress in combating racism, and what the trends are. Monitoring the situation has some other difficulties as

⁵⁶ Helsingin käräjäoikeus, tuomio 8.10. 2003 nro 9129, R 03/2499, s. 3. (Helsinki district court, judgment given on 8.10. 2003, number 9129, diario R 03/2499, p. 3.).

⁵⁷ More information about the programme can be found on the web at www.joensuu.fi/syreeni, where information is also available in English. The coordinator is Mr. Vesa Puuronen (16-10-2003).

well. As mentioned earlier, one of the problems is that many discrimination cases go unreported. On the basis of victim surveys, one could draw the conclusion that an immigrant is 2.5 times more likely to become the target of violence than a member of the Finnish population. This contributes one very important perspective when trying to estimate the level of racist violent crime. However, there have only been a few victim surveys so far. The situation seems to be changing, though. It seems that more information will be provided in the upcoming years - and hopefully on a more regular basis.

It is quite evident that the most vulnerable groups of racial violence are young Somalian men (young black males in general), and Turkish men - and people who have similar features to them. There are large differences among different immigrant groups in this respect.

Concerning other forms of discrimination, Somalians and Turkish people face daily discrimination on a higher level than the average immigrant group. However, there are no substantial differences among different ethnic groups. As it comes to traditional minorities, the Roma community quite often face discrimination. Their access to restaurants is especially frequently denied. There are no indications about strong organised anti-Semitic or Islamophobic sentiments within the population, although prejudices about Islam are most likely to exist.

Perhaps the most important source of information on racial violence is the statistics of the police – despite its defects. The police should always record a racist motive in the criminal reports. This system was introduced in 1997. There has been some education of the police force, but still some policemen do not know or do not remember that a racist motive should be mentioned in the police criminal report. Even though all police reports are manually checked afterwards by researchers, this lack of knowledge of classifying

racist crimes is a shortcoming. The police statistics between the years 1997 and 2002 are available.

Unfortunately, there is no systematic monitoring of how these suspected racial crimes proceed to the prosecutor's office, and in the courts. The due course of racial cases from the police to the prosecution and on to the courts cannot, therefore, be verified. This is a clear shortcoming. Racist crimes handled by the courts must be more systematically monitored in the future. At the moment, court judgments with racist ground can only be given in three crimes: agitation against ethnic group, discrimination and work discrimination. The statistics reveal that there are only few cases in the courts. Other racist crimes, such as assaults, illegal threats and damages cannot be classified on the basis of a racial motive, but the amendment to the Penal Code will improve the situation from the year 2004.

Despite the fact that we have formally scopious anti-discrimination legislation, it seems that in practice, the law does not work the way it should. In addition, there are no relevant cases in Supreme Court dealing with racial violence.

10. ANNEX

10.1. LARGEST NATIONALITY GROUPS

The ten largest nationality groups amongst foreign citizens residing in Finland in between 1993 and 2002 are shown in the table below. At the end of 2002, the largest group of foreign citizens comprised 24 336 Russians. This was followed by 12 428 Estonians, 8 037 Swedes, 4 537 Somalis, 3 420 Iraqis, 2 535 Britons, 2 461 Germans, 2 363 Iranians, 2 177 Yugoslavians, and 2 146 Turks. In total, there were 103 682 foreign citizens living in Finland at the end of 2002. As previously mentioned, these figures do not include those with dual citizenship or those who have acquired Finnish citizenship by application.

Table 7: Ten largest nationality groups and all foreign nationals in Finland 1993-2002

Citizenship	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Russia	5828	7785	9720	11810	14316	16861	18575	20552	22724	24336
Estonia	5893	7472	8446	9038	9689	10340	10652	10839	11662	12428
Sweden	6528	6685	7014	7291	7507	7756	7809	7887	7999	8037
Somalia	2883	3538	4044	4555	5238	5371	4410	4190	4355	4537
Yugoslavia	2072	2255	2407	2624	2755	2935	3392	3575	4240	2177
Iraq	846	1009	1341	1855	2435	2670	2960	3102	3222	3420
Former USSR	7468	6804	6163	5187	4675	3628	2966	2447	2249	2011
United Kingdom	1676	1747	1865	1803	1907	2058	2170	2207	2352	2535
Germany	1576	1613	1748	1836	1961	2072	2162	2201	2327	2461
United States	1754	1775	1844	1833	1905	2001	2063	2010	2110	2146
Iran	919	1125	1275	1397	1681	1706	1868	1941	2166	2363
All foreign nationals	55587	62012	68566	73754	80600	85060	87680	91074	98577	103682

Source: Statistics Finland 2003

10.2. AGE DISTRIBUTION

The immigrant population is also different from the majority population in terms of its age distribution structure. As immigration to Finland has only really increased since the 1990s, the majority of immigrants are first-generation. (This can also be verified from Table 1 above, which shows that the large majority of foreign citizens are also foreign-born.) The national statistics for the end of 2002 regarding age distribution and citizenship are shown in the table below. There are proportionally more working-age foreigners in Finland compared to the majority Finnish population (75.7% of foreigners are of working age, compared to 66.6% of Finns). Looking at the populations of foreigners and Finns as a whole, we see that there is very little difference in the proportion of children under the age of 14 (17.8% of Finns and 17.9% of foreigners are children under the age of 14). However, almost 30% of Africans and 25% of Asians are under the age of 14, compared to only 16% of Europeans. This indicates that while the overall foreigner population is not much younger than the Finnish majority, there

populations of Africans and Asians in Finland are younger than others. This is especially relevant for education issues, as it is clear that there are proportionally more children from these minority communities in the Finnish school system. It also suggests that education policy, as well as reduction of racism and discrimination in education, is of great interest and necessity to them.

Table 8: Comparative age distributions of Finns and foreigners in Finland 2002

Population	Percentage aged 15-64 yr.
Finns	66.6%
Foreigners (all)	75.7%
Population	Percentage aged 0-14 yr.
Finns	17.8%
Foreigners (all)	17.9%
Africans	29%
Asians	24%
Europeans	16%
South Americans	10%
Australasians	8%
North Americans	5%

10.3. FINLAND'S NATIONAL IMMIGRATION POLICY

The Immigration and Refugee Policy Programme was accepted on 16.10.1997, to be implemented gradually within financial limits. This includes policy decisions on regulations covering entry and residence of foreigners and immigrants, as well as refugees and asylum seekers. Finnish immigration and asylum policy is also in line with the EU policy framework as put forward by the European Commission (e.g. in the Tampere and Seville summits of 1999 and 2002, respectively). Researcher Outi Lepola has described Finnish immigration policy using Hammar's concepts of *entrance gates*, which are controlled by the state. Specifically, she identifies three gates in the progression from foreigner to Finnish citizen. Briefly, the first of these is entry to the country, followed by permanent residence, and finally citizenship by application. At present, the first gate of immigration opens relatively easily, especially for citizens of Nordic and/or EU countries, who are exempted from obtaining a visa for short-term entry, or refugees and those with family connections in Finland. The second gate (i.e. receipt of permanent residence) can be surpassed only after a two-year stay in Finland, and ensures rights and privileges that are quite similar to those enjoyed by citizens. However, students, certain types of workers and refugees receiving only temporary protection find permanent residence elusive. The final gate to citizenship can be approached after five years as a permanent resident, although those with family and historical ties to Finland may acquire citizenship earlier (Lepola 2000: 28-30).

The Ministry of Labour states that Finland's immigration policy aims to be open, international, and respectful of human rights, legal protection and good governance, while simultaneously combating illegal immigration and international crime (MOL 2002). The 1997 Immigration and Refugee Policy Programme acknowledges that immigrants can provide new inputs for national economic and cultural development, and as such, the basic aim of immigration policy is meant to be integration of immigrants and

simultaneous maintenance and preservation of their native cultures (Ministry of Foreign Affairs 1998).

Recently, there has been considerable popular and scholarly discussion about the need to replace Finland's dwindling workforce through a more active immigration policy. Similarly, views on an active immigration policy formed part of the public and party discourse in the run-up to the latest parliamentary elections, held in March 2003. Opinion is divided between those who promote a more active immigration policy because they see it as necessary to maintaining the needed supply of skilled labour (particularly in fields such as health/social work and IT), and those who believe the 229 000 unemployed persons (giving an unemployment rate of 9%) already in Finland should be employed before new workers are recruited from abroad (Statistics Finland 2003). It is also worth noting that the Alien's Act (also known as the Foreigner's Act or *Ulkomaalaislaki*) of 1991 is up for reform in 2003, so this may result in policy changes to address various issues related to immigration and integration.

10.4. FINLAND'S INTEGRATION POLICY

The Integration Act (*Kotouttamislaki*) of 1.5.1999 forms the backbone of Finland's official integration policy. The law promotes equal opportunity for immigrants and newcomers to Finnish society, while encouraging and facilitating their integration into the mainstream society and also preserving their own culture and language (Integration Act 493/1999). According to the Integration Act, municipalities are responsible for providing immigrants services such as language and job skills training, as part of their specially developed *integration programmes*. The immigrant then draws up an *integration plan* in co-operation with municipality officials and/or the employment office. The plan identifies the best measures to help the immigrant's integration. At the same time, an integration plan may also be drawn up for the immigrant's family and children. Education in Finland's national languages is considered the key feature of the integration plan as lack of language skills have repeatedly been identified as major obstacles to foreigners' integration. However the integration plan may also include vocational or academic education. The integration policy also encourages non-employment activities, such as community work and social clubs, in order to improve social integration with the majority culture. If the immigrant complies with the integration plan, he/she is eligible to receive financial support in the form of an "integration allowance" (MOL 2000).

10.5. FINLAND'S ANTI-DISCRIMINATION POLICY

Although equality of citizens has traditionally been protected in Finnish law, the protection against discrimination intended by human rights agreements led to a broader legal definition of discrimination. The new Constitution, which has been in force since 2000, contains a general prohibition of discrimination on the basis of "gender, age, origin, language, religion, conviction, opinion, disability or other personal reason" (5 §). Only so-called positive special treatment is acceptable for the protection of the status of minorities. Further, the law protects the rights of minorities (such as the Sámi, Roma and immigrant minorities of Finland) to maintain and develop their own language and culture (17 §). With respect to schools, this right enables minorities to receive teaching in their

native language, as well as to dress according to their customs (e.g. wearing headscarves). Discrimination, which is known to have a serious effect on the victim's sense of self-worth, is also a criminal offence in Finland (RL 11 §9). This means that teaching and other services of schools must be organised in such a way that students are not in an inferior position because of their ethnic background.

International human rights agreements signed by Finland are directly applicable and valid in the law. These include the United Nations Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights (ICCPR), the European Human Rights Agreement, and the UN Convention on the Rights of the Child.

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