

Finland  
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and  
Travellers

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DISCLAIMER: This study has been commissioned as background material for a comparative report on housing conditions of Roma and Travellers in EU Member States by the European Union Agency for Fundamental Rights. The views expressed here do not necessarily reflect the views or the official position of the FRA. The study is made publicly available for information purposes only and does not constitute legal advice or legal opinion.

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# Executive summary

## Desk research

### Legal and policy framework

The Finnish Constitution provides that Finnish citizens and foreigners legally resident in Finland have the right to freely move within the country and to choose their place of residence. The Act on Improving Housing Conditions aims at securing a reasonable standard of housing to all. The resident selection process of the council houses aims to address state subsidised rental council houses to the households who are in most urgent need of a rental flat. At the same time, it intends to establish a diverse tenant structure in the rental council houses, as well as a socially balanced living district.

Equality and non-discrimination are principles enshrined in the Finnish Constitution. There is no Roma-specific legislation and housing of Roma is handled through the general legislation on housing and the anti-discrimination legislation, which covers ethnic origin.

The processing of sensitive data is prohibited. Personal data is deemed to be sensitive, if it relates to or is intended to relate to race or ethnic origin.

The key objective of municipal housing policy is to promote the development of good living environments and the housing of all population groups. The Housing Finance and Development Centre of Finland is a governmental agency of Finland operating under the supervision of the Ministry of the Environment implementing social housing policy. The Centre's target is to promote well-planned quality housing at reasonable housing cost, to promote housing development and to produce information concerning the housing market.

The current government programme on housing states that housing policy is aimed at ensuring a socially and regionally balanced and stable housing market, eliminating homelessness and increasing the supply of moderately priced land for construction.

The Ministry of Social Affairs and Health has set up a working group to prepare a policy programme for Roma. The aim of the programme is to promote equality and inclusion of Roma into society, including in the area of housing.

## Quantitative data

Currently, there are about 10,000 Roma in Finland (equivalent to about 0.2 per cent of total population in the country) and about 3,000 Finnish Roma living in Sweden. The majority of Roma live in the cities of southern and western Finland, though there are Roma communities throughout the country. Over 40 per cent of Roma population is living in the Province of Southern Finland.

In the 1970s over half of the Roma lived in a variety of different inadequate housing conditions or was completely homeless. The Roma are no longer homeless in Finland and their housing conditions are generally not dissimilar from those of the rest of the population. However, in practice, the Roma are housed mainly in state-subsidized dwellings owned by the local authorities. Only a minority of the wealthiest Roma are owner-occupiers. Furthermore, the Roma are still subjected to discrimination in the private rental housing market.

## Qualitative information

In general, the complaints made by Roma to the Office of the Ombudsman for Minorities are related to the problems in housing. There are also discrimination claims, customer service problems, marginalisation and the multiple problems facing families. The family problems are often polarised in housing and cultural questions (the special characteristics of the Roma culture, how these Roma traditions affects living and housing, where are the limits for practicing cultural traditions, etc.).

According to the Ombudsman, a particular women's perspective can be associated with the housing issues of the Roma. The unstable and substandard housing conditions of some Roma families and a number of social problems they face often negatively influence the opportunity for children to attend school.

## Case law and complaints

Compliance with the prohibition on ethnic discrimination in relationships other than employment relationships and service relationships governed by public law is supervised by the Ombudsman for Minorities and the National Discrimination Tribunal of Finland. The legal basis for the post of Ombudsman for Minorities is provided in the Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland. The statutory functions of the Ombudsman in this determinate field of operations are also specified in the Act on the Ombudsman for Minorities and the National Discrimination Tribunal.

The National Discrimination Tribunal of Finland is an independent legal rights authority administratively affiliated with the Ministry of Interior. The legal basis for the National Discrimination Tribunal is provided in the Act on the Ombudsman for Minorities and the National Discrimination Tribunal.

## Identifying good practices

The Kotiinpäin project has trained housing counsellors and provided housing guidance. During this project new methods to support housing (information session, training materials and reconciliation models for the resolution of conflicts) were created.

KOTILO is a project aimed at developing practices and models of living for immigrants and Finns. The work of the project consists of conflict prevention, mediation, negotiation, advice and education. The project has trained neighbourhood negotiators who work as cultural interpreters and negotiators.

## Major national projects

The Finnish Ministry of the Interior is a partner in the project Building Inclusion - Access to housing and inclusion in Europe. This national project's activities consist of conducting a research into the situation of immigrants and the Roma in housing in Finland, as well as drafting recommendations to ensure equality in housing.

The Aged was project financed by the Finnish Slot Machine Association and run by the Finnish Romani Association. The objective of the project was to support elderly Roma people living at home.

## Field research

### Main findings

All the interviewees had very similar, almost identical views on several topics discussed in the interviews. Among these were the historical developments, the present situation of the housing conditions and the reasons for the improvement (good practices). Views on the factors that hindered the access of Roma to housing differed somewhat. It was generally considered that both access to housing as well as the housing conditions of the Roma were greatly improved since the 1970s and do not pose overwhelming problems today.

All interviewees were familiar with claims of discrimination in the selection of tenants were familiar to all. The issue was brought up independently by all respondents except one, when the question of the most pressing issues concerning Roma housing was posed. All of them considered discrimination to be the topic which raises most complaints from Roma in to the area of housing and accommodation.

In the opinion of the interviewees, the Roma applicants were offered equal quality in housing as the general population. However, it was mentioned that occasionally Roma people complained about the quality of housing, but the respondent was of the opinion, that in these cases the expectations had been unrealistic.

# 1. Desk research

## 1.1. Legal and policy framework

### 1.1.1. Legal framework

#### 1.1.1.1. Protection of the right to adequate housing

Section 9(2) of the Finnish Constitution provides that Finnish citizens and foreigners legally resident in Finland have the right to freely move within the country and to choose their place of residence. Section 19(2) also provides the right to social security, including that the public authorities shall promote the right of everyone to housing and the opportunity to arrange their own housing.<sup>1</sup>

The Act on Improving Housing Conditions<sup>2</sup> aims to secure a reasonable standard of housing for all:

- Each household is to have a flat for use in which the number of rooms and surface area match the size of the household as well as the personal needs of the family members;
- Flats ought to be practical, healthy and functional in their structure and equipment, and the buildings themselves should be adaptable to their surrounding; as well as
- Housing expenses ought to be reasonable in relation to the size of the household and incomes, as well as in relation to other inevitable expenses.

According to the Act on Improving Housing Conditions, special concern must be paid to persons living in inadequate housing conditions, persons with a low income and persons without economic means, including families with children. These measures are intended to ensure that such persons are provided with accommodation in a flat, that their housing conditions improve, and their housing expenses are kept at a reasonable level; in an effort to narrow down the differences of housing conditions between population groups. The municipality must create favourable conditions in its district for the development of housing conditions. Although there is no reference to ethnicity in the act. the Roma benefit from it, because the municipality must ensure that their actions to improve the general housing conditions are specifically focused on the homeless and persons living in inadequate housing conditions.

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<sup>1</sup> Finland/731/1999 (24.08.2007)

<sup>2</sup> Finland/919/1985 (17.12.1993)



The Act on Improving Housing Conditions does not give a subjective right to housing, but the most important aspect of the act is its requirement for municipalities to create favourable conditions in their districts for the improvement of housing conditions.

The Act on Residential Leases<sup>3</sup> includes, inter alia, specific provisions of duration of lease; use, condition and upkeep of a residential apartment; amount of rent; payment of rent; giving notice on a lease agreement; rescission and lapse of lease agreement.

The protection for evictions is stipulated in the Enforcement Code.<sup>4</sup> Chapter 7, Section 5 of the Enforcement Code provides that eviction shall be carried out by removing the evictees and any property from the premises covered by the ground for enforcement. According to the act, if, at the time of the eviction, persons referred to in section 3 of the Enforcement Code are present on the premises, the eviction shall not be carried out before the housing and social welfare authorities have been reserved the opportunity to arrange for housing or to determine the need for social welfare services.

According to Social Housing Restriction Law<sup>5</sup> and Law on Interest Subsidies of Social Rental Houses and Residential Right Houses<sup>6</sup> the resident selection process aims at addressing state subsidised rental council houses to the households who are in most urgent need of a rental flat. At the same time it is tried to reach a diverse tenant structure within the social rental house and a socially balanced living district. The criteria for resident selection include urgent need for housing and the income and assets of the person seeking housing.

The Housing Finance and Development Centre of Finland has published a handbook on the resident selection in order to make practices as similar as possible. There are three factors that are used to describe the urgent need of housing:

- In extremely urgent need of house are homeless, persons under obligation of change of residence, persons living extremely tightly (at minimum three persons per room), persons living with their parents, under-tenants or persons living in a flat of joint use or others who have a weighty reason.
- In urgent need of house are people living tightly (over one person but less than three persons per room), persons living in a poorly equipped flat or persons who need a flat from Helsinki due to a job, as well as, persons

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<sup>3</sup> Finland/481/1995 (05.12.2003)

<sup>4</sup> Finland/705/2007 (01.01.2008)

<sup>5</sup> Finland/1190/1993 (19.12.2008)

<sup>6</sup> Finland/604/2001 (12.1.2007)

having unreasonably high housing expenses or other persons having a similar kind of reason.

- In need of house are persons who want to change the flat due to its trimming, location, etc.<sup>7</sup>

The Act on Land Use and Construction<sup>8</sup> and a decree<sup>9</sup> which completes the act regulate construction and the related licences. Licences are required for occupying a trailer or ship for a purpose other than camping or boating.

There are no Travellers in Finland. However, a small group of Travellers was travelling in Finland during summer 2008 and it was widely reported in the media.<sup>10</sup>

The traditional Finnish legal concept of everyman's right allows free access to the land and waterways and the right to collect natural products such as wild berries and mushrooms, regardless of who owns the land. These regulations apply to all people living in Finland, including Roma. These rights also generally apply to foreign citizens, with certain exceptions related to local boating, fishing and hunting rights. Everyman's right consists of a set of generally accepted traditions that have also been enshrined in various laws and regulations. Everyman's right means that access to the land is free of charge and does not require the landowner's permission. People taking advantage of these rights are nevertheless obliged not to cause any damage or disturbance. According to everyman's rights, everyone may stay or set up camp temporarily in the countryside, a reasonable distance from homes.<sup>11</sup>

### 1.1.1.2. Specific protection of Roma

A general change in attitudes was reflected in the 1995 reform of constitutional rights, which for the first time secured the position of the Roma in the constitution by stating that Sami and Roma have the right to maintain and develop their own language and culture.<sup>12</sup> In ratifying the European Charter for Regional or Minority Languages Finland identified Romani as a non-territorial minority language and in ratifying the Framework Convention for the Protection of National Minorities, Finland identified the Roma and the Sami as traditional national minorities.

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<sup>7</sup> Finland/Ympäristöministeriö (2007) *Kaupungin omistamien vuokra-asuntojen hakijoiden asumisen seuranta Helsingissä, syyskuu 2005-syyskuu 2006.*

<sup>8</sup> Finland/132/1999 (30.12.2008)

<sup>9</sup> Finland/895/1999 (30.12.2008)

<sup>10</sup> See for example Helsingin Sanomat 13.07.2008 and Iltalehti 03.07.2008.

<sup>11</sup> Information in English can be found [www.environment.fi/everymansright](http://www.environment.fi/everymansright)

<sup>12</sup> Finland/731/1999 (24.08.2007)

At the moment, there is no Roma specific legislation. Roma housing is handled through the general legislation on housing and the anti-discrimination legislation (see Section 1.1.1.3.), which covers ethnic origin.

### 1.1.1.3. Anti-discrimination legislation

Equality and non-discrimination are principles enshrined in the Finnish constitution.<sup>13</sup> Section 6(1) of the constitution provides that everyone is equal before the law. Subsection 2 of Section 6 includes the prohibition of non-discrimination: 'No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.' The list is non-exhaustive, but also covers other statuses of similar nature, such as, sexual orientation, societal standing, family relations and domicile.

The Penal Code<sup>14</sup> explicitly prohibits discrimination in section 9(11) and work discrimination in section 3(47) on the grounds of race, national or ethnic origin, colour, language, gender, age, family ties, sexual preference, state of health, religion, political orientation and political or industrial activity.

In Finland, the Race Equality Directive 2000/43/EC and the Employment Equality Directive 2000/78/EC were transposed into national law primarily through the Non-Discrimination Act,<sup>15</sup> which entered into force on 01.02.2004. The Non-Discrimination Act concerns discrimination on grounds of age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics. The Non-Discrimination Act prohibits all forms of discrimination, including direct and indirect discrimination, harassment and instruction or order to discriminate.

The Non-Discrimination Act is a general piece of legislation in the sense that its overall material scope is wide and it covers several discrimination grounds. A number of more specific, existing acts were amended when the Non-Discrimination Act was adopted with a view to bringing their non-discrimination provisions in line with the latter.

The Non-Discrimination Act stipulates that the authorities shall seek purposefully and methodically to foster equality and draw up a plan for fostering ethnic equality. The authorities have an obligation to draw up an equality plan, but there are no sanctions if this obligation is neglected. Roma

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<sup>13</sup> Finland/731/1999 (24.08.2007)

<sup>14</sup> Finland/39/1889 (19.12.2008)

<sup>15</sup> Finland/21/2004 (20.02.2009)

and housing issues should be taken into account as part of the public services of the municipality when the equality plan is drawn up.<sup>16</sup>

The institutions for the promotion of ethnic equality have been established in accordance of the Article 13 of the Race Equality Directive 2000/43/EC. Outside employment and service relationships, compliance with the prohibition on ethnic discrimination enacted in the Non-Discrimination Act is covered within public law by vähemmistövaltuutettu [the Ombudsman for Minorities] and syrjäntälautakunta [the National Discrimination Tribunal of Finland]. The scope of competence of the Ombudsman for Minorities and the National Discrimination Tribunal covers only discrimination based on ethnic origin.<sup>17</sup>

In a reasoned opinion of October 2007, the Commission considered that the scope of application of equal treatment legislation was too narrow, since Section 2; paragraph 2(4) excludes relationships between private individuals. The Non-Discrimination Act was amended by law to prohibit discrimination in access to and supply of goods and services that are available to the public (including housing) and also between private individuals. This amendment came into force 01.03.2009. According to the *travaux préparatoires* of the bill, the rental or sale of apartments and houses which have been used personally by the owner are not included in the scope of application since they are considered to belong in the sphere of private and family life. The prohibition of discrimination is applicable only to such provisions of goods which by nature come close to commercial activity.<sup>18</sup>

Within the scope of the amendment mentioned above, the Non-Discrimination Act applies to discrimination based on ethnic origin concerning the supply of housing and other tangible and non-tangible property or services available to the general public other than in respect of legal transactions within the sphere of private and family life. The measures relating to housing are provided for separately for the reason that the right to housing is a basic need and, therefore, discrimination relating to housing is particularly harmful.

In January 2007, the Ministry of Justice set up a committee to reform the non-discrimination legislation. The purpose is to strengthen the guarantees of non-discrimination by making the legislation cover all types of discrimination more clearly, apply to all spheres of life more uniformly and provide for the most uniform possible legal remedies and sanctions in instances of discrimination. During the reform process the committee will also revise the position, duties

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<sup>16</sup> Finland/21/2004 (20.02.2009)

<sup>17</sup> Finland/21/2004 (20.02.2009)

<sup>18</sup> European Anti-Discrimination Law Review No. 6/7–2008.

and powers of the authorities currently responsible for discrimination matters as much as is possible.<sup>19</sup>

The prohibition of discrimination based on gender is covered by the provisions of the Act on Equality between Women and Men.<sup>20</sup> This prohibition also applies to the provision of publicly available housing.

There is no relevant legislation in relation to disability and housing.

#### 1.1.1.4. Ethnic data

The objectives of Personal Data Act<sup>21</sup> are to implement the protection of private life and the other basic rights which safeguard the right to privacy in the processing of personal data, as well as to promote the development of and compliance with good processing practice.

The processing of sensitive data is prohibited. Personal data are deemed to be sensitive, if they relate to or are intended to relate to:

- race or ethnic origin;
- the social, political or religious affiliation or trade-union membership of a person;
- a criminal act, punishment or other criminal sanction;
- the state of health, illness or handicap of a person or the treatment or other comparable measures directed at the person;
- the sexual preferences or sex life of a person; or
- the social welfare needs of a person or the benefits, support or other social welfare assistance received by the person.

However, the prohibition does not prevent, inter alia:

- processing of data where the data subject has given an express consent;
- processing of data on the social, political or religious affiliation or trade-union membership of a person, where the person has himself/herself brought the data into the public domain;
- processing of data necessary for drafting or filing a lawsuit or for responding to or deciding of such a lawsuit;

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<sup>19</sup> Finland/Oikeusministeriö (2008) *Tasa-arvo- ja yhdenvertaisuuslainsäädännön uudistustarve ja -vaihtoehdot. Yhdenvertaisuustoimikunnan välimietintö*

<sup>20</sup> Finland/609/1986 (19.12.2008)

<sup>21</sup> Finland/523/1999 (18.7.2008)

- processing of data for purposes of historical, scientific or statistical research.

According to the Act, sensitive data shall be erased from the data file immediately when there no longer is a reason for its processing.

Due to protection provided by Personal Data Act, the collection of ethnic data is forbidden and there are no statistics on the Roma. This clearly hinders the collection of data. See also Section 1.2 about collection of data on Roma.

### 1.1.2. Policy framework

In Finland, housing administration is the responsibility of the Ministry of the Environment. Local authorities have a key role in implementing policies, because they decide which housing projects may be entitled to State subsidies and some municipalities also provide limited housing subsidies of their own. Local authorities are the largest owners of rental housing. They also provide land, infrastructure and other services for housing schemes.

The key objective of municipal housing policy is to promote the development of good living environments and the housing for all population groups. The Action Plan of the *Kuntaliitto* [Association of Finnish Local and Regional Authorities] states that different age and population groups are taken into account in its housing policy.<sup>22</sup>

Along with municipalities, associations that fulfil the criteria for the public good stipulated in the Act on Council Houses<sup>23</sup> also produce and own council houses. The system of rental council houses created in 1949, now based on the Act on Council Houses, is an instrument of public authority's housing policy. *Asumisen rahoitus- ja kehittämiskeskus* (ARA) [The Housing Finance and Development Centre of Finland] grants funds to develop housing conditions in accordance with social expedience and economic need. A municipality selects the targets to be funded by loans.<sup>24</sup>

The Housing Finance and Development Centre of Finland is a governmental agency of the Republic of Finland operating under the supervision of the Ministry of the Environment implementing social housing policy. Its main task is to finance state-subsidised rental housing production. The Centre has also other obligations such as to make grants for housing repairs and to supervise the granting of state guarantees on loans for owner-occupied housing. The Centre's target is to promote well-planned quality housing at reasonable housing cost, to promote housing development and to produce information concerning housing

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<sup>22</sup> Kuntaliitto (2003) *Kuntaliiton asumispoliittiset toimintalinjat*

<sup>23</sup> Finland/1189/1993 (18.8.2006)

<sup>24</sup> Finland/Ympäristöministeriö (2007) *Kaupungin omistamien vuokra-asuntojen hakijoiden asumisen seuranta Helsingissä, syyskuu 2005-syyskuu 2006.*

market. Properties to be constructed must be located at comfortable and safe areas in municipalities with housing demand.

The City of Helsinki is the largest landlord in Finland and there are 85,000 tenants living in its flats. Around 40 per cent of the tenants living in council houses are entitled to benefit of income support and the number employed is 10 per cent lower compared to the average in Helsinki. There are concerns of unbalanced structure of tenants and a threat of segregation in the areas having many rental council houses. The tenant structure is caused by the resident selection which is based on social expediency and economic need.<sup>25</sup>

In 2005, over 26,000 persons applied for the Council Houses, of which less than 14 per cent got a flat. In 2006, the average rent of the rental council houses owned by the City of Helsinki was 8.32 EUR per m<sup>2</sup> compared to the free market's price of 11.79 EUR per m<sup>2</sup>. A typical applicant for the rental council house flat is a single, young person with a low income.<sup>26</sup>

An eviction caused by the unpaid rent does not necessarily negate the possibility of obtaining a new city council flat. In practice, it is required that the rent debt is taken care of before the City offers a new flat. Evictions caused by the disturbing way of living are a more difficult matter. Generally, a new city council flat will not be offered if an applicant cannot prove that a situation has improved in a way that the disturbance will not occur again in the future. Proof, such as a divorce, may be sufficient, if the disturbance is caused by the spouse who has moved out. In many cases, a social worker gives a statement to prove the change of situation.<sup>27</sup>

The social office will arrange temporary accommodation if needed. For families, temporary accommodation has been arranged as purchased services, inter alia, in hotels. For singles or couples, housing has been arranged by the social service unit for the homeless which has at its use about 2 200 flats, 300-400 beds in single apartments and 10 support apartments with 200 places. Furthermore, there are altogether 700 dormitory places.<sup>28</sup>

In the applicant register, there is no mention of the Roma background of applicants, nor is this information requested at any stage of the application process. However, due to the fact that the Roma applicants do have special

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<sup>25</sup> Finland/Ympäristöministeriö (2007) *Kaupungin omistamien vuokra-asuntojen hakijoiden asumisen seuranta Helsingissä, syyskuu 2005-syyskuu 2006.*

<sup>26</sup> Finland/Ympäristöministeriö (2007) *Kaupungin omistamien vuokra-asuntojen hakijoiden asumisen seuranta Helsingissä, syyskuu 2005-syyskuu 2006.*

<sup>27</sup> Information obtained from Deputy Head of Housing Division, City of Helsinki 03.03.2009.

<sup>28</sup> Information obtained from Deputy Head of Housing Division, City of Helsinki 03.03.2009.

wishes and needs related to housing,<sup>29</sup> there is a special phone service. In these cases, the background of the customer will be always taken into consideration.<sup>30</sup>

### 1.1.2.1. Policy programmes

The current government programme on housing states that housing policy is aimed at ensuring a socially and regionally balanced and stable housing market, eliminating homelessness and increasing the supply of moderately priced land for construction.<sup>31</sup> In the programme, there is a special focus on vulnerable groups, but Roma is not explicitly mentioned.

In recent decades, the focus of the policy on Roma has been on education and cultural rights.<sup>32</sup> Roma housing was clearly the focus during 1970s (see Section 1.1.3.1.) and after that, it was treated as a part of the general housing policy.

The Ministry of Social Affairs and Health has set up a working group to prepare a policy programme for Roma. The deadline for the working group is 30.06.2009. The aim of the programme is to promote equality and inclusion of Roma, including in the area of housing. The programme, prepared in co-operation with Roma organisations and different authorities pertains to all administrative sectors.

The tasks of the working group are:

- to prepare and co-ordinate a policy programme aiming at improving the equality and non-discrimination of the Roma;
- to co-operate with different administrative sectors while preparing a policy programme;
- to compile proposals for action and make suggestions for surveys pertaining to the situation of Roma;
- to inform the Advisory Board for Romani Affairs and Roma organisations regularly on the progress of the working group; and
- to organise hearings.

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<sup>29</sup> The special needs and wishes of Roma are described in detail in Finland/Ministry of Social Affairs and Health (2000) *Strategies of the Policy on Roma*. These special characteristics include, *inter alia*, the rules of purity which state that one Roma family cannot live above another Roma family; after the death of a family member the remaining family has to move; teenage boys and girls cannot use the same bathroom.

<sup>30</sup> Information obtained from Deputy Head of Housing Division, City of Helsinki 03.03.2009.

<sup>31</sup> Finland/Ympäristöministeriö (2008) *Hallituksen asuntopoliittiset ohjelmat. Valtioneuvoston asuntopoliittinen toimenpideohjelma. Helsingin seudun aiesopimus. Pitkäaikaisasunnottomuuden vähentämishjelma.*

<sup>32</sup> Finland(Työ- ja elinkeinoministeriö (2008) *Romanien pitkä matka työn markkinoille.*



*Romaniasiainneuvottelunta* [The Advisory Board for Romani Affairs] has prepared a briefing with propositions for the working group. Regarding housing, the Advisory Board has proposed many measures,<sup>33</sup> including:

- increasing the cooperation between authorities and Roma;
- increasing guidance for housing and debt problems;
- examining how discrimination is monitored outside governmental housing;<sup>34</sup>
- increasing knowledge on income support, adjustment, debt guidance and substance abuse; and
- collecting information on the current living conditions of Roma housing

The government report on the Disability Policy, issued in May 2006, states that the key principles of the disability policy are: the right to equal opportunities, the right to social inclusion and the right to necessary services and support. The report states that the Romani-speaking disabled people form a minority among minority and their need for special services should be acknowledged.<sup>35</sup>

There is no mention of housing or Roma in the Government Action Plan for Gender Equality 2008–2011.<sup>36</sup>

The issue of Roma and housing is not addressed in the National Report on Strategies for Social Protection 2008–2010 or earlier reports.<sup>37</sup>

The issue of Roma is not explicitly addressed in the National Strategic Reference Frameworks for EU Structural Funds.

Finland is not a member of the Decade of Roma inclusion.

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<sup>33</sup> The Advisory Board for Romani Affairs (2008) *Romanipoliittisen ohjelman valmistelu esiselvitys*

<sup>34</sup> Your question: Does this infer that discrimination is monitored in government housing? This doesn't infer that. Rather it infers that there are possible ways to tackle discrimination in public housing, and the point is to investigate whether there are any special monitoring mechanisms in private housing.

<sup>35</sup> Finland/Sosiaali- ja terveystieteiden ministeriö (2006) *Valtioneuvoston vammaispoliittinen selonteko*.

<sup>36</sup> Finland/Sosiaali- ja terveystieteiden ministeriö (2008) *Hallituksen tasa-arvo-ohjelma 2008-2011*.

<sup>37</sup> Finland/Sosiaali- ja terveystieteiden ministeriö (2008) *Kansallinen sosiaalisen suojelun ja osallisuuden strategiaraportti vuosille 2008 – 2010*.

### 1.1.3. Positive action measures improving housing of Roma

#### 1.1.3.1. Special subsidy housing loans

The 1970s and the positive action of the housing measures initiated during that decade were brought up by all the interviewed as the turning point in the Roma housing situation in Finland (see Section 2.2.).

The Advisory Board of the Gypsy Affairs conducted research in 1969 on the housing conditions of the Gypsies, which led to the adoption of the targeted allowance on the improvement of the housing conditions of the Gypsies. The allowances were granted only to the municipalities, parishes or registered associations. Allowances were granted to construct, purchase or renovate rental flats. The allowances were granted at a maximum of 75 per cent of the construction, acquisition or renovation costs. The allowances were targeted at the persons in most urgent need of housing; the homeless and families and the elders living under inadequate housing conditions. From 1970 to 1973, these allowances purchased and/or improved flats for about 140 families.<sup>38</sup>

The Law on the Improvement of Housing Conditions of the Gypsies was enacted on 29.08.1975 and a special subsidy loan law came into effect the following year. The law was meant to be temporary, but was extended through to the end of 1981. According to this law, the duty to take care of the property improvements of the population belonging to the Gypsies lies with the municipality. The municipality was required to draft a report on the housing conditions of the Gypsies living in its district and a precise action plan towards meeting a satisfactory level of housing conditions by the end of the year 1981.<sup>39</sup>

During the time that this special subsidy law system was in force there was a considerable improvement in the housing conditions of the Gypsies. The special subsidy loans were granted for over 600 Roma families two-thirds of which were directed to flats owned by the Roma and the other third to the rented council houses of the municipalities. The maximum special subsidy loan amount granted was 80 per cent of the accepted acquisition, construction, extension and renovation expenses. The annual rate of the loan was 3 per cent. The time limit of the loans for the flats owned by Roma was 25 years and for the municipality-owned rental council houses it was usually 30 years.<sup>40</sup>

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<sup>38</sup> Finland/Mustalaisasiain neuvottelukunta (1981) *Mustalaiset vähemmistönä suomalaisessa yhteiskunnassa*

<sup>39</sup> Finland/Mustalaisasiain neuvottelukunta (1981) *Mustalaiset vähemmistönä suomalaisessa yhteiskunnassa*

<sup>40</sup> Finland/Ympäristöministeriö (1996) *Romaniväestön asuntotilanne 1990-luvun puolivälissä.*

There is no data broken down by gender, age or disability. Many Roma families were forced to give up flats that they owned due to economic problems. At the moment, the ownership of these flats has mainly turned over to other than Roma.<sup>41</sup>

These laws were seen as important measures for improving the housing of the Roma by the people interviewed for this study. However, the subsidy system has also faced criticism: the representatives of the Exchequer did not consider the subsidy system of the owned-houses a success as a whole, taking into consideration the set goals and actual outcomes. The economic resources of the Roma households have not been enough to take care of the loans even if the terms of these special subsidy loans were extremely favourable. Especially the households with low incomes had great difficulties in paying back the loans. However, in its time, the special subsidy loan system was significant in achieving concrete improvements in the inadequate housing conditions of the Roma population.<sup>42</sup>

### 1.1.3.2. Guidelines on resident selection

The Ministry of the Environment and the Housing Finance and Development Centre of Finland have jointly developed the Tenant Selection Guidebook for Rental Council Houses in order to standardise practices for different types of owners' resident selection procedures and municipalities.<sup>43</sup>

Helsinki, Espoo and Vantaa have published a joint resident selection manual which includes recommendations in addition to compulsory specifications.

The Ministry of the Environment has also published a special leaflet on the characteristics of the Roma culture related to housing.<sup>44</sup> This leaflet briefly describes the history of the Roma community in Finland and notes that the location of the flat in the building can have special significance for the Roma. This leaflet gives more information to housing officials.

In 2008, the Housing Finance and Development Centre of Finland released new guidelines on the resident selection process among the Roma to the housing authorities of the municipalities, including the housing companies and other non-profit organisations.<sup>45</sup>

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<sup>41</sup> Finland/Ympäristöministeriö (1996) *Romaniväestön asuntotilanne 1990-luvun puolivälissä*.

<sup>42</sup> Finland/Ympäristöministeriö (1996) *Romaniväestön asuntotilanne 1990-luvun puolivälissä*.

<sup>43</sup> The guidebook is available at internet address [www.ara.fi](http://www.ara.fi).

<sup>44</sup> Finland/Ympäristöministeriö (2000) *Romanikulttuurin erityispiirteet asumisessa*

<sup>45</sup> *Ohje romaneita koskevan asukasvalinnan täsmentämiseksi*. Ympäristöministeriö Dnro YM3/601/2008. 25.4.2008.

### 1.1.3.3. The Advisory Board on Romani Affairs<sup>46</sup>

The task of the Advisory Board on Romani Affairs is to ensure the equal participation of the Roma population in the Finnish society, to improve their living conditions and socio-economic position and to promote their culture.<sup>47</sup> Its work includes co-operation and expert help in matters involving the Roma and the authorities in Finland. The government appointed the first Advisory Board on Romani Affairs in 1989, but its work actually began in 1956 under the name Advisory Board on Gypsy Affairs. The Advisory Board functions in conjunction with the Ministry of Social Affairs and Health.

The government appoints the Advisory Board for three years at a time. The Advisory Board includes a chairperson, a vice-chairperson and a maximum of 16 other members. Half of the members represent the Roma population; the other half represent the administrative sectors of the Ministry of Social Affairs and Health, Ministry for Foreign Affairs, Ministry of the Interior, Ministry of Education, Ministry of Labour, Ministry of the Environment and the Association of Finnish Local and Regional Authorities. The Advisory Board employs a full time General Secretary and a secretary. The General Secretary prepares the work of the Advisory Board and carries out its decisions.

The Secretary General of the Board is a woman, as are the majority of the board members are women.

The Advisory Board convenes about ten times per year. The work section prepares matters to be discussed at meetings. Every year, the Advisory Board organises seminars, to which both authorities and representatives of the Roma population are invited. The seminars deal with current themes of development included in the annual action plan of the Advisory Board. The Advisory Board has long been involved in Nordic cooperation.

The task of the Advisory Board on Romani Affairs is to:

- monitor the development of the social participation and living conditions of the Roma in order to promote equality;
- improve the social and economic position and promote the culture and employment of the Roma population, by taking initiative and making proposals;
- work to eliminate discrimination;
- promote the Romani language and culture;

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<sup>46</sup> Finland/Sosiaali- ja terveystieteiden ministeriö (2002) Advisory Board on Romani Affairs in Finland. Brochures 2002:7.

<sup>47</sup> Finland/1019/2003 (1.1.2004)

- take part in Nordic and other international co-operative efforts in order to improve the position of the Roma;
- provide statements on the position of the Roma for other authorities and organisations and provide expert statements, for example, concerning how Finland follows the relevant international agreements.

The activities of the Advisory Board focus on matters concerning housing and education, cultural affairs, employment and information, among others.

There are four Provincial Advisory Boards on Romani Affairs. The task of the Provincial Advisory Boards is to support local co-operation and Roma participation in municipalities and to prevent prejudice. Furthermore, they function as a co-operative body, facilitating communication between the Roma and the authorities and launching development projects which aim to improve the position of the Roma population. The Provincial Advisory Boards have contributed to the fulfilment of the principle of subsidiarity at the local level. They have existed for almost ten years.

The website of the Board<sup>48</sup> or their publications does not contain detailed information on their work regarding housing. The Advisory Board is represented in many other advisory groups or boards which deal with housing and Roma. The Ministry of Social Affairs and Health has set up a working group to prepare a policy programme for Roma in which the Advisory Board on Romani Affairs is represented.

#### 1.1.4. Impact of public policies

According to the data given by the municipalities the number of applicants for the rental council houses has been increasing steadily since 1992, especially in the largest cities. Roma account for about 1 per cent of the total amount of applicant-households for the rental council houses. Around 80 per cent of these Roma applicant-households lived in the cities and 20 per cent were in the smaller municipalities.<sup>49</sup>

In 1994, in the southern province of Finland around 50 per cent of the province's Roma applicants received a rental council house. In the capital district, the figure was even slightly higher, 56 per cent. Of all the applicants in the province, 39 per cent got a flat. At the national level, the share of the Roma applicant-households in urgent need of a rental council flat is 33 per cent

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<sup>48</sup> <http://www.stm.fi/stm/neuvottelukunnat/ronk/etusivu>

<sup>49</sup> Finland/Ympäristöministeriö (1996) *Romaniväestön asuntotilanne 1990-luvun puolivälissä*.

compared to the average of 25 per cent. Housing-related problems are still more common amongst the Roma population.<sup>50</sup>

Unfortunately there is not any newer information. The data protection law makes it difficult to investigate Roma-specific data. This is why there are so few extensive studies and information.

In the capital district, almost 70 per cent of the Roma applicant-households were in urgent need of the flat compared to the average of 43 per cent in the district. However, it seems that in the capital district, the need for a flat and the economic situation of the Roma are taken into consideration in the resident selection process quite well, although the need for a flat and Roma housing problems are centred strongly into Helsinki. The Roma population rarely lives in privately owned or rented flats, as the rents and deposits pose too high a threshold for them. Inadequate trimming or slum housing is very rare in Helsinki. According to the housing authorities of Helsinki the housing conditions of the Roma are satisfactory, considering the general housing situation. There are not special quotas for the Roma in the resident selection. In practise, the special characteristics and traditions of the Roma culture are taken into consideration as far as resources allow.<sup>51</sup>

However, there are huge differences in the housing markets from location to location in Finland. It has been argued that actions taken to improve the housing of Roma were not focused enough on the share of the Roma in the most urgent need living in the worst housing conditions.<sup>52</sup>

According to the information received by the Finnish League for Human Rights (FLHR) in 2007-2008, some of the Roma had problems in obtaining a flat due to the 'avoidance duty'.<sup>53</sup> This type of appeal made it impossible for an individual to get a flat in certain municipalities. Sometimes a person on 'duty to avoid' might not find a place of residence accepted by the local Roma at all, leading to homelessness and internal 'exile'. FLHR interviewed 30 municipal

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<sup>50</sup> Finland/Ympäristöministeriö (1996) *Romaniväestön asuntotilanne 1990-luvun puolivälissä.*

<sup>51</sup> Finland/Ympäristöministeriö (1996) *Romaniväestön asuntotilanne 1990-luvun puolivälissä.*

<sup>52</sup> Finland/Ympäristöministeriö (1996) *Romaniväestön asuntotilanne 1990-luvun puolivälissä.*

<sup>53</sup> Cultural traditions here refer to two practices by Finnish Roma community. First one is called *muuttolupa* [permission to move], which is a general practice by any member of Roma community wishing to relocate, in which case he/she will contact the (dominant) members of Roma community in the new area to politely ask for the permission to move, which usually should be/is granted if the person requesting the permit is of a good reputation. The second practice called *väistämisvelvollisuus* [duty to avoid/yield] is connected with severe conflict situations (caused by killing or inflicting grave bodily harm) between two families. In these situations the perpetrators extended family is expected to move away from 'the area' of the victim's extended family. See also Section 2.2.

housing offices located in the different parts of Finland relating the questions of housing of the Roma.<sup>54</sup>

The special characteristics of Roma housing, for instance, the duty of avoidance, were familiar for the housing offices. In two-thirds of the housing offices interviewed, they had experienced cases in which certain Roma persons could not live in the same locality with the other Roma persons. The majority of the interviewed employees of the housing offices indicated that special wishes related to the duty of avoidance and other special characteristics of the Roma culture are taken into consideration if it is only possible.

There is a practise among the Roma of calling the housing office to try to influence the decision of the housing official. Additionally, some of the officials of the housing offices have initiated calls to certain Roma persons in order to get advice. In doing so the official must reveal the whole name or at least the surname of the applicant seeking a flat and is thus breaching a law. Based on the interviews, it is clear that there are relevant differences in the attitudes and actions of the housing offices in dealing with Roma housing. An alarmingly high number of the housing offices break the law and principles of good governance through their actions.

If a housing authority asks the Roma community, f(the Roma elder or contact person) for permission to move to a location, it is not an acceptable procedure. The constitutional right to maintain and develop the Roma culture does not refute the right of the Roma applicant to freely choose his place of residence and be treated equally with other resident applicants when applying to rent a subsidised council house flat.

The responsibility of the local authority to respect the cultural traditions of the Roma culture do not constitute a reason to overrun the rights guaranteed by the constitution or other housing laws for a single individual.

There are no special comments about the situation of Roma women, children, the elderly or those with disabilities.

## 1.2. Quantitative data

It is difficult to provide exact statistical data, because the ethnic definition of Roma is problematic, and due to protection provided by the Personal Data Act, there are no statistics on the Roma. The Roma themselves consider it to be a positive thing that no one can be registered on grounds of ethnicity.<sup>55</sup> Statistics

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<sup>54</sup> M. Aaltonen, M. Joronen, S. Villa (2009) *Syrjintä Suomessa 2008*, Helsinki: Ihmisoikeusliitto ry.

<sup>55</sup> Finland/Ministry of Social Affairs and Health (2000) *Strategies of the Policy on Roma*.

on the mother tongue of each registered individual residing in Finland are available; however, this does not make it possible to identify old minorities such as the Roma and the Sami. In fact, like second-generation immigrants, most of the Roma in Finland nowadays speak Finnish as their mother-tongue.

The number of Roma is an estimate, based on the knowledge of different NGOs, the Roma community, various studies and authorities' estimates. The absence of statistics clearly hinders the improvement of conditions for Roma. The Ombudsman for Minorities has suggested canvassing the possibilities to improve the gathering of statistics to give us more information on the actual situation of the Roma.<sup>56</sup> Also the Advisory Committee on the Framework Convention for the Protection of National Minorities has taken notice on the absence of statistics and its consequences on monitoring the situation of Roma.

Currently, there are about 10,000 Roma in Finland (equivalent to about 0.2 per cent of the total population of the country) and about 3,000 Finnish Roma living in Sweden. The majority of Roma live in the cities of southern and western Finland, though there are Roma communities throughout the country.<sup>57</sup>

In the last few years, the number of Roma coming from eastern European countries and applying for asylum has increased considerably, totalling between 4,000 and 5,000 requests between 1990 and 2004. However, the applications of Roma from eastern European countries have usually been rejected.<sup>58</sup>

The Roma population is strongly centred in the largest cities of Southern Finland, especially in the capital district. Over 40 per cent of the Roma population is living in the Province of Southern Finland.<sup>59</sup>

In the 1970s, over half of the Roma lived in different ways in inadequate housing conditions or were completely homeless. Now, the Roma are no longer homeless in Finland, in fact their housing conditions are not dissimilar from those of the rest of the population. However, in practice, the Roma are housed mainly in state-subsidised dwellings owned by the local authorities. Only a minority of the wealthiest Roma own their homes. Furthermore, the Roma are still subjected to discrimination in the private rental housing market.<sup>60</sup> The rental council houses constructed by the special subsidy loan system specifically for the use of the Roma in the 1970s and in the 1980s are

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<sup>56</sup> Finland(Työ- ja elinkeinoministeriö (2008) *Romanien pitkä matka työn markkinoille.*

<sup>57</sup> Finland/Sosiaali- ja terveystieteiden ministeriö (2004) *Suomen Romanit.*

<sup>58</sup> Policy Department Economic and Scientific Policy (2008) *The social situation of the Roma and their improved access to the labour market in the EU.*

<sup>59</sup> Finland/Ympäristöministeriö (1996) *Romaniväestön asuntotilanne 1990-luvun puolivälissä.*

<sup>60</sup> Policy Department Economic and Scientific Policy (2008) *The social situation of the Roma and their improved access to the labour market in the EU* and Finland/Ympäristöministeriö (1996) *Romaniväestön asuntotilanne 1990-luvun puolivälissä.*



deteriorating and are not meeting satisfactory standards in terms of conditions anymore.<sup>61</sup>

According to a report published by the Ministry of the Interior in 2008, many authorities have the impression that the migrants and the Roma prefer to live in the same area close to each other. This is highly contradictory to the opinions held by the migrants and the Roma themselves. They see segregation as a problem which makes it even more difficult for them to integrate into society or which increases the negative attitudes and racism against them amongst the majority population.<sup>62</sup>

The data for the report was collected from interviews with 45 immigrants and 12 Roma living in the Helsinki metropolitan area (Helsinki, Espoo and Vantaa). Ten of the Roma respondents lived in homes owned by the public authorities, one lived in a private rental flat and one was homeless. The report indicates that half of the Roma and one third of the immigrants had experienced differential treatment while seeking housing on account of their ethnic background. They were of the opinion that their family situation or housing needs had not been sufficiently taken into account. Furthermore, they were of the opinion that their ethnic background was the reason that they had had to wait so long for the council flat or that it was in a bad condition. They were also of the opinion that Roma face problems in getting a flat from the private markets even if they can afford to pay higher rents.

The Roma who were interviewed for the study had been on the waiting list for a rental council house as long as six years. Additionally they were unhappy with the conditions and size of the flat, or the location and public services in the surrounding area. They saw the authorities' attempts to house too many Roma persons in the same area as problematic and discriminating.

It is impossible to estimate the average waiting period for rental council houses, because not all applicants are in the same queue. The waiting period depends on the wishes of the applicant. In the application, applicants can give precise information concerning the flat they would prefer. Applicants now have the option of waiting for the housing option that best corresponds to their wishes. More than half of those applying are not forced to move and over one third of those applying for municipal housing do not accept the dwelling offered. Those who let the dwellings try to meet the applicants' wishes by offering them only such options as correspond to the criteria they indicated.<sup>63</sup>

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<sup>61</sup> Millaista on romanien asuminen nyky-Suomessa. Asuminen & yhteiskunta 2/2007.

<sup>62</sup> Finland/Sisäministeriö (2008) *Toiveena monipuolinen asukasrakenne. Selvitys asumisen etnisen yhdenvertaisuuden toteutumisesta pääkaupunkiseudulla.*

<sup>63</sup> Finland/Ympäristöministeriö (2006) *Vuokra-asuntojen hakijatilanne pääkaupunkiseudulla.*

For the Roma respondents, the average size of the apartment was 70-90 m<sup>2</sup> and average number of inhabitants was three per flat. Two out of 12 respondents were not satisfied with the size of their apartment.

In 2008, a study on elderly Roma was published. According to this study, the housing conditions of the Roma elderly are good and the Roma themselves are happy with their housing conditions. Most of the respondents lived in rental flats. Flats also were considered to be adequate in size and public utilities were accessible.<sup>64</sup>

There is no data available on unregulated encampments.

There is no data available on segregated settings.

There is no data available on forced evictions.

There is no data available on access to public utilities.

The housing of Roma has an indirect impact on education, health and employment. Moving constantly has an evident impact on housing as it makes it harder to maintain connection to networks. Concretely, this means that children change schools often, for example. Permanent housing has brought the right to public health care.

There is no relevant information on the situation of elderly Roma, women, Roma with disabilities or children.

## 1.3. Qualitative information

### 1.3.1. Quality of housing

The special housing programmes implemented in the 1970s concentrated on improving the situation of the Roma (see Section 1.1.3.1.). At the time, housing was one of the biggest problems of the Roma community. As a consequence of these programmes, the Roma are not homeless in Finland and their housing conditions are not dissimilar to those of the rest of the population. However, in practise, the Roma are housed mainly in state-subsidised dwellings owned by authorities.

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<sup>64</sup> P. Majaniemi, A. Viljanen (2008) *Romanivanhusten palvelukartoitus*.

### 1.3.2. Access to housing and problems during tenancy

Especially for those Roma individuals and families living on the margins of society and facing multiple challenges, there are still problems in access to rental housing as well as in problems during tenancy (i.e. fear of termination of the lease usually because of non-compliance with housing rules).

The most comprehensive report on the housing situation of the Roma was published in 1996. According to this report the Roma are in equally positioned with the rest of the population regarding social housing. A third of the Roma applicants had a very urgent need for housing. In the metropolitan area, the number of Roma with an urgent need for housing was almost 70 per cent, compared to the number of all applicants (43 per cent). The Roma are centred in the Metropolitan area and the applicants are more often families than other applicants. The Roma, as other inhabitants of social housing are mainly housed in blocks of flats. In social housing of Helsinki, it is rare to find a flat in inadequate condition. According to housing authorities, the Roma usually get a flat quickly, because they need it urgently. According to authorities, the problems of Roma are not dissimilar to those of the rest of the population.<sup>65</sup>

However, according to the Ombudsman for Minorities, the housing situation of Roma is problematic. In general, the Roma who contacted the Office of the Ombudsman for Minorities indicated problems related to housing. In recent years, there have been 40 to 50 cases per year. Almost all the cases are related to the state subsidised rental council houses' resident selection, change of flat or problems in living in a flat. There are also discrimination claims, customer service problems, issues of marginalisation and multiple problems of families which are polarised in housing, as well as, cultural questions (the special characteristics of the Roma culture, how these Roma traditions affect living in housing, the limits for practicing cultural traditions).<sup>66</sup>

The 2006 Annual Report of the Ombudsman for Minorities indicates that in housing issues, the reason for contacting the office was often an excessively long housing application process. According to the report, the Roma are sometimes also asked to provide additional clarifications and make commitments that are not required from other applicants. The Ombudsman also looked into a case where a Roma couple was expected to provide a subletting agreement to ensure payment of rent as a condition for concluding their lease, although this condition was not applied to applicants that were part of the main population in a similar financial position. The Ombudsman issued an opinion on the case and urged the municipality responsible for supervising the resident selection to take measures ensuring that the resident selection procedure would comply with the requirements of the Non-Discrimination Act. Many Roma

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<sup>65</sup> Finland/Ympäristöministeriö (1996) *Romaniväestön asuntotilanne 1990-luvun puolivälissä*.

<sup>66</sup> Information obtained from the Office of the Ombudsman for Minorities 11.02.2009.

customers have reported that they do not even try to access private housing market, because their ethnic background will automatically lead to rejection in the selection of residents.<sup>67</sup>

According to the Ombudsman, obtaining concrete proof of discrimination was often difficult, thus suspicion of actual discrimination arose only rarely. One aspect which causes problems is that the applicant does not receive a justified decision that can be appealed in answer to the application for a rented flat addressed to the municipality or a rental company. The applicant is either offered a flat or remains in the queue. Consequently, it is difficult to prove whether the applicant was not offered a flat because of his or her ethnic background or because the need for housing of other applicants is more urgent or better justified. Neither can comments uttered in private conversations between a Roma applicant and the housing officer be proven. In many cases, claims of discrimination were associated with criticism against the quality of the authorities' actions and the implementation of the principles of good administration.<sup>68</sup>

According to the Ombudsman, a particular women's perspective can be associated with the housing issues of the Roma. The Ombudsman was aware of many cases in which it was a question of financial and housing-related problems, evictions and homelessness of single mothers and their children.<sup>69</sup> The unsettled and deficient housing conditions of some Roma families and a number of social problems reduce the opportunities for children to regularly attend school. The Ombudsman for Minorities is urging municipalities to consider the subject from a broader perspective rather than as merely a question of housing. In the most severe cases of homelessness, a Roma child's school attendance may be discontinued or remain sporadic for several years.<sup>70</sup> The number of homeless Roma is not available because ethnic data is forbidden. The term unsettled refers here to the fact that Roma move often, and may reside with relatives.

The contacts received by the Advisory Board on Romani Affairs related to the experiences of discrimination were mainly related either to the application of housing or the change in residence of the Roma. The reasons behind these experiences are diverse, often there are personal or family problems, including: economic difficulties, alcohol abuse, mental problems, ignorance and inability to seek and gain help, inability to fill out applications, etc. Evictions and/or difficulties in obtaining a flat caused by payment delays and disturbance notices are often interpreted as discrimination. In some cases, it may be an issue of discrimination in the resident selection process but in many cases it is more

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<sup>67</sup> Office of the Ombudsman for Minorities, *Annual Report 2006 and Annual Report 2007*.

<sup>68</sup> Office of the Ombudsman for Minorities, *Annual Report 2005*

<sup>69</sup> Office of the Ombudsman for Minorities, *Annual Report 2005*

<sup>70</sup> Office of the Ombudsman for Minorities, *Annual Report 2007*

likely to be a question of marginalisation caused by multiple reasons.<sup>71</sup> The factors may lead to indirect discrimination because people that are marginalised may have difficulties in understanding requirements and processes relating to different public services. This makes it difficult for them efficiently enumerate their rights.

In the fifth periodic report of the government of Finland on the Implementation of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) it is noted, that the discrimination faced by Roma women is most often in the labour market and the availability of private services. Roma women in national dress appear to be more often affected by discrimination. Alternately, Roma women are more aware of their own rights now than before and they are more likely to report the discrimination. According to the Advisory Board for Romani Affairs, prevention of the discrimination against Roma women will require distributing more information on the discrimination ban both to the personnel of public administration and to private service providers. The Advisory Board also proposes tougher consequences on people sentenced for discrimination to enforce the sanction.<sup>72</sup>

In its second report, the European Commission against Racism and Intolerance (ECRI) notes that the Roma minority faces serious difficulties in accessing housing. Discrimination is reported to occur in the private and public sectors. ECRI regrets that some municipalities discriminate against Roma in the allocation of housing and have even reportedly exploited the specific cultural needs of Roma as a way of blocking their access to housing.<sup>73</sup>

In its third report on Finland, ECRI once more draws attention to the housing problems encountered by the Roma, noting that housing continues to be one of the main areas where the Roma experience discrimination in Finland. Reportedly, the Roma are particularly disadvantaged in the private housing market, to the extent that in practice they can hardly ever get access to it. In connection to this, ECRI notes that the private housing market, pertaining to transactions between individuals, is not regulated by primary anti-discrimination legislation (see section 1.1.1.3 for the amendment of the Non-Discrimination Act.). Accordingly, ECRI recommends that the Finnish authorities draw up and implement a comprehensive strategy aimed at improving the situation of the Roma in several key areas of social life, including housing.<sup>74</sup>

Also the Human Rights Committee expressed regret about the continuing de facto discrimination against members of the Roma minority, especially in the

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<sup>71</sup> M. Aaltonen, M. Joronen, S. Villa (2009) *Syrjintä Suomessa* 2008, Helsinki: Ihmisoikeusliitto ry.

<sup>72</sup> CEDAW/C/FIN/5.

<sup>73</sup> CoE doc. CRI(2002)20.

<sup>74</sup> CoE doc. CRI(2007)23.

area of private housing, employment and services; it recommends that government agencies be trained to intervene positively to help overcome racist attitudes and to initiate proceedings where any pattern of discrimination is identified. The growing number of people moving to cities has led to a situation in which it is increasingly difficult to find an apartment, to rent or to own, in the expanding cities. The situation of all persons seeking housing in such cities, particularly of those wishing to have small apartments, is difficult. This is also reflected in the situation of minorities, including the Roma, as far as the availability of public housing provided by the local authorities is concerned. The Ministry of the Environment has found that discrimination exists to some extent in the selection of tenants of apartments owned by local authorities, but the situation varies between municipalities.<sup>75</sup>

In the private housing market, the guarantee deposits which are usually required and the solvency requirement often make it difficult for Roma to find an apartment. With respect to private housing, it is rather difficult to intervene in cases of possible discrimination because of problems of evidence. Concerning the apartments granted on social grounds, the Roma are, in principle, in an equal position with other applicants.<sup>76</sup>

The Committee on the Rights of the Child has recommended that the state party continue to take measures towards social inclusion and combat the marginalisation and stigmatisation of Roma children. Furthermore, additional measures are needed to ensure that Roma children fully enjoy the rights enshrined in the Convention, in particular concerning access to education and an adequate standard of living. As a result of the changes in society, differentiation and inequality between population groups has increased and the gap between rich and poor has grown, which is also evident in the situation of Roma children. The improvement of the living conditions of Roma children must be integrated into the overall national policy concerning children, and the Roma themselves should be involved in the process.<sup>77</sup>

### 1.3.3. Issues of spatial segregation

There is no segregation among the Roma population because of cultural characteristics and the fact that authorities are taking into consideration the wishes and traditions of the Roma. Although, some respondents in a recent study were of the opinion that in some areas, there are too many Roma

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<sup>75</sup> CCPR/C/FIN/2003/5

<sup>76</sup> E/C.12/FIN/5

<sup>77</sup> Fourth periodic report of the government of Finland on the implementation of the UN convention on the rights of the child. July 2008.

inhabitants.<sup>78</sup> This was seen as discrimination by the Roma interviewed in the study.

Some amount of segregation is however inevitable due to the fact that most of the Roma reside in social or public housing and that they are concentrated in certain residential areas.

#### 1.3.4. Access and quality of housing for third country Roma/Traveller immigrants

On 4 April 2008, the Ministry of the Interior set up a working group to assess the national need to harmonise the actions of authorities in dealing with beggars.<sup>79</sup> The group was also asked to make development proposals and prepare any necessary instructions or legislative amendments. The working group made only one conclusion related to housing:

- There is no reason to create a separate system for the temporary accommodation of minors, covering only begging EU citizens. It is not justified to use reception centres for asylum-seekers or group homes or family group homes for unaccompanied minors for this purpose. If the need for welfare services is mainly due to inadequate housing conditions or to a poor financial situation, the municipality of residence is primarily responsible for providing adequate housing and/or income support.

The Rom po drom – the Roma on the Road -project was initiated on 2 June 2008 by the City of Helsinki and the Helsinki Deaconess Institute. The purpose of the project has been documenting the living conditions among the people begging, selling or performing in the streets and providing acute humanitarian aid when necessary. Information was collected using focused interviews. The project discussed with 196 people, of whom 76 were women. Of all the people encountered, approximately 90 per cent were of Roma origin, most from Romania. The second largest group was Bulgarians.

Most of the people interviewed in the project were not willing to share information about their accommodation. The people live in tents in camping areas or in obsolete areas. Also cars, caravans and apartments were used. Nutrition is often inadequate.<sup>80</sup>

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<sup>78</sup> Finland/Sisäministeriö (2008) *Toiveena monipuolinen asukasrakenne. Selvitys asumisen etnisen yhdenvertaisuuden toteutumisesta pääkaupunkiseudulla.*

<sup>79</sup> *Katukerjääminen ja viranomaisyhteistoiminta. Kerjäämiseen liittyvien viranomaistoimien yhdenmukaistamistarvetta selvittävä työryhmä.* Sisäasiainministeriön julkaisuja 21/2008.

<sup>80</sup> *Päivästä päivään, maasta maahan – Tavoiteena toimeentulo. Havaintoja romanikiertolaisten arjesta Helsingissä kesällä 2008.* Helsingin kaupungin ja Helsingin Diakonissalaitoksen Rom

Helsingin Sanomat has reported frequently on Romanian beggars. According to Helsingin Sanomat, some migrant beggars live in tents under the bridge in Helsinki. The paper reported that three tents had been set up underneath the bridge, containing the necessary mattresses and blankets, but did not have cooking equipment or sanitary facilities. Eleven Roma live in the three tents and one group sleeps outside because their tent disappeared. The Roma were forced into tents after being evicted from an apartment in nearby Kontula for failing to pay the rent.<sup>81</sup>

According to Helsingin Sanomat, the police also cleared out a camp of Romanian beggars, which had been set up in the east of the city.<sup>82</sup>

In May 2008, Helsingin Sanomat reported that eight people are living in tents set up on an open area of land between major highways.<sup>83</sup>

Mika Pöyry from the Helsinki Police Department said that during the winter, itinerant beggars lived mainly in Rastila camping area, in forests and in their own cars in the parking areas.<sup>84</sup>

Helsinki's social services have not offered housing or other assistance for beggars - information that is confirmed by the authorities themselves.<sup>85</sup> The project chief of the City of Helsinki said that officials do not plan to actively seek out beggars.<sup>86</sup> In January 2009, Helsingin Sanomat reported that the City of Helsinki does not plan to launch an operation to assist the ethnic Roma from Romania who have come to Finland to earn money as peddlars, street musicians and beggars. Jarmo Rähkä, from the Social Services Department of the City of Helsinki said that they don't want to encourage the begging phenomenon and that is why they are not arranging health services or housing for beggars.<sup>87</sup>

### 1.3.5. Miscellaneous

There is no information on forced evictions.

There is no information on legality or legalisation of settlements.

There is no information on movement, encampment and use of private land.

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po drom – Romanit tiellä -projektin väliraportti ajalta 3.6.-31.10.2008. (The interim report is not publicly available).

<sup>81</sup> Helsingin Sanomat 05.02.2008.

<sup>82</sup> Helsingin Sanomat 20.02.2008.

<sup>83</sup> Helsingin Sanomat 20.05.2008.

<sup>84</sup> Helsingin Sanomat 20.05.2008.

<sup>85</sup> Helsingin Sanomat 05.02.2008.

<sup>86</sup> Helsingin Sanomat 20.05.2008.

<sup>87</sup> Helsingin Sanomat 09.01.2009.



There is no information on access to public utilities.

There is no information on a campaign undertaken by authorities

There is no other data available on the requested issues about Roma in general, or Roma women or children. This was also confirmed by the Ministry of Environment<sup>88</sup> which was of the opinion that the study mentioned several times in this report<sup>89</sup> is the only comprehensive recent study of Roma and housing.

## 1.4. Case law and complaints

The compliance with the prohibition on ethnic discrimination in relationships (other than employment and service relationships) governed by public law is supervised by the Ombudsman for Minorities and the National Discrimination Tribunal of Finland.

Concerning the selection of tenants for rental apartments financially supported by the state, the Roma may also lodge a complaint with the Housing Finance and Development Centre of Finland.

### 1.4.1. The Ombudsman for Minorities

The Office of the Ombudsman for Minorities is an independent authority administratively affiliated with the Ministry of Interior. The legal basis for the post of Ombudsman for Minorities is provided in the Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland.<sup>90</sup> The Act provides that the field of operations of the Ombudsman is the prevention of ethnic discrimination and the promotion of good ethnic relations; the improvement of the position and rights of foreigners and ethnic minorities; the supervision of compliance with the principle of ethnic non-discrimination. The statutory functions of the Ombudsman in this determinate field of operations are also specified in the Act on the Ombudsman for Minorities and the National Discrimination Tribunal.

The statutory tasks of the Ombudsman are:

- To supervise compliance with the Non-Discrimination Act;<sup>91</sup>
- To promote good ethnic relations in the Finnish society;

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<sup>88</sup> Information obtained from Ms Raija Hynynen from Ministry of Environment 25.05.2009.

<sup>89</sup> Finland/Ympäristöministeriö (1996) *Romaniväestön asuntotilanne 1990-luvun puolivälissä*.

<sup>90</sup> Finland/660/2001 (30.12.2008)

<sup>91</sup> Finland/21/2004 (14.11.2008)

- To follow and improve the position and rights of foreigners and ethnic minorities;
- To conduct or commission independent surveys pertaining to ethnic discrimination;
- To report on the realisation of equality and on the conditions and standing of ethnic groups;
- To submit initiatives to eradicate discriminatory practices and injustices;
- To disseminate information on ethnic discrimination and legislation pertaining to ethnic minorities and foreigners;
- To perform the tasks assigned to the Ombudsman in the Aliens Act;<sup>92</sup>
- To perform as a national rapporteur for trafficking; and
- To supervise the realisation of equal treatment of everyone regardless of their ethnic origin in tandem with other authorities.

The mandate provided in the Act on the Ombudsman for Minorities and National Discrimination Tribunal empowers the Ombudsman upon encountering ethnic discrimination to:

- Try to put an end to discrimination and prevent its recurrence by issuing advice and recommendations;
- Make initiatives and submit recommendations and advice;
- Institute proceedings pertaining to ethnic discrimination;
- Delegate a reported case to a competent authority; and
- Issue a statement regarding the delegated case.<sup>93</sup>

Contact of the Office of the Ombudsman for Minorities may be initiated by the victim herself/himself or on behalf of another person or as group. All customer cases are examined and necessary action is taken. If appropriate, the first step is to find an amicable settlement between the parties. As a rule, the Office of the Ombudsman for Minorities does not formulate letters of complaint or provide any other legal aid, but will advise and guide victims of ethnic discrimination in finding help, including finding them assistance from a public legal aid office or private lawyers.

More information concerning the Ombudsman for Minorities and housing of Roma, see section 1.3 and Annex 1.

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<sup>92</sup> Finland/301/2004 (08.08.2008)

<sup>93</sup> Finland/660/2001 (30.12.2008)

## 1.4.2. The National Discrimination Tribunal of Finland

The National Discrimination Tribunal of Finland is an independent legal rights authority administratively affiliated with the Ministry of Interior. The legal basis for the National Discrimination Tribunal is provided in the Act on the Ombudsman for Minorities and the National Discrimination Tribunal.<sup>94</sup> The second National Discrimination Tribunal was appointed by the Council of State for a four-year term on 19.02.2008. The Act on the Ombudsman for Minorities and the National Discrimination Tribunal provides that the Tribunal consists of a chairperson, six members and a secretary. In addition, each member is appointed a personal deputy member. The requirements are such that the chairperson, at least three members and their deputy members and the secretary must be qualified for a judge's post.

The Act on the Ombudsman for Minorities and the National Discrimination Tribunal provides that the function of the Tribunal is to handle and solve those issues that are stipulated as its responsibility in the Non-Discrimination Act. The Non-Discrimination Act provides that the function of the Tribunal is to supervise the prohibition on ethnic discrimination other than in employment and service relations governed by public law. Although having the same function as the Ombudsman for Minorities, the powers assigned to them are different. The powers of the National Discrimination Tribunal go beyond the minimum requirements according to Council Directive 2000/43/EC. In cases of ethnic discrimination, the Tribunal is empowered:

- To confirm a conciliation settlement between the parties.
- To prohibit the continuation of discrimination or repeat of discriminatory conduct.
- To make statements on the application of the Non-Discrimination Act in cases of ethnic discrimination on the request of the Courts, the Ombudsman for Minorities, other authorities and associations.

The Act on the Ombudsman for Minorities and the National Discrimination Tribunal provides that a session of the Tribunal is quorate if the chairperson and at least half of the members are present.<sup>95</sup> All decisions of the Tribunal are legally binding: that is, it does not matter whether it concerns a conciliation settlement, a prohibition on the continuation of discrimination or repeat of discriminatory conduct or a statement on the application of the Non-Discrimination Act. When the Tribunal issues a prohibitive decision, it shall where necessary incorporate into the decision a reasonable period of time within

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<sup>94</sup> Finland/660/2001 (30.12.2008)

<sup>95</sup> Finland/660/2001 (30.12.2008)

which the decision must be compiled. To enforce a prohibitive decision, the Tribunal may impose a conditional fine and order payment.<sup>96</sup>

Decisions of the National Discrimination Tribunal may be appealed to the Administrative Court of the judicial district of which the person allegedly discriminated against resides.<sup>97</sup> The two limitations in the mandate of the Tribunal are that it may not investigate a case, which has been or is to be taken up by another authority such as a district court and it does not have the competence to change the decisions of other authorities. Public authorities may request a statement from the Tribunal on the application of the Non-Discrimination Act in cases of ethnic discrimination other than in employment or service relations.

The National Discrimination Tribunal has received only three cases concerning Roma and housing (Cases handled by the Tribunal are presented in Annex 2.) so it is difficult to assess the effectiveness of the Tribunal.

### 1.4.3. The Housing Finance and Development Centre of Finland

The Housing Finance and Development Centre of Finland also handle complaints. However, the complaints procedure cannot be compared to the court procedure, since the complainant cannot appeal based on the reply, nor is it binding.

A complaint is always in writing with the own name of the complainant. Anonymous complaints are not investigated. When a complaint arrives to the registrar of the Housing Finance and Development Centre of Finland it will be registered. The chief inspector will investigate the case and drafts a written clarification request to the authority on which action a complaint has been made. In the clarification request, the problems conveyed in the complaint are described briefly and it might be attached with the request. In the clarification request it is asked to give a written answer by due date. If it is needed it may be requested to also send documents that might clarify the case, for instance, a resident application with its attachments. The content of the clarification request is approved by the Development Manager of the Real Estate Economy Unit. Finally the clarification request is signed by both the Chief Inspector and the Development Manager.<sup>98</sup>

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<sup>96</sup> Finland/21/2001 (14.11.2008)

<sup>97</sup> Finland/21/2001 (14.10.2008)

<sup>98</sup> Information for section 1.4.3 is obtained from the Chief Inspector of the Housing Finance and Development Centre of Finland, 12.03.2009.

When the requested clarification arrives and it does not give a reason for requesting further information from either the complainant or the organisation, the Chief Inspector drafts the reply to the complaint taking into consideration the specific legislation, the guidelines given by the Ministry of the Environment, and the facts presented in the complaint. This also includes possible statements given by the social workers and doctors. The reply cannot be compared to verdicts given by the courts since a complainant cannot appeal to anywhere based on the reply, nor is it binding to the organisation. The reply is more like a recommendation and its authority is based on giving general guidance. Replies are signed by both the Chief Inspector and the Development Manager. Both the complainant and the organisation are informed about the reply made by the Housing Finance and Development Centre of Finland. A complainant will be informed also of the clarification given by the organisation.

The complaints are not classified in the Housing Finance and Development Centre of Finland based on ethnicity but are registered according to the subject of the complaint, whether it is based on the raising of rent, tenant democracy, or the resident selection. Because the Ministry of the Environment from time to time inquires about the number of Roma complaints, the Chief Inspector has kept account of them in order to provide this information to the Ministry. In 2008 the Housing Finance and Development Centre of Finland gave two replies to the complaints made by the Roma persons. The information on the Roma background was given by the complainants themselves.

## 1.5. Identifying good practices

### 1.5.1. Kotiinpäin -project<sup>99</sup>

- Name: Kotiinpäin -project (Towards Home -project)
- Organisation: Partners in this project were Social and Health Affairs in the City of Oulu, Housing sector of the Technical Centre and a private housing company Sivakka-yhtymä Oy.
- Type of initiative: Training, community cohesion.
- Sources of funding: Project was funded by the City of Oulu. Budget was 190,900 EUR.
- Rationale: Housing is a basic need and, therefore, problems relating to housing are particularly harmful. The City of Oulu has seen a demand to develop cooperation between Roma and the authorities.

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<sup>99</sup> Information obtained from the final report of the project.

- Objectives: To support the provision of housing services for vulnerable groups and support their housing through guidance, reducing and preventing evictions. Part of the project was to create and train an independent network consisting of different actors, e.g. counsellors and NGOs.
- Target group: vulnerable groups, including Roma.
- Time frame and location: 2006-2008, City of Oulu
- Brief description of main activities: training of housing counsellors, housing guidance in two residential areas, creating a network. During this project new methods (information sessions, training materials, conciliation models for resolution of conflicts) to support housing were created. One of the training materials is Vast Vastensa –guidebook, which is designed for social workers working with the Roma. Housing counsellors in cooperation with residents have improved the communal inclusion and atmosphere of the residential areas.
- Involvement of Roma: Roma have been involved in producing a Vast Vastensa -guidebook and Roma organisations were represented in different advisory groups.
- Difficulties and limitations: Establishing a permanent model is a long process. After this project, housing guidance is not going to continue as a service provided by the City. The City of Oulu had also hoped that some of the private housing companies benefiting from this project would have participated in financing this project.
- Impact assessment: In September 2008 a questionnaire was sent to the partners in the cooperation. The respondents saw the role of the housing counsellors as significant. They also pointed out, that the constant moving hinders school attendance. It was also noted that this project has supported the actions of the local school in a difficult area. These notions are not specifically related to Roma. No direct impact in relation to children and school attendance was reported. However, the project was successful in reducing and preventing evictions and this can affect school attendance indirectly. A questionnaire was also sent to the clients of the counsellors. They also saw counsellors' role as important and 84 per cent of the respondents felt that the counsellor had been useful. The project was also successful in preventing and reducing evictions. The feedback from the Roma living in the city of Oulu has been positive.<sup>100</sup> The impression of the Advisory Board on Romani Affairs is that projects combining different forms of support (housing, debt guidance, cultural interpretation) have been the most successful. If there is a lot of problems, housing in itself cannot solve the situation as a whole. Economic problems may result in new debts and eviction with this circle of events being harmful for the situation as a

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<sup>100</sup> Information obtained from the Advisory Board on the Romani Affairs.

whole, in particular for children and school attendance. In this respect, the housing situation should be seen as an important way to inclusion.<sup>101</sup>

- Sustainability: After this project, housing guidance is not going to continue as a service provided by the City. However, at least some of the housing counsellors have been employed by private companies.<sup>102</sup> The recommendations presented in the project include: a) strengthening communal integration in new residential areas, b) Establishing housing guidance models, c) continuing with the network for vulnerable groups
- Possibilities for transferability and mainstreaming: Methods created in the project would also benefit other cities in Finland. However, costs of the activities can be too much for individual cities, if no public funding is allocated to these actions.

### 1.5.2. KOTILO -project<sup>103</sup>

- Name: KOTILO - tools for good living (KOTILO - välineitä hyvään asumiseen)
- Organisation: Finnish Refugee Council (Suomen Pakolaisapu) is a NGO. Partners in the KOTILO-project are Espoonkruunu, Myllypuron Kiinteistöt Oy VAV-asunnot Oy and TVT-asunnot Oy, VTS-kodit, Tampereen vuokra-asunnot Oy and Kunta-asunnot Oy.
- Type of initiative: training and awareness raising.
- Sources of funding: RAY (the Finnish Slot Machine Association) and the Ministry of Environment. There is no information on the total budget.
- Rationale: improving living arrangements amongst all inhabitants and increasing inclusion and security in living areas.
- Objectives: the project is aimed at developing practices and models of living for immigrants and Finns. The project seeks to improve living arrangements amongst all inhabitants by solving and preventing conflicts occurring in the neighbourhood. Resident houses aim to increase common activities amongst inhabitants in the area and to create natural meeting points.
- Target group: all inhabitants. The project does not have any special focus on Roma, women, Roma with disabilities or children but it is presented here as good practise because it focused on the most vulnerable, including Roma. In addition, there was an external evaluation of the project, and the evaluation was positive.

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<sup>101</sup> Information obtained from the Advisory Board on the Romani Affairs.

<sup>102</sup> Information obtained from the Advisory Board on the Romani Affairs.

<sup>103</sup> Information obtained from the Project Manager, Terhi Joensuu, From the Finnish Refugee Council 21.03.2009 and the website o the project.

- Time frame and location: The time frame was 2006-2008. Project work targets suburbs where there are both immigrants and Finns. Project areas include the Helsinki region, Turku, Tampere and Ylöjärvi. There have been two resident houses in the Helsinki region, Olkkari (Lounge) in Suvela, Espoo and Tellus in Mikkola, Vantaa.
- Brief description of the main activities: The official role of the KOTILO-project is advisory in lodging and conflict prevention and negotiation in majority immigrant housing. Project work consists of conflict prevention, mediation, negotiation, advice and education. The project has trained neighbourhood negotiators who work as cultural interpreters and negotiators. The objective of neighbourhood negotiation is that aspects of everyday living can be a source of disputes between locals and immigrants. In the worse case scenario a quarrel over laundry room hours or the use of communal areas can turn into an intercultural conflict that spreads through the whole building. This is when a negotiator is needed.
- Involvement of Roma: there is no information of the involvement of Roma in the design, implementation and assessment.
- Difficulties and limitations: According to the external evaluation, the challenge has been to maintain the focus of the project because of the diverse activities of the project.
- Impact assessment: According to the external evaluation, KOTILO-project has been successful. The best activities of the project have been mediation and neighbourhood negotiation. Although the project did not concentrate on the Roma, they have benefited from the project through improved living arrangements.
- Sustainability: Training models and materials are available from the website. The project is continuing with the funding from RAY (the Finnish Slot Machine Association) and the Ministry of Environment.
- Possibilities for transferability and mainstreaming: Project activities have been carried out in many cities successfully.

## 1.6. Major national projects

### 1.6.1. Building Inclusion -project<sup>104</sup>

The Finnish Ministry of the Interior is a partner in Building Inclusion - Access to housing and inclusion in Europe. The project aims at exchanging experiences and results of social protection and access to housing policies, that have been

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<sup>104</sup> More information on the project, see <http://buildinginclusion.oberaxe.es/>



developed by different Member States (from national, regional and local level) in order to improve inclusion and integration of vulnerable groups and to identify successful practices that could support the coexistence between different groups with integration difficulties.

The national project activity consists of conducting a research into the situation of immigrants and the Roma in housing in Finland, as well as drafting recommendations to ensure equality in housing. This report and the recommendations were published in October 2008. The recommendations presented in the report include: a) the issue of segregation should be discussed in public; b) the equality plans of municipalities ought to be analysed to see how housing issues are taken into account in them; c) more research into housing is needed.

Roma organisations have been involved in conducting the national research and in the steering group of the national project. There is no formal or external evaluation available, because the project is not yet completed.

The benefit to the Roma community is the increased knowledge of the living conditions and wishes of the Roma. The recommendations of the project also benefit Roma.

## 1.6.2. The Aged -project

The Aged was a 3-year project (2005-2007), financed by the Finnish Slot Machine Association and run by the Finnish Romani Association. The objective of the project was to support the Roma elders living at home. The main activities of the project included a survey of the living conditions of Roma elders, the services supporting their independence and to improve the quality of guidance available. A survey mapping the situation of the Roma elders was published in 2008. On the basis of the survey, a recommendation for developing services for supporting the Roma elders has been drafted. There is no external evaluation of the project.<sup>105</sup>

In the survey conducted in the project, 58 people were interviewed and 42 of these were women. According to the survey, the housing conditions of the Roma elderly are generally good and the Roma themselves are happy with their housing conditions. Most of the respondents lived in rental flats. Flats also were considered to be adequate in size and public utilities were accessible. Any differences between men and women were not reported.<sup>106</sup>

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<sup>105</sup> Information obtained from [www.romaniyhdistys.fi](http://www.romaniyhdistys.fi) and P. Majaniemi, A. Viljanen (2008) *Romanivanhusten palvelukartoitus*.

<sup>106</sup> P. Majaniemi, A. Viljanen (2008) *Romanivanhusten palvelukartoitus*.

## 2. Field research - interviews

### 2.1. Brief descriptions of the methodology

All the interviews were carried out face-to-face, two on the premises of the FLHR and three on the premises of the interviewees. The provided questionnaire was used, but not followed in a strict manner. Durations were from 1 hour to 2 hours each. The following people were interviewed:

1. A Housing Counsellor (later referred as RMoE) of the Ministry of Environment. The role of the Ministry of Environment in relation to housing has been thoroughly explained elsewhere in the study. The person interviewed has been responsible for the Roma housing issues in MoE for over a decade and is representing the ministry on the Advisory Board for Romani Affairs.

2. A Senior Officer (later referred as ROfM) of the Office of Ombudsman for Minorities. The role of the Ombudsman for Minorities in relation to Roma housing has been thoroughly explained elsewhere in the study. The person interviewed has been responsible for the Roma issues in the office since its establishment.

Three representatives (two women and one man) of Roma NGOs:

3. A social worker (later referred to as SW) from Romano Missio ry providing (among other activities) social assistance to members of the Roma community. Romano Missio was established in 1906, and is thus the oldest NGO committed to the improvement of Roma people. It has permanent staff and among other activities runs two children's homes. It has, since its establishment, been carrying a strong religious message in all of its activities, and is generally considered to attract traditional members of the community.

4. A chairperson (later referred as CP1) of Suomen Romaniyhdistys ry, which was established in 1967 and aims to 'improve the living conditions of the Roma and their possibilities to influence'. It has no permanent paid staff, but gets funding for its' activities. CP1 has been providing assistance to members of the Roma community in housing issues on a regular basis, and has been doing so for over 30 years.

5. A chairperson (later referred as CP2) of Nevo Roma ry, which was established in 1997 to promote Roma culture. It has no permanent staff, but gets funding for its' activities which do not include the housing sector. The interviewee has been working and representing Finnish Roma in other European countries.

## 2.2. Summary of main points

All the interviewees had very similar, almost identical views on the several topics covered. Among these were the historical developments, the present situation of the housing conditions, and the reasons for the improvement (good practices). Views on the factors that hinder access to housing differed somewhat. It was generally deemed that access to housing as well as the housing conditions of the Roma were greatly improved during the 1970's and did not pose overwhelming problems today. CP2 even said: 'If I am honest I see no problems'. Others saw that especially for those Roma individuals and families living on the margins of society with multiple problems, there are problems accessing rental housing as well as problems during tenancy (i.e. fear of discontinuation of the tenant agreement usually because of non-compliance with housing rules).

Discussions focused on rental council housing though there are many Roma families who are homeowners or who have found rental housing from the private market. Although the interviewees' general impression was that housing conditions are adequate, they added it is the area that causes most complaints from the Roma population.

The question of discrimination in the process of tenant selection raised differing views. The existence of discrimination in the rental housing market at large was not denied by anyone, but opinions differed in the questions pertaining to both frequency and severity of discrimination and to the question whether and to what extent discrimination was due to ethnic origin or other factors (poor socio-economic standing and multiple problems<sup>107</sup> among the applicants).

Finally, the questions relating to cultural traditions<sup>108</sup> prescribing the rules for moving from one location to another, and limiting the freedom of movement, were raised by all interviewees. Cultural rules were generally seen to affect (limit) the freedom of movement of almost all of the Finnish Roma, and thus constituting problems regarding housing for a much wider proportion of the

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<sup>107</sup> These multiple problems consist of accumulated personal or family problems such as; economic difficulties, alcohol abuse, mental problems, ignorance and inability to seek and gain help, inability to fill out applications,

<sup>108</sup> Cultural traditions here refer to two practices by the Finnish Roma community. The first one is called *muuttolupa* [permission to move], which is a general practice by any member of Roma community wishing to relocate, in which case he/she will contact the (dominant) members of Roma community in the new area to politely ask for the permission to move, which usually should be/is granted if the person requesting the permit is of a good reputation. The second practice called *väistämisvelvollisuus* [duty to avoid/yield] is connected with severe conflict situations (caused by killing or inflicting grave bodily harm) between two families. In these situations the perpetrators extended family is expected to move away from 'the area' of the victim's extended family.

Roma than problems caused by discrimination. RMoE stressed that housing authorities 'cannot take notice of such cultural traditions' and that the responsibility of state is to guarantee the right to move freely. It is noteworthy that all the interviewees regarded these traditions especially difficult to interfere with.

### 2.2.1. Access to rental housing

Claims of discrimination in the selection of tenants in social and public housing were familiar to all. The issue was brought up spontaneously by all except CP2, when the question of the most pressing issues concerning Roma housing was posed. All considered discrimination to be the topic, which raises most complaints by the Roma in regard to housing and accommodation.

'Most of our cases have to do with the problems in housing, specifically with finding housing', confirmed SW explaining that they deal with roughly 300-400 cases annually of which approximately 80 per cent have to do with housing. The experience of CP1, RMoE and ROfM was similar. The need for housing has to do mostly with changes in life situations i.e. young people moving out, couples splitting up, relocating, the death of a family member etc., not from homelessness as such.

In the experience of all the interviewed, problematic situations in housing were often times connected with other problems: financial, emotional, health etc. 'If you haven't paid the rent in your previous apartment, it is difficult to get a new one', explained CP1. 'It is difficult to say where the core of the problem is, our clients have often multiple and longstanding problems, and this system does not treat them as a whole', said ROfM. 'Low income, problems with payments, problems in getting apartments... these are common problems for all low income households', reminded RMoE.

Whether the problems in getting rental housing are caused by discrimination of Roma applicants in the tenant selection process due to: 1) their ethnic origin, 2) discrimination based on their socio-economic status etc. or 3) other factors not related to discrimination, was difficult for the interviewees to assess. On the top of the generally poorer socio-economic status of Roma applicants, there are also special needs related to culture. Cultural traditions cause for example more frequent needs for changing an apartment/location, and requirements for the location as well as the quality of the housing. Whether and to what extent these requirements were something that should be taken into consideration, and the kind of effect they had on the tenant selection process was touched upon in the interviews, but not thoroughly discussed. Because there are multiple factors involved in each case, it seemed to be impossible for the interviewees to pinpoint the reason for an extended waiting period for the tenant agreement or for never reaching that point. Identifying the root of the problem also seemed second to the plight of those who had trouble in finding housing.

Since discrimination and ill-treatment of the Roma has been and still is an undeniable fact in the society, the sentiment about discrimination among the interviewees could be maybe best described by a fictitious statement: 'Since the Roma are discriminated elsewhere, they must be discriminated to some extent also in tenant selection proceedings'. In CP1's words: 'It is after all so, that if there is a Roma applicant, he will lose the competition'. However CP2 saw also positive discrimination in tenant selection, according to her 'it is easier for the Roma minors to get housing because of the cultural needs'. In CP2's opinion Roma minors explain the need for a flat by cultural needs of the Roma and authorities are keen to take these needs into consideration in tenant selection.

### 2.2.2. Access to privately owned rental apartments

The question of privately owned rental apartments was discussed with all respondents. CP1 and ROfM said people were usually hesitant to seek housing from the private market because of supposed discrimination and/or the usually higher prices. However both knew cases where a Roma applicant had reached an agreement, and furthermore cases where the landlord had preferred Roma tenants (because of their known cleanliness). RMoE expressed discrimination had existed in the private market, but 'the amendment of the Non-Discrimination Act has been helpful in this respect.'

### 2.2.3. Access to home ownership

To become a homeowner was mainly discussed in connection to specific 1975 legislation, which guaranteed low interest loans for Roma to build their own houses. Many were not in the position or had not 'dared' to take advantage of the offer, because of unstable personal economic situations. None of the interviewed mentioned 'Roma specific' problems in acquiring own homes except for the possible negative attitudes of neighbours. CP1 knew cases where Roma buyers had contacted the neighbours in advance to check if problems were to be expected.

### 2.2.4. Quality of rental housing

When asked about the quality of housing, all the interviewed agreed that great improvement had taken place during the last 40 years. In the opinion of the interviewed, the Roma applicants were offered equal quality of housing as the general population. CP1 mentioned that occasionally Roma people complained about the quality of housing, but he was of the opinion, that in these cases the expectations had been unrealistic. SW mentioned that her experience of the Roma people complaining about the quality of housing had to do with the poor reputation of the area. This in her view was a general problem of the public

rental apartments, and/or the single housing entity, which had been populated by 'restless' people, referring to unwanted behaviour connected with for example alcohol abuse.

### 2.2.5. Gender/age/disability/a real difference

None of the interviewees expressed that the Roma women or men were be in a more disadvantageous position in regard to housing. Disability was also raised as a general concern, as those apartments suitable for disabled people were in general regarded to be harder to find. Age was seen differently. CP2 saw the situation of young (minor) Roma as being even advantageous in comparison to the general population. CP1 wished for suitable housing for families with teenagers, so that the minors would not have to seek to live on their own because of cultural practices.<sup>109</sup> His sentiment was shared by ROFM, who also expressed grave concern for schoolchildren: 'When housing problems are acute, children don't even always go to school'. General concern was expressed about the housing situation of the elderly, although specific knowledge seemed to be lacking. 'Old folks are left alone. According to our customs it is difficult to live together with old people, though in the old days we had to adapt', said CP1. As for the question of regional differences ROFM's experience was that areas with no or little previous Roma inhabitants were most difficult (negative) as regards attitudes towards Roma. CP1 considered regional differences in attitudes to be significant: 'Outside ring III it is rigid', he said.<sup>110</sup>

### 2.2.6. Housing policies

'When we think of the situation back then... if you had some kind of a permanent roof over your head, you had no heating or running water... small rooms were packed with people', said CP1 recalling the 'old days'. All the interviewees saw the 1970's as the turning point in the Roma housing situation in Finland. It was mentioned that during that decade the minorities in general got official recognition by the legislator and the officials, which resulted in a clear change of approach in minority politics. Finally there was a genuine will to improve the situation of the Roma (not only in the area of housing). At the same time, CP1 pointed out, 'the construction of social housing was significantly increased, which meant that reasonably priced rental apartments were available'. The specific legislation of 1975 was regarded as the single most important action taken by the Government to improve the housing conditions of the Roma by all other than CP2, who regarded the general changes in the public housing policies to be of a greater significance. CP2

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<sup>109</sup> At certain stage of puberty, children should not share for example the bathroom with their parent.

<sup>110</sup> Ring III is a highway circulating the greater Helsinki area.

added: 'The law itself was good, but many people took advantage of it and did not pay back. I don't think it had a great impact after all'. ROfM mentioned that the Non-Discrimination Act has had positive effects: 'Often times when I ring up about a case, I am told by housing authorities that 'we don't discriminate' even when I have made no such accusation'.

### 2.2.7. How to improve the situation

CP1 and SW said that especially older people sometimes 'wished back the old good times' of special loans for Roma. Neither CP1 nor SW regarded the wish very realistic. CP1 strongly wished Roma representative to be present and able to influence the tenant selection process. To improve the housing and overall situation of their Roma clients ROfM saw a need for co-operation of authorities in different sectors (housing, social, education, health etc.). Training of housing authorities was seen as needed by RMoE though she pointed out that 'in small municipalities the same civil servant is responsible for many issues, it is not easy to take time off even for the purpose of additional training'.

## Annex 1: Statistical data and tables

### Office of the Ombudsman for Minorities

The information presented in this table was obtained from the Office of the Ombudsman for Minorities 11.02.2009.

	2000-2009
Number of complaints regarding ethnic discrimination received by complaints authorities (such as ombudsperson's offices and national equality bodies)	Year Complaints 2004: 31 2005: 70 2006: 40 2007: 51 2008: 43  Total 2004-2009: 235
Number of instances where ethnic discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies)	Information not available
Follow up activities of complaints authorities (such as ombudsperson's offices and national equality bodies), once discrimination was established (please disaggregate according to the type of follow up activity: settlement, warning issued, opinion issued, sanction issued etc.)	Information not available
Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) regarding access to housing (if possible,	The Ombudsman for Minorities is not empowered to issue sanctions or compensation



disaggregated by gender and age).	
Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation)	The Ombudsman for Minorities is not empowered to issue sanctions or compensation

## The National Discrimination Tribunal of Finland

The information presented in this table was obtained from the National Discrimination Tribunal 18.03.2009.

	2000-2009
Number of complaints regarding ethnic discrimination received by complaints authorities (such as ombudsperson's offices and national equality bodies)	3
Number of instances where ethnic discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies)	2
Follow up activities of complaints authorities (such as ombudsperson's offices and national equality bodies), once discrimination was established (please disaggregate according to the type of follow up activity: settlement, warning issued, opinion issued, sanction issued etc.)	Ban on discrimination and a conditional fine issued to enforce the ban on discrimination: 2 Both cases are presented in the Annex 2.
Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) regarding access to housing (if possible, disaggregated by gender and age).	2
Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation)	The range of conditional fines: 2000–4,000 euros

## Annex 2: Court, specialised body or tribunal decisions

Case title	Discrimination of the Roma in housing (Unofficial title)
Decision date	19.11.2007
Reference details (type and title of court/body; in original language and English [official translation, if available])	Syrjintälautakunta / National Discrimination Tribunal of Finland
Key facts of the case (max. 500 chars)	A Roma applicant wanted to rent an apartment in the city of Raahe. The property company had agreed to rent the apartment in question to the applicant on the condition that the Social Services of the city act as guarantor for the lease.
Main reasoning/argumentation (max. 500 chars)	The National Discrimination Tribunal of Finland found that the requirement that the Social Services of the city of Raahe act as guarantors of the lease is not a standard procedure with regard to members of the majority population in corresponding situations. Therefore, the Tribunal found that the property company had treated the applicant in a discriminatory manner.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The case illustrates the indirect discrimination Roma face in housing.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The National Discrimination Tribunal of Finland issued a ban on discrimination on the property company and imposed a conditional fine of 2,000 euros. Conditional fine is imposed to fulfil an obligation, for the fulfilment of which the fine is intended to act a deterrent.

Case title	Discrimination of the Roma in Housing (non-official title)
Decision date	13.03.2007

Reference details (type and title of court/body; in original language and English [official translation, if available])	Syrjintälautakunta / National Discrimination Tribunal of Finland
Key facts of the case (max. 500 chars)	A homeless Roma family had applied for an apartment from the municipality of Himanka in 2005 and 2006 but was continuously ignored in the selection of tenants. The family suspected that this was due to their Roma background. In their response to an enquiry made by the Ombudsman for Minorities, the municipal authorities argued inter alia that Himanka is not an ideal living area for the Roma as it provides no opportunity to remain in touch with the Roma culture. The Ombudsman referred the case to the National Discrimination Tribunal for further examination.
Main reasoning/argumentation (max. 500 chars)	Based on the fact that the municipality according to its own declaration promises an offer of apartment within three months after receiving the application, and despite several suitable apartments having been available, the Roma family had not been provided with an apartment, the Tribunal found that the municipality of Himanka had treated the Roma family less favourably than applicants belonging to the majority population. When deciding on the matter, the Tribunal also took into account the fact that homeless persons should be prioritised in the selection of tenants.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The case sets a precedent because for the first time ever, the National Discrimination Tribunal decided to use the power to issue conditional fines.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The National Discrimination Tribunal of Finland prohibited the municipality of Himanka from continuing discrimination in the selection of tenants for municipal housing. As there was no evidence that the discriminatory action had ceased, the Tribunal decided to place a conditional fine of EUR 4,000 on the municipality to enforce its compliance with the prohibitive decision.

Case title	Discrimination of the Roma in Housing (non-official title)
Decision date	15.02.2007
Reference details (type and title of court/body; in original language and English [official translation, if available])	Oulun käräjäoikeus / Oulu District Court / R 06/1358

<p>Key facts of the case (max. 500 chars)</p>	<p>The claimants were a Roma couple who claimed they had been discriminated against in their tenancy agreement signed with the City of Oulu on the grounds of their ethnic origin. The defendant was a city official working in the house managing agency of the City of Oulu. The defendant offered the Roma couple a fixed-term tenancy agreement rather than a permanent tenancy agreement. The claimants argued that this was because of the ethnic background.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The district court found the defendant guilty of discrimination on account that he was unable to offer any valid reasons for choosing the fixed-term tenancy agreement rather than a permanent one. Furthermore, when the Roma couple had visited the house to see whether they want to rent it, the defendant had in a derogatory manner uttered that the house was not meant for 'your kind.'</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>This case illustrates the various kinds of discriminatory treatment the Roma face in housing.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The district court ordered the defendant to pay 20 day-fines (amounting to EUR 520), as well as to pay EUR 500 in damages to both of the claimants. The defendant appealed the decision of the district court. The District court did not alter the decision.</p>

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