



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

Eighty-first session

6–31 August 2012

### Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

#### List of themes to be taken up in connection with the consideration of the twentieth to twenty-second periodic reports of Finland (CERD/C/FIN/20-22)\*

The following is a list of themes identified by the Country Rapporteur in connection with the consideration of the twentieth to twenty-second periodic reports of Finland. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues will be raised in the course of the dialogue.

**1. The Convention in domestic law, institutional and policy framework for its implementation (arts. 2, 4 and 6):**

(a) Lack of statistical data on the ethnic composition of the population; pertinence of the national legislation preventing identification of ethnic groups (CERD/C/FIN/CO/19, para. 12);

(b) National Action Plan on Fundamental and Human Rights: content, duration and modalities of its application (A/HRC/WG.6/13/FIN/1, paras. 16–19; A/HRC/21/8, para. 17);

(c) National Human Rights Institution: its statute, mandate, composition, activities, guarantee of its independence and resources, compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (CERD/C/FIN/20-22, para. 226);

(d) Reported increase in racist and xenophobic attitudes (CERD/C/FIN/20-22, paras. 86, 87, 17–50; A/HRC/WG.6/13/FIN/3 and Corr.1, para. 9); impact of the increased anti-immigrant sentiment;

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\* Late submission.

(e) Impact of various programmes, plans, strategies, projects and campaigns to combat racial discrimination and to promote equality, such as the YES Project, the Discrimination Monitoring project, the “Together we can” campaign or the Durban Declaration and Plan of Action in Finland (CERD/C/FIN/20-22, paras. 37–43, 84);

(f) Hate crimes and hate speech on the Internet: application of the new provisions of the Criminal Code, as amended in June 2011 and results achieved by other measures taken (CERD/C/FIN/20-22, paras. 95, 96, 100–102);

(g) Improvement of collection of cases related to racial discrimination; prosecution of persons responsible of racial discrimination (CERD/C/FIN/20-22, paras. 214–217, 220);

(h) Facilitation of complaints from victims (CERD/C/FIN/20-22, para. 223; A/HRC/WG.6/13/FIN/3, para. 31);

(i) Redress and compensation provided to victims of racial discrimination (CERD/C/FIN/20-22, paras. 214–217, 220, 223–225; A/HRC/WG.6/13/FIN/3, para. 31);

(j) Fragmentation of enforcement of anti-discrimination legislation.

**2. Situation of indigenous and minority communities (arts. 2, 5 and 7):**

**(a) Sámi indigenous people:**

(a) Definition of “Sámi”: update on talks initiated in 2011 on a Nordic Sámi Convention and which should result to the definition of “Sámi” (CERD/C/FIN/20-22, para. 12; CERD/C/FIN/CO/19, para. 13);

(b) Land rights of the Sámi people: update on measures taken to solve the land rights issue of the Sámi people (CERD/C/FIN/CO/19, para. 14; CERD/C/FIN/CO/19/Add.1, paras. 2–8; CERD/C/FIN/3, paras. 13–16); application of the Mining Act and the Water Act adopted in March 2011 (CERD/C/FIN/20-22, para. 14); measures taken to adopt International Labour Organization Convention No. 169 (1989) concerning Indigenous and Tribal Peoples Convention (A/HRC/21/8, para. 89.8);

(c) Promotion of the Sámi language and culture: absence of legislation or a policy to guarantee education in Sámi language outside the Sámi area (CERD/C/FIN/20-22, para. 177; A/HRC/WG.6/13/2 and Corr.1 and 2, para. 71); promotion of the Sámi language and culture through media.

**(b) Roma people:**

(a) Discrimination of Roma people in economic social and cultural rights, in particular in housing, education and employment: impact of the National Policy for Roma and other measures to foster the employment of Roma, such as the ESR (2007–2013) (CERD/C/FIN/20-22, paras. 87, 137–141, 165–170);

(b) Evaluation and impact of the Kiva project; additional measures to remove obstacles to improvement of the educational level of Roma children, to reduce their dropout and to increase their rate of attendance (CERD/C/FIN/CO/19, para. 18; CERD/C/FIN/20-22, paras. 246–250);

(c) Persistence of negative and stereotypical attitudes against Roma (CERD/C/FIN/CO/19, para. 18).

**3. Discrimination against non-citizens including migrants, refugees and asylum seekers (arts. 5, 6 and 7):**

(a) Discrimination in housing (CERD/C/FIN/CO/19, para. 17; CERD/C/FIN/20-22, para. 86, 88–90);

(b) Integration and employment of non-citizens: application of the Integration Act and results achieved by different measures taken to facilitate access of non-citizens to the labour market (CERD/C/FIN/20-22, paras. 17–29; 131–136);

(c) Administrative detention of asylum seekers and irregular immigrants: length and conditions of detention, alleged lack of legal safeguards (A/HRC/WG.6/13/FIN/2, para. 29);

(d) Non-refoulement: risk of violation due to the lack of sufficient time to consider asylum application in the accelerated procedure (A/HRC/W.6/13/FIN/3, para. 62);

(e) Results achieved by measures taken to provide access to education to immigrant children and adults and to combat racism in education (CERD/C/FIN/20-22, paras. 185–203); access to compulsory education for unaccompanied minors, including by revising the Basic Education Act (628/1998) (CERD/C/FIN/20-22, para. 185); measures taken to prevent the bullying of immigrant and minority children in schools (CERD/C/FIN/CO/19, para. 15).

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