



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

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## Committee on the Elimination of Racial Discrimination Ninety-second session

### Summary record of the 2520th meeting\*\*

Held at the Palais Wilson, Geneva, on Tuesday, 25 April 2017, at 3 p.m.

*Chair:* Ms. Crickley

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\* Reissued for technical reasons on 1 May 2017.  
\*\* No summary records were issued for the 2518th and 2519th meetings.

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*The meeting was called to order at 3 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention**

*Twenty-third periodic report of Finland (CERD/C/FIN/23; CERD/C/FIN/Q/23)*

1. *At the invitation of the Chair, the delegation of Finland took places at the Committee table.*
2. **Ms. Oinonen** (Finland), introducing the twenty-third periodic report of Finland (CERD/C/FIN/23), said that the number of asylum seekers had increased nearly tenfold between 2014 and 2015, rising to 32,000, putting Finland in fourth place among European countries in terms of asylum applications in relation to population. Finland had also taken 1,340 asylum seekers from Greece and Italy under the relocation mechanism, again the fourth largest number in the European Union.
3. To handle the growing influx, the number of reception centres had been increased from 20 to 200 and the number of persons handling asylum issues from 75 to 500. The registration centre near the Swedish border had dealt with more than 16,000 asylum seekers in 2015 and 2016. That centre had had a key role to play in ensuring that asylum seekers could be referred to reception services, that social and health services could be arranged in an appropriate manner and that applications were swiftly handed over to the asylum authority for processing. In 2016 the numbers had dropped considerably. There were now 126 reception centres in operation, with 16,000 residents, while some 3,700 asylum seekers were now in private accommodation.
4. Turning to policy measures, she said that the Government had adopted a new integration programme for 2016 to 2019, based on the Act on the Promotion of Immigrant Integration. It focused on four areas, namely using immigrants' cultural strengths to enhance Finnish innovation capacity, enhancing integration through cross-sectoral measures, increasing cooperation between the State and municipalities in the reception of beneficiaries of international protection, and promoting a culture of humane national discussion that did not tolerate racism. Under the programme, and thanks in part to close inter-agency cooperation and European Union funding, municipalities had received an increasing number of persons subject to international protection. In addition, multidisciplinary support for immigrant families was being developed.
5. The situation with regard to persons residing illegally in Finland was monitored by the relevant authorities working in cooperation, a system that also ensured that sufficient information on opportunities for voluntary repatriation was available and could be provided, for example, in the course of the delivery of necessary urgent services. The Ministry of Social Affairs and Health had prepared recommendations to municipalities for the provision of urgent social and health-care services for those residing illegally in Finland that clarified, among other things, responsibilities for service provision and arrangements for compensating the costs of such services.
6. A new action programme for the prevention of illegal entry and stay, for the period 2017 to 2020, had just been adopted by the Ministerial Working Group on Immigration. Implementation would be monitored by the Civil Service Working Group on the Prevention of Illegal Immigration, under the auspices of the National Police Board.
7. In an effort to reduce the use of detention, a new precautionary measure had recently been introduced whereby an alien was required to stay in a designated reception centre. That measure was also designed to promote the smooth operation of the asylum procedure and ensure that unsuccessful applicants could be removed. Unaccompanied children aged 15 or over who had applied for international protection and been issued with an enforceable removal decision could be required to stay at a particular reception centre. The measure reduced the need to detain minors and thus had a positive impact on the position of children and the observance of their best interests.
8. The Paloma project on mental health provision for refugees, launched in 2016, aimed to develop a model for the prevention, identification and treatment of mental health problems among refugees and persons with similar backgrounds, including refugees

traumatized by torture. Social and health professionals working in reception centres for asylum seekers had been trained to identify such problems and provide initial care.

9. According to a survey commissioned by the Ministry of the Interior to investigate attitudes to asylum policy and asylum seekers, Finnish people wished to be able to discuss issues in a reasonable manner, on the basis of facts and without fear of being categorized. There was a strong need for information to be provided directly by the authorities, the news media being perceived as biased and public debate as polarized. With regard to asylum policy, key issues included the promotion of integration during the asylum process and the effect of the asylum-seeker situation on security. Help should be given to those who genuinely needed it and more should be invested in development cooperation, crisis management and the reception of refugees under the quota system. The long wait in reception centres should be spent meaningfully and asylum procedures should be shortened. Respondents felt that the employment process for those holding a residence permit should be more effective and that the authorities should remove anyone residing in the country illegally and who refused to be deported. The survey results would be used in the planning and evaluation of immigration and asylum policy and in the development of communication.

10. As part of its efforts to promote good relations among the various groups and authorities, the Government had again renewed the mandate of the Advisory Board for Ethnic Relations, which, with the assistance of seven regional advisory boards, fostered dialogue and cooperation between immigrants, ethnic minorities, State authorities, political parties and NGOs. In addition, the Ministry of Justice had launched a pilot project, known as TRUST, to promote good relations between population groups in seven localities where asylum seekers were staying. The purpose was to promote local interaction and increase inclusion, positive attitudes and feelings of safety, and training was provided to asylum seekers and staff and volunteers at reception centres.

11. The challenge with regard to hate speech was to determine whether a given incident constituted an offence. New police functions had been established to launch preliminary investigations into cases presenting the essential elements of an offence or to take preventive action in cases that did not. The police had conducted outreach operations in areas with large numbers of representatives of minorities to increase awareness of what constituted a hate crime and how offences should be reported to the police. The investigation of hate crimes, even where the offence was a minor one, was to be prioritized as such incidents had an extensive impact, affecting not only victims and those close to them, but also the wider group they represented.

12. Prevention of hate speech and hate crimes was also addressed in the Government's Action Plan for the Prevention of Violent Radicalization and Extremism and in the 2017-2019 National Action Plan on Fundamental and Human Rights. The Non-Discrimination Ombudsman had monitored incidents of hate speech during the recent municipal election campaigns and had written to political parties to remind them of the significant role that political decision makers played and of their effect on the social climate. In that context an experiment had been conducted to detect hate speech in public social media messages using automatic text analysis.

13. Although there were no plans to amend the Criminal Code in respect of extremist movements or hate speech, the need to amend the Assembly Act, for example to require longer notice of public meetings to be given to the police, was being assessed.

14. Human rights education and training was a priority in the National Action Plan on Fundamental and Human Rights. The newly updated national core curricula at all levels of education from early childhood to upper secondary took greater account of human rights and respect for human dignity, adopting a pupil-oriented approach.

15. The text of a Nordic Sami Convention enhancing the status of the Sami as an indigenous people, and strengthening and consolidating their rights and cross-border co-operation, had been initialled in January 2017, following negotiations with representatives of the Finnish, Norwegian and Swedish Sami parliaments. Signature by a given State party, however, was subject to prior approval by that State's Sami parliament.

16. Consideration of the proposal submitted to parliament in 2014, to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), had been deferred. The Government aimed to take a decision during 2017 taking account, inter alia, of an international comparative law study it had commissioned on the rights of indigenous peoples. The Government also intended to revise the Act on the Sami Parliament in order to better incorporate the concept of free, prior and informed consent. As to modification of the definition of a Sami under that Act, account would need to be taken of the provisions of the Nordic Sami Convention regarding eligibility to vote in the Sami parliament elections.

17. In 2015 the Government had launched a project to reform child and family services to improve the planning, management and integration of services across administrative borders and between different actors and to decrease disparities in the health and well-being of children from different backgrounds. In respect of asylum seekers and immigrants, the project aimed, inter alia, to update the competencies of professionals and develop protection for children, young people and families with immigrant or asylum-seeker backgrounds. Studies had been carried out into the needs of the Roma and to assess the current state of services to Swedish-speaking Finns and to Sami. The results showed that Roma children, young people and families should be given more opportunity to participate and be heard. As to Swedish speakers, while basic services were adequate, it was sometimes difficult to ensure that more specialized services could be provided in Swedish. Similarly, access to social and health care and cultural and educational services in the Sami language needed to be enhanced, a problem resulting principally from the lack of resources and of Sami-speaking professionals.

18. **Mr. Kut** (Country Rapporteur) commended the State party for the prompt submission of its report and, before that, for its follow-up to the Committee's previous concluding observations (CERD/C/FIN/CO/20-22). The Committee was, however, still awaiting an updated core document. Although civil society had been duly consulted on the drafting of the current report, NGOs nevertheless felt that the report could have included more of their analysis.

19. In its previous concluding observations, the Committee had requested comprehensive statistical data on the ethnic composition of the country's population. In its report the State party recalled that it was unable to produce statistics on ethnic groups but that it could supply information based on language groups. However, the figures provided on that basis gave only an approximation of the make-up of the population. For example, the number of Sami speakers, given as around 2,000, was underestimated. He therefore wondered whether it would not be possible to produce statistics that would better reflect the diversity of Finnish society and allow the Committee to better evaluate the situation with regard to discrimination or differential enjoyment of rights.

20. He acknowledged the State party's efforts to streamline the National Human Rights Institution and to clarify its mandate, but noted that, while the European Commission against Racism and Intolerance (ECRI) had pronounced itself satisfied with the institution's powers and functions, it had found the human and financial resource allocation unsatisfactory, not least in the light of the increasing migration flows.

21. He would appreciate clarification of the powers of the Non-Discrimination and Equality Tribunal, which according to some sources was able to impose fines but, according to ECRI and others, was not.

22. He would also welcome information showing how effective amendment No. 511/2011 to the Criminal Code had been in combating incitement to racial hatred and hate speech. The zero-tolerance policy referred to in the State party's report was highly commendable, but there had nonetheless been an increase in racially motivated crimes.

23. Numerous programmes and policies had been put in place over the years to improve the situation of the Roma and the Committee was now interested to know what specific results had been achieved, particularly under the Roma Policy Programme adopted in 2009. Evaluation of such projects was time-consuming but essential to determining their effectiveness.

24. As to immigrants and asylum seekers, he would appreciate some information on developments since 2013. For example, an evaluation of the impact of the Act on the Promotion of Immigrant Integration and of the various government programmes to improve interaction and prevent racial and ethnic profiling and bullying at school would be welcome. He pointed out that the Future of Immigration 2020 Strategy was described in the report in extremely general terms; to count as a strategy, it needed to be more specific in terms of intended consequences and achievable goals.

25. The recent legislative amendments on asylum were a matter for concern, insofar as they appeared to aim at restricting not only the numbers of people entering the country but also their rights on entry. The most significant development had been the removal of the right to humanitarian protection, and he would appreciate the delegation's comments in that regard. He also noted that, despite the State party's efforts to introduce alternatives to detention for asylum seekers, civil society reported that detention continued to be a problem.

26. With regard to the implementation of other international treaties that had a bearing on efforts to combat racial discrimination, he noted that the State party did not intend to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. He wondered whether the political will existed to press for ratification of ILO Convention No. 169.

27. Referring to paragraph 22 of the State party's report, he asked what results had emerged from the independent evaluation of the 2012-2013 National Action Plan for Fundamental and Human Rights. Referring to paragraph 35, he said that he would appreciate clarification of the status of the various ombudsman's offices, which were referred to as "independent authorities" but had been subsumed under the Ministry of Justice.

28. In the discussion of attitudes to minorities, the report referred to increasing levels of extremist violence, racist violence and hate speech. He would like to know what specific measures the State party was taking to deal with those problems and what specific results it expected from those measures.

29. With regard to the National Action Plan for Fundamental and Human Rights, he would be grateful if the delegation could provide more information about the Network of Contact Persons, as it was not easy to see how the various bodies involved interacted. He would also appreciate information on the results achieved to date, midway through the 2015-2019 Action Plan.

30. With regard to the issue of Sami identity, he said that the Supreme Administrative Court decision to permit 93 of 182 applicants to register as voters in the latest elections to the Sami Parliament had created a serious problem. The Sami had a legitimate concern that opening up the electoral roll in that way would amount to assimilation into the majority population; a small numerical change in a group comprising only 5,900 voters could bring about a major shift in the political balance. He would like to know how the State party planned to deal with the situation.

31. According to information received, 75 per cent of Sami children under the age of 11 lived outside the Sami homeland and unless they had access to education in their own language were at risk of losing their identity. He would like to know how that concern could be addressed.

*The meeting was suspended at 4.05 p.m. and resumed at 4.15 p.m.*

32. **Mr. Calí Tzay** said he wished to recall that the definition of indigenous peoples generally applied in the United Nations was the following:

"Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social

institutions and legal systems.” That definition also referred to self-identification and acceptance as a member by the group.

33. The information before the Committee indicated that there was considerable tension between the Finnish Government, non-Sami and Sami, particularly with regard to the definition of Sami. He suggested that the State party might wish to take appropriate measures that would reduce rather than exacerbate such tensions, which were a source of anti-Sami sentiment that could lead to racist actions.

34. He would appreciate hearing the delegation’s comments on the recently concluded agreement on fishing rights, which had deprived the 60 or 70 per cent of the Sami population who did not reside in the Sami homeland of their fishing rights. The fact of living elsewhere did not make them non-Sami, yet when they returned to their homeland they were unable to exercise their right to engage in the traditional fishing practised in their communities. While Sami culture was often considered to be based on reindeer husbandry, there were Sami whose culture centred around traditional fishing, which they considered one of their cultural rights.

35. He would like to know what steps were being taken to speed up ratification of ILO Convention No. 169. All the studies commissioned by the State party had concluded that ratification would not only benefit the Sami but also enhance national legislation.

36. In her opening statement, the head of delegation had said that access to services in the Sami language was hampered by the lack of support given to the Sami language, a situation he found hard to understand given the country’s extremely high overall literacy rates.

37. **Mr. Avtonomov** said that, according to paragraph 6 of the State party’s report, the largest group by foreign background comprised persons from Russia and the former Soviet Union, the second largest being persons of Estonian background. The distinction between those groups was not clear, however, because Estonia itself had been part of the Soviet Union, and there were also people from Estonia who were not ethnic Estonians. Nationality was therefore not necessarily the best criterion to apply in distinguishing between different groups.

38. He would be interested to know whether the Tasuri project on gender balance in senior company management had also looked into ethnic factors, given that women from ethnic minorities were liable to suffer dual discrimination.

39. According to the Ombudsman for Minorities, 54 per cent of Roma who had applied for jobs between 2009 and 2014 had encountered discrimination in the hiring process, yet 80 per cent of them had not reported such discrimination or had not reported it to the right authorities. Did the State party envisage any special measures under the Convention to correct that situation?

40. He would appreciate receiving some information on the types of vocational training offered to Sami by State and non-State educational providers. What was the extent of coverage of vocational training in the Sami homeland?

41. **Mr. Marugán** asked whether prosecutors could initiate the prosecution of hate speech offences ex officio, or whether victims must first report the crime. He requested statistical data showing the percentage of hate speech offences that had taken place on the Internet. He wished to know more about coordination between the police and prosecutors, particularly with regard to protection for victims.

42. He asked what measures the Government was taking to condemn incidents of hate speech by politicians and political party representatives. In that regard, he requested data on the number of administrative sanctions issued for discrimination in areas such as housing and employment. He wished to know the reasons behind the recent increase in the number of hate crimes reported by the police, and he requested data on the number of such cases that had been prosecuted and the number of convictions handed down.

43. **Ms. McDougall** said that the Committee needed to know what results had been achieved through the measures taken by Finland to combat discrimination. Without that information, the Committee must question the effectiveness of the policy tools in place. She

requested further sex-disaggregated and age-disaggregated statistical data on people of African descent in Finland. Specifically, she wished to know: how many were living in the country in a regular situation; in which sectors they were employed; how many had been turned back at the border when attempting to migrate; how many had been granted refugee status; how many were still waiting for their asylum applications to be processed; how many were currently in detention while awaiting deportation or clarification of their status; how many had applied for family reunification; and what percentage of those applications had been accepted.

44. She requested a copy of the matrix that Finland and other European countries were required to produce to show the progress achieved in improving the situation of the Roma in areas such as housing, education and income.

45. **Mr. Murillo Martínez** requested further information about the situation in the autonomous Åland Islands, which could perhaps serve as a model for other countries where minority groups were demanding autonomy. He asked why the Ombudsman for Minorities had been replaced by the Non-Discrimination Ombudsman and what implication that change would have for the fight against discrimination. He requested further information about the evaluation of the first National Action Plan for Fundamental and Human Rights and the outcome of that evaluation.

46. He asked whether the State party was considering reversing the burden of proof in racial discrimination cases in the civil courts. He welcomed the policy that required employers to provide training to their employees on racism and discrimination, and he wished to know more about the outcome of that policy and the efforts to monitor its impact.

47. He requested further information about the impact of climate change on the Sami and the role they played in the efforts to address climate change. Lastly, he asked whether the Government had adopted any policies or measures in connection with the International Decade for People of African Descent.

48. **Mr. Yeung Sik Yuen** said that he was concerned about the threats made against Swedish speakers and the questioning of the status of the Swedish language as a national language of Finland. Given the fact that no legal proceedings had been instituted in any of the cases of ethnic discrimination recorded by the Åland Discrimination Ombudsman from 2011 to 2015, it was not surprising that manifestations of xenophobia had increased. It appeared that ethnic discrimination was being banalized in Finland.

49. He requested clarification regarding the reference in the State party's report to "suspected" hate crimes or racist crimes (CERD/C/FIN/23, para. 101), and he asked whether the perpetrators had been prosecuted in any of the 45 suspected racist crimes mentioned. Despite the State party's claims to the contrary, the description in the State party's report of police surveillance of foreigners in public premises appeared to him to constitute ethnic profiling.

50. Noting that the percentage of foreigners in the prison population had increased substantially and that foreigners were overrepresented in closed sections of prisons, he inquired what was being done to remedy that situation.

51. **Ms. Shepherd** asked what strategies the Government was using to overcome the difficulties it faced in securing an adequate number of Romani language teachers and how successful those strategies had been. The delegation should clarify which subjects were being offered in minority languages. She asked whether the textbooks and curricula contained material that was culturally relevant for the Roma, the Sami and people of African descent. She wished to know more about access to tertiary education for those groups and about the disciplines they studied.

52. She asked what efforts were being made to combat discrimination in employment against ethnic minorities. More specific information was needed about the implementation and monitoring of the Durban Declaration and Programme of Action in Finland. She wondered what the Government was doing to overcome the obstacles posed by the lack of data on the race and ethnic origin of the prison population, and she wished to know why foreigners were so overrepresented in closed sections of prisons.

53. **Mr. Kemal** said that even a country like Finland with such an enviable record in establishing institutional safeguards to promote racial harmony could become intolerant if overwhelmed by an influx of migrants. Recently, several Finnish politicians and party functionaries had publicly expressed discriminatory and even racist views. Attitudes towards foreigners seemed to have hardened, and the results of an opinion poll had shown that two thirds of the population believed that there was a moderate or large amount of racism in Finland.

54. He asked how the Government planned to respond to hate speech by politicians and whether it would encourage political parties to take open action against the politicians concerned. He drew attention to discrimination against the Sami and noted that, in 2015, the Supreme Administrative Court had accepted 93 out of 182 appeals against the Sami Parliament's decision on the inclusion of certain persons in the Sami electors register. Citing the reference in the State party's report to relations between the Sami and the original population, he asked the delegation to clarify the meaning of the term "original population".

55. **Mr. Bossuyt** asked why there was such a large number of Somalis living in Finland. He wished to know about the status of Swedish as a national language in both legal and practical terms, with particular regard to its use in education and administrative and legal proceedings. Discrimination on the ground of language appeared to be a significant problem in Finland. He asked why certain segments of the population had taken such a strong stance against the Swedish language. He wondered what the consequences would be of reserving the teaching of the Romani language as an internal issue to be dealt with by the Roma community. He wished to know more about the Karelian language and its status in Finland. Citing a recent study, he said that the Government should do more to raise awareness among the general public about the situation of refugees and asylum seekers. Lastly, he asked why relations were so tense between the Sami and the majority population group.

56. **Mr. Khalaf** asked the delegation to comment on the concern among the Sami people that the renegotiation of a long-standing bilateral agreement between Finland and Norway would jeopardize their very existence as a people. He wished to know whether the Government would maintain the new bilateral agreement in the light of Sami opposition and whether such opposition could block or freeze the agreement even after its ratification. He asked whether the Government would consider conducting an impact assessment of the new agreement.

57. The political will to combat discrimination against migrants, refugees and asylum seekers and to take a humanitarian approach to migration issues appeared to be weakening in Finland. He asked if that was indeed the case.

58. **Mr. Lindgren Alves** said that the treatment of refugees and asylum seekers was the Committee's biggest concern with regard to the situation in Finland. The delegation should explain whether the Government did, in fact, plan to close off the country to immigrants and asylum seekers in the near future.

59. He was unaware of any problem with left-wing extremist or anarchic movements in European countries, and he requested clarification about the reference made in the report to such groups.

60. **Ms. Mohamed** asked whether female genital mutilation had been outlawed in Finland and whether it was practised there. She wished to know more about the services provided to migrant women as part of the Integration Programme 2012-2015. She requested statistical data on the length of detention for asylum seekers and migrants in an irregular situation.

61. **Mr. Calí Tzay** said that the survival of the Sami culture was dependent on the use of land, water and natural resources for traditional livelihood activities such as hunting and fishing. The rights of the Sami over their land were vital to their self-determination and existence as a people. He therefore asked whether a bill would be submitted to the national parliament to amend the relevant provisions of the Act on the Sami Parliament. He also asked: whether the national parliament would ratify ILO Convention No. 169 without delay;



whether the Government would propose an amendment to the forestry legislation to guarantee that consultations would be held with the Sami and that their free, prior and informed consent would be obtained on projects affecting them; and whether the Government was willing to postpone its ratification of the treaty on fishing in the Teno river so that an impact assessment could be conducted.

62. If the Sami did not approve the proposed Nordic Sami Convention, would the Government be willing to continue to negotiate with the Sami on the issue and to take on board their proposed amendments?

63. **Mr. Kut** requested further statistical data on racist violence, including the number of police investigations, prosecutions and convictions from 2012 to 2017.

64. **Mr. Avtonomov** said that the Sami living in the Russian Federation should be included in some way in the process to adopt the Nordic Sami Convention, even if they only held observer status. He hoped that the Nordic Sami Convention would be amended to address the concerns raised by the various Sami communities.

65. **Ms. Shepherd** asked how the State party measured the effectiveness of the training on hate crimes, intolerance and racism that was offered to police officers and members of the judiciary. She wished to know if there were any plans to fund distance language education for Sami children who lived outside the Sami homeland. She asked why the representation of asylum seekers by private lawyers was discouraged in favour of legal aid.

66. The delegation should clarify whether there was a requirement for foreigners to speak either Swedish or Finnish in dealings with public entities. If so, she asked whether provision was made for court interpretation, for instance, for those who had not yet learned a national language. Lastly, she asked what impact the integration process was likely to have on the cultural rights of foreigners and migrants.

*The meeting rose at 5.40 p.m.*