

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF FINLAND
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Unless otherwise indicated, any developments which occurred after 12 October 2015, date on which the response of the authorities of Finland to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1.

1. *In its report on Finland (fourth monitoring cycle) published on 9 July 2013, ECRI recommended that the authorities extend the Ombudsman for Minorities' field of activity by empowering her to bring matters before the courts proprio motu and to deal with complaints of discrimination on grounds of skin colour, language, religion or "race". ECRI also recommends that the Finnish authorities permit the Ombudsman for Minorities to open local and regional branch offices. ECRI stresses the need for the Ombudsman for Minorities to be provided with the requisite human and financial resources to allow the implementation of these recommendations.*

The new Non-discrimination Act (1325/2014) entered into force on 1 January 2015. In this connection, the Ombudsman for Minorities was replaced by a Non-discrimination Ombudsman with broader terms of reference. While the former Ombudsman only dealt with cases of discrimination on the basis of ethnic origin, the new Ombudsman's mandate covers a wider range of prohibited grounds of discrimination, inter alia, ethnic or national origin, nationality, language, religion, belief, sexual orientation or other personal characteristics. The authorities consider that, although skin colour is not explicitly listed as an enumerated ground, it is covered by the term "other personal characteristics".

The new Non-discrimination Ombudsman can receive and process complaints related to discrimination on the grounds enumerated in the new Non-discrimination Act, but it cannot bring cases before the courts proprio motu. The financial and human resources of the new Ombudsman were increased, compared to the Ombudsman for Minorities, but it remains to be seen if they are sufficient given the broader mandate of the new institution. The new Ombudsman does, for the time being, not have any local or regional offices.

ECRI considers that this recommendation has been partially implemented.

2. *In its report on Finland (fourth monitoring cycle), ECRI recommended that the authorities extend the scope of the National Discrimination Tribunal's mandate to enable it to award damages to victims, to give it a role in immigration matters and to enable it to also address cases of multiple discrimination. In this connection, ECRI recommends that the authorities draw on its General Policy Recommendations Nos. 2 and 7 and seize the opportunity of the preparation of the above-mentioned Equality Act in order to implement these reforms.*

As a result of the new anti-discrimination law, the National Discrimination Tribunal has been transformed into the National Non-Discrimination and Equality Tribunal.

ECRI has been informed that the Tribunal can look into immigration issues, from a non-discrimination angle; it can also address cases of multiple discrimination. However, it cannot award compensation to victims, as was recommended by ECRI.

ECRI considers, therefore, that this recommendation has been partially implemented.

3. *In its report on Finland (fourth monitoring cycle), ECRI recommended that the authorities improve measures taken to ensure monitoring of racist acts, in order to establish how these are dealt with by the competent authorities, namely the police, the prosecution service and the courts.*

ECRI notes that several steps have been taken to implement this recommendation. ECRI has been informed by the Finnish authorities that the police has issued instructions for the classification of hate crime incidents to improve relevant statistics on this matter. Police officers have also participated in training events of the EU Fundamental Rights Agency (FRA) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on monitoring hate crime. In addition, the Police University College conducts an annual study on alleged hate crime incidents that have been brought to the attention of the police.

Furthermore, the Office of the Prosecutor General organises trainings for prosecutors on racist criminal offences and has also set up a working group for this topic.

ECRI appreciates these efforts and, while it is too early to assess their impact, trusts that the Finnish authorities will continue and, if necessary, scale up these activities.

ECRI considers that this recommendation has been implemented.

