



ANNUAL REPORT
of the Ombudsman for Minorities

2008





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Scope of the Ombudsman's work

IN EARLY 2008, the growth of immigration was a major topic of discussion. The debate was marked by an awareness of the need for workforce in the Finnish labour market and by the new labour immigration practices. From the perspective of the Ombudsman for Minorities, it was crucial to ensure that this change could take place without discrimination and with full respect for the rights of the people migrating to Finland. There is a need to develop the supervision of discrimination issues in working life. Issues associated with housing were also prominent in the Ombudsman's work in 2008: in conditions of growing immigration, the challenges associated with housing need to be taken more seriously than ever.

The latter half of 2008 was characterised by a downturn in the economy and, consequently, more radical attitudes towards immigration; for example, in on-line discussions, even very extreme opinions were expressed. The task of the Ombudsman for Minorities was to stress the fact that, while we must be able to discuss the problems relating to immigration, freedom of speech is nevertheless limited by the duty to prevent ethnic agitation. The Ombudsman monitored campaigning associated with the municipal elections and reminded political parties of their responsibility for preventing racism. A noteworthy feature of the reporting year was the large number of Finns who contacted the Ombudsman in cases where language that crudely stigmatized immigrants had violated their sense of justice. Feedback received by the Office indicates that in the final analysis, the toughening of attitudes was not particularly widespread, and immigration should therefore be observed over a longer time period.

The Ombudsman for Minorities was assigned new tasks through legal amendments drafted in 2008. In the future, the Ombudsman for Minorities will also act as the National Rapporteur on Trafficking in Human Beings, which will extend our mandate to encompass this essential challenge to human rights. The Ombudsman will also continue to draw up independent reports on ethnic discrimination.

THE REFORM OF THE NON-DISCRIMINATION ACT drafted during the reporting year is a project that will have major impacts on the future work of the Ombudsman

for Minorities. The reform will contribute significantly to giving the various grounds of discrimination a more equal status and, for example, to improving the possibilities of intervening in multiple discrimination. In 2008, the Ombudsman for Minorities focused particularly on multiple discrimination: an experience of discrimination that is influenced not only by the person's ethnic origin but also by his or her gender, age or other characteristics. Roughly one out of five cases processed by the Ombudsman's Office involved further grounds of discrimination besides ethnic origin, or other particularly sensitising factors.

In this context, the question of minorities within minorities also emerged. It goes without saying that the right to equal treatment should apply to everyone. During the reporting period, the Ombudsman for Minorities was often asked to give her opinion on the relationship between culture and human rights. There is scope for interpretation in the way human rights are implemented, and within this scope, special features of culture and religion, for example, should be taken into consideration. However, the human rights of an individual should not be violated under the guise of culture. A need certainly exists in Finland to discuss these interfaces in greater detail.

AS REGARDS the indigenous Sámi population, the position of the Sámi language was a strong focus during the reporting year. Without adequate long-term measures, the viability of all the Sámi languages spoken in Finland – but in particular that of Skolt and Inari Sámi – is under threat. For this reason the Ombudsman for Minorities proposed the urgent preparation of a Sámi language revitalisation programme. During the year, the Ombudsman for Minorities published a study on the position of the Sámi language in the Helsinki Metropolitan Area and initiated a dialogue on the follow-up of this study.

As regards the Roma population, the position of children was highlighted in 2008. Approximately one half of cases where the Roma contacted the Ombudsman's Office concerned discrimination in housing. It became increasingly obvious, however, that questions of housing are in many ways linked with other factors, such as the school attendance of children and cultural issues, and that many families need more all-round

expanding

support than they receive at present in facing the challenges of discrimination and exclusion.

In addition to combating discrimination, the Ombudsman's tasks include promoting good ethnic relations. During the reporting year, the Ombudsman for Minorities focused strongly on exerting influence and engaging in co-operation both through the media and through stakeholders. These activities did achieve high visibility, while contact interfaces were expanded.

FINLAND IS GOING THROUGH a critical period in terms of immigration, and good ethnic relations are essential for succeeding in this process. Open discussion helps to pinpoint problems – stigmatization and generalisations, on the other hand, obscure the overall picture. During the year, the Ombudsman for Minorities underlined the fact that immigration and minority issues are extremely complex entities, and that any discussion on these should consequently be sufficiently specific.

Success in building up good ethnic relations also involves giving immigrants and minority group members a genuine opportunity to succeed in their integration process. Their path to the labour market is often arduous, or one that leads primarily to the most typical immigrant professions. Moreover, access to linguistic training is often too slow. The minorities remain very poorly represented at the level of social decision-making, and many immigrant women still remain isolated. Thus we need to build bridges that will enable minority representatives to find their place in Finnish society in a more versatile way than is the case today.

Helsinki, 20 April 2009



JOHANNA SUURPÄÄ
OMBUDSMAN FOR MINORITIES



1. The indigenous Sámi people

The Sámi

During the reporting year, there was a strong focus on cases relevant to the position of the Sámi language and discrimination associated with it. The Ombudsman for Minorities proposed the drafting of a Sámi Language revitalisation programme to ensure the long-term and systematic planning needed to keep the Sámi languages viable. A study on the situation of the Sámi living in the Helsinki Metropolitan Area was also published in 2008.

The National Discrimination Tribunal clarified the application of the Non-Discrimination Act to services for Sámi speakers

The Ombudsman for Minorities considers that the possibility of Sámi-speaking children to obtain day care services in their own language is particularly important in terms of preserving the Sámi culture and language. For this reason it is also important to intervene efficiently in structural discrimination. In 2008, on application by the Ombudsman for Minorities, the National Discrimination Tribunal issued two decisions that are important in principle concerning Sámi rights.

In one of these cases, the National Discrimination Tribunal imposed a prohibition of discrimination and a conditional fine on a city as requested by the Ombudsman in a matter relevant to day care provided for Sámi children. The Tribunal considered that Sámi-speaking children had the same right to day care provided in their native language as Finnish-speaking children. This matter came up in a municipality situated outside the Sámi homeland. According to the Tribunal's decision, Sámi-speaking children had been subjected to discrimination on the basis of their ethnic background. The municipality may not discriminate against the Sámi in the provision of statutory services, nor may it prevent the implementation of the statutory rights of the Sámi.

In the view of the Ombudsman for Minorities, this was an important policy decision, also as regards the interpretation of the Non-Discrimination Act, which entered into force in 2004. A procedure may in itself be discriminatory, even if no particular victims are identified.

In the second case, the National Discrimination Tribunal pointed out that the municipality in question was part of the Sámi homeland, where the Sámi Language Act imposes a special duty on the authorities to ensure the availability of public services in the Sámi language. The National Discrimination Tribunal considered that Sámi children have the same statutory right to day care in their native language as Finnish-speaking children, and the Sámi are entitled to health care services, services for the elderly and basic education in the Sámi language. The municipality had not proven that it had taken adequate measures to appropriately arrange these statutory services for the Sámi-speaking population. The Tribunal considered that the municipality had discriminated against the Sámi-speaking population on the basis of their ethnic background.

Neither of these National Discrimination Tribunal decisions had become legally valid by the end of 2008.



People and ethnic minorities

The constitutional right of the Sámi to their own language and culture is applicable to the whole country.
The majority of the Sámi in Finland, including up to 70% of the children, are already living outside the Sámi homeland.

Study on Sámi language in the Helsinki Metropolitan Area

In November, the Ombudsman for Minorities published a study on the situation of the Sámi language in the Helsinki Metropolitan Area. On the day the study was published, a seminar on the Sámi language, teaching in Sámi and implementation of the linguistic and cultural rights of the Sámi was organised together with the Ombudsman for Children and the Sámi Parliament.

In connection with the publication of the study, the Ombudsman for Minorities proposed urgently drawing up a Sámi language revitalisation programme. The constitutional right of the Sámi to their own language and culture applies in every part of the country. All three Sámi languages spoken in Finland are rather small, but Inari Sámi and Skolt Sámi in particular will need urgent and long-term support measures in order to survive. Current

measures relevant to the Sámi language are short-term and not adequate to safeguard the future of the language.

The majority of the Sámi in Finland, including up to 70% of the children, are already living outside the Sámi homeland, and for this reason, implementation of their language rights is also vital in the Metropolitan Area. According to the study, however, the services implemented in Sámi are inadequate. Under the law, Sámi-speaking children should be entitled to day care in their own language everywhere in Finland. However, no Sámi language day care is provided, for example, in Helsinki. The study indicates that Sámi parents living in the area consider passing on their language and culture to their children important and that they would like to have day care in Sámi. According to the Ombudsman for Minorities, talks between the parties are needed without delay to rectify the situation. The study also revealed deficiencies in teaching of the Sámi language in schools. As the population ages,

it will also become necessary to look at the situation of elderly people who speak Sámi as their native language. The Sámi in the Metropolitan Area would also like to see a dedicated facility that would enable them to maintain their culture even in an urban environment.

Visits to the Sámi homeland

In May, the Ombudsman for Minorities visited the municipality of Enontekiö. The programme of this visit included talks with the municipality and representatives of the Sámi Parliament on services available in Sámi in the municipality. On the same visit, the Ombudsman continued to Kautokeino, Norway, where she was introduced to services provided in Sámi and the Sámi University College/research institute.

In September, the Ombudsman acquainted herself with the situation of the Skolt Sámi in the municipality of Inari. Among other places she visited the new Skolt Sámi language nest in Ivalo and met representatives of the Skolts as well as the Skolt Sámi Councils of Nellimi-Keväjärvi and Näätämä. The Ombudsman also discussed the situation of the Skolt Sámi with representatives of the Sámi Parliament, and was introduced to services provided in the Sámi language in Sevettijärvi.

The Ombudsman for Minorities considers language nest activities particularly vital for the survival of the Skolt Sámi language and culture. Other prerequisites for linguistic and cultural survival include preserving the area of Sevettijärvi as a viable Skolt Sámi centre and ensuring that the services provided in Sámi in Sevettijärvi are maintained. Preserving a threatened language requires long-term and urgent measures. The Ombudsman warmly supports the location of the proposed cultural centre in Sevettijärvi.

The Roma

The position of the Roma and implementation of their rights have been among the tasks of the Office of the Ombudsman for Minorities since 2002. In seven years, cases concerning the Roma have stabilised at an annual level of around one hundred. The majority of contacts with the Ombudsman throughout this period have concerned housing problems.

In 2008, a particularly typical feature of customer contacts with the Ombudsman for Minorities was that the discussion on various Romani customs and practices, both in public and among the Roma themselves, was clearly reflected in the way individual Roma customers approached the Ombudsman's Office. There is a willingness to discuss the internal issues of this minority, even sensitive ones, more openly than before.

In customer cases involving the Roma, the person ini-

Romani affairs processed by the Office of the Ombudsman for Minorities in 2007 and 2008

Issue	Cases 2007	Cases 2008
Housing	51	47
Provision of private services	10	15
Access to social and health services	8	6
Working life	2	7
Ethnic agitation	6	8
Actions by the police, judicial system and penal institutions	5	7
Early education, teaching and education	4	5
Internal issues of the Roma*	5	7
Others**	2	8
Total	93	110

* Internal issues of the Roma refer to discussions on customs and practices, such as permissions to live in an area and avoidance behaviour.

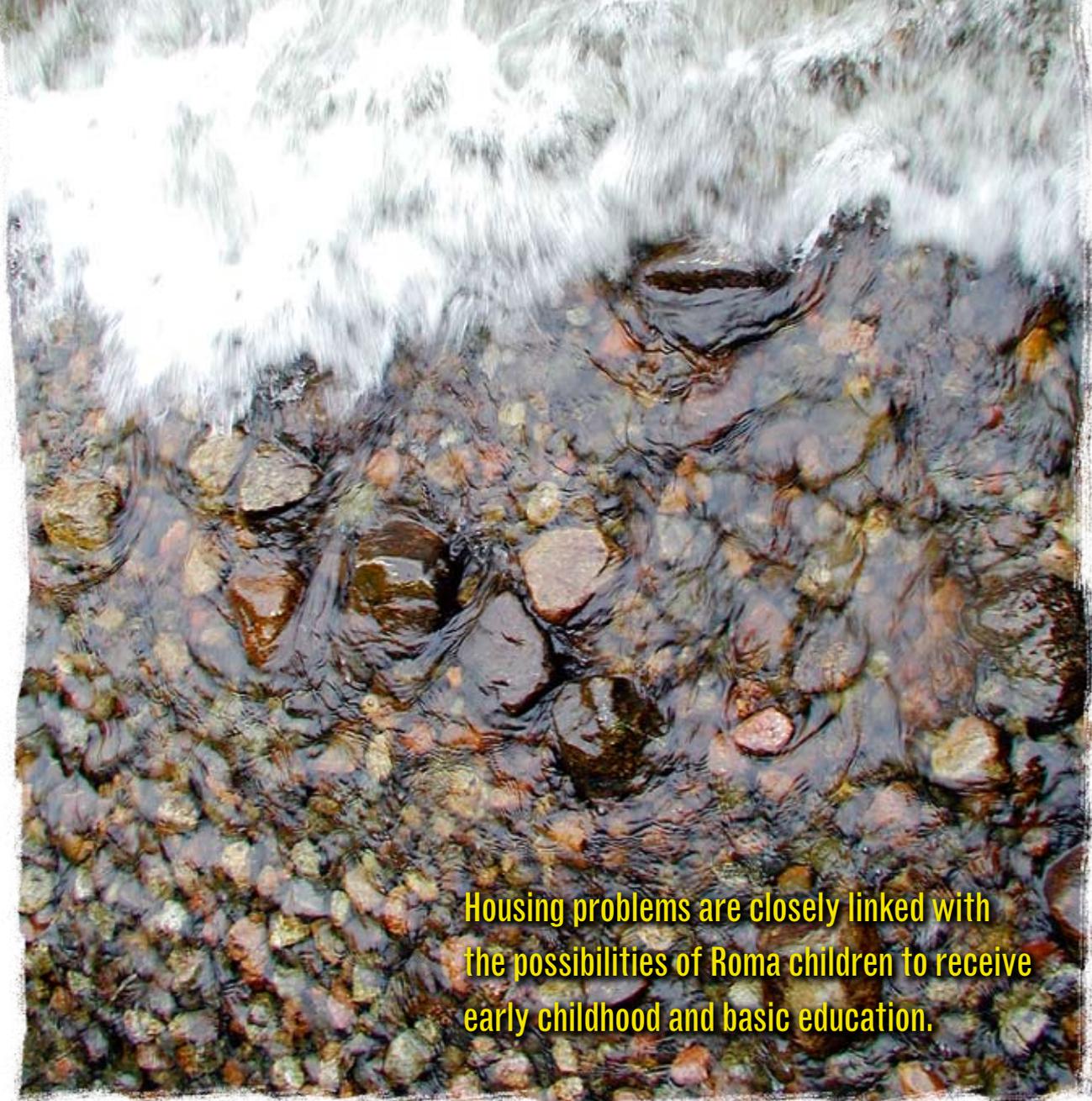
** E.g. general requests for information

tiating the contact was usually a Roma woman (56%). In most cases, the actual problem concerned the whole family. Roma men approaching the Office of the Ombudsman for Minorities accounted for 23% of the cases.

In the remainder of the cases, an issue relevant to the Roma was raised by local authorities, an organisation or an assistant. It is noteworthy that in 2008 the Ombudsman for Minorities was approached by private persons belonging to the mainstream population, who did not have personal contacts with the Roma. These cases were about such issues as racism targeting the Roma on the Internet, or a discriminating atmosphere towards Roma customers at the workplace.

Nine cases involved minors. The Ombudsman was contacted on their behalf by a guardian, usually the mother. The problems of elderly Roma also came to light in course of the work of the Ombudsman's Office. Three of the customers in 2008 were aged over 65. Two of these contacted the Office of the Ombudsman independently. The cases involving elderly people were about access to supported housing, availability of social and health care services for the elderly and access to banking services.

The Roma most often contacted the Ombudsman's Office by telephone. Customer cases were dispersed around Finland, involving a total of 41 municipalities. In the municipalities of the Metropolitan Area, the Office of the Ombudsman for Minorities was contacted in 17 cases, while no contacts relevant to the Roma were made from the region of Lapland in 2008. Finnish members of the Roma permanently or temporarily resident in Sweden contacted the Office of the Ombudsman for Minorities in five cases.



Housing problems are closely linked with the possibilities of Roma children to receive early childhood and basic education.

Roma children in cases brought to the attention of the Ombudsman for Minorities

In 2008, cases pending in the Office of the Ombudsman for Minorities associated with the Roma involved a total of 102 children. The children's lives were affected by experiences of discrimination, exclusion, and internal conflicts within the Roma population.

The situation of the Roma children most typically emerged whenever the Ombudsman was contacted about housing. Of these children, 84 lived in families concerned about various problems associated with housing, for example changing accommodation, finding accommodation or problems encountered while living in rented accommodation. Some of the children were practically homeless, for example living in a camper van or staying on a temporary basis with various relatives in succession.

Housing problems and homelessness are closely linked with the children's possibility of receiving early childhood and basic education. In cases that were brought to the attention of the Ombudsman for Minorities in 2008, the school attendance of 22 children had been interrupted

or was intermittent. Six children had been subjected to bullying at school. In addition, five children lived in families where the housing problem consisted of harassment by the mainstream population.

The life situations of young Roma leaving their childhood homes were brought up by concerned parents contacting the Ombudsman. A Roma youngster approaching adulthood often has little or no chance of finding rented accommodation. Observing the Roma customs places certain requirements on housing conditions, and the difficult housing situation in turn affects the young person's opportunities for study.

Of the children concerned 23 had experienced violence or a threat of violence. Of these cases, the problems of 13 children were associated with avoidance behaviour arising from Roma customs, or even threats of violence. Some of the children lived amidst domestic violence or other conflict, while the cases of five children were about police investigations or a prison sentence.

Some of the children had been involved in situations where their parents felt they had been discriminated against in the provision of services. On these occasions,

the children had had to witness incidents where a shop refused to serve their parents, or the family was unable to book a room in a hotel when travelling.

Seminar on Roma children and teenagers

The Advisory Board for Romani Affairs, Office of the Ombudsman for Minorities and the Education Unit for the Romani Population of the National Board of Education organised a seminar entitled “Interfaces of Discrimination and Exclusion – challenges to the growth of a Roma Child” on 17 November 2008. In this seminar, the position of the Roma and implementation of their rights were examined in particular from the perspective of Roma children.

The seminar concluded that, even if progress has been made in the position of the Roma, the wellbeing of Roma children and teenagers is polarised. Some of the Roma children and teenagers are doing well. They attend school and also continue their studies after the age of compulsory education. Some Roma children, on the other hand, are not so fortunate. The situations of those not coping well often arise from the problems of their parents – a low standard of education, a poor socio-economical situation, substance abuse, mental health problems, broken homes. Some families seem to live in a vicious circle of exclusion on the one hand and structural discrimination on the other.

Another theme discussed at the seminar was the question of how political decision-making could play a role in the prevention of exclusion. In addition, various local projects and experiences derived from them were presented, including support for the housing and school attendance of Roma children. The seminar concluded that practices that have proven good do exist, but there is a need to overcome the short-term nature of projects to support the Roma. Good models should be evolved into national practices.

The Roma in Europe – the phenomenon of beggars in Finland

Beggars originating from Eastern European countries sparked a lively discussion in the spring on the unfortunate situation of the Roma in new EU Member States and the attitude we should take towards beggars. The Ombudsman for Minorities particularly emphasised the fact that fundamental human rights belong to every person within Finnish jurisdiction, not only to Finnish citizens or those permanently living in Finland. As regards beggars, too, such rights as the equality requirement, free mobility and right to social security should be taken into consideration, as well as implementation of the rights of the child.

The Ombudsman for Minorities felt that there is a need for national guidelines. These guidelines would ensure the uniform treatment of beggars in various cities and promote appropriate intervention, for example, in

cases requiring child protection measures. In the Ombudsman’s view, such guidelines should call attention to the fact that the obligations imposed in the Child Welfare Act also apply to beggars. The treatment of beggar families/children should be guided by the interest of the child, in the same way as for Finnish children. The Ombudsman for Minorities further felt that preventive measures are needed: information on conditions in Finland should be provided to people in their countries of origin before they arrive in Finland. EU level intervention is also needed regarding the reasons behind begging.

Russian speakers

Russian speakers are the largest group of immigrants in Finland. In this context, the Ombudsman for Minorities initiated a study on the situation of the Russian-speaking population in Finland during the reporting period (published in early 2009). Special challenges facing Russian speakers surfaced in the work of the Ombudsman for Minorities arising from attitudes and, for example, name-calling. Russian speakers also frequently find that they are not offered a chance to make full use of their linguistic capabilities and educational background in Finnish working life.

The Ombudsman initiated a study on the situation of Russian-speaking immigrants living in Finland. The themes of this study were outlined in co-operation with the Union of Finland’s Russian-Speaking Societies FARO. The themes selected for the study included the possibilities of learning Finnish and maintaining one’s native language (functional bilingualism), opportunities for participating in Finnish society and the mental climate towards Russian speakers. The Planning Officer conducting this study interviewed in Finnish and Russian, among others, immigrants, representatives of various Russian-speaking organisations, and various authorities. The purpose of the study was to provoke discussion on the position of this growing linguistic minority.

Russian speakers contacting the Office of the Ombudsman for Minorities brought up challenges relating to attitudes, such as reports of name-calling and bullying at school. The Ombudsman for Minorities drew attention to the need to intervene in name-calling and bullying in schools and similar institutions at an early phase. Speaking Russian in public places may provoke strong and even violent reactions in individual Finns. In these cases, the customers are advised to report the matter to the police for criminal investigation.

Russian-speaking customers also felt that they were discriminated against in the provision of services. Customers contacted the Office about problems with e.g. social welfare authorities, Employment Offices or the So-



Fundamental human rights belong to all those within Finnish jurisdiction, not only to Finnish citizens or persons permanently living in Finland.

cial Insurance Institution. In some cases, linguistic challenges came to light: the customers and authorities had not understood each other properly. Consequently, the Ombudsman for Minorities recommended a sufficiently wide-spread use of interpreters, or services provided in the customer's native language, in order to avoid problems and violations of rights. Elderly people in particular often struggle due to their insufficient command of language. This is why it would be justified to provide interpretation and translation services in a customer-oriented way, and adequate resources should be reserved by the various authorities for interpretation and translation.

The majority of Russian-speaking immigrants are women. As marriages break down, Russian speakers and in particularly women, feel that in disputes concerning custody of and access to children, their rights are not always equally implemented.

As regards participation in working life, problems of finding employment emerged in customer contacts with the Office. Russian speakers are often well educated, but they do not always feel that they are given an opportunity to make use of their linguistic skills and educational background in Finnish working life. Customers have also brought up suspicions that they receive less favourable treatment than their Finnish colleagues at the workplace because of their Russian background. This may take the form of difficulties in getting promoted to new tasks or, for example, unpaid overtime pay. The Ombudsman was also contacted about name-calling and suspected harassment at the workplace.

Co-operation with Somalis

The Ombudsman for Minorities continued her co-operation with the Somali League in Finland. In joint meetings with the Finnish Immigration Service, themes such as nationality issues, family reunification and asylum seekers from Somalia were covered.

The Somali League in Finland reported that they inform their members of the fact that changing identity and personal details creates problems when applying for citizenship. The meeting also discussed the inadequacy of Finnish and Swedish language teaching organised in Finland.

The Karelians

An example of new contacts established with the network of stakeholders is the Society for the Karelian Language in Finland, representatives of which came to meet the Ombudsman for Minorities. The Society representatives wished to draw the Ombudsman's attention to the fact that Karelians are not recognized as an ethnic group in their own right in Finland, but considered a sub-group of ethnic Finns. The representatives pointed out that there are some 5,000 active speakers of the Karelian language in Finland, who have experiences of being subject to prejudice and discrimination as well as assimilation efforts.

2. The enlarging scope

In addition to investigating individual customer cases, the Ombudsman for Minorities made an effort to intervene in housing-related problems by means of interadministrative co-operation, training and information. The Ombudsman took part in various discussions and projects around Finland.

In 2008, there were a total of 84 housing-related customer cases pending in the Ombudsman's Office. Roughly one half of these cases concerned housing for the Roma, while the other half consisted of cases relating to immigrants.

The Roma

Of the Ombudsman for Minorities' Roma customers, nearly one half contacted the Office in matters regarding various housing-related problems. In recent years, the number of cases of housing problems involving Roma people has stabilised at some 40 to 50 annually. In 2008, 47 customer cases associated with housing issues relating to the Roma were pending in the Office of the Ombudsman for Minorities.

Nearly all of these cases were associated with access to State-funded rental accommodation, changing accommodation or problems encountered while living in accommodation. Claims of discrimination, criticism concerning the standard of customer service and advice, and exclusion also emerged in these cases. Losing their home may be the culmination of multiple problems facing a family. The housing issues of the Roma involve special features linked to the Romani culture and customs. In customer contacts, some of the questions most frequently encountered concern how observation of Roma customs affects living, where the boundaries of practising one's own culture should be drawn and how the providers of rental housing should take the Romani culture in consideration. As regards the housing authorities, the situation was disambiguated by the guidelines issued on 25 April 2008 by the Housing Finance and Development Centre of Finland ARA on customer selection regarding the Roma.

The Non-Discrimination Act and housing

- **Scope of application of the Act**
 - applies to discrimination based on ethnic origin concerning the supply of and access to housing and movable and immovable property and services on offer or available to the general public other than in respect of relationships between private individuals

Aspects that should be taken into account in the customer selection of social rental housing providers

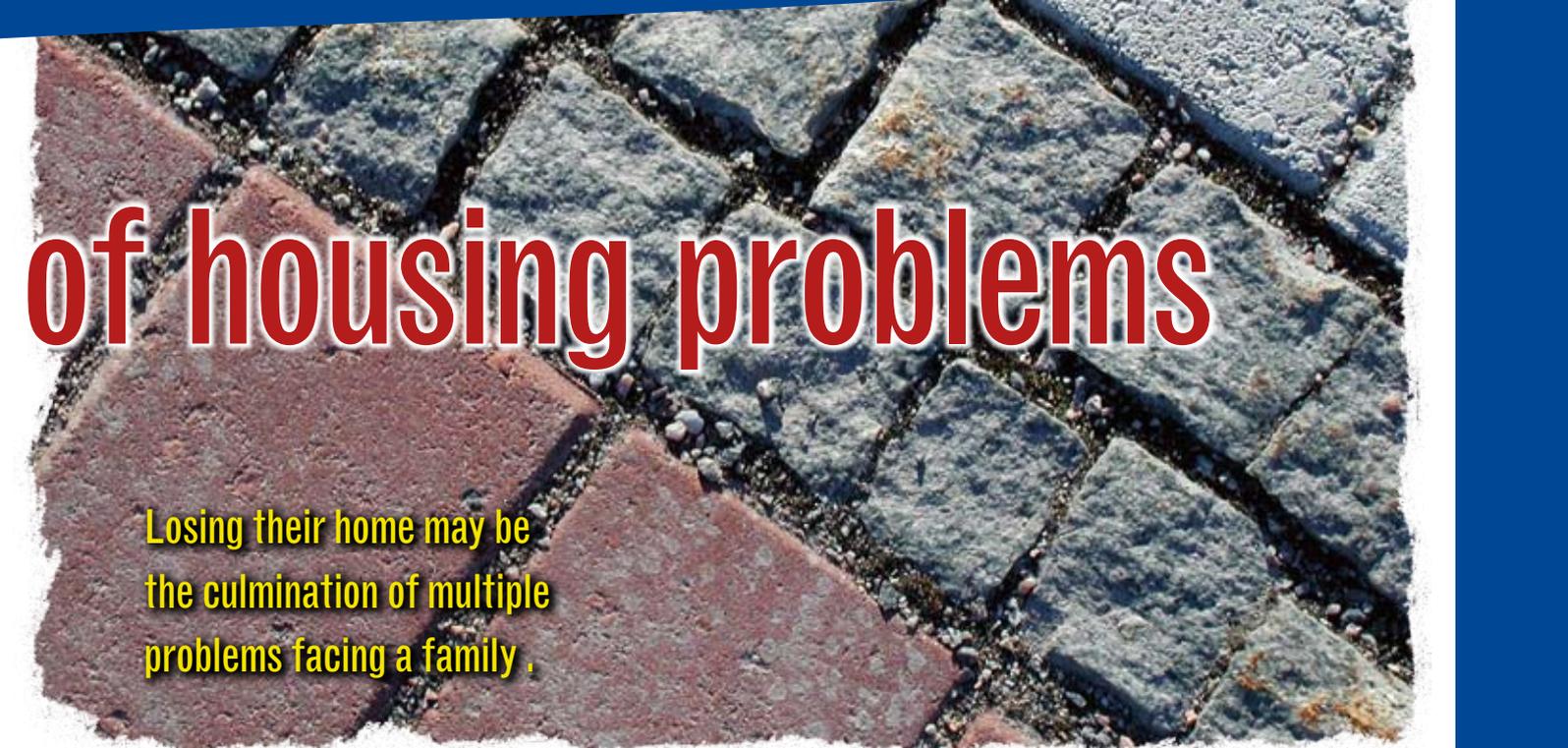
- **regulations on customer selection**
 - the cornerstones of resident selection should be the need for housing, income and assets
- **basic rights guaranteed for all in the Constitution**
 - e.g. freedom of movement and the right to choose one's place of residence
 - for the Sámi, Roma and other groups, the right to maintain and develop their own culture
- **The Non-Discrimination Act**
 - ethnic equality

Immigrants

The Ombudsman for Minorities was contacted 37 times about housing issues involving immigrants in 2008. The problems facing this group are different from those of the Roma. For example, unjustified residence permit or citizenship requirements imposed by private landlords or rental companies may prove an obstacle to finding accommodation. Problems experienced by immigrants while living in accommodation include various types of disputes with the housing or management companies on such matters as the placing of satellite dishes on balconies. Residents with an immigrant background also contact the Ombudsman due to negative attitudes in the neighbourhood. Examples of this include the name-calling experienced by Russian speakers.

In 2008, the housing problems of immigrant families in Helsinki were particularly prominent. In particular the choice of accommodation available to families with a refugee background is often more limited than for the mainstream population. The City of Helsinki has a very limited number of large family flats available, and in practice, none of these become available for renting.

However, new families are continuously moving into Helsinki, for example, through family reunification. Squeezing large families into flats that are too cramped



of housing problems

Losing their home may be the culmination of multiple problems facing a family .

is likely to disturb the school attendance of children and cause problems with the mainstream population, who may have preconceived ideas of the immigrants' disruptive way of living. The national immigration, integration and housing policies should all be coordinated to ensure that families having entered the country legally can have a reasonable standard of living.

Rental accommodation provided by the City of Helsinki

In previous years, the Office of the Ombudsman for Minorities was contacted about the rental accommodation situation in the City of Helsinki only in rare individual cases. In 2008, the number of these cases increased dramatically, and the Ombudsman's Office was approached in a total of 15 cases.

Certain customers brought up a general concern over the deteriorated rental accommodation situation in the City of Helsinki, including criticism of customer service provided by the Housing Affairs Service Point. For example, social workers of the City and employees of the maternity and child health clinics, as well as representatives of organisations working with immigrants, reported on the poor housing situation of immigrants, especially those with a refugee background.

Some customers contacted the Ombudsman about the situations of individual applicants for accommodation. In this connection, the following problems emerged:

- a homeless family of immigrants had no access to rental accommodation
- the applicant had unsatisfactory accommodation or a temporary residence, but he or she had no access to accommodation corresponding to his/her needs.
- a particular problem that came to light was the difficulties facing large families with an immigrant

background in finding accommodation that is adequate in proportion to their family sizes

In November 2008, the Ombudsman for Minorities met leading civil servants from the Housing Affairs Division of the City's Real Estate Department, at which time a plan was agreed on for continuing efforts to resolve difficult situations.

Co-operation in housing

In the capacity of an expert, the Office of the Ombudsman for Minorities took part in a project on the equality of housing set up by the Ministry of the Interior. The aim of this project is to promote equality in housing and to identify and create tools for supporting housing policies that prevent exclusion. The Ombudsman's Office supplied information for the national report drawn up during this project on how the housing-related issues of ethnic minorities are reflected in customer contacts with the Ombudsman for Minorities.

The Office of the Ombudsman for Minorities took part in a study visit to the Hague and Rotterdam, where housing for immigrants is concentrated in low-income areas dominated by rental accommodation that is often in a poor condition.

In Finland, the situation remains rather different so far, even though there are already areas in cities such as Helsinki where 20% of the residents are immigrants. In this country, it is still possible to fight the development of segregation, and the housing of immigrants should be foregrounded, for example, in developing the implementation of the Act on the Integration of Immigrants.

The Office of the Ombudsman for Minorities also worked together with the Kotilo project implemented by the Finnish Refugee Council. This project aims to develop practices and models for conflict prevention and mediation between immigrants and Finns in matters relating to housing as well as for advisory services.

3. Labour migration incr

Labour migration to Finland increased during the reporting year. The Ombudsman for Minorities drew attention to discrimination against labour immigrants, for example, in working conditions and also to the fact that immigrants should be placed in a sufficient variety of jobs in the Finnish labour market. The Ombudsman's attention was repeatedly drawn to questions of recognition of qualifications.

The requirements pertaining to the Finnish language should not be exaggerated to the point where they can be construed as indirect discrimination. Problems were also found in access to job placements by young people belonging to minorities.

In an opinion issued to the Ministry of the Interior, the Ombudsman for Minorities pointed out that it is partly the duty of the authorities to ensure that the Finnish business sector has at its disposal a skilled labour force that is adequate for the functioning of the economy. The authorities also have the task of ensuring that work is performed in compliance with Finnish legislation and collective agreements. There is therefore a need for overall guidance of labour immigration by the authorities to ensure that the situation does not get out of hand, for example, in terms of excessive immigration, and cause disruptions in the labour market, especially in a period of economic downturn.

The authorities also play a role in supervising the ethics of recruitment. Means should be explored for ensuring that workers recruited from abroad do not simply become dispensable commodities in society as the financial downturn takes hold in Finland. The opinion also pointed out that successful labour migration also requires investment in integration. Prerequisites for integration include offering sufficient linguistic training. Integration also refers to the integration of the mainstream population with their new neighbours, workmates and relations, and for this reason every-day encounters between the mainstream population and immigrants should be promoted.

The Ombudsman for Minorities drew attention to the

eased

Integration also refers to the integration of the mainstream population with their new neighbours, workmates and relations.

fact that, when reviewing the contents of occupational safety and health policies, we should take into account the foreigners already working in Finland, as well as the continuously increasing labour migration to the country. In her opinion on the draft national occupational safety and health policy, the Ombudsman for Minorities considered that these policies should channel resources into the promotion of equality. Ethnic minorities and foreign workers are in a more vulnerable position in terms of mental and physical occupational safety and health than their Finnish counterparts. The Ombudsman considered that increasing labour immigration and direct recruitment from abroad will increase the workload of the occupational safety and health authorities. The occupational safety and health supervision authorities should be guaranteed adequate resources and expertise for responding to the specific issues of labour immigration

During the reporting year, the Office of the Ombudsman for Minorities was contacted a number of times about internal situations at workplaces, such as experiences of inappropriate treatment on grounds of ethnic background. The situations of inappropriate treatment were associated with grievances relating to working conditions (ambiguities in working hours and pay), or other unsatisfactory treatment, such as name-calling or isolation in the work community.

In one case, skill level 5 had been set as the Finnish language proficiency requirement for immigrants' access to a tram operator's training and occupation. On the six-level scale, this standard is the second highest in language examinations. Based on the information obtained, the Ombudsman for Minorities considered that in a tram operator's training and occupation, such a high language skill requirement was not justified, and the case displayed seemingly neutral grounds that expose immigrant candidates to indirect discrimination.

In another case, the selection criteria for a consultant engaged in development cooperation tasks included being a Finnish citizen. The company justified this requirement by stating that only a Finnish citizen could work in a task funded by the Ministry for Foreign Affairs. This, however, was based on an outdated guideline issued by the Ministry. The Ombudsman for Minorities considered the requirement of being a Finnish citizen in this task a violation of the prohibition of discrimination under the Non-Discrimination Act and urged the company to change their application criteria.

First and foremost, every attempt should be made to resolve work-related problems at the workplace. Those who contacted the Ombudsman were advised to bring up the problems with their superiors in order to seek a change in the situation. They were also advised to contact the parties responsible for occupational safety and health at the workplace (Occupational Safety and Health Officer or Director) or a shop steward in problematic situations. In certain cases, occupational health care services have also been involved in resolving conflicts at the workplace. If no solution has been reached, customers have also been advised to contact the Occupational Safety and Health Inspectorate, or if they are trade union members, their own unions.

The Office of the Ombudsman for Minorities also continued to monitor job advertisements in 2008. Advertisements found containing potential ethnic discrimination were passed on to the Occupational Safety and Health Inspectorates for investigation. These included advertisements requiring the employees to be Finnish citizens, have Finnish as their native language or speak perfect Finnish, without the task actually appearing to require this. In 2008, 32 of these advertisements were passed on to the Occupational Safety and Health Inspectorates for investigation, more than one half of these to the Inspectorate of Uusimaa.

Work training courses

Within the scope of the Ombudsman for Minorities' competence, the Office looked into suspected discrimination in working life. This involved cases that were not, at least at the first stage, about working in an employment or civil service employment relationship, but where new employees were being sought, for example, through training. In the cases that were investigated, criteria that cannot be considered acceptable in terms of ethnic equality had been set as requirements for access both to training and to employment. For example, in a case of discrimination concerning the work placement of a young member of a minority, an application for a summons was filed with a court of first instance.

Social partners

In order to promote ethnic equality in working life, a seminar on diversity in working life in the Tampere region was organised during the year, together with the Occupational Safety and Health Inspectorate of Häme and the Advisory Board for Ethnic Relations (ETNO). A central theme was bringing social partners together at the regional level to promote a positive atmosphere at workplaces.

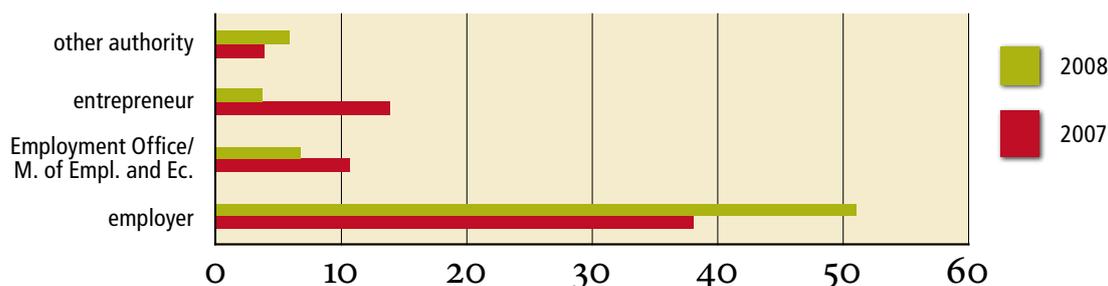
The Ombudsman's Office also engaged in co-operation on questions relating to working life during the year by meeting both representatives of central labour market organisations (Confederation of Finnish Industries EK, Central Organisation of Finnish Trade Unions SAK) and trade union level actors (Confederation of Finnish Construction Industries, Federation of Special Services and Clerical Employees ERTO).

Employment Offices

Customers also contacted the Ombudsman for Minorities about the actions of Employment Offices. During the reporting period, two cases were processed that concerned decisions of employment offices not to give a startup grant to an applicant. In the first case, the customer felt that negative attitudes towards a foreign entrepreneur were behind the negative decision. After looking into the case, the Ombudsman for Minorities found that this was more of a communication problem between the parties, which was reflected in the customer's feelings of being discriminated against.

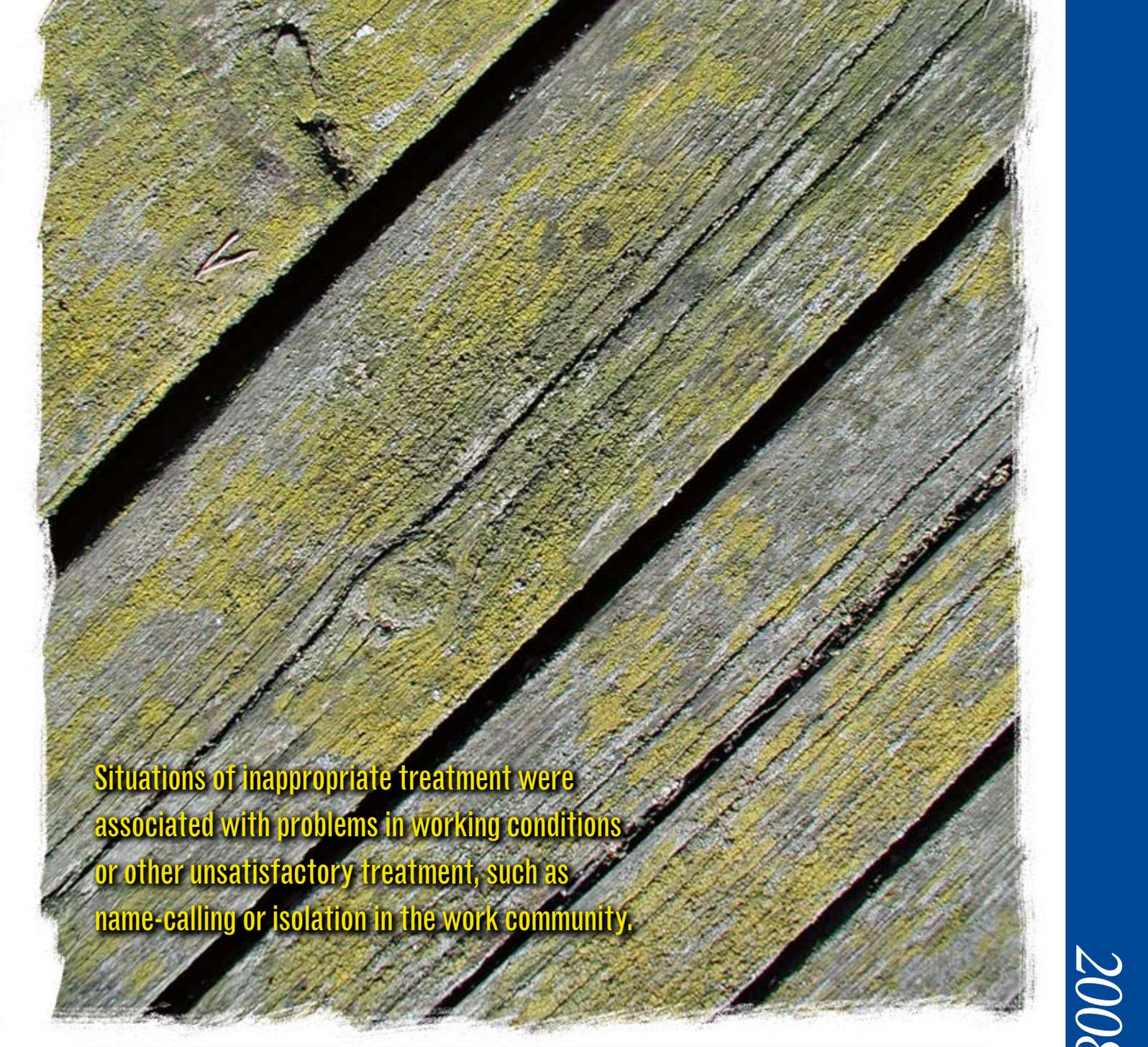
In the second case, the Employment Office had appealed in making its negative decision to the fact that the startup entrepreneur did not have a sufficient command of the Finnish language to be capable of profitable business operations. The person filing the complaint was unhappy, among other things with the unwillingness of the authority to communicate in English and the fact that the decision was issued in Finnish.

Cases of discrimination by various labour market parties



The class Other authority comprises cases such as problems encountered with authorities when starting an enterprise and difficulties in obtaining business advisory services.

Discriminatory treatment by entrepreneurs includes problems in opening a bank account, discriminatory job advertisements or problems in access to a restaurant.



Situations of inappropriate treatment were associated with problems in working conditions or other unsatisfactory treatment, such as name-calling or isolation in the work community.

The Ombudsman for Minorities requested information in a case where the Managing Director of a football club had told to a reporter that no players who speak Russian as their native language would play for the club in the following season. The Managing Director was asked to clarify whether the club intends to act according to this statement, in other words whether the club plans to refrain from making contracts with Russian speakers in the future. In his reply, the Managing Director said that his earlier statement had been unwise and that in practice, language is not a decisive factor when selecting employees. The football club also reported that they had recently concluded a new coaching agreement with a Russian speaker.

In her opinion, which was forwarded to the football club, the Ombudsman for Minorities referred to the judgement of the European Court of Justice in case *Firma Feryn NV* (case C-54/07, 10 July 2008). In

this judgement, the European Court of Justice rules that the fact that an employer states publicly that it will not recruit employees of a certain ethnic or racial origin constitutes direct discrimination in respect of recruitment within the meaning of the so-called Equal Treatment Directive. Such statements are likely to strongly dissuade certain candidates from submitting their candidature and, accordingly, hinder their access to the labour market. As the said Directive has been transposed into Finnish legislation through the Non-Discrimination Act, the prohibition of discrimination in the Non-Discrimination Act should be interpreted in the light of the judgement by the European Court of Justice. The Non-Discrimination Act prohibits discrimination on such grounds as ethnic origin and language. In her statement, the Ombudsman for Minorities also referred to the prohibition of discrimination in the Non-Discrimination Act and urged the football club to be mindful of this prohibition in the future.

4. Problems in the provi

The Ombudsman for Minorities was contacted during the reporting year in cases concerning discrimination on grounds of ethnic origin in the provision of services. Typically, this type of discrimination arises in connection with Roma people visiting a shop or a restaurant. As regards public services, the Ombudsman was contacted frequently by immigrants regarding interpretation services and equal treatment, for example, in health care. The Ombudsman for Minorities initiated a study that examines the health care services from this perspective.

Private sector services

Visiting shops and supermarkets

The Roma in particular still frequently find that their visits to shops are restricted or that they are watched. During the reporting year, the Ombudsman for Minorities assisted a Roma woman in bringing discrimination she had encountered in a shop before the National Discrimination Tribunal. In her case, a sales assistant had asked three Roma women to leave the shop as soon as they had entered, claiming that the Roma are thieves.

Immigrants also contacted the Ombudsman for Minorities about cases associated with the actions of security guards in shops or restaurants. In these situations, they felt that their expulsion from a shop or a restaurant was discriminatory. In one case, the security guards removed a customer with an immigrant background while the customer was shopping for clothes without even giving a reason. The shop justified their action by claiming that the customer had spent an excessive amount of time in the shop. The customer who contacted the Ombudsman felt that the shop's action was discriminatory.

Banking services

During the reporting period, the Ombudsman for Minorities was contacted by foreigners about problems in ac-

cess to banking services. Difficulties in opening accounts encountered, for example, by asylum seekers persisted. The Ombudsman continued to monitor this question in order to find a solution to the problem.

In one case, a foreign customer experienced the actions of the bank as discriminatory, as the bank required the customer to provide information about their income and a recommendation from a foreign bank as conditions for granting a loan, and furthermore placed restrictions on withdrawing a renovation loan. The customer in question was permanently resident abroad, and based on information received in the case, the Ombudsman conse-



Provision of services

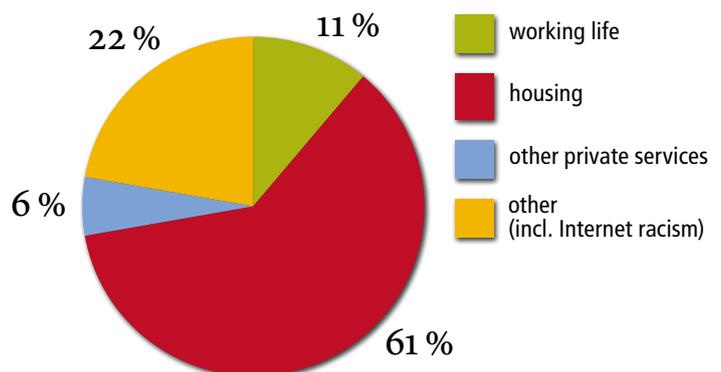
Under the Non-Discrimination Act, the authorities shall in all they do seek systematically and methodically to foster equality.

requently considered that the bank was justified in making sure the customer was solvent before granting a loan.

Discrimination by association

The Ombudsman for Minorities looked into a case that was about intersectional discrimination and discrimination by association. Discrimination by association refers to a situation where a person is treated less favourably because he or she is the spouse, friend etc. of a person belonging to an ethnic minority. Intersectional discrimina-

Provision of private sector services
– distribution of customer cases



tion, on the other hand, refers to discrimination based not on a single ground but on a situation where two or more grounds of discrimination are invoked simultaneously (such as ethnic origin and gender of a person). In one case investigated by the Ombudsman for Minorities, an attempt was made to determine whether a Finnish woman had been treated less favourably because she had entered a restaurant with two male friends who were foreigners. At the end of the year, the case was still pending.

Public services

Youth work and education

The Ombudsman for Minorities was contacted several times about education and studying. These issues concerned, for example, bullying at school, which may involve harassment prohibited under the Non-Discrimination Act.

In order to reach children and teenagers, the Ombudsman for Minorities worked during the reporting period in co-operation with authorities, experts and actors engaged in education and youth work. The Office of the Ombudsman for Minorities took part among other things in training events organised for youth workers of the City of Helsinki on ethnic equality in youth work and equality planning.

This co-operation continued, for example, within the KEKS chat project. All Different, All Equal (the KEKS project) is a joint on-line youth work project of several NGOs. A representative of the Ombudsman's Office was a member of the project's steering group and, for example, took part in the training of voluntary supervisors.

Right to interpretation and translation services

Some customers contacting the Ombudsman for Minorities brought up difficulties associated with the right to interpretation or translation services when dealing with

various authorities, such as the National Land Survey or a Public Legal Aid Office. Towards the end of the year, the Ombudsman for Minorities sent out requests for information on her own initiative to various health care authorities regarding such matters as guidelines and practices concerning interpretation and translation services and compliance with any existing guidelines. The deadline for these health care related requests for information was in 2009.

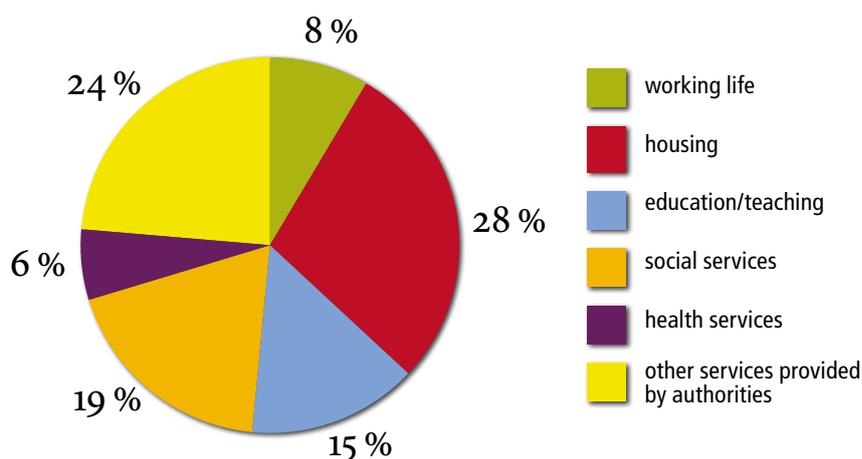
Provisions on interpretation and translation in administrative matters are contained in section 26 of the Administrative Procedure Act. Chapter 2 of this Act gives provisions on the legal principles of good administration. These include the service principle and appropriateness of service, advice and the requirement of proper language.

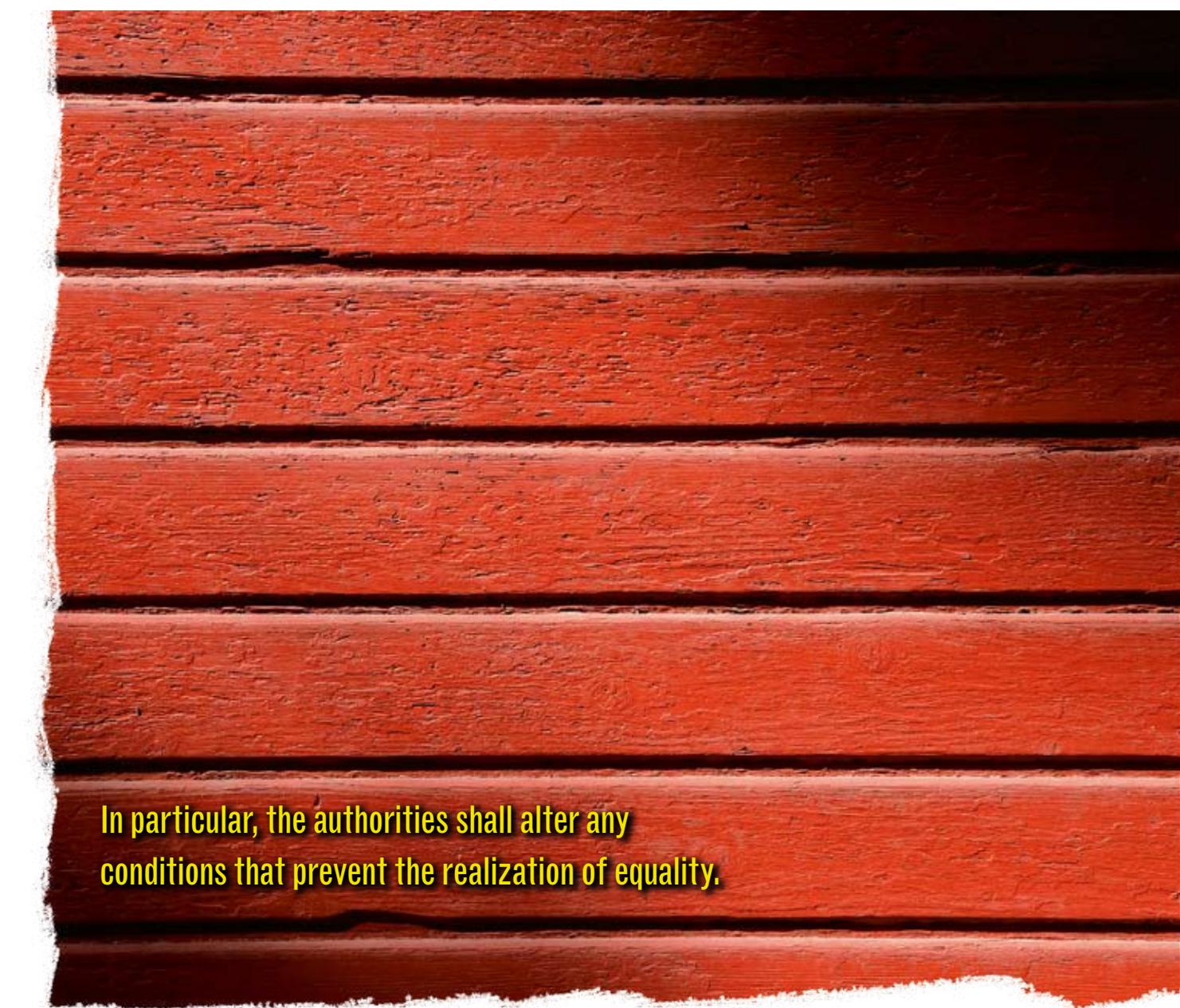
Certain specialised Acts, such as the Criminal Procedure Act, code of judicial procedure and the Aliens Act, give more detailed provisions on the right to interpretation or translation in certain situations. In addition, for example the Act on the Status and Rights of Patients stipulates that the mother tongue, individual needs and culture of the patient have to be taken into account as far as possible in his/her care and other treatment. This Act also contains provisions on the patients' right to be informed.

Under the Non-Discrimination Act, the authorities shall in all they do seek purposefully and methodically to foster equality and consolidate administrative and operational practices that will ensure the fostering of equality in preparatory work and decision-making. In particular, the authorities shall alter any conditions that prevent the realization of equality. Each authority shall also draw up a plan for the fostering of ethnic equality, which must be as extensive as required by the nature of the work of the authority. In addition, the Non-Discrimination Act prohibits such acts as direct and indirect discrimination based on ethnic origin, for example, in health care services. The Act on the Status and Rights of Patients also prohibits discrimination.

In view of the duty to foster equality imposed in the Non-Discrimination Act and the legal principles of the Administrative Procedure Act, the Ombudsman for Mi-

Provision of public services – distribution of customer cases





In particular, the authorities shall alter any conditions that prevent the realization of equality.

minorities considers that, for example, the provision in the Act on the Status and Rights of Patients associated with the implementation of the right to be informed may in some situations require the use of an interpreter, even if the provision relating to interpretation in the Administrative Procedure Act is based on the principle that as a rule the authority's duty to provide an interpreter is mainly only applicable to a matter that can become pending on the initiative of the authority.

Actions of the police

Every year, the Ombudsman for Minorities is contacted by customers who feel that the police have acted incorrectly and, for example, used excessive force when apprehending a person. In these situations, the persons contacting

the Ombudsman have often reported the police officer in question, but they also want to submit the case to the Ombudsman for Minorities, because they suspect that their ethnic background has played a role in the treatment they have received. Once a police investigation of a case is in progress, the Ombudsman for Minorities does not look into the case in detail, but reviews the implementation of the rights of foreigners and ethnic minorities at a more general level. As regards the customers who contacted the Ombudsman in 2008, it is a cause of concern that the delay in investigating reports filed on the same incident seems to vary depending on whether the object of the investigation is a police officer or a private person. Following an incident that took place in May 2008, for example, a charge had been brought against a private person in late 2008, but by the end of 2008, no decision had been made on initiating even a preliminary investigation of the police officers involved in the case.

5. The many faces of dis

Expressions of racism, and especially racism on the Internet, were a problem that persisted in 2008. This theme came to the fore particularly during the municipal elections in the autumn. The question of the perpetrator's responsibility in ethnic agitation and limitations of freedom of speech were to some extent disambiguated through case law. In the opinion of the Ombudsman for Minorities, there is a need to clarify the supervisory responsibilities of service providers by legislation.

Racist expressions

In 2008, the Ombudsman for Minorities was frequently contacted by customers who had noted racist language on the Internet and in other media. The cases investigated by the Ombudsman were associated with ethnic agitation stipulated as a punishable act in the Penal Code and the prohibition of harassment in the Non-Discrimination Act. For example, in the wake of the municipal elections, public discussion also dealt with themes such as the appropriate manner of debating issues relevant to ethnic minorities and the immigration/integration policy. The Ombudsman for Minorities took part in this discussion and also provided training for various parties on limitations to freedom of speech regarding racist language.

The problems of supervising on-line chat rooms were also discussed. The Ombudsman for Minorities considers that on-line service providers' duty of supervision should be clarified and the police should be given better possibilities to obtain information from the service provider on the identity of the author of a certain message. In this connection, the Ombudsman put forward an initiative to the Ministry of the Interior on such matters as setting up a tip-off service for Internet users who, when surfing the net, come across material that is racist and classifiable as ethnic agitation and wish to inform the police. In the Ombudsman's proposal, this tip-off service should not be restricted to chat rooms only. It is also vital that those contacting the tip-off service could do so anonymously.

In 2006-2008, the Ombudsman for Minorities requested the police to investigate dozens of websites, certain messages in chat rooms and publications. In November 2008, the Ombudsman decided to restrict in the

The Ombudsman for Minorities monitored campaigning during the municipal elections, e.g. on the Internet. She did note certain excesses in the municipal electoral campaigns, but these were not, for any of the parties having signed the Charter of European Political Parties for a Non-Racist Society, cross-sectional to the extent that they could be considered characteristic of the party's campaign as a whole. In individual cases, however, advertising that was one-sided or contained generalisations and even distortion of facts did occur. For this reason the Ombudsman felt it was necessary to underline the parties' commitments and also the minimum requirements imposed by Finnish legislation as regards communications on immigrants and minorities.

After the election, the Ombudsman for Minorities sent a request for information to the parliamentary parties, containing a reminder of their commitment to the Charter of European Political Parties for a Non-Racist Society, which has been signed by all the parties represented in Parliament. In this letter, the Ombudsman requested information from the parties on the implementation of the Charter. Under the Charter, the parties commit themselves to not display, publish or distribute in any way views that may stir up or invite prejudice or hostility.

The parties having signed the Charter also pledge to ensure that all persons who work for or associate themselves with the party are aware of its principles. The Ombudsman felt that this issue was topical after the municipal elections, when new councillors started their term.

In a press release on this matter, the Ombudsman stated that critical debate on immigration policies should not be restricted – it is part of democracy. Facts should not, however, be distorted, or entire groups grossly stigmatized. By the end of the year, not all parties concerned had yet submitted the requested information to the Ombudsman for Minorities.

future the number of requests for investigation submitted and the assessment of the illegality of websites and material appearing on them, among other reasons because of the vast extent of the material. In the future, the Ombudsman for Minorities intends to collect material brought to her attention by customers and submit these compilations to the police for investigation, as a rule without assessing whether or not the material is illegal.

In 2008, at least six persons were sentenced to penalties for ethnic agitation. The penalty usually was 25-60

crimination

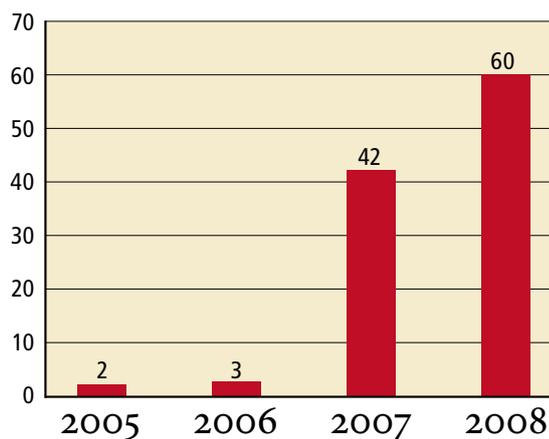
The penal responsibility of the chat room administrator may come under scrutiny, for example, if they allow the chat room to become a publication channel for criminal messages.

unit fines. In one particularly gross case, the defendant was sentenced to an unconditional prison sentence. The defendant in this case was sentenced not only for ethnic agitation but also for breaches of the sanctity of religion and several instances of gross defamation. Only one of the sentences passed during the year became legally valid in 2008, whereas in the other cases the defendants appealed their sentences.

In the sentence that became legally valid, the defendant was sentenced to a fine. Additionally, an order was issued to remove certain illegal on-line messages from the public domain and to destroy them. The person sentenced had disseminated to the public statements or other communications on their website that were slanderous and defamatory, for example to immigrants, asylum seekers, Africans and people belonging to the Roma population. The perpetrator had personally created some of the statements published, while some of the material consisted of statements compiled and collected on the website from other sources. The perpetrator also had attached their own comments to the material collected from elsewhere. In these statements, the perpetrator had, among other things, claimed that people belonging to these ethnic groups are dangerous because of their violent nature and frequent involvement in crime. The court of first instance found these statements to be slanderous and defamatory to the above-mentioned groups, describing these groups in blatantly generalised terms as primitive, stupid, criminal and parasitic. These statements were seen to violate the human dignity of members of these groups.

During the reporting period, the Ombudsman for Minorities contacted certain chat room administrators and asked them to take note of their duty of supervision. The administrator's penal responsibility may come under scrutiny, for example, if they allow a chat room to become a publication channel for criminal messages. Racist language in chat rooms may meet the criteria of a crime, but

Ethnic agitation – number of customer cases in 2005–2008



it may also involve harassment in the provision of services prohibited under the Non-Discrimination Act.

The National Discrimination Tribunal issued a decision in 2008 on the so-called Manne-/Romano TV case. In its ruling, the Tribunal considered that the Finnish Broadcasting Company had not violated the prohibition of harassment under the Non-Discrimination Act. The Ombudsman for Minorities was not involved in this case as an applicant or an assistant, while she did assist the Roma organisation that submitted the application in drawing up the complaint. At year end, this case was still pending in the Administrative Court of Helsinki.

Multiple discrimination

During the reporting year, the Ombudsman for Minorities increased the extent to which multiple discrimination

is monitored as part of her work. For example, immigrant women or children belonging to minorities may be subjected to particular forms of discrimination. Many cases that were initiated did indeed display multiple grounds of discrimination or particular vulnerability. In 2008, steps were taken to improve co-operation on multiple discrimination with the stakeholders, including the Ombudsman for Equality. The Ombudsman on Minorities also participated in an information process regarding the position of Thai women. Preparation for acting as the National Rapporteur on Trafficking in Human Beings also contributed to bringing multiple grounds of discrimination to the foreground.

The Ombudsman's Office analysed the customer contacts made during the year in greater detail, among other things from the perspective of discrimination on multiple grounds.

The total number of cases pending was 712, in 29 (=4%) of which other ground(s) of discrimination were mentioned in addition to ethnic origin:

- age	8 times
- gender	5
- disability	4
- state of health	12
- sexual orientation	1
- religion	8
- other personal reason	2

The sum total of these figures exceeds the number of cases (29), as a single case may be associated with several grounds.

Examples of customers who contacted the Office:

- a Roma, disabled, state of health/disability; evicted because of a disruptive way of life
- immigrant, male, Muslim: position in a dispute concerning custody of and visiting rights to children
- immigrant, disabled: subjected to bullying in an educational institution
- immigrant, Muslim, female/girl/elderly person: municipal sports services suitable for religious persuasion do not exist, or are poorly accessible
- Roma, elderly, state of health: access to supported accommodation
- immigrant, elderly, unwell, in an institution (=other personal reason): obtaining appropriate treatment

In other cases than those listed (in which the grounds for discrimination were clearly described), for example particular vulnerability to experiences of discrimination on grounds of gender, age or state of health of the customer were mentioned. Of the total number of cases (712), in 147 (= 21%) a person in a vulnerable position was involved.

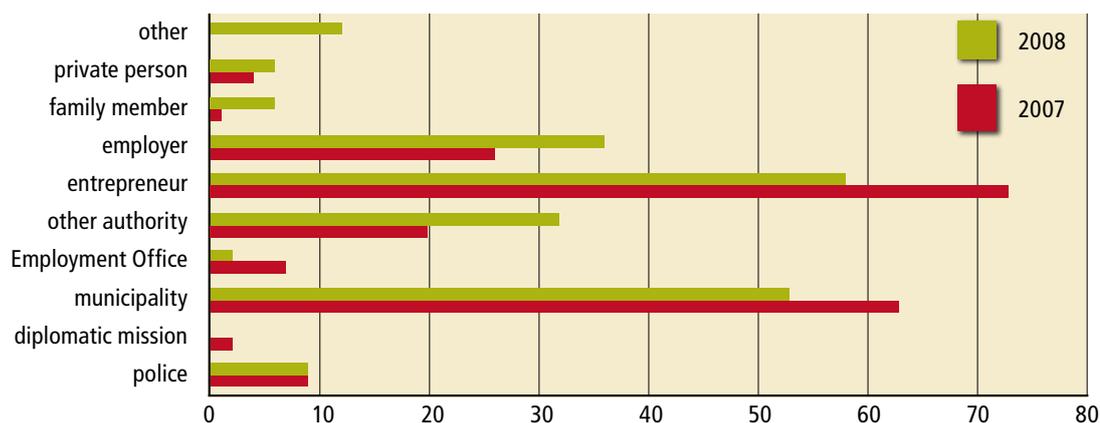
- a minor	94 times
- unaccompanied underage asylum seeker	1
- elderly person	15
- disabled person	5
- illiterate person	4
- person with mental health problems	5
- position of men	5
- position of women	24
- inmates of institutions	12
- those leaving an institution or prison	2
- illness or poor state of health	27
- homeless or those with a poor standard of housing	52
- single parent families	18
- low socio-economic status	26

The office of the Ombudsman for Minorities was contacted by a Thai woman. She had married a Finnish man in 2007, and the couple had moved to Finland. The customer had entered Finland under a visa and applied for a residence permit on grounds of family ties. In spring 2008, her husband had assaulted her, and the couple filed for divorce. In June, the Helsinki Police Department refused to grant her a residence permit.

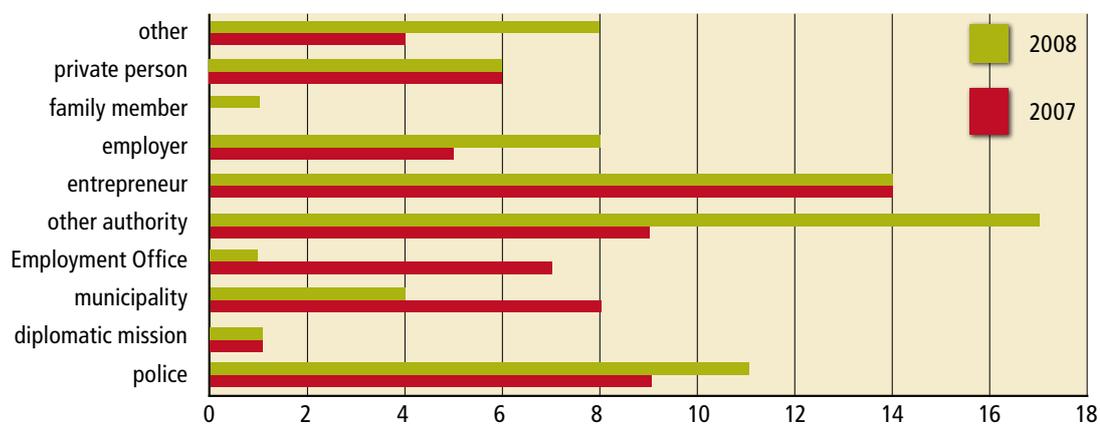
Two months after issuing the residence permit decision, the Finnish Immigration Service issued a decision on refusal of entry. In September, the customer appealed her case to Helsinki Administrative Court and applied for a stay of execution, which, however, was not granted. The customer felt that the refusal of entry placed her in an intolerable position: loss of face, shame, no income in Thailand.

This example displays some of the typical features of the cases of Thai women reported to the Ombudsman's Office – even though they may equally well apply to many other nationalities. The woman often has a low standard of education and poor linguistic skills, and she becomes financially and in other ways dependent on her husband. The customer is frequently exposed to violent behaviour and may decide to file for a divorce. Another factor that clearly makes the customer's situation more difficult is that she has little or no information on the permit, appeal and other procedures, and only a vague idea of her own position in the process and alternative actions. Customers may report that they have obtained confusing and conflicting information from other Thai women and their acquaintances in Finland.

Experiences of discrimination exercised by various parties – number of customer cases



Other insulting and inappropriate treatment by various parties – number of customer cases



Particular challenges facing immigrant women: The example of Thai women

In 2008, the Office of the Ombudsman for Minorities and the Migration Department of the Ministry of the Interior looked into the situation and need for support measures for Thai women living in Finland, and especially for those working in massage enterprises. Information was obtained e.g. by organising a hearing for the representatives of Thai associations as well as NGO's and local authorities working with Thai women. As a result of this hearing, a steering group was established with the task of preparing an action plan for the integration of Thai women. The Ombudsman for Minorities took part in the work of this steering group. In addition, the Ombudsman for Minorities was involved in rewriting the Equality in Finland brochure.

In these hearings, the domestic violence and divorces experienced by Thai women were highlighted clearly, and also uncertainty as to their continued right of residence. The type of situation in which a foreign national having experienced violence and marital breakdown may expect to stay in Finland remained an open question.

In August 2008, the Office of the Ombudsman for Minorities addressed a request to the Police Department of the Ministry of the Interior for information regarding residence permit practices in cases of domestic violence

and divorce. As regards residence permits granted on the basis of family ties, the Police Department of the Ministry of the Interior stated in its reply that the grounds are always considered on a case-by-case basis.

Based on information received from customers contacting the Ombudsman for Minorities, there is reason to believe that the permit practices vary and that foreign spouses make an effort to stay even in a violent relationship for fear of losing their residence permits.

The Ombudsman for Minorities submitted a proposal to the Police Department of the Ministry of the Interior on the need to take domestic violence into consideration when granting extended residence permits. In this proposal, the Ombudsman focuses attention on the objective of achieving more effective prevention of domestic violence and in particular of violence against women. According to the Ombudsman's proposal, the guidelines issued to the police on applying the Aliens Act should be developed. For example, when considering the extension of residence permits issued on the basis of a family tie, violence in the relationship should be taken into consideration, thus ensuring that extending the right of residence would still be possible if the marriage breaks down. In addition, applicants should be informed in different languages on residence permit policies and, for example, on ways in which exposure to domestic violence can be proved to the permit authorities.

6. Legal rights position of fo

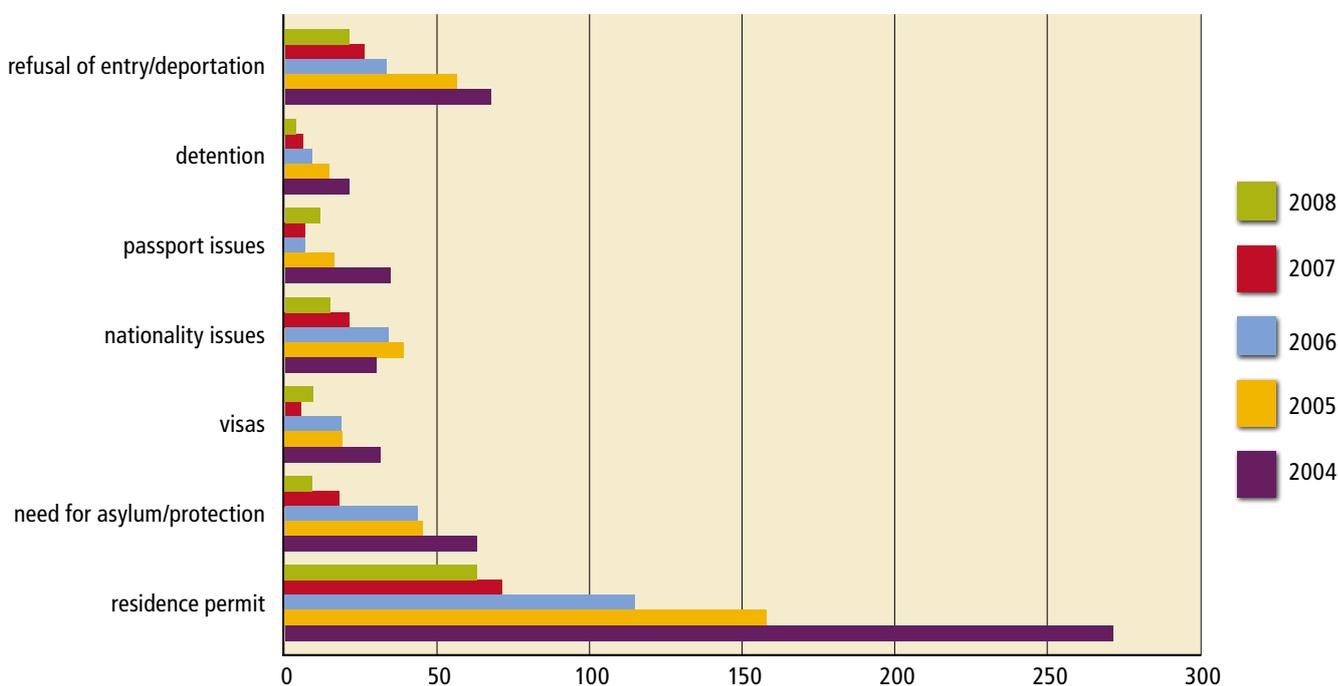
The legal rights of foreign nationals in Finland are undergoing changes, which also made headway in the reporting year. The Ombudsman for Minorities emphasised the adequate implementation of foreign nationals' legal rights. For example, stringent application of the income requirement was considered to result in unreasonable situations, especially for families with young children. The Ombudsman also monitored the application of the Nationality Act.

The Ombudsman for Minorities issued opinions on current legislative reform projects, such as the Government Bill amending the Aliens Act and section 3 of the Register of Aliens. The Ombudsman also gave an opinion in connection with the guidelines for asylum seekers being drafted by the Finnish Immigration Service. As regards the draft for an Act amending the Passport Act and certain associated Acts, the Ombudsman for Minorities considered that recording the fingerprints of foreign nationals in the passport register and Register of Aliens cannot be regarded as justified in terms of the principle of proportionality.

In issues relevant to foreign nationals, the income requirement that is a precondition for granting a residence permit under section 39 of the Aliens Act was a focus of attention in 2008. In June 2008, the Ombudsman for Minorities presented an initiative to the Ministry of the Interior on reviewing the income limits, in particular for families with young children. The Ombudsman considered that, when reviewing the limits of the income requirement, the pay level of immigrants in Finland and the amount of support and benefits received should be taken into consideration, and it should be ensured that the requirement is not unreasonably applied to families with many children.

The Ombudsman for Minorities drew the Finnish Immigration Service's attention to the interpretation of the Nationality Act, especially the language skills requirement and the application of possibilities for making exceptions to these. The Ombudsman felt that section 18.2 of the Nationality Act provides for a possibility of making an exception to the language skills requirement based on the applicant's state of health, sensory handicap or speech defect. Neither the Act nor the Government Bill ultimately specifies the reasons relating to the state of health that are acceptable in making an exception to the language skill requirement. In the Ombudsman's opinion, such factors

Number of cases relating to the Aliens Act



reign nationals developing

as a learning disorder can be considered a health-related reason that in practice can impede the learning of a new language, or make the requirement of linguistic proficiency obviously unreasonable.

Human trafficking

By a Government resolution made in June 2008, the Ombudsman for Minorities was appointed as the National Rapporteur on Trafficking in Human Beings in accordance with the detailed National Plan of Action Against Trafficking in Human Beings prepared by the Ministry of the Interior. The relevant amendment in the Act on the Ombudsman for Minorities and the Discrimination Board was drafted during autumn 2008. These amendments entered into force on 1 January 2009.

As the Rapporteur on Trafficking in Human Beings, the Ombudsman for Minorities will monitor phenomena relating to human trafficking, the implementation of international obligations and the functioning of national legislation. In addition to reporting, the Ombudsman shall among other things issue proposals, recommendations, opinions and advice relevant to combating human trafficking and the implementation of victims' rights.

As the Rapporteur on Trafficking in Human Beings the Ombudsman for Minorities will, confidentiality pro-

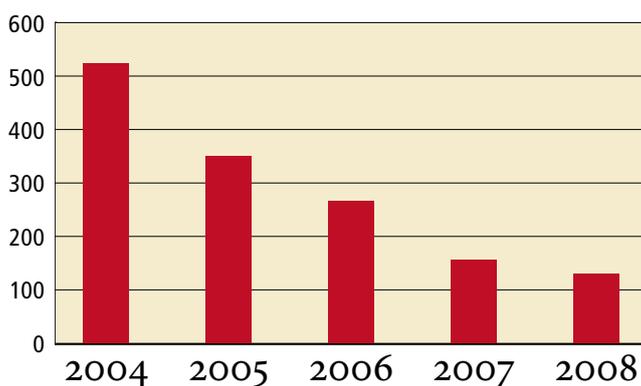
visions notwithstanding, be entitled to obtain information not only from authorities but also from providers of services and support measures intended for victims and beneficiaries of State aid intended for combating human trafficking. The personal data of an individual victim would only be available if access to this information were vital in order to perform the reporting duty.

If the Ombudsman for Minorities considers that the matter is of significant importance as regards the rights of a possible victim of human trafficking, the Ombudsman or a civil servant subordinate to her can assist the alleged victim of human trafficking in ensuring his/her rights or, if necessary, obtaining legal aid.

In addition, the Ombudsman for Minorities will submit a report annually to the Government and every four years to the Parliament on trafficking in human beings and related phenomena.

Reporting on trafficking in human beings will start in 2009. In 2008, the Office of the Ombudsman prepared for the reporting duty, for example, by organising a hearing and taking part in training and seminars on this theme nationally and internationally. As part of her current task of promoting the position and rights of foreigners, the Ombudsman for Minorities looked into the actions of the authorities in one case concerning possible underage victims of human trafficking. To perform the new duties a new post was created in the Ombudsman's Office.

Customer cases relating to the Aliens Act in 2004–2008



Matters relevant to the Aliens Act

There has been a clear downward trend in the number of cases relating to the Aliens Act since the year 2003. While 59% of customer cases in 2003 were relevant to the Aliens Act, the figure in 2008 was 18%. The largest group of issues under the Aliens Act dealt with by the Ombudsman's Office was residence permit matters. In 2004, a total of 275 cases pertaining to residence permits were processed, while in 2008, only 60 cases brought by the customers concerned residence permits. The second largest category were matters relating to refusal of entry/deportation and the need for asylum/protection.

7. Activities and resources of

STAFF IN 2008

Ms **Johanna Suurpää**
Ombudsman for Minorities

Mr **Rainer Hiltunen**
Deputy of the Ombudsman for Minorities,
Head of Office

Mr **Kari Kananen**
Senior Officer (until 30 Nov. 2008)

Ms **Yrsa Nyman** (née Korkman)
Senior Officer

Ms **Annika Parsons**
Senior Officer

Ms **Pirjo Kurskopf** (née Takalo)
Senior Officer

Ms **Päivi Okuogume**
Planning Officer
(on leave of absence until 31 Aug 2008)

Mr **Massimo Zanasi**
Department Secretary

*Appointed to fixed-term
civil service employment relationships:*

Ms **Päivi Keskitalo**
Deputy Senior Officer (from 10 Dec 2008)

Mr **Antti Rechardt**
Deputy Planning Officer (1 Jan–30 Apr 2008)

Ms **Jekaterina Tantt**
Deputy Planning Officer (1 May–31 Aug 2008)

Ms **Anne Länsman**
Research Officer (1 May–31 Aug 2008)

Mr **Olavi Niemi**
Civilian Serviceman
(until 31 Jan 2008)

Mr **Daniel Ahrari**
Civilian Serviceman
(until 31 Jan 2008)

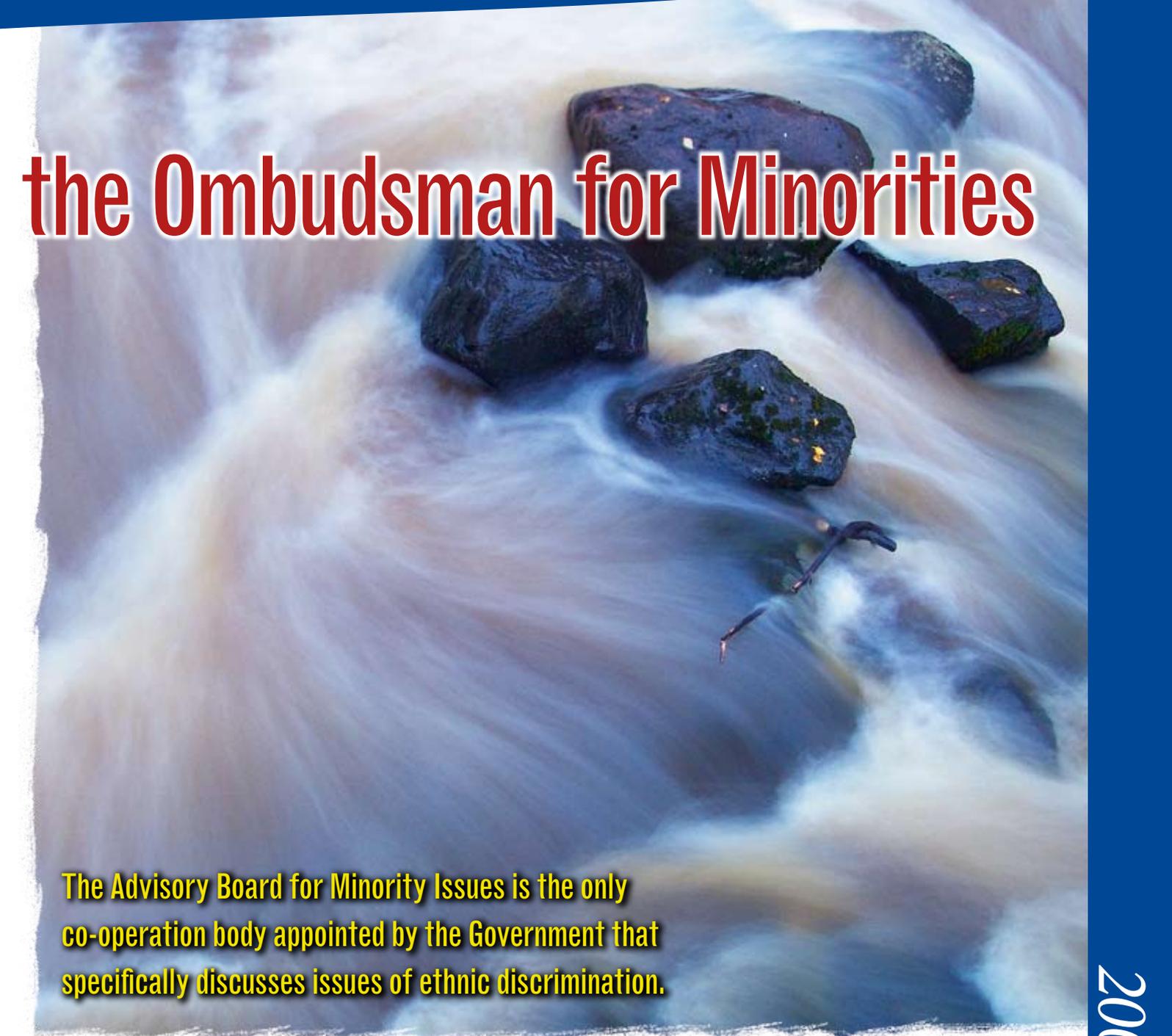
Mr **Attikos Sironen**
Civilian Serviceman
(from 8 Dec 2008)

FINANCES IN FIGURES

**The Ombudsman's largest
expense items in 2008**

Travel services	23 614
Translation and interpretation services	20 612
Equipment and materials	19 917
Advertising services	8 594
Printing services	7 275
External services	5 722
Total of allocations spent	113 367
Staff expenditure	485 981

*(these figures are ex VAT,
with wages including overheads)*



the Ombudsman for Minorities

The Advisory Board for Minority Issues is the only co-operation body appointed by the Government that specifically discusses issues of ethnic discrimination.

Stakeholder co-operation

The Advisory Board for Minority Issues – final meeting of the 2005–2008 term

An Advisory Board for Minority Issues was appointed by the Government for the term 1 April 2005 – 31 March 2008. According to the Government Decree on the Ombudsman for Minorities, the duties of the Advisory Board include submitting proposals on developing the supervision and monitoring of ethnic discrimination and developing co-operation between authorities and NGOs in issues relating to the supervision and prevention of ethnic discrimination.

The Advisory Board held one meeting in 2008, which was also the final meeting of the Board's term. At this

meeting, the Advisory Board reviewed its own work. The general opinion was that the Advisory Board for Minority Issues is the only co-operation body appointed by the Government that specifically discusses questions of ethnic discrimination. Consequently, the Board has had its place in combating discrimination. The particular merits of the Advisory Board were considered to be the exchange of information between members, a communicative attitude, networking and the focus on current themes of ethnic discrimination. The members felt that it is necessary to appoint an Advisory Board for Minority Issues for a new term. The members of the Advisory Board for Minority Issues would like to see increasing involvement of ethnic minorities in the Board's work, and closer links between the Board's work and the every-day activities of the Ombudsman for Minorities.

An amendment to the Decree laying down the composition of the Advisory Board for Minority Issues draft-

ed by the Legal Affairs Unit of the Ministry of the Interior was completed during the year. The number of Advisory Board members was increased from 14 to 18. In November, the Government appointed an Advisory Board for Minority Affairs for a new three-year term from 1 Dec 2008 to 30 Nov 2011.

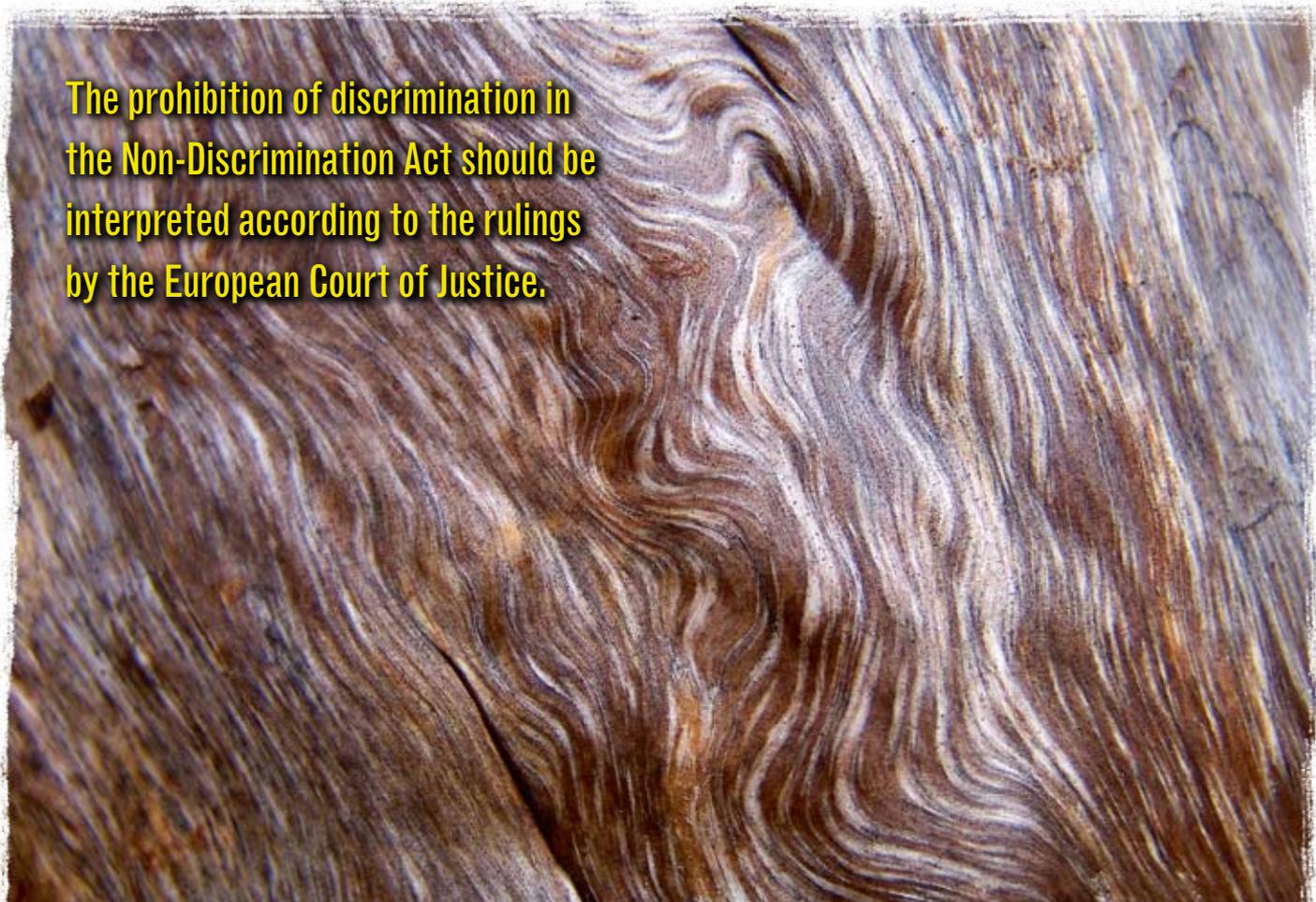
International activities – Equinet and monitoring of the rulings of the European Court of Justice

The Office of the Ombudsman for Minorities is a member of Equinet, a European co-operation network for bodies supervising European discrimination legislation, i.e. the promotion of equality and non-discrimination. During the reporting period, representatives from the Office of the Ombudsman for Minorities took part in meetings and training events organised by Equinet. At the training events, for example, recent rulings of the European Court of Justice were discussed, e.g. the case *S. Coleman v. Attridge Law and Steve Law* (C-303/06, judgement by the Court (Grand Chamber) of 17 Jul 2008), which dealt

with discrimination by association, and the case *Firma Feryn NV* (case C-54/07, reference for a preliminary ruling, (Second Chamber) of 10 July 2008), stating that the fact that an employer publicly announces that it will not recruit employees of a certain ethnic or racial origin constitutes direct discrimination. According to the ruling, this constitutes direct discrimination in recruitment, as such statements are likely to strongly dissuade certain candidates from submitting their candidatures and, accordingly, hinder their access to the labour market.

The Ombudsman for Minorities monitors rulings by the European Court of Justice applying Council Directive 2000/78/EC (the so-called Equal Treatment in Employment Directive) and Directive 2000/43/EU (the so-called Equal Treatment Directive), as this Council Directive is transposed into Finnish legislation by the Non-Discrimination Act. Consequently, the prohibition of discrimination in the Non-Discrimination Act should be interpreted according to the judgement of the European Court of Justice.

Towards the end of the year, a representative of the Ombudsman became a member of Equinet's working group on Dynamic Interpretation focusing on the interpretation of EU anti-discrimination law.



The prohibition of discrimination in the Non-Discrimination Act should be interpreted according to the rulings by the European Court of Justice.

Work with customers

In 2008, the Office of the Ombudsman for Minorities handled a total of 712 customer cases. The Office was contacted 1,438 times concerning these cases. In other words, each case involved an average of two contacts.

Compared to the year 2007, the number of customer cases fell by 3%, but the number of contacts concerning these cases increased by 12%. The majority of the customers continued to contact the Office by telephone (55%). All customer contacts are recorded in the electronic register at the Ombudsman's Office.

Background of the customer or issue

Of all the cases in which the Ombudsman for Minorities was contacted in 2008, 40% did not concern the ethnic origin of the customer. The country of origin or ethnic group as such is usually irrelevant, as the customers, for example, want to find out why an immigrant has not received a certain service. A large proportion of the issues also concern the position and rights of ethnic minorities in general, and the contact is not relevant to the situation of an individual person. These cases include, for example, reports of on-line racism to the Office.

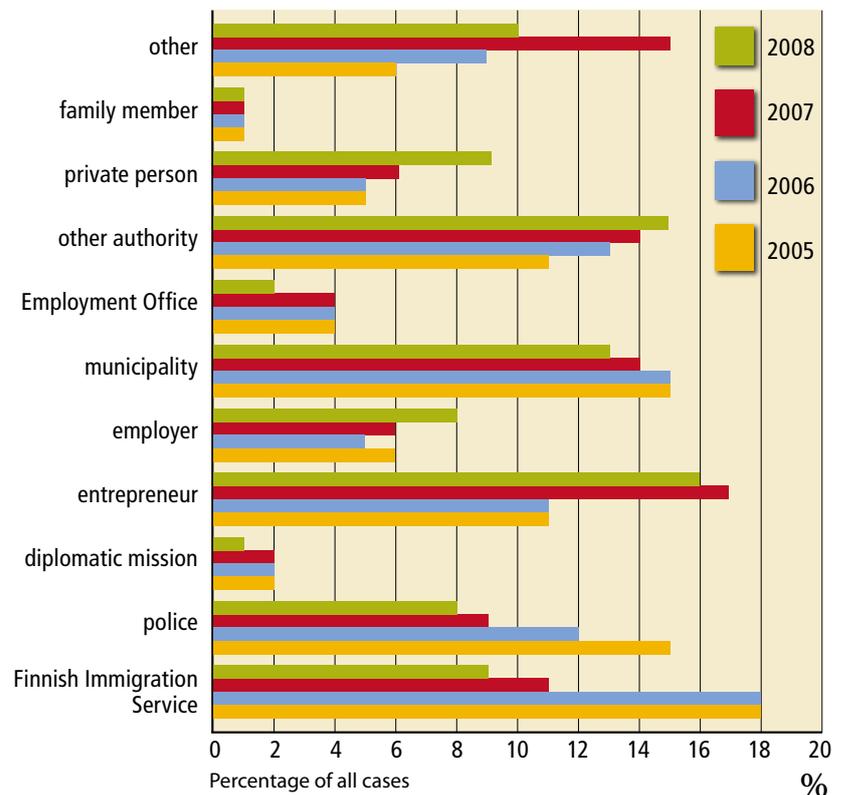
Ethnic origin relating to a customer or a case is recorded in the Ombudsman's contact register in 60% of cases. The following groups are the most prominent:

Traditional ethnic minorities

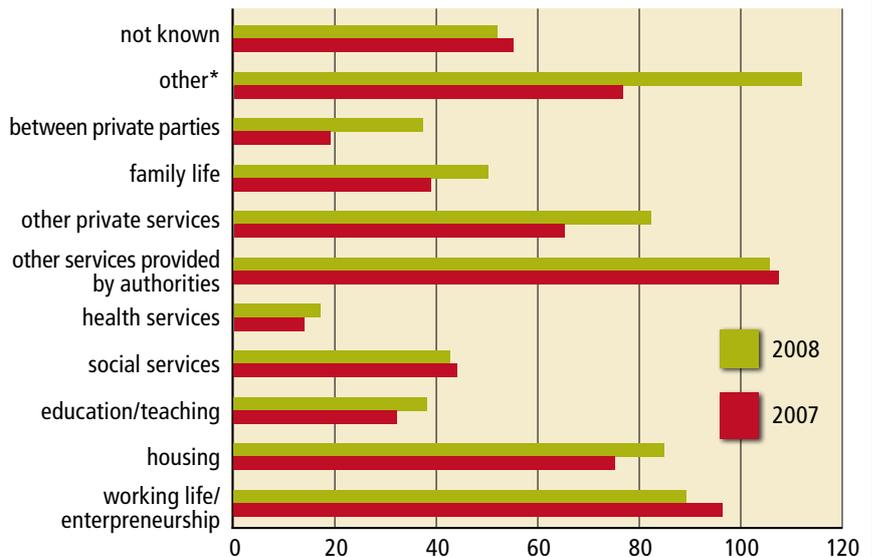
– Roma	110 cases
– Sámi	18
Immigrants	
– Russian	71
– Somali	37
– Turkish	10
– Iraqi	10
– Thai	8
– Nigerian	8
– Estonian	8
– American	6

All in all, 64 different citizenships, nationalities, or ethnic groups were involved in the contacts made during the year. Contacts relating to others than the groups listed above were received 1-5 times.

The opposing party in a customer case

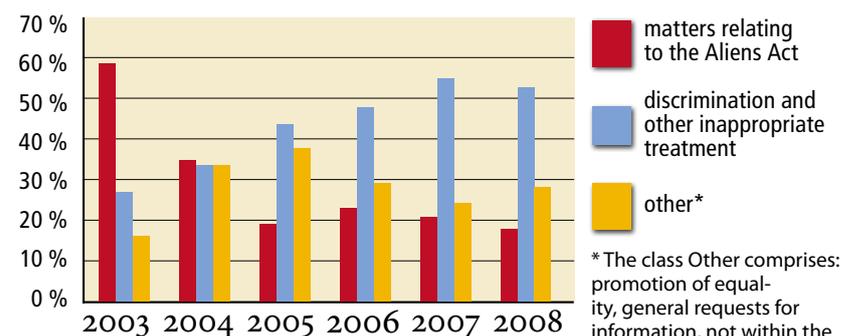


Number of customer cases by sphere of life



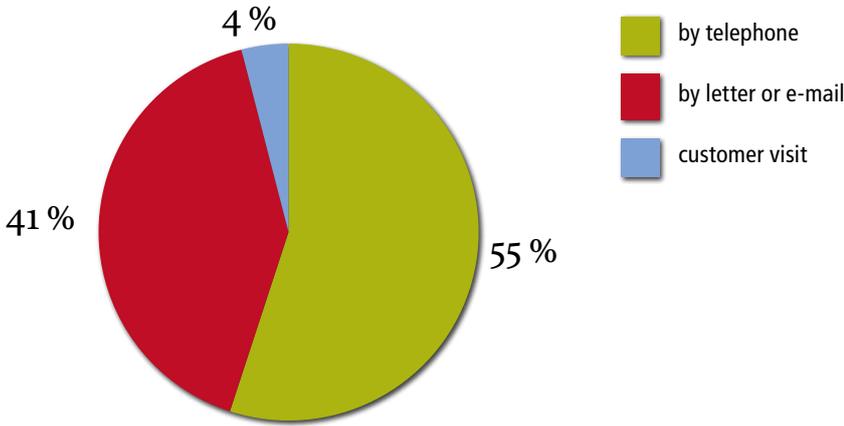
* The category Other comprises such as Internet racism, which is usually not related to any sphere of life

Distribution of customer cases by content in 2003–2008

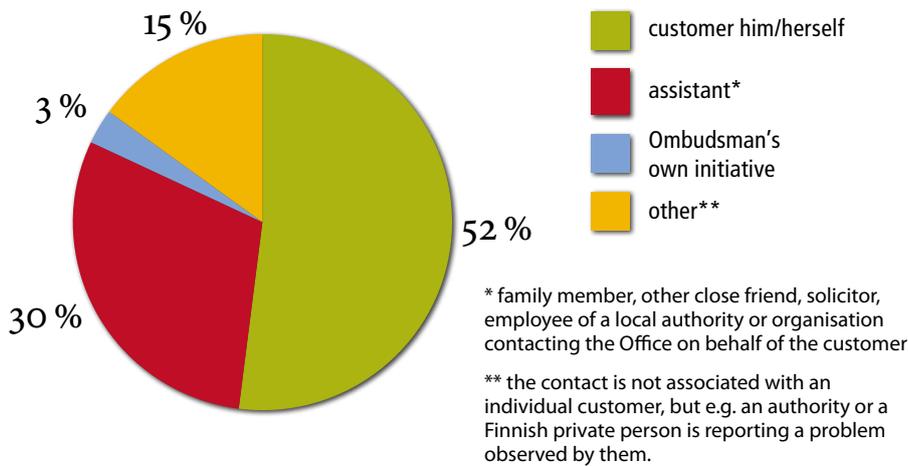


* The class Other comprises: promotion of equality, general requests for information, not within the Ombudsman's competence, other, not known. Before 1 Jan 2008, the class Other was headed "Issues relevant to integration/living".

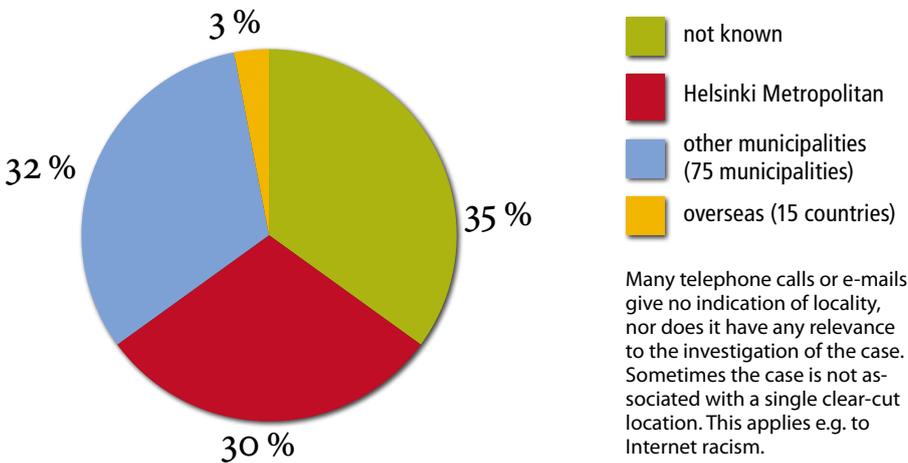
Means of contacting the Office in 2008



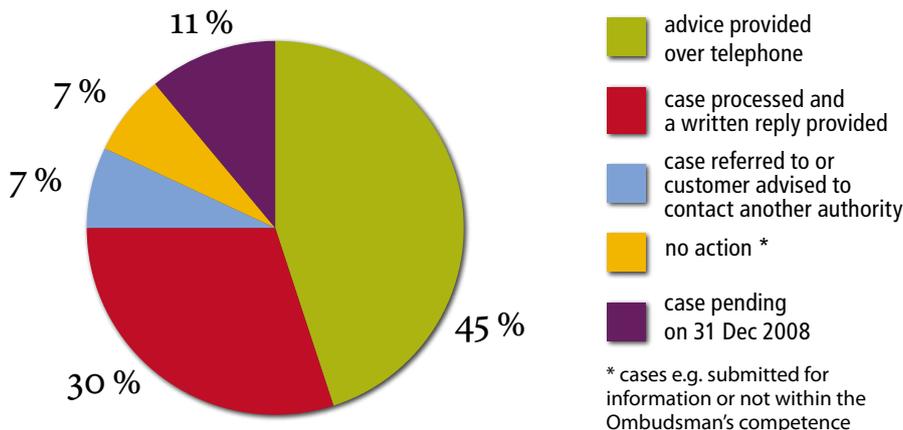
Party contacting the Office in customer cases



Regional distribution of contacts



Final outcome in customer cases



Contacts with the Office of the Ombudsman for Minorities by private Finnish persons in 2008

In addition to the vociferous public discussion that is critical of immigration, another, completely opposite phenomenon also exists. Finnish people who are concerned about discrimination and racist phenomena targeting ethnic minorities and whose sense of justice is violated by racism have been active in contacting the Office of the Ombudsman for Minorities. The Office was received a total of 62 contacts from customers, 54 of which were positive (87%) and 8 (13%) were negative. More than 40% of the positive contacts were made by Finnish men who report on-line racism observed by them, mainly by e-mail.

Issues that Finnish people are concerned about and have reported to the Ombudsman for Minorities:

- racism and ethnic agitation on the Internet
- TV programmes with racist statements or ethnic agitation
- ethnically insulting advertising
- racist graffiti
- discriminating or racist atmosphere at the workplace, with the superior either failing to intervene in or personally causing it
- defamation of immigrants in the reservations book of a housing company's laundry room
- police action in inspections of foreigners' residence permits
- the poor condition and possibilities of obtaining help for foreign nationals engaged in door-to-door peddling
- a children's CD that contained a song about "niggers"
- a bus driver who refused to allow a child who looked foreign on the bus

The Advisory Board for Minority Issues

CHAIR:

Ms **Johanna Suurpää**, Ombudsman for Minorities

MEMBERS AND DEPUTIES (*personal deputy in italics*)

Ms **Anna-Elina Pohjolainen**, Senior Legal Advisor,
Ministry of Justice

Ms **Mirja Kurkinen**, Senior Adviser, Legal Affairs,
Ministry of Justice

Mr **Mikko Cortés Telléz**, Senior Advisor, Ministry of Education
Ms **Zabrina Holmström**, Counsellor for Cultural Affairs,
Ministry of Education

Ms **Sinikka Keskinen**, Senior Specialist,
Ministry of the Interior

Mr **Harri Sívula**, Senior Advisor, Ministry of the Interior

Ms **Viveca Arrhenius**, Ministerial Advisor,
Ministry of Social Affairs and Health

Mr **Antti Janas**, Senior Officer, Legal Affairs,
Ministry of Social Affairs and Health

Mr **Olli Sorainen**, Senior Officer,
Ministry of Employment and Economy

Ms **Hillevi Lönn**, Ministerial Adviser,
Ministry of Employment and Economy

Mr **Janne Jokinen**, First Secretary, Ministry for Foreign Affairs
Ms **Virpi Laukkanen**, Legislative Secretary,
Ministry for Foreign Affairs

Ms **Hanna Koskinen**, Director of Customer Service,
Finnish Immigration Service

Ms **Jaana Vuorio**, Director, Finnish Immigration Service

Ms **Maria Rauman**, Senior Advisor,
Association of the Finnish Local and Regional Authorities

Mr **Keijo Sahrman**, Director,
Association of the Finnish Local and Regional Authorities

Mr **Klemetti Näkkäläjärvi**, Chair,
Samédiggi – the Sámi Parliament

Ms **Irja Seurujärvi-Kari**, Vice-Chair,
Samédiggi – the Sámi Parliament

Ms **Riitta Wärn**, Specialist,
Confederation of the Finnish Industries EK

Mr **Mikko Räsänen**, Specialist,
Confederation of the Finnish Industries EK

Ms **Anu-Tuija Lehto**, Lawyer,
The Central Organisation of Finnish Trade Unions SAK

Ms **Paula Ilveskivi**, Lawyer, The Confederation of Unions
for Professional and Managerial Staff in Finland AKAVA

Mr **Dan Kantor**, Executive Director,
Jewish Congregation in Helsinki

Ms **Penina Blankett**, Board of Trustees member,
Jewish Congregation in Helsinki

Mr **Mikko Joronen**, Secretary-General,
Finnish League for Human Rights

Ms **Kristiina Kouros**, Secretary-General,
Finnish League for Human Rights

Mr **Anas Hajjar**, Board of Trustees Chair, Finnish Islamic Council
Ms **Isra Lehtinen**, Board Information Officer,
Finnish Islamic Council

Mr **Okan Daher**, Chair, Finnish Islam Congregation
(the Finnish Tatar Community)

Ms **Behiye Samaletdin**, Vice-Chair, the
Finnish Islam Congregation

Mr **Kyösti Florin**, Deputy Executive Director,
the Finnish Roma Forum

Mr **Tino Varjola**, Chair, the Finnish Roma Forum

Ms **Sadiyo Dhuubow**, Secretary, Somali League in Finland
Mr **Saed Guled**, Information Officer, Somali League in Finland

Ms **Irina Kapelian**, Board Member,
Union of Finland's Russian-Speaking Societies

Mr **Kyösti Kozlov**, Chair,
Union of Finland's Russian-Speaking Societies

Opinions issued by the Ombudsman

- 23.1.2008 Developing the rectification claims system as a means for ensuring legal security 2501/003/2007/TM
- 26.2.2008 UN; implementation of the Convention on the Rights of the Child; preparation of Finland's fourth periodic report SM-2008-Ka-11
- 26.2.2008 Finland's draft reply to questionnaire associated with preparation for the Durban Review Conference SM-2008-935/Pe-1
- 4.3.2008 National Research and Development Centre for Welfare and Health; Monitoring of Phenylketonuria (PKU) in Finland SM-2008-1057/Pe-1
- 31.3.2008 Interim Report of the Equality Committee; reform of the equality and non-discrimination legislation SM-2008-921/Pe-1
- 16.4.2008 Government proposal for amending the Aliens Act and certain associated acts HE 166/2007 vp, UlkL
- 21.4.2008 UN resolution 1325 (2000), the Finnish National Action Plan 2008–2011 SM-2008-1411/Ka-11
- 24.4.2008 Working group on analysing the needs to harmonize official action relating to beggars and preparing the necessary guidelines or legislative amendments; hearing by the Ombudsman for Minorities SM-2008-1618/Pe-1
- 5.5.2008 Ombudsman for Minorities' replies to questions about labour immigration for hearing held on 12 May 2008 2008-1724/Pe-1
- 6.5.2008 The Finnish Internet Awareness (FiA) project SM-2008-1723/Pe-1
- 12.5.2008 Draft Government proposal for amending section 2 of the Act on the Ombudsman for Minorities and the Discrimination Tribunal SM-2008-1788/Pe-1
- 26.5.2008 Draft Government proposal for amending the Frontier Guard Act and certain associated Acts SM-2008-1809/Pe-1
- 28.5.2008 Developing electronic democracy in public governance, phase II SM-2008-1477/Vi-1
- 12.6.2008 Developing immigration administration and the activities of the Finnish Immigration Service VVT/2008/7
- 18.6.2008 A Draft National Policy on Occupational Safety and Health VVT/2008/4
- 24.6.2008 UN; Committee Against Torture (CAT); Committee's Conclusions on Finland's fourth periodic report; accelerated asylum procedure VVT/2008/2

- 27.6.2008 Draft Government proposal to the Parliament for amending the Aliens Act and section 3 of the Act on the Register of Aliens VVT/2008/18
- 5.9.2008 Asylum Guidelines VVT/2008/68
- 10.9.2008 Government Bill amending section 2 of the Act on the Ombudsman for Minorities and the Discrimination Board HE 87/2008 vp
- 26.9.2008 Act amending section 7 of the Non-Discrimination Act HE 67/2008 vp
- 3.10.2008 Draft Government proposal for amending the Passport Act and certain associated Acts VVT/2008/78
- 6.11.2008 Government communication to Parliament on the proposal for a Council Directive on implementing the principle of equal treatment U 44/2008 vp
- 20.11.2008 Allocation of costs arising from vacant months in student flats VVT/2008/91
- 20.11.2008 Finnish Immigration Service's guideline on the application of the income requirement VVT/2008/118
- 20.11.2008 Ministry of Education's Ethnic Equality Plan VVT/2008/137
- 2.12.2008 Planned amendment to the customer-initiated residence permit procedure in connection with the introduction of the UMA system VVT/2008/114
- 19.12.2008 Finnish Immigration Service's draft guidelines on deportations VVT/2008/159

Initiatives

- 24.6.2008 Lowering income requirement limits VVT/2008/9
- 15.8.2008 Reforming the composition of the Advisory Board for Minority Issues in a matter concerning the Ombudsman for Minorities VVT/2008/35
- 28.11.2008 Comments by the Ombudsman for Minorities to the Ministry of the Interior's Police Department VVT/2008/145; Guidelines on taking domestic violence into account when issuing extended residence permits, and Internet racism

Press releases

- 23.5.2008 Annual Report of the Ombudsman for Minorities: Is Finland ready for increasing immigration?
- 1.10.2008 Internet service providers need to know their responsibility for materials published
- 13.11.2008 Inadequate implementation of Sámi rights in the Metropolitan Area
- 14.11.2008 The Ombudsman for Minorities reminds political parties of their commitment to combat racism
- 14.11.2008 Advisory Board for Minority Issues appointed for a new term
- 20.11.2008 Intervening in ethnic agitation
- 8.12.2008 The National Discrimination Tribunal clarifies Sámi rights and the interpretation of the Non-Discrimination Act

Publications

Annual Report of the Ombudsman for Minorities 2007
 ISSN: 1796-3028 (printed)
 ISSN: 1796-4075 (on-line publication)
 Pelagus substantiae infinitum / Hämeen Kirjapaino Oy
 Helsinki, 2008

Anne Länsman: Saamen kieli pääkaupunkiseudulla (Sámi language in the Helsinki Metropolitan Area).
 Publications of the Ombudsman for Minorities 5
 ISBN: 978-952-491-380-5
 ISSN: 1796-0819
 Edita, Helsinki, 2008



You can contact the customer service at the Office of the Ombudsman for Minorities

- if you have experienced or observed discrimination based on ethnic origin or because you are a foreigner
- if you feel you have been exposed to racist or inappropriate treatment for the above reasons
- in any of the questions listed above, on behalf of another person or in a common issue

The Ombudsman for Minorities will take the necessary action in cases of discrimination.

Supervision or advisory services relevant to other discrimination than that associated with ethnic origin or being a foreigner are not within the competence of the Ombudsman for Minorities. If necessary, we will refer the case to the competent authority.

You can contact the Office of the Ombudsman for Minorities in the following ways:

TELEPHONE

Customer Service +358 (0)9 160 43 444
weekdays 10–12 a.m. and 1–3 p.m.

The Senior Officer answering the calls will give advice on resolving the issue and agree with you on any measures needed to take the matter further. On the phone, we can serve you in Finnish, Swedish or English.

The helpline may take breaks for meetings. In this case, the calls will be redirected to the exchange, which will be able to advise you on the availability of customer service. The caller will pay the usual costs charged by the operator, but no service fee will be added to the calls. On request, we can call you back.

E-MAIL OR LETTER

In cases of discrimination and other issues, you can e-mail us at ofm@ofm.fi.

Please send your letters to the address:

Office of the Ombudsman for Minorities
Mikonkatu 25
P.O. Box 26
FI-00023 GOVERNMENT

If you are unable to write Finnish, Swedish or English, you can also write a letter or e-mail message in your native language, and the Ombudsman for Minorities will have it translated. There will be no charge to the customer for this. Please keep your letter to no more than two pages.

PLEASE NOTE

Meetings with customers are by appointment only. This also gives us the opportunity to arrange for interpretation if needed.

The services of the office are provided free of charge.

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Pelagus substantiae infinitum

Hämeen kirjapaino Oy 2009



441 209
Printed matter

HÄMEEN KIRJAPAINO OY 2009

THE OMBUDSMAN FOR MINORITIES

works to promote the status and rights of ethnic minorities and foreigners, as well as good ethnic relations in Finland.

The customer and target groups of the Ombudsman for Minorities are immigrants, ethnic minorities and the indigenous Sámi people.

The independent status of the Ombudsman for Minorities is safeguarded by legislation (Act on the Ombudsman for Minorities and the Discrimination Board 660/2001). Administratively, the Office of the Ombudsman for Minorities is located within the Ministry of the Interior.

From the beginning of the year 2009, the Ombudsman for Minorities will also act as the National Rapporteur on Trafficking in Human Beings.

The Ombudsman for Minorities promotes the status and rights of ethnic minorities and foreigners in society by

- providing guidance and advice to those contacting the Office
- intervening and encouraging others to intervene in ethnic discrimination
- providing information and training on anti-discrimination action and the rights of minorities and foreign nationals
- influencing attitudes, legislation and other topical issues
- conducting independent studies.

In cases of discrimination, the Ombudsman for Minorities can

- offer guidance and advice, make recommendations or make initiatives to ensure that discrimination is not continued or repeated
- take measures to achieve reconciliation between the parties
- request the authority or entrepreneur suspected of discrimination to provide information on the matter
- impose a penalty payment, in case the authority or person suspected of discrimination does not provide the requested information
- bring or assist the customer in bringing the case before the National Discrimination Tribunal
- offer other types of legal advice and aid.



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OMBUDSMAN FOR MINORITIES

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