



2010

ANNUAL REPORT of the Ombudsman for Minorities

Summary in English



To the Reader

During my first year as Ombudsman for Minorities, I have learnt many things about our Finnish society that were new to me. From the perspective of my tasks, unfortunately, the emerging picture is not always as I would wish it to be, or even as I had understood it to be.

If somebody asked me what it means to be Finnish or Scandinavian and what the most inherent value of our culture is, I would answer without hesitation that, it is, of course, equality. In my Finland, people are not abandoned, and every person has equal value regardless of their financial input, political or religious background or other personal characteristics, such as origin, skin colour, age, gender, disability, ethnic background or in fact anything else. My idea of justice also obliges the community to assist those in a vulnerable position and to assure their livelihood in case of illness or unemployment, or to improve the situation of those who have found themselves in a more vulnerable position because of such reasons as discrimination.

My idea of justice, human dignity and anti-discrimination is supported both by Finnish legislation and by international human rights conventions. Equality is also a shared advantage, as in an equal society, everyone is involved in the building of society.

Helsinki 1 June 2011

Eva Biaudet

Ombudsman for Minorities



The year of the Ombudsman for Minorities in 2010

Eva Biaudet started her work as Ombudsman for Minorities in early May. In 2010, the first report of the Ombudsman for Minorities in her role as the National Rapporteur on Trafficking in Human Beings was published, and the number of times the office of the Ombudsman for Minorities was contacted by clients again went up from previous years.

The year 2010 saw an active debate on immigration in Finland, and several amendments were made to the Aliens Act. The Ombudsman for Minorities took a highly critical stand on some of these legislative amendments, considering some of them, such as the more stringent conditions placed on family reunification, to reflect more critical attitudes towards immigration. The Ombudsman for Minorities was also concerned over attitudes towards Roma people originating from Central Europe and the Finnish Roma population.

The Annual Report describes a selection of key events, decisions and client cases in the Ombudsman's area of competence, illustrating the work of the Ombudsman for Minorities and her office in 2010 and early 2011.

The Sámi

Key Administrative Court decisions and progress in education

In November, the Ombudsman for Minorities gave her statement in a matter concerning Matriculation Examination languages and engaged in negotiations to improve the position of languages as Skolt Sámi. Later on in January 2011, the Matriculation Examination Board decided that students will also be able to take the native language examination in Skolt Sámi as from 2012.

In 2010, the Administrative Court of Rovaniemi gave its decisions in two cases initiated by the Ombudsman for Minorities described in the Annual Report for 2008, which are important in principle.

One of these cases concerned day-care for Sámi speaking children outside the Sámi homeland and the arrangement of day-care in the Sámi language from the perspective of ethnic equality. According to the National Discrimination Tribunal and the Administrative Court decisions, for example the fact that day-care for children who speak Sámi as their native language is organised in mixed-language groups, or in the same group as children who belong to the mainstream population, constitutes discrimination.

The other case was about ethnic equality in providing day-care, basic education, services for the elderly and health care services in the Sámi language in the Sámi homeland. According to the National Discrimination Tribunal and the Administrative Court, the municipality had been discriminating against the Sámi population in the arrangement of these services, as the right of the Sámi to receive services in their native language was not realised. The decisions stated that this constituted discrimination against the Sámi population specifically on the basis of their ethnic origin.

In April 2010, Eva Biaudet, the Ombudsman for Minorities, was appointed a member of the United Nations Permanent Forum on Indigenous Issues for 2011–2013.

Amendments to the Aliens Act

Child's best interest, right to work and age determination issues in the Aliens Act

Age determination

Provisions on medical tests to determine a person's age were included in the Aliens Act.

Age determination based on medical tests alone does not provide certainty of a person's age. In the opinion of the Ombudsman for Minorities, age determination should be based on a versatile examination that does not rely on one examination result only, such as determination of skeletal age. Age determination should be conducted in cooperation between a number of experts and parties working with the child, taking into consideration not only medical assessments but also social, emotional and psychological indicators.

Family ties of minors

As a result of an amendment to the Aliens Act, issuing a residence permit on the basis of family ties to an unmarried minor requires that the child is a minor on the date when the child's residence permit application is decided. Similarly under the amended Act, issuing a residence permit to a family member of a minor sponsor requires that the sponsor is a minor on the date when the family member's residence permit application is decided. The Ombudsman for Minorities sees this as a problem in that the fundamental right to family life in this case depends on how much time officials take to process the case.

Restrictions on asylum seekers' right to work

A provision restricting asylum seekers' right to work has been enacted. Under this law, after applying for international protection a foreigner is entitled to engage in paid employment without a residence permit, provided that he or she has a required valid travel document that entitles him or her to cross the border and has been stayed in the country for three months, or when he or she has been stayed in the country for six months.

The Ombudsman for Minorities finds that linking the asylum seeker's right to work to presenting a travel document is not justified.

Age determination instructions to health care professionals issued by the National Supervisory Authority for Welfare and Health

Cases have been reported to the Ombudsman for Minorities where health care professionals had independently and on their own initiative, made efforts to determine the age of a foreign child without this being necessary for the child's treatment or examination.

After discussions with the management of the National Supervisory Authority for Welfare and Health, the Ombudsman for Minorities asked the Authority to issue instructions for health care professionals on this matter and to issue more detailed instructions on the duty of secrecy. In autumn 2010, the National Supervisory Authority for Welfare and Health issued instructions in which health care professionals were reminded of the particular statutory obligations applicable to age determination. The Authority stated that a medical determination of age may only be undertaken on request of the police, the Finnish Border Guard or the Finnish Immigration Service. Age determination of an

asylum seeker or a refugee can only be conducted with the written consent of the relevant person and his or her guardian or other legal representative.

Problems in the availability of banking services arising from unconfirmed identity

In recent years, the Ombudsman for Minorities has been contacted numerous times about difficulties in opening a bank account. According to persons having contacted the Ombudsman, banks do not offer basic banking services to foreigners who do not have a passport of their country of origin or whose alien's passport indicates that their identity is unconfirmed.

Many asylum seekers and quota refugees arriving in Finland do not have a national passport, and they are unable to obtain any other reliable identity documents. If a person already has a residence permit in Finland but he or she is unable to present authenticated identity documents issued by authorities in his or her home country, the alien's passport issued in Finland indicates that authentication of the holder's identity has not been possible.

Banks are bound by money laundering and anti-terrorism legislation that obliges them to identify their customers. This obligation is strictly observed by Finnish banks. The practices adopted by banks for instance make it considerably more difficult for such persons to move on to working life and, as they are unable to open a bank account, this encourages the growth of a grey economy.

The Ombudsman for Minorities has discussed this problem with the banks, the Financial Supervisory Authority and the Ministry of the Interior alike, but no solution has yet been found. The Ombudsman for Minorities stresses the urgency of resolving the issue.

Racist expressions

Internet tip-off service Nettivinkki aims to reduce online racism

In 2010, the Ombudsman for Minorities was contacted a number of times about inappropriate and racist material appearing in Internet chat rooms. In most cases, the Ombudsman for Minorities directed these customers to report inappropriate material to the administrator of the site in question as a first step.

The police Nettivinkki tip-off service was launched in March 2010. This service can be used to report inappropriate material on the Internet, also anonymously. It resulted from the Ombudsman for Minorities' initiative addressed to the Ministry of the Interior Police Department in 2008, proposing the setting up of an online tip-off service.

Aiming for nationwide advisory services against discrimination

The Ombudsman for Minorities is continuously developing her activities in order to assist those who have experienced discrimination and also to promote equality at the regional level. One new method of reaching out to those in need of assistance is regional

advisory services, which were piloted in 2010 as part of the Equality is Priority project. During this project, advisory service points will be operating in several localities to provide advice and guidance to those who have encountered discrimination.

Discrimination in student admissions to a University of Applied Sciences

The Ombudsman for Minorities received a complaint concerning the admission practices of a University of Applied Sciences, claiming that a student applying for English-speaking study programmes had to take an English language test if he or she was not an EU/EEA citizen and had not completed his or her basic education in certain specifically listed countries. The Ombudsman for Minorities considers that this practice could lead to a situation where out of two people with the same basic education, only the one who is a non-EU/EEA citizen would have to take the language test. The Ombudsman recommended that the practice be changed so that the completion of a language test is independent of the applicant's nationality and, in practice, of their ethnic origin.

Reporting on trafficking in human beings

The Ombudsman for Minorities submitted her first Report on Trafficking in Human Beings to the Parliament (K 17/2010). In this report, the Ombudsman for Minorities assessed the status of action against human trafficking and the implementation of victims' rights on the basis of extensive material. The Ombudsman for Minorities considered that while progress had been made in action against human trafficking, a lot remains to be done before this action is sufficiently effective.

After a broad hearing of experts and a committee reading, the parliamentary Employment and Equality Committee issued its report (TyVM 13/2010), based on which Parliament adopted a position on the Ombudsman's report (EK 43/2010). In its communication, Parliament agreed with the Ombudsman for Minorities' opinion concerning the need to undertake more effective action against human trafficking, and it called on the Government to initiate a number of legislative and other measures.

Client contacts with the Office of the Ombudsman for Minorities in 2010

Dealing with client contacts is an important part of the Ombudsman's work. In most cases, the clients request the Ombudsman's advice in resolving situations that involve discrimination or ask the Ombudsman to intervene in the matter.



Artwork by Hannu Hyyske

In 2010, a total of 848 client cases were processed in the Office of the Ombudsman for Minorities. Client work statistics do not include contacts with the office initiated by other authorities, NGOs or the media.

The Roma remained the largest ethnic client group contacting the Office of the Ombudsman for Minorities. As in earlier years, the majority of Roma clients contacted the office about housing problems. The second largest group to contact the Ombudsman were Russian speakers, reflecting the fact that they are clearly the largest ethnic minority in Finland. In 2010, education issues were stressed in contacts initiated by the Sámi. The number of contacts to the Ombudsman for Minorities by Somalis has unfortunately gone down slightly from the year before, even though international studies indicate that people of a Somali background in Finland stand out as one of the groups in Europe experiencing the most serious discrimination.

In connection with the work to reform the Non-Discrimination Act, NGOs have repeatedly brought up the need to expand the Ombudsman for Minorities' competence to deal also with discrimination in working life. In 2010, some 20% of client contacts to the Ombudsman for Minorities concerned working life. Many clients in fact expressed surprise on hearing that lack of competence in this area prevented the Ombudsman for Minorities from dealing with their problems.

Year	Discrimination		Other inappropriate treatment		Aliens Act issues		Other	
	Cases	%	Cases	%	Cases	%	Cases	%
2009	285	31%	160	18%	175	19%	227	25%
2010	258	30%	127	15%	144	17%	319	38%

Ethnic background	Cases
Roma	76
Russians	63
Somalis	35
Sámi	34

Clients by ethnic background, largest groups