



OMBUDSMAN FOR MINORITIES

**Report of operations
Ombudsman for Minorities 2003**

Being an effective Ombudsman for Minorities

The Ombudsman for Minorities achieves results by influencing the actions and decisions of others. To do this, he must have his own considered points of view on the status of foreigners and ethnic minorities, and also bring out both new perspectives and other experiences that have otherwise received little attention. The objectivity and credibility of the positions taken by the Ombudsman stem from his independence and impartiality with respect to all parties involved, but also from actual contact with those whose views or knowledge are to be promoted. If a listener believes that a point of view is accurate and justified, it is also likely to have an effect. Credibility is important.

Foreigners and ethnic minorities arouse sympathy and how they fare in Finnish society is of interest to many. Nevertheless, indifference, ignorance, and negative generalizations are part of everyday life. Without the personal perspective and commitment of decision-makers, the effects of the views of outside experts on improvements in the status of ethnic minorities will remain superficial.

In essence, the objective should be to get decision-makers to take responsibility for issues within their jurisdiction. If we are successful in this, the indifference that quietly approves discrimination will be transformed into affirmative action.

The ethnic well-being of society – good ethnic

relations and the absence of discrimination – are also based on strengthening the opportunities of the people actually affected by these issues to have a say and be heard. The status of ethnic minorities cannot be strengthened through official actions and structures alone. The conditions require for action by minorities must, however, be real; mere presence in undertakings led by officials or ethnic Finns without true participation or authority may look good, but will at worst be little more than the exploitation of minorities. With respect to ethnic well-being, it is imperative to strengthen the participation of the ethnic minorities themselves.

Work for the good of ethnic minorities is both rewarding and demanding. It is characterized by the profound social change that is taking place in the sector and the need for new expertise. It is often closely linked to the experiences and fates of clients. Constant setting of priorities is required, and new, more effective methods must be conceived.

Sometimes the message does not reach its audience even when the need is obvious. This poses considerable challenges for the personnel of the Office and for improvements in our work. Meeting these challenges during the second year of operations of the Ombudsman for Minorities was very much to the fore.



A handwritten signature in black ink, which appears to read 'Mikko Puumalainen'. The signature is fluid and stylized, with a long horizontal stroke extending to the right.

Helsinki, 27th October 2004

Mikko Puumalainen

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1 The Equality Act

The Finnish Parliament passed the new Equality Act on 5th December 2003. The act offers significant new tools for combating discrimination and intervening in existing discrimination. It also provides new means for assessing whether discrimination has occurred, which is just as important as intervening effectively in discrimination that has already been identified.

One of the key elements in the legislative reform was the establishment of the discrimination board. This board is a new, independent body for securing the legal rights of clients in situations involving discrimination outside the workplace. Its purpose is to provide protection for those who have experienced discrimination or have been subjected to unlawful actions related to discrimination. The board can ban the repetition or continuation of such practices in education, trade union activities, social and health services, and social security benefits or when services or property are offered to the public for purchase or rent. It can offer prompt, economical, effective and expert intervention in cases of discrimination. In individual cases it can provide feasible decisions that are binding. It can also provide expert statements regarding the application of non-discriminatory practices.

Along with the board, definitions of discrimination that are both exact and comprehensive, new

provisions for providing compensation to those affected, and rules regarding the burden of proof are equally important with respect to implementation of non-discrimination.

The Equality Act is a general law that applies to everyone. Furthermore, both courts and other authorities apply bans on discrimination in their sectors. For example, the ban on discrimination in the Equality Act applies to providers of goods and services and district courts can now order payment of compensation for violation of the ban.

The protection against discrimination strengthened by the Equality Act can provide better opportunities to intervene in everyday cases of discrimination. Initiating a criminal suit in a district court, which requires evidence of deliberate intent, is no longer the only means of action. Many may also experience relief that it is no longer necessary to turn to the police in instances of discrimination.

There remains, however, some uncertainty regarding legal means. Many will probably find themselves asking which channel – a district court or the board – would be the best place to seek redress. In the end, it is most important that those who require legal assistance need no longer accept discrimination but may seek justice, with out forgetting the possibility of conciliation.

2 Services for clients

2.1 On the number and nature of cases

In October 2003, the Office went over to an electronic management system (contact register) for client affairs. The statistics presented in the annual report combine notes taken since the beginning of the year and information in the contact register from October to the end of the year. Hence, the information collected for this year is merely indicative, and cannot as a whole be compared with that for coming years.

All in all, the office was contacted 1362 times during 2003. This represents an increase of 70% from 2002. Contacts comprised letters from clients (101), telephone calls (1037), email messages (95), faxes (15), and meetings with clients (114).

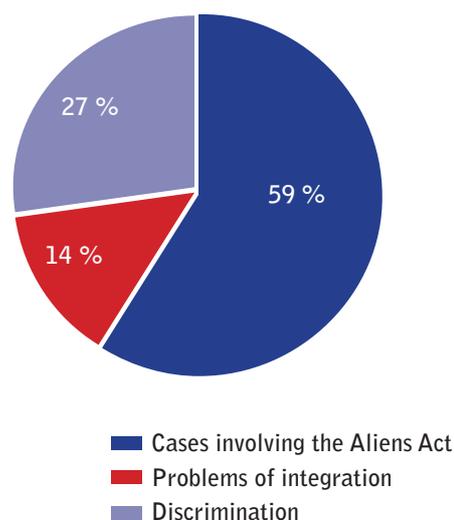
A total of 356 measures were taken by civil servants in the Office to handle client affairs. These consisted of letters sent (107), telephone calls to clients

and authorities (174), e-mail messages (72) and faxes (3).

Altogether, 1718 items of business were transacted, including contacts related to client cases, contacts made with the office, and measures undertaken by the Office. One client case may involve several contacts or actions taken by the civil servants of the Office.

In 2003, most of the client contacts (a total of 935) concerned matters involving the Aliens Act. Matters relating to discrimination accounted for 27% (431) and integration 14% (224). A single contact might involve several different matters.

Clients other than those who had experienced discrimination contacted the Ombudsman for Minorities. In such situations, they are directed to other authorities or civic organizations (for example in cases involving age, language, sexual orientation, or gender-related experiences of discrimination).



Content of client cases

Cases involving the Aliens Act mainly concerned resident permits (51%, 472), or deportation and refusal of entry (16%, 153). The other cases involved work permits (8%, 75), asylum or other need for international protection (9%, 81), visas (6%, 53), citizenship (5%, 44), detention (2%, 17), and identification cards or passports (3%, 40).

In discrimination, cases of direct or indirect discrimination (60%, 258 contacts), other harassment or abuse (7%, 29 matters), violence (4%, 16), incitement to racial hatred (4%, 16), and other inappropriate treatment (25%, 111) were also reasons for contacting the office.

In cases involving integration, the most distinct group concerns social security and benefits (46%, 102 out of 224 contacts).

Thirty-five client cases involved criminal law. Cases involving acquisition or maintenance of housing, or disputes between occupants and agents or owners totalled 69. Cases transferred from other authorities numbered 4 and cases transferred by the Ombudsman for Minorities to other authorities 2. Cases that came to the knowledge of the Ombudsman for Minorities but did not require action numbered 23.

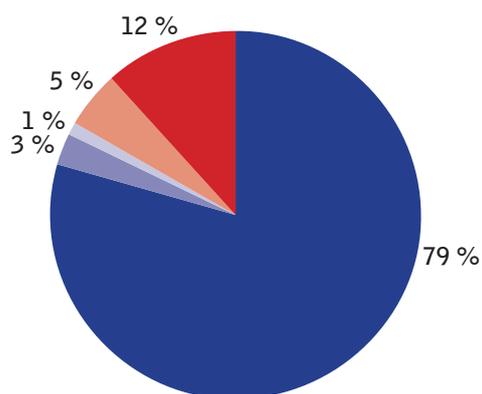
In addition to the client, cases usually involve one or more other parties. When contacts mainly involved the Aliens Act, it was usually the Directorate of Immigration (442), the police (219), or a Finnish diplomatic mission abroad (70 cases). Frequently, the contact/matter also involved a matter before an administrative court (137). Also, contacts often concerned an employment office (61), other authorities (164) or a municipality (100). These could involve the operator of a business (112), an employer (67), a private individual (41), or a family member (26).

Regional features of client services

The regional breakdown of contacts – when such information was available – is apparent from the graphs below. The Province of Southern Finland was clearly the focal point of our operation. Northern Finland provided the fewest contacts.

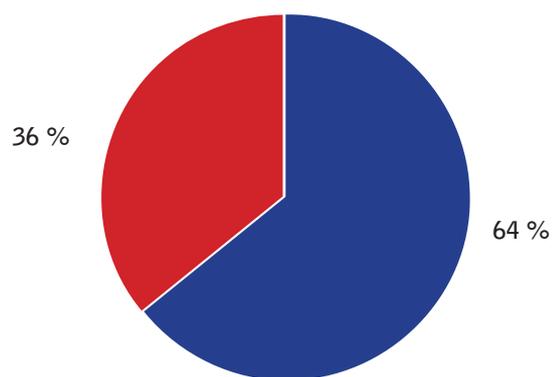
The most contacts made with the Ombudsman for Minorities were from Metropolitan Helsinki that is from Espoo, Helsinki, and Vantaa (64%).

The sector of operations of the Ombudsman for Minorities is steadily expanding into the prevention of ethnic discrimination. The graph on the right-



- Southern Finland (557)
- Oulu (19)
- Lapland (8)
- Eastern Finland (36)
- Western Finland (81)

Contacts by province



- Metropolitan Helsinki 450
- Other Finland 251

Percentages of clientele by region

hand page shows the percentage of all cases involving discrimination at the end of 2003. Only the total number of such cases from January through September was known. The figures for the rest of the year, from October on, were obtained from the contact register. The table below also shows the percentage of actions involving discrimination out of the total for the year.

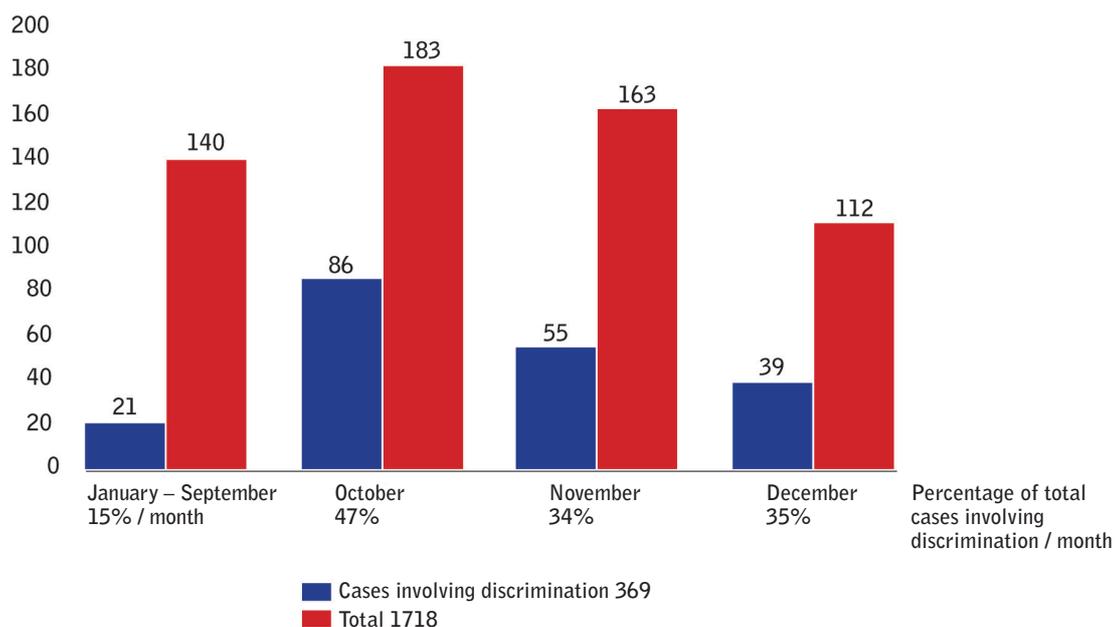
The table below shows an increase in cases of discrimination at the end of the year. The decline in December can be explained by staff holidays and the otherwise reduced volume of operations at Christmas. The growth in cases involving discrimination can be attributed to several simultaneous phenomena. The Ombudsman for Minorities has deliberately expanded operations into the opposition and prevention of discrimination. Clients have also been directed increasingly to consult directly with the relevant authorities in the aliens administration in matters involving permits. There was also considerable publicity regarding preparation of the Equality Act and this may have encouraged contacts. Moreover, prevention of discrimination was also discussed in the media during 2003.

2.2 Individual groups of cases

Cases involving aliens

The work of the Office of the Ombudsman for Minorities in cases related to the Aliens Act and administration supplemented advice regarding permits provided by the Directorate of Immigration and the Police, which many clients considered insufficient. For example, in the reunification of families and related issues regarding income security, answers were sought via the Office of the Ombudsman for Minorities.

The work of the Ombudsman for Minorities also supplements and is parallel to use of other legal means. Although decisions can be appealed and administrative complaints filed, clients usually consider it necessary to request additional information from the Ombudsman for Minorities or to assess their status together with the Office. On the other hand, this also suggests that counselling offered by the aliens administration is not sufficient. Effective counselling can reduce dissatisfaction based on ignorance or incorrect interpretations. Some clients who have received a negative decision are directed after an ini-



Contacts during 2003

tial evaluation to a lawyer, a legal aid counsel, or to the Refugee Advice Centre in order to make an appeal. The Office does not draft appeals.

In one case, the client was directed to the legality control authorities, after the client had, in his own opinion, been advised incorrectly, and denied his rights. Legal advice in issues regarding application of the Aliens Act or the status of ethnic minorities was also given to lawyers, courts of law, and other authorities.

Information regarding the content of the new Aliens Act under preparation was provided to clients during the year under review. Clients considered it especially important that residence permits could be sought on the basis of family ties so that the spouse of a Finnish citizen could wait in Finland while the permit was being processed.

Cases involving citizenship

Lengthy processing for citizenship applications continues to prompt a large number of contacts. In one case, processing had taken as long as seven years. In its client service, the Ombudsman for Minorities has informed the Directorate of Immigration of the grounds for expediting the process. In cases of unusually long processing, the Directorate of Immigration has also been asked to explain the reasons for delay. One of the major changes of the new Nationality Act that took effect during 2003 from the perspective of clients was the introduction of a '10-year rule' in restricting the effects of cases originally involving unclear identity.

Evaluation of the use of the fingerprint procedure in the processing of citizenship applications was continued during the year under review (see the 2002 annual report). After a request for explanation, the Directorate of Immigration has announced that it has improved the information it provides on the fingerprint procedure, ordered fewer such comparisons, and set a maximum waiting period of six months for the procedure.

According to the stand taken by the Ombudsman

for Minorities, "The fingerprint procedure is considered an acceptable means to determine the identity of a citizenship applicant when there are discrepancies in the information provided by the applicant. However, the procedure should not unduly prolong the processing of a citizenship application. Assessment of any discrepancies regarding an applicant's identity should be undertaken immediately, in the initial stage of the processing, in order to prevent delay. The procedure should also be restricted to those situations in which there are discrepancies in the personal information and not be used as a routine measure."

Visa decisions

In visa decisions, contacts with clients are due in particular to the fact that negative decisions are not always given to the client in writing and the reasons are not always provided. Hence, the visa applicant does not have an opportunity to evaluate either the criteria or the grounds for denying a visa.

In these situations, the Office of the Ombudsman for Minorities informs clients of the general criteria for granting a visa. In some of these cases, in which denial of a visa does not appear to be based on absence of the general conditions for granting a visa, the Ombudsman for Minorities requested that the information used by the diplomatic mission as grounds for the decision, but which was not provided to the visa applicant, also be made available to it for assessment of the case. In some situations, this led to correction of the information in the visa system.

Discrimination

The principal means for intervening in cases of discrimination provided by the legislation of 2003 were based on the ban on discrimination in the criminal code and on provisions banning discrimination in employment. Application of the ban on discrimination in the criminal code is limited in particular by stringent requirements regarding the burden of proof, the experiences of clients regarding the slow

pace of preliminary investigations in cases of crimes of discrimination, and the light consequences meted out in comparison with the offensiveness of the act in question and in part the resulting reluctance to turn to the police in such cases.

In situations involving discrimination in employment, clients were directed with increasing frequency to the labour protection authorities, in this way preparing for the division of labour stipulated by the Equality Act, according to which monitoring of ethnic non-discrimination at workplaces is the responsibility of the labour protection authorities. In individual cases, the Ombudsman for Minorities in fact advised persons who believe that they had suffered discrimination in employment to contact the labour protection authorities in their areas for further advice and for clarification of their case.

Discrimination at workplaces is closely related to experiences of the hiring process. Employers may not reject job applicants without an acceptable reason that must involve performance of the task, for example professional competence or the necessary training. Unequal treatment on the basis of factors unrelated to the task such as citizenship, ethnic origin, or skin colour is banned.

The Ombudsman for Minorities intervened on several occasions in what appeared to be discriminatory job advertising. In these cases, employers requiring Finnish citizenship or complete mastery of Finnish were almost without exception unable to give acceptable reasons for their demands. Most argued that the advertisements had not been thought out carefully, and were therefore inaccurate. The intention was mainly to require the proficiency in Finnish necessary for the job. In his statements to employers, the Ombudsman for Minorities called attention to the duty to treat employees equally and urged them to improve their job advertising. Moreover, the Ministry of Labour was requested to inform employment offices that job advertisements containing clearly groundless requirements should not be placed on the mol.fi website.

Living

The housing situation of Roma, in particular, appeared problematic in the light of contacts made with the Ombudsman for Minorities. Romany families have difficulties in renting housing, and the housing offered to them is often of a questionable standard or is unsuitable in view of certain salient features of Romany culture.

In one case, housing was denied a Roma family on the grounds that it would not promote balanced development of the resident structure in the area. The following was the position taken by the Ombudsman for Minorities: "I cannot, however, accept a procedure whereby Roma are relegated to an inferior position in the acquisition of housing because Roma already live in the area. What is as such an acceptable goal of keeping diverse residents in an area should not, in my opinion, be carried out so that some are put in a position inferior to other on the basis for example of ethnic or national origin."

Services offered

Contacts with the Ombudsman for Minorities were made in cases where immigrants or representatives of ethnic minorities experienced discrimination by operators of businesses. Services were not offered on an equal basis to everyone and representatives of minority groups received unequal treatment on the basis of origin without any acceptable grounds.

In one case, a client with a Romany background contacted the Ombudsman for Minorities because he and his sister were treated inappropriately and in a discriminatory fashion at a local kiosk. In his reply to a request for clarification, the operator of the kiosk stated that he had the right to choose his customers and that in general he considered it correct to admit only one Roma to his kiosk at a time. The Ombudsman for Minorities reminded him that the law bans selection of customers on the basis of ethnic background. The basis for the inappropriate treatment was the customer's Romany background. The

Ombudsman for Minorities also informed the customer of his opportunity to have the alleged discrimination investigated by the police.

In the other case, a contact related to discriminatory treatment concerned the deposit required of a foreigner to open a mobile telephone connection. According to the operator, deposits are required if the customer's credit information is unavailable, there is a record of defaults in payment, or the person was already in debt to the company or to other mobile telephone operators. The company stated that it is unable to check a customer's credit information if the customer did not have a permanent residence permit.

According to the company maintaining the credit information, entry of defaults in payment in their register required that the person in question had a Finnish identity number. On the basis of the identity number, the person's credit information could be checked from the system. Registration of a default in payment required an average of six months from the due date for the amount in question. In other words, it was therefore clear that credit information can be checked even if the person in question does not have a permanent residence permit. Only a sufficiently long period of uninterrupted residence in Finland with respect to payment history is required.

According to the interpretation of the Finnish Communications Regulatory Authority, which issued the statement in the matter, under section 61 of the Communications Market Act, a mobile telephone operator can require an advance payment from customers in the event that it is not possible to verify their liquidity in a reliable manner. In practice, this may be due to the lack of an identity number or to the fact that no payment history has accumulated during residence in Finland. Also, the Consumer Agency has taken a position on the conditions necessary for requiring a deposit. According to the Agency, a deposit can be required only when it is not possible or would be extremely expensive to determine the credit information.

The Ombudsman for Minorities recommended that the mobile telephone operator alter its practice regarding deposits so that the deposit would not be based on the lack of a permanent residence permit but instead on the fact that it was not possible to determine the information adequately because of the customer's short residence in Finland. In assessing what a sufficient period of residence would be, the Ombudsman for Minorities recommended taking account of the average time for registering a default in payment.

3 Good ethnic relations

Media

In some situations, the Ombudsman for Minorities intervened in activity of the information media and in websites on the Internet that were problematic from the perspective of ethnic minorities. In a case regarding a radio station, the Ombudsman for Minorities took a stand on the repeated broadcast of songs that were offensive to minorities. According to the stand taken by the Ombudsman, “even though the playing of the songs could not be considered to constitute the incitement to racial hatred referred to in the criminal code, their repeated broadcast can be criticized as reluctance on the part of the company to promote equality and non-discrimination in its own operations. In this sense, presentation of entertainment or information that contains ethnically offensive material or material that is presumably considered to be such must be regarded as especially questionable.”

In the other case concerning information considered racially offensive that was reported to the Ombudsman for Minorities, the Ombudsman requested the National Bureau of Investigation to look into a website in order to determine whether grounds existed for suspecting the existence of the conditions essential for a crime of incitement.

Integration

The Ombudsman for Minorities was also contacted in several cases that did not involve discrimination or the Aliens Act. In problems involving integration, for example in school and in matters related to social welfare, the Office of the Ombudsman assisted clients in finding a channel to handle their case such as an organisations of immigrants or other civic organization, a social welfare ombudsmen or other authorities.

The Ombudsman for Minorities was requested to comment on the draft of an immigration programme for the City of Kotka. In his comments the Ombudsman praised the breadth of the programme; it concerned the operations of the town’s different administrative branches. Nevertheless, he suggested widening of the perspective on immigration to include all ethnic minorities, such as Roma living in the Kotka area and foreigners who had moved to Kotka in previous decades. Many of the themes regarding toleration and multiculturalism also concerned these minorities. The comments encouraged the City to expand the official perspective to include action to support dialogue between authorities and immigrants and to take immigrants themselves into the planning process.

The idea of setting up a separate task force as a means for early intervention was also commended. Writing zero tolerance into the programme was also urged; no discrimination should be tolerated and any discrimination should be dealt with promptly and brought to an end. To make this concrete, it was also suggested that the responsibility of the entire city for combating discrimination should be written into the programme and should include the goal of arranging training in this work for all city employees. This would mean that combating discrimination and racism would not be left to a separate task force alone; instead, the entire personnel would be responsible for preventive work. The goal of arranging instruction in Finnish for those not covered by the Act on integration and of preparing integration plans for them was considered especially positive. As far as the integration of family members in their new country was concerned, an opportunity to learn Finnish and become attached to Finnish society is of course essential. Other commendable parts of the

programme included the establishment of another post of immigrant coordinator and improvement of counselling services for immigrants.

The programme stated that the concentration of immigrants in a single residential area might impede the process of integration and cause conflicts between population groups. It was recommended that the aim of avoiding concentration of immigrants in certain residential areas be included in the programme. Separation into different residential areas can otherwise prevent natural interaction between immigrants and the rest of the population. Moreover, in some case the effects of larger immigrant families on the sizes of housing units must be taken into account. To implement the programme, it was suggested that the goal of drawing up a more detailed multiculturalism/diversity plan for each area be taken into account. As a result, the City's programme and measures would be made part of the plans and measures for each sector. Coordination and responsibility for implementation could for example be assigned to a contact person for the sector.

Adjustment

The Ombudsman for Minorities was invited to the facilities of a rather large transport company to discuss the problems of ethnic relations at workplaces. The recommendations of the Ombudsman for Minorities were related to the implementation of good treatment at multiethnic workplaces, to the signifi-

cance of appropriate use of language on both sides, to patience in communication, to the need for special support of immigrant employees who serve customers, the preparation of clear rules for problem situations, and the participation of employees with immigrant backgrounds in trade union activity, other advocacy, and to cooperation with employers.

Although the point of departure at all workplaces is fair and equal treatment of employees, in a multiethnic workplace some of the related factors may take on greater significance than they would at culturally more uniform workplaces. This is affected for example by differences in language proficiency, although cultural factors are also important.

Factors due to the special nature of multiethnic workplaces, which combined with special measures can promote ethnic relations, should also be taken into account. While this would increase satisfaction and productivity, it would not depart from the principles of non-discrimination and equality. Taking special cultural features into account, such as observance of Ramadan by Moslems, would reduce ethnic tensions and also more generally show recognition and respect for the differences among employees. With respect to good ethnic relations, leisure-time activity at the workplace may also make a significant contribution. However, such activity should also be of interest for employees with immigrant backgrounds.

4 General measures to improve the status of foreigners and ethnic minorities

Promoting employment of Roma

The Ombudsman for Minorities focused attention on the difficult employment situation of Roma in an initiative made to the Ministry of Labour at the end of 2002. The Ombudsman proposed that the Ministry of Labour determine the opportunities for focusing services of the labour administration more effectively on promotion of the employment of the Romany population.

During 2003, the proposals in the initiative were discussed with the Ministry of Labour. In order to make an initial survey of the situation of employees with Romany backgrounds, the Implementation Department of the Ministry of Labour sent the employment offices a questionnaire to obtain an estimate of the numbers of unemployed employees with Romany backgrounds and the best means with which the labour administration could promote employment of Roma. Of particular concern in the findings of the survey, which were based on estimates, was the fact that many responses mentioned unemployment among Romany young people under the age of 25. Discussions on the basis of the initiative were continued in the Ministry of Labour during 2003, although the Ministry of Labour did not decide on any further measures during the year.

Occupational health and safety and ethnic minorities

In December 2002, the Ombudsman for Minorities made an initiative to the Department for Occupational Safety and Health of the Ministry of Social Affairs and Health regarding more effective prevention and monitoring of discrimination against foreigners and ethnic minorities in employment (see the 2002 annual report). In its reply in Februa-

ry 2003, the Department stated that it concurred with the proposals of the Ombudsman for Minorities, but that considering the reallocation of resources that would be called for in many practical situations, individual improvements of the kind mentioned in the initiative would be almost impossible to undertake. The reply promised that the Ministry of Social Affairs and Health would attempt to take into account the matters discussed in the initiative in its strategies, although because of the resource shortage individual measures would not be assigned any additional priority in the short run.

Work and the income derived from it play a key role in every society. Very often the status and reputation of an individual in society are determined through work. In this light, the employment of foreigners and ethnic minorities can be considered the principal indicator of social integration and non-discrimination. The high unemployment rate among ethnic minorities and immigrants and the low regard for them are indicative of profound discrimination on the labour market.

Successful integration in working life and Finnish society require a strengthening of more positive attitudes towards ethnic minorities. Changes in attitude are needed by both employers and employees, but equally by individuals throughout society. Non-discrimination on the labour market will also be a condition for the success of the much-discussed job-oriented immigration of the future.

The Ombudsman for Minorities and the occupational health and safety authorities can work together in improving the enforcement of the ban on discrimination in the labour legislation and the Equality Act and the status of ethnic minorities at workplaces, and in preventing discrimination in employment.

Securing the position of the Sámi language in day-care for Sámi children

The Ombudsman for Minorities made an initiative to the Ministry of Social Affairs and Health (securing the status of the Sámi language in day-care for Sámi children 842/65/2003 TM/15th April 2003) to secure Sámi-language day-care.

Acquisition of language and learning about culture that takes place before children go to school is important for the formation of their identity, for socialization, and for emotional and mental development. Early education in a child's own language is also the basis for teaching in Sámi. Day-care is also significant for the preservation and development of the Sámi ethnic group and its language. Moreover, day-care can support the child's home language, increase the number of situations in which that language can be used, and help raise the status of the language in society.

At present, it is possible to arrange only limited day-care in the Sámi language. Day-care services are in general offered in the majority language of the municipality in question. When children's day-care is arranged in bilingual groups, Finnish has in fact frequently become the language of Sámi-speaking children. The educational goals regarding support for the language and culture of Sámi children in the Act and decree on day care have been realized only in part. Outside the Sámi area, there has been little if any Sámi-language day-care. It would be especially important, however, to support the preservation of the language and culture of those children who, as a result of having moved away from the Sámi area, are very likely to lose their own language and culture without active support from the home and outside the home.

Proposals included more comprehensive financial support for Sámi-language day-care by the central government, increased information on Sámi identity, efforts to change attitudes in training and induction for day-care staff, establishment of a lan-

guage immersion programme, and in particular, increased support for day-care staff in learning the Sámi language.

According to the reply of the Ministry of Social Affairs and Health, the municipalities are in principle responsible for arrangement and development of day-care and early education. The central government budget for 2004 provides for increased the funding to secure social and health services in the Sámi language to 600,000 euros. Moreover, the reply states that the development proposals of the initiative will be taken into account in any reform of the Act on day care.

Elderly people belonging to ethnic minorities

The Ombudsman for Minorities made an initiative to the Ministry of Social Affairs and Health regarding improvement of the status of elderly people belonging to ethnic minorities (2262/65/2203 TM/3 October 2003).

Elderly people belonging to ethnic minorities are a diverse population group. Nevertheless, they are united, for example, by the linguistic and cultural challenges posed by coping in a Finnish environment despite a variety of origins and backgrounds. Elderly people belonging to ethnic minorities are frequently unable to play an active role in securing their own rights or in demanding services, and may spend their old age behind a language barrier and have to manage with capacities that are deficient in many ways.

The initiative brought out the need to form an overall picture of the situation of elderly people belonging to national minorities, because on both the national level and in many individual municipalities as well, a perspective on their living conditions, special needs, and the necessary action is lacking. Elderly immigrants should constitute a clearly defined part of immigration policy. Concentration on the reception phase in immigration and on the population of working age means a risk of exclusion for the aged and of course for other ethnic minorities as well.

The initiative proposed that elderly immigrants and elderly people belonging to traditional ethnic minorities should be included in national policy and strategy for elderly people covered by the administrative sector of the Ministry of Social Affairs and Health and in the recommendations issued to local authorities. As a result, the aged who belong to ethnic minorities and their needs would also become visible in the strategies regarding the elderly and in programmes for the development of service structures in individual municipalities.

Asylum investigation by the Tampere Police Department

The Ombudsman for Minorities and his office are contacted by individual foreigners and persons belonging to ethnic minorities, their close friends and relatives and assistants, and the authorities. In 2002, these contacts began to draw attention on the activity of the Tampere Police Department in asylum investigation and in the treatment of asylum seekers. The situation in 2003 was unusual, for the Ombudsman for Minorities customarily receives feedback related to individual cases on the activity of police departments. In addition to the contacts, questions were also aroused by observations made by the Ombudsman for Minorities regarding asylum applications.

The Ombudsman for Minorities requested the Police Department to provide information on the asylum seekers detained in 2002 and on the cancellation of asylum applications (Request for information to the Tampere Police Department; detention of asylum seekers and cancellations of applications for asylum 320/65/TM/19 February 2003).

Contacts were also made with the Tampere Police Department in cases regarding individual clients. On the basis of the material collected, a request was made to the Police Department at the end of 2003 (Request for information regarding asylum investigations at the Tampere Police Department 2549/65/2003 TM/2 December 2003) to explain, among other things, the high rate of detention compared with the country as

a whole, cancellations of asylum applications while the asylum seekers were in detention, shortcomings in reporting on various phases of the process, problems arising in cooperation with various parties, and complaints regarding improper treatment of individual asylum seekers. The police department was requested to submit the report to the Ombudsman for Minorities by 31 January 2004.

Statements related to the Aliens Act

In accordance with section 33 of the Aliens Act (378/1991) that took effect in 2003, the Ombudsman for Minorities must be given an opportunity to be heard in the processing of asylum applications unless this is obviously unnecessary. In 2003, the Ombudsman for Minorities issued 600 statements for this purpose. In accordance with section 42 of the same act (378/1991), the Ombudsman must be provided with an opportunity to be heard in cases regarding the deportation of foreigners. In 2003, 163 such statements were issued.

Statements on proposed legislation and related projects

A list of the statements issued by the Ombudsman for Minorities is appended to this annual report. The statements are also available on the Internet at www.vahemmistovaltuutettu.fi.

One of the statements issued in 2003 concerned a report on the proposed regionalisation of the Directorate of Immigration (Proposals for regionalisation of the Directorate of Immigration 3167/003/2003 TM/15 December 2003). According to the view of the Ombudsman for Minorities, there is a need to focus more attention on the uniformity of decisions. The administration shall see that decisions in similar situations have the correct content, regardless of regional unit, and that for example the decisions of the Supreme Administrative Court are consistent and that decisions by the regional units apply the same criteria. Otherwise, there is a danger that the units will develop their own practices, which

apart from the discrimination caused, may have other negative effects as well (for example longer times for overall processing as appeals increase).

Regionalisation must also ensure the free flow of information between units. Moreover, it will require uniform expertise on the part of personnel, regardless of geographical location. The administration must be able to ensure that different units have the adequate and up-to-date knowledge needed to resolve asylum cases. Regionalisation also poses challenges for staff training, as there must be a high standard of competence throughout the organization in both customer service and decision-making.

The report on the regionalisation of the Directorate of Immigration also suggested that the reception of asylum seekers should be transferred to the same administrative sector where decisions on asylum are made. In the opinion of the Ombudsman for Minorities, services related to the reception of asylum seekers are

basically related to measures supporting the integration of immigrants, so that there is no reason to separate the reception of asylum seekers from the entity in question or from the expertise.

The rights of minorities in an increasing multicultural Finland – a seminar

Together with the Arctic Centre, the Ombudsman for Minorities arranged a seminar on 26th February 2003 on the theme “Minority rights in an increasing multicultural Finland”. The seminar considered three separate themes: a multicultural society, the limits of multiculturalism, and especially when intervention in the features of an ethnic culture is acceptable, and discrimination and everyday racism. The goal was to bring researchers together and to develop interaction between the Ombudsman and them, and to promote networking. The seminar was attended by 120 persons.

5 The Advisory Board for Minority Issues

In accordance with section 5 of the Act on the Ombudsman for Minorities (660/2001), an Advisory Board for Minority Issues assists the Ombudsman in the prevention, monitoring, and control of ethnic discrimination and in cooperation among various authorities. The decree issued on

the Ombudsman for Minorities (687/2001) stipulates the tasks, composition, and work of the Advisory Board. The Ombudsman requested the Ministry of Labour (letter of 19th November 2002 TM006:00/2002) to set up the Board. The Board had not yet been set up in 2003.

6 Administration

Operating costs

Non-recurring costs related to the development and arrangement of the basic conditions for the operation of the office of the Ombudsman for Minorities were prominent in the use of operating funds. These included establishment of a contact register, IT procurement, and a survey of the reference library. The costs of setting up the register comprised acquisition and application of software, an annual payment, and further development.

Training costs were increased by the counselling supporting work and well-being at the Office and for administrative and client affairs.

The sector of the Ombudsman for Minorities requires networking and contacts in both Finland and abroad. Travel expenses rose as cooperation with other European countries increased. The Ombudsman

was an observer on a trip to Turkey for the selection of quota refugees and met with Nordic colleagues in Norway and with representatives of European bodies in Strasbourg. In addition, he took part in an anti-racism conference in Germany. One of the senior advisors attended a seminar on the sector in Strasbourg. Twelve business trips were made in Finland.

Printing costs virtually doubled in 2003 because of the annual report and new visiting cards, envelopes, and stationery necessitated by the new image and logo.

The appropriation for operating expenses in 2003 totalled 45,000 euros. In addition, 1200 euros were set aside for the expenses of the Advisory Board for Minority Issues, but were not used. Expenses in 2003 totalled 42,800 euros (40,500 euros in 2002) and included expenditure, depreciation, and remuneration, but not VAT.

	2003	2002
Appropriations	45 000	45 000
Advisory Board for Minority Issues	1 200	
Total use of appropriations (approx.)	42 800	40 500
Major items of appropriation	2003	2002
Establishment of register, total	8 800	0
Acquisitions (furniture, IT, telephones)	590	16 050
Miscellaneous office procurement and supplies	500	730
Printed material, books, periodicals	9 000	4 640
Translations and fees, interpreting	900	1 020
Announcements in periodicals, directories	1 450	4 180
Other services (telephone, laundry, repairs)	1 000	2 120
Training	9 440	2 390
Public relations (internal and external)	1 680	2 180
Travel (daily allowances, taxis, airline tickets)	9 500	7 120
Penalty interest	6	97

Personnel

The personnel of the Office comprised the Ombudsman Mikko Puumalainen, senior advisors Rainer Hiltunen, Kari Kananen, and Pirjo Takalo, and secretaries Raili Keriö and Päivi Okuogume.

Appropriations for salaries totalled 290,484 euros, of which 285,510.96 were used.

Considerable effort was put into job descriptions. Areas of responsibility were divided so that they would include a permanent basic content plus variable functions related to the basic job description. Jobs were defined to comprise certain areas of life, contents, and interest groups. The purpose of the division was to determine a certain core area or tasks for each basic function. Within these functions it would be possible to deepen expertise on the basis of guidelines issued by the Ombudsman.

The task of the senior advisors was to prepare statements and decisions, increase expertise in their own areas of responsibility, support the Ombudsman and the Office in monitoring in the field, contacts with interest groups, training, the production of information, and the provision of information. The task of the secretaries was to coordinate client service together with the Ombudsman, the senior advisors, receive contacts from clients and make initial appraisals of their cases, and assign the cases to the senior advisors and serve as a liaison with the Directorate of Immigration. The secretaries were also responsible for administrative matters, which included finances, document management and filing, and public relations, coordination of printed products, arrangement of travel, coordination of training and holidays, and the duties of IT systems administrator. One secretary also served as personal secretary to the Ombudsman.

The work of the Ombudsman comprises the changes taking place in the basic sector of operations, the breadth and diversity of activity, the demanding and tiring nature of the work, including consultations with clients that are sometimes in the

nature of crisis work, the pressure of external expectations, and the isolation due to his independent status. In addition, the workplace is new and its effectiveness and overall organisation are only beginning. On the basis of experience related to these factors, group workplace counselling was introduced during the year under review.

One of the senior advisors also experimented with distance work.

The routines of the Office involved several meetings dealing with matters of different kinds. Office meetings, of which there were 29, have become a Monday routine. To support work with clients, 11 meetings that considered further processing of client cases were held. Three meetings dealt with personnel matters, 2 meetings with the plan for provision of information, and 3 meetings with the cost of document management, customer service, and security. Three seminars were also held on development of the work of the Office and dealt with the content of activity, priorities, effectiveness, values and goals. Eight counselling sessions were held.

Document management

Documents were registered in the Office of the Ombudsman, although the basic archive is that of the Ministry of Labour. Most of the material processed in the Office, such as statements on asylum and deportation, and some of the client letters received by the Ombudsman, or for example requests for clarification, are confidential. Also, much of the material received or produced by the Ombudsman for Minorities must be preserved permanently.

On the whole, no charge is made for the activity of the Ombudsman to either clients or authorities. Such services comprise statements, letters to clients, positions and the investigations required by them, translations of documents into the language of the persons involved, arrangement of interpretation for meetings with clients and seminars, sending print-outs to clients, meetings with clients, telephone consulting, and providing clients with brochures, annual reports, and other material.

Foreign language services required in client cases are a special feature. Translation and interpreting services are arranged by the Office over and above the requirements of the language legislation. Many clients also have limited means of their own or are otherwise in a difficult situation, which means that payment for translation or interpreting services would be impossible and would prevent handling of matters at hand. In practice, efforts are made to minimize the need for purchasing services by means of various special arrangements, such as by making use of the language skills of support persons and having the contents of letters explained by interpretation. An attempt is made to set aside funds for translation and interpretation services in the financial planning of the Office, although prediction of such expenditure is difficult.

Public relations and a new image

The Ombudsman revamped the image of the Office by introducing a separate logo and by having its printed material and annual report printed in keeping with the new look. The aim here was to create an independent and visible presence among both clients and other authorities. Moreover, the first annual report (for 2002) was published in the summer of 2003.



The logo of the Ombudsman for Minorities is symbolic of his activity. The emblem comprises two red and white 'V' figures against a blue background, opening upward. The two 'V' letters can represent the initials of the Ombudsman for Minorities in Finnish (vähemmistövaltuutettu). The larger V is the foundation, in other words society. The smaller V depicts the minorities that comprise part of the entity. The emblem depicts openness, protection and security. The white and red Vs are arched and expand toward

their tips; they symbolize the humanity of the work of the Ombudsman, as does the heart shape of the red part. The emblem can also symbolize a message of growth and change. The similarity of the forms depicts the similarity between different people. The colours are the classic colours of human rights: blue, white, and red: liberty, fraternity, and equality. Blue and white are also the colours of Finland. The bright red attracts attention, and serves as a contrast to the blue and white.

The Ombudsman for Minorities was frequently visible in the media during the year under review, especially with respect to circumcision of boys, the deportation of a Ukrainian family, and asylum investigations conducted by the Tampere Police Department. The Ombudsman has a plan for the dissemination of information. The Office keeps a book of newspaper clippings.

Services are announced in relevant periodicals and directories and special leaflets were prepared with the aim of reaching different target groups. The Ombudsman took part in a fair at the international cultural centre 'Caisa' in the autumn of 2003. Revision of the Office's website awaits an overall revamping of the Ministry of Labour's site.

Contact Register

In 2003, the Office of the Ombudsman for Minorities introduced a contact register in which events related to the processing of each client case are entered. By means of this register, the Office can monitor all contacts from and to it. The information is available to all workers in the Office, for example in later contacts regarding the cases. They provide information about what matters the contacts have concerned and can subsequently be analysed by topic.

The contact register project was begun with an invitation to tender in the spring. In the autumn, there was a month and a half long test run for the system developed. The register became operational at the end of the year.

Appendix

Travel

- Trier, 11 to 13 May; ERA: The fight against discrimination in the daily practice
- Oslo, 2 June: SMED Nordic meeting
- Ankara, 20–23 October: selection of quota refugees
- Strasbourg, 12–14 November: ECRI Seminar with national specialised bodies to combat racism and racial discrimination
- Aulanko 10 October: Conference of Attorneys
- Oulu 17 January: International Activity Centre Toppelius, Oulu Provincial Government, Ruukki reception centre
- Rovaniemi 14 February: Meeting with Sámi representatives, Arctic Centre
- Tampere 13 March: Seminar at police academy
- Enontekiö 20–23 March: Discussions, visits, meetings
- Rovaniemi 22–25 March: *Työn päivät* employment seminar
- Turku 23 April: Seminar on quality work and value discussion for reception centres
- Kotka 20 May: Meeting with mayor of city, learning about the immigration programme
- Vaasa 17 November: Mustasaari police, reception centre, Finnish Security Police, refugee counselling
- Turku 20 November: conference of police chiefs of Western Finland Province
- Jyväskylä 21 November: Everyday racism in Finland
- Perniö 4 December: Perniö reception centre

Visits

- Institute of Russian and East European Studies 14 January

- Suomen Turistiauto bus company 23 January
- Office of the Prosecutor General 18 February
- The Criminal Sanctions Agency 10 March
- Espoo mother and child home and shelter 11 March
- Helsinki association for the disabled 28 March
- Helsinki City immigration unit 29 April
- Vantaa working group on non-discrimination and discrimination 7 May
- Helsinki City education department 14 May
- Visit by delegation from Germany at Ministry of Interior, 28 May
- Directorate of Immigration/Refugees and asylum meeting 5 June
- visit by the human rights ombudsman of the Council of Europe 27 October
- Directorate of Immigration/Immigration meeting 15 February

Talks

- Conference of attorneys 10 January – Policy on rights
- Tenth anniversary observance at Ruukki reception centre 17 January
- In the same boat 28 January – final address: What model for a man in a new culture?
- Culture and criminal law 30 January: Seminar on criminal law at the University of Helsinki
- Europe 2010 lecture series 5 February – Europe in 2010 – A Europe of minorities? comments contributed
- The Finnish National Fund for Research and Development (Sitra), discussion session on immigration policy 6 February – An active immigration policy is the goal, but also a multicultural policy of well-being?

- Rovaniemi, Artikum 14 April – How can ‘Sámi-ness’ be preserved in Finland?
- Seminar on the police and human rights, Tampere 13 March – The challenge of multiculturalism: rights, duties, and practice
- Fiblul annual meeting 18 March – the Ombudsman for Minorities as an authority
- Helsinki City youth affairs centre, Russian-speaking young people at risk of expulsion 5 May
- Multicultural Kotka Seminar 20 May – From immigrant to citizen with a say
- Finnish Broadcasting Company, conference of managers, 21 May – Finland and multiculturalisation: where are we headed?
- Finnish Red Cross and the Tapiola Safe House seminar 16 September – Cultural vs. human rights
- Session regarding the report on human rights policy, Parliament Auditorium 9 October - speech on the multiculturalisation of work, opportunities for cooperation with the Ombudsman for Minorities
- Central Organisation of Finnish Trade Unions (SAK) seminar on multiculturalism 25 November
- Broadening horizons – conference on diversity day regarding equal opportunities 10 December: Non-discrimination by law

Statements

- The second report on Finland of the European Commission against Racism and Intolerance (ECRI) 1163/0550/2001 TM / 15 Jan 2003
- Memorandum by the committee on reform of the Equality Act 3620/003/2002 TM / 10 Feb 2003
- UN: Covenant on Civil and Political Rights: Finland’s fifth periodic report 142/059/2003 TM / 17 Mar 2003
- UN: Implementation of the General Convention on the Rights of Children: preparation of Finland’s third periodic report 256/059/2003 TM / 21 Mar 2003

- Issues regarding the Russian-speaking population in Finland 2002: Report of the working group established by the Advisory board for ethnic relations 116/003/2003 TM / 6 Jun 2003
- Prospects for recruiting labour from outside the EU and ETA areas TM 023:00/2001 / 3 Sep 2003
- UN: General Convention on the Elimination of All Discrimination against Women; Finland’s fifth periodic report 1880/059/2003 TM / 12 Sep 2003
- Final report of the working group on housing-based social security 2243/003/2003 TM / 30 Sep 2003
- Statement on the communiqué of the Commission on the activity of the European Monitoring Centre on Racism and Xenophobia 2539/0550/2003 TM / 6 Oct 2003
- Council of Europe: Framework Convention for the Protection of National Minorities: Finland’s second regular report 2315/059/2003 Ministry of Labour / 10 October 2003
- Proposals by Rapporteur Markkanen on the regionalisation of the Directorate for Immigration 3167/2003 TM / 15 Dec 2003
- Statement on the proposal on amendment of the Act on the register of aliens 3092/001/2003 TM / 16 Dec 2003

Hearings

- Working group for monitoring of working conditions set up by the Ministry of Labour 21 February
- Administrative committee: Government Bill (HE 28/2003 vp) for the Aliens Act 19 September
- Working life and equality committee: Government Bill (HE 28/2003 vp) for the Aliens Act 19 September
- Constitutional law committee: Government Bill (HE 28/2003 vp) for the Aliens Act 14 October
- Labour and equality committee: Government Bill for a law on securing ethnic non-discrimination, for an amendment to the Act on the Ombudsman

for Minorities (HE 44/2003 vp) and for the Aliens Act (HE 28/2003 vp) 7 November

- Administrative committee: Government Bill for a law on securing ethnic non-discrimination, for amendment of the Act on the Ombudsman for Minorities (HE 44003 vp) and for the Aliens Act (HE 28/2003 vp) 7 November

Media

- News for Northern Finland: More teaching in the Sámi language, 14 February
- TV1 morning television: Circumcision of boys, 31 March
- MOT: Asylum lottery, 8 September
- Ykkösdokumentti: The deported, 19 October
- News in Swedish: Deportation of a Ukrainian family, 27 October
- MTV3 news at 7 p.m.: Deportation of a Ukrainian family 27 October
- Nelonen news at 8 p.m.: Deportation of a Ukrainian family 27 October
- Nelonen news at 11 p.m.: Deportation of a Ukrainian family 27 October
- TV1 morning television: Deportation of a Ukrainian family 28 October
- OBS: Deportation of a Ukrainian family 31 October
- News for Central Finland: Everyday racism, seminar in Jyväskylä, 21 November
- TV1 news at 8.30 p.m.: Treatment of asylum applicants at the Tampere Police Department, 9 December

- News in Swedish: Treatment of asylum applicants at the Tampere Police Department, 9 December
- Local news for Häme: Treatment of asylum applicants at the Tampere Police Department 9 September
- MTV3 news at 7 p.m./bulletin: Treatment of asylum applicants at the Tampere Police Department, 9 December
- MTV3 news at 8 p.m./bulletin: Treatment of asylum applicants at the Tampere Police Department, 9 December
- Nelonen news at 10 p.m./bulletin: Treatment of asylum applicants at the Tampere Police Department, 9 December
- News in Swedish: Treatment of asylum applicants at the Tampere Police Department, 9 December

In the clippings book at the Office of the Ombudsman for Minorities

Training

HAUS

- Making administrative decisions 27–29 October
- Difficult and dangerous situations involving clients 17 November, ELENA, Strasbourg
- International Course on the Relevance of the European Convention on Human - Rights for Asylum Law 23–26 October, WHITE HOUSE EG
- Intensive course in Swedish for civil servants in ministries, Mariehamn, 13–16 October

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