

2005

**Annual Report
of the Ombudsman for Minorities**



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Operating year 2005

During the fourth operating year of the Office in 2005, the Ombudsman for Minorities was already able to start reaping the benefits of previous development activities. The Office of the Ombudsman naturally also is aware of new needs to develop the work.

The focal points and operating methods of customer work were established and proven to work well. Once the number of customer cases had settled in the last year's figures, it was also possible to give attention to initiatives, opinions and other important questions. Even if resolving the problems of individual customers is important as such, the Ombudsman also needs to be able to highlight larger problems, for example ones related to legislation or the allocation of the authorities' resources. Bringing these up and putting forward proposals for solutions was an important part of the Ombudsman's work in 2005. An attempt was also made to publicise this fact through the renewed Internet pages.

Examples of new openings during the operating year were supporting Muslim communities to help them engage in mutual dialogue and look after their interests, and launching the independent research activities of the Ombudsman. Discussions were held with Muslim activists on the preconditions and forms of organisation, a study was published on developing anti-discrimination advice, and a report was prepared on the implementation of legal protection safeguards in the accelerated asylum procedure.

Similarly to the other independent special Ombudsmen, the work of the Ombudsman for Minorities is associated with the administration of a Ministry. The Ombudsman for Minorities and the Ministry of Labour are active in the same field, promoting ethnic equality and good ethnic relationships. The resources and operating prerequisites of the Ombudsman are, however, tied to the administration of the Ministry of Labour. This position has inherent problems, and it does not correspond with the ECRI recommendations of the Council of Europe. This issue is not only theoretical, as the significance of the Ombudsman's independent position vis-à-vis the Ministry of Labour had to be further clarified. This is why the position of the Ombudsman for Minorities in connection with the Council of State should be reviewed as soon as possible, e.g. when reforming the Non-Discrimination Act.

The growth in the staff numbers and activities of the Office also increased the amount of supervisory work needed. Due to this growth, the facilities no longer fulfilled their purpose. In order to develop its activities, the Office started its own strategic work.

According to Section 6 of the Decree on the Ombudsman for Minorities (687/2001), the Ombudsman submits an annual report on its sphere of action to the Ministry of Labour. This report on the Ombudsman's sphere of action also covers the activities of the Office. The Ombudsman hereby respectfully submits the report for 2005.

Helsinki, the 2nd of January 2006

Mikko Puumalainen
The Ombudsman for Minorities

1. The non-discrimination act increased opportunities

The non-discrimination act, which entered into force in 2004, increased the opportunities of intervening in discrimination based on ethnic origin. Previously, the most efficient means of intervening in cases of discrimination was to take them to the police for crime investigation. The Non-Discrimination Act made it possible to submit the case to the Discrimination Board for investigation, or to claim compensation pursuant to the Non-Discrimination Act in a District Court. The provision on the shared burden of proof in the Act made proving discrimination essentially easier compared to the situation where discrimination was processed as a crime under the Penal Code.

In 2005, few cases of discrimination were heard by the Discrimination Board or a District Court. The means of compulsion and sanctions enabled by the Non-Discrimination Act have nevertheless been significant, if only in that those suspected of discrimination have been more willing than before to resolve the matter by conciliation. According to the Ombudsman's opinion, the Non-Discrimination Act has been an efficient instrument e.g. for intervening in discrimination in the offer of services. On the other hand, the new legislation has not lowered such as the threshold of occupational safety and health authorities to intervene in working life discrimination as expected. The main response of the occupational safety and health authorities still seems to be intervening in discrimination through the means offered by the Penal Code, applying the heavier burden of proof required in this Code.

The second part of the Non-Discrimination Act, the duty of the authorities to promote the implementation of equality in their activities, only emerged more clearly during the year 2005. The Non-Discrimination Act provides for the authorities' duty to plan the promotion of equality in their activities by preparing an equality plan. According to the guidelines issued by the Ministry of Labour, the authorities were expected to prepare their equality plans during the year 2005.

In 2005, the Office of the Ombudsman for Minorities took part in the preparation processes of equality plans for various organisations e.g. by providing training in the preparation of these plans and by commenting on the drafts of the organisations. According to the Ombudsman's opinion, only a minority of the authorities who have the duty to prepare an equality

plan have done so. On the other hand, those authorities having prepared a plan have been very successful in their plans as regards estimating what measures are needed in order to promote equality.

Promoting equality planning has been part of the activities of the Ministry of Labour, which assumed responsibility for this. The Ombudsman for Minorities in co-operation with the Ministry of Labour implemented a training programme called "good administration and equality" directed at the various Ministries. The objective of this training was to support the equality planning of the Ministries and the administrations under them. Similarly to previous years, the staff of the Ombudsman for Minorities' Office took part as training officers and lectures in the staff training events of various authorities.

Progress was also made in the preparation of the Office's own equality plan. The first draft of the plan was completed by the end of the year 2005. In the future, the Office intends to review the contents of this plan on a yearly basis.

Anti ethnic discrimination advisory services developed

In autumn 2005, the Office of the Ombudsman for Minorities analysed the state of anti-discrimination advice targeting ethnic discrimination in Finland. This study was implemented through an Euro-Equality project financed by the European Union as the national development task of Finland.

Anti-discrimination advisory work targeting ethnic discrimination is carried out not only by the Ombudsman for Minorities but also many authorities and several

NGOs. The operating principles and activities of the actors are not harmonised, however, and the advisory services have so far been scattered. The study highlighted various good practices of advisory services, discussed the preconditions of good advisory services and presented a model for organising the advisory services locally, regionally and nationally.

The act has been an efficient instrument for intervening in discrimination in the offer of services.

In addition to services specialising in advising ethnic minorities and immigrants, it is also important to develop advisory work as part of existing services. The recognition of discrimination and prerequisites of intervening in discrimination should be developed e.g. in the social, health and educational administration. Various levels can be distinguished in the advisory services, from advice directing the customer further to different types of assistance.

According to the conclusion of this study, the implementation of anti-discrimination advice targeting ethnic discrimination should be planned as part of the municipal equality plans. The preconditions of the Office of the Ombudsman for Minorities to promote good ethnic relationships would be improved, if the interface with the regional actors could be extended through a local and regional network that would be more clear-cut than at present. Regular reporting on the state of ethnic discrimination would improve the preconditions of the Ombudsman to have an influence on ethnic relations in the society.

The study report "Development of anti-discrimination advisory services" was published in the publication series of the Ombudsman for Minorities, and it can also be found at the Ombudsman's homepages.

2. Monitoring non-discrimination from day-care to web page contents

During the reporting period, the Ombudsman for Minorities dealt with issues related to day-care, teaching and education, discrimination at work, discriminatory procedures in offering services and the appropriateness of authorities' actions. Web page contents also prompted customers to contact the Office. The Discrimination Board issued its first decisions to applications made by the Ombudsman.

Day-care, teaching and education

Day-care in the Sami language

The Ombudsman for Minorities asked the municipality of Utsjoki and the town of Rovaniemi information on the implementation of day-care in the Sami language. In the municipality of Utsjoki, day-care in the Sami language was offered, but the customer had expressed their concern for the organisation of day-care in the future. It was mainly a question of premises and organising day-care in the Sami and Finnish languages separately. In Rovaniemi, no day-care in the Sami language was available.

as one possible forum for thinking of and planning how the rights of the Sami could be implemented in the best possible way.

The Ombudsman for Minorities requested the town of Rovaniemi to submit a report to the Ombudsman by 13 January 2006 to explain how the town intends to ensure the implementation of the rights of Sami-speaking children in day-care.

Right to basic education

During the year, themes related to basic education in particular were highlighted. In the hearing of the Parliament's Administrative Committee, the Ombudsman drew attention to such as the right

asylum seekers in the member states (32003L0009) contains regulations that are binding to the member states. Based on these, the children of asylum seekers and under-age asylum seekers shall have the possibility of attending school on the same preconditions as the citizens of the receiving member state. The amendments to the regulations of the Integration Act that entered into force on 10 June 2005 did not, however, contain the rights of asylum seekers to education mentioned in the Directive, as the Finnish regulations on basic education were not amended. The Ombudsman was informed of cases in which a municipality had violated the regulations of the Directive. In all municipalities, asylum seekers in the compulsory education age were not always offered a place in a comprehensive school, or there had been delays in obtaining a place in the school. In September 2005, the Ombudsman for Minorities drew the attention of the European Commission to this matter and requested the Commission to take measures.

Native language teaching of immigrant pupils

The Ombudsman submitted to the Ministry of Education an initiative concerning the right of immigrant children to receive free transport or a sufficient assistance for escorting or transporting the pupil to teaching that complements the basic education. As the teaching of the immigrant child's native language cannot be regarded as basic or additional but complementary teaching, no free transport or assistance for escorting or transporting the pupil is available. In other words, Section 32 of the Basic Education Act does not impose on the municipalities a duty to reimburse the travel costs of immigrant children in cases where the teaching of their native language is arranged somewhere else than in the child's own school. In this respect, the practices of the municipalities vary. Even if the significance of studying one's native language for the immigrant children has been emphasised in many connections, for various practical reasons this type of teaching is not always realised as well as could be hoped.

During the year, themes related to basic education in particular were highlighted.

The Ombudsman referred to such as the prohibition of discrimination in the Non-Discrimination Act and the requirement of equality and prohibition of discrimination in the Constitution. Section 17 of the Constitution has specific provisions on the rights of the Sami as an indigenous people to maintain and develop their own language and culture. For the preservation and renewal of the culture and language, is vital to ensure the learning and in-depth studies of the language from the day-care centre on. All possible means should be used to support and reinforce the position of the language. Section 22 of the Constitution provides for the duty of public authorities to ensure the implementation of basic rights and human rights. The authorities' duty to prepare an equality plan mentioned in the Non-Discrimination Act was highlighted

of under-aged immigrants and asylum seekers to receive free basic education. This hearing was about the Government's proposal for the amendment of the Integration Act (HE 280/2004 vp). Even if asylum seekers and those temporarily resident in Finland have, pursuant to the Finnish Constitution, the right to free basic education, there are no provisions in the Basic Education Act concerning the municipalities' duty to arrange basic education for other children than those in compulsory education age permanently resident in the municipality. Consequently, the possibilities of an asylum seeker in the compulsory education age of receiving basic education is in practice dependent on the municipality.

The Council Directive laying down minimum standards for the reception of

College fees for foreign students

The Ombudsman for Minorities was heard by a working group of the Ministry of Education in a matter that concerned college fees to be imposed on students studying for a third level degree coming from outside the EU and EEA countries in the future. The Ombudsman did not express an opinion on whether or not such fees should be imposed, but mainly restricted himself to commenting on the perspective of equality and the application of the Non-Discrimination Act. The Ombudsman noted that according to the Non-Discrimination Act, foreign students could not be treated differently from their Finnish counterparts based on nationality. Using nationality as the basis of the potential fees seems to fulfil the definition of forbidden direct discrimination.

In case it is desirable to impose such fees, they should be linked to the legal status of the students based on the Aliens Act, not their nationality. In this case, the fees could depend on such as their type of residence permit and whether they have a municipality of residence. The restrictions of financial aids to students already are hampering the possibilities of certain immigrants to study. Considering the position of the immigrants at the Finnish labour market, it is not appropriate to make studying even more difficult for those living in the country permanently or continuously. The intention of the proposition hardly is that when becoming students, those permanently or continuously living in Finland would have to pay fees.

Discrimination at work

In 2005, the Ombudsman again intervened in discriminatory job advertisements. In the cases processed by the Ombudsman, employment exchange services required in the job advertisements that the applicants have a Finnish citizenship or speak Finnish and/or Swedish fluently. It was even required that the candidates speak Finnish and/or Swedish as their native language. These requirements were not essential for coping with the work.

Pursuant to the Non-Discrimination Act, the supervision of the ban on ethnic discrimination in employment and civil service relationships is under the supervision of the occupational safety and health authorities. Based on this division of

labour, any contacts associated with discrimination at work in employment or civil service relationships were directed to the Occupational Safety and Health Inspectorates.

Offer of services

Restaurant services

In 2005, the operating principles of certain restaurants again made work for the Office of the Ombudsman for Minorities. In two cases, an application was submitted to the Discrimination Board. An attempt was also made to influence the discriminatory procedures of restaurants by preventive work. The Office of the Ombudsman for Minorities took part in the preparation of a brochure on discrimination intended for restaurants together with the Finnish League for Human Rights, the Finnish Hotel and Restaurant Association and the Service Union United PAM. This work will continue in 2006.

Dual use products and technology

In 2005, the Office dealt with cases where the citizens of certain countries were denied the possibility of either taking part in certain types of IT training or receiving user authorisation to a so-called supercomputer. In both cases, the restrictions were justified with export control regulations of the United States. In one case, the Ombudsman for Minorities felt that the company in question should include information on the possibility of applying for an export permit in their Web pages, at least when the applicants filling in the application for a certain training course are asked to give their nationality.

In the second case, the Ombudsman for Minorities disagreed with the company on the interpretation of the contract of purchase of the supercomputer and the possibility of applying for a permission from the United States Ministry of Trade to issue a user authorisation to the citizen of a certain country. After a lot of work, the matter was resolved by the company realising that the original contract of purchase concerning the supercomputer administrated by them with an American computer company had expired. It also turned out that the United States have changed their regulations concerning supercomputers, or so-called dual use products. Due to this, the company gave up user restrictions.

The Export Control Unit of the Ministry for Foreign Affairs was informed of this.

Appropriateness of the authorities' actions

Actions of the police

The passing of the Non-Discrimination Act was not intended to eliminate or reduce intervention in discrimination by means offered by criminal law. Similarly to previous years, the Ombudsman for Minorities was contacted by customers criticising the actions of the local police when investigating crimes based on discrimination or racist motives as slow or ineffective. As the Ombudsman looked at the actions of the police, in certain cases the police had not taken in consideration the potentially racist motive of the crime. In some cases, the customer service or the investigating officers of the police had given the impression that the police would not take the investigation of these crimes seriously.

The top management of the police was informed of cases processed by the Ombudsman. The Ministry of the Interior reported that the matter was being discussed at the meeting of the steering group for police management. The Ministry noted that the units should pay attention on compiling statistics on and monitoring racists crimes and matter-of-fact, timely information activities.

Municipal social welfare services

During the year, the Ombudsman for Minorities attracted the attention of the Mayor of Helsinki and the Social Welfare Board of Helsinki City Council to the situation of the Eastern Area Unit of Helsinki Family Counselling Service. The queues for examinations and care in the area are longer than elsewhere in Helsinki, even though the need for family counselling services is great due to the special characteristics of the clientele. In addition, the proportion of families with an immigrant background living in the eastern areas is great. The Ombudsman looked at the problems inherent in this situation in the perspective of ethnic equality.

Helsinki City Council responded by submitting to the Office the opinion of the Social Welfare Board. According to this opinion, the Director of Family Services had organised negotiations on the situation of the Eastern Unit, in which it was

established that the concern expressed for the operation of the unit was well-grounded. In these negotiations, measures to improve the situation were agreed, such as rearrangement of tasks within the area, increasing the amount of service purchases and reserving allocations for interpretation services. The opinion also stated that the needs of family counselling services for children with immigrant backgrounds will be taken in consideration in the review of resources by the City of Helsinki in the autumn 2005.

Discrimination Board

The Discrimination Board issued its first decision to applications made by the Ombudsman. The Board found that Ravintola Teatteri had twice refused a person with a Russian background entry to the restaurant because of his ethnic background. The Board also decided to prohibit the continuation of discrimination based on ethnic background.

Two cases submitted to the Discrimination Board in 2004 are still pending.

These applications concerned the division of classes and teaching groups in the comprehensive school, segregation and the question if Section 4 of the Non-Discrimination Act should be applied so that the role of authorities as employers and not only as a service provider should be contained in the equality plans.

In 2005, the Ombudsman for Minorities submitted four new applications to the Discrimination Board. Two of these concerned discriminatory actions of restaurants and one the procedure to which municipal social welfare authorities had subjected a father with an immigrant background in matters relevant to the custody of children and right of access. One case was about issuing health insurance policies to foreign nationals.

Provocation against a national group on Web pages

During the reporting year, the Ombudsman for Minorities was contacted with reference to the contents of Web pages, Internet chatrooms and the messages left

in them. The customers either felt that the Web pages as a whole or the contents of the chatroom on the pages were ethnically offensive. Hostile attitudes and negative expressions targeting certain national groups are also connected to discrimination.

Due to these contacts and the personal observations of the Ombudsman, the Office reflected on when the statutory definition of a crime called ethnic agitation prescribed as liable to prosecution under Section 11.8 of the Penal Code is fulfilled. The Office also looked at the application of the Non-Discrimination Act to these cases. Discussions were also had on the relationship between Section 11.8 of the Penal Code and the freedom of speech safeguarded in Section 12 of the Constitution.

Based on customer contacts and the observations of the Ombudsman, one company maintaining a chatroom was sent a request for information concerning the chatroom. The company was e.g. asked to establish what the company's opinion on the contents of certain messages in the chatroom was in the perspective of Section 11.8 of the Penal Code and the Section 6 of the Non-Discrimination Act. The company was also asked what measures it intended to take to make the supervision of its Web pages more efficient. The processing of the matter was unfinished at the end of the year 2005.

Towards the end of 2005, co-operation between the Office of the Ombudsman for Minorities, the Finnish League for Human Rights and the Finnish Federation of Communications and Teleinformatics FiCom was launched due to racism on the Internet. The intention of this work is to find measures to intervene in what is a growing problem. The arrangements for a first meeting were incomplete at the end of the year.

Towards the end of the year, the Central Criminal Police requested the Ombudsman's opinion on whether the information on certain Web pages fulfils the statutory definition in Section 11.8 of the Penal Code. The processing of the matter was unfinished at the end of the year 2005.

Issuing health insurance policies

The consideration for issuing health insurances by a certain insurance company included requiring foreign nationals to submit information on how long they had lived in Finland and a copy of the Social Insurance Institute card, or information on being within the scope of the Social Insurance Institute's health insurance scheme. Finnish citizens are not requested to submit this information. In practice, this can lead to a situation in which a Finnish citizen having lived abroad for decades or all their lives can get a health insurance policy. The applications of foreign nationals, on the other hand, can be rejected, in case they do not submit the requested information to the company.

This practice puts foreign nationals in a particularly unfavourable position compared to Finnish citizens. According to the Ombudsman's interpretation, the practices of the above-mentioned company for this part construed indirect discrimination prohibited in the Non-Discrimination Act. The Ombudsman for Minorities asked the Discrimination Board to investigate if the prohibition of discrimination contained in Section 6 of the Non-Discrimination Act (21/2004) was violated in the consideration of medical expenses insurance.

Restaurant services

Five restaurant employees contacted the Office of the Ombudsman for Minorities, as they felt that the orders given by the new restaurant manager were discriminatory. The employees claimed that the restaurant manager had ordered them not to serve customers with immigrant backgrounds and to hand in their notice if this did not suit them. In addition, the restaurant manager had urged the employees to remove foreigners from the restaurant, with the assistance of the police in case the customers refused to leave the premises. The restaurant manager denied having been guilty of discrimination and announced that he only had removed a company whose behaviour was disruptive and banned them from entering the restaurant again.

The Ombudsman for Minorities asked the Discrimination Board to investigate if the restaurant in question had violated the prohibition on discrimination contained in Section 6 of the Non-Discrimination Act (21/2004) in the offer of services and orders given to the employees.



3. Active co-operation and influence

A new opening in the field of co-operation was supporting the dialogue between Muslim communities. During the reporting year, issues associated with co-operation between the Russian speakers, Somalis and the Roma people also emerged. An Advisory Board on Minorities was set up in the beginning of the year, and in the spring, the Ombudsman for Minorities organised a meeting with NGOs. Contacts were also maintained and co-operation took place on the Scandinavian and EU level.

Dialogue between Muslim communities

There are tens of thousands of Muslims in Finland already and their number is increasing, but their powers of influence in the Finnish society have been relatively small compared to religions that have an official position. A change would require co-operation between all Muslims living in Finland. This is why the Office of the Ombudsman for Minorities invited influential Muslims, Muslim experts and representatives of Muslim communities to a joint meeting.

the scope of the preparatory work to take in consideration all main factions of Islam, geographical coverage and the involvement of women. It was agreed that the preparative work would continue with the support of the Ombudsman for Minorities. Based on the suggested rules and comments received on them, rules that are acceptable to as many parties as possible will be drafted. The founding meeting of the actual co-operation organ can be held once the rules have been completed.

Office of the Ombudsman for Minorities invited influential Muslims, Muslim experts and representatives of Muslim communities to a joint meeting.

The purpose of the first meeting was to launch a discussion and look at possible activities. The aim was to achieve a pluralistic co-operation organ that would have a wide basis and represent the Muslims in Finland independently and with political neutrality. Pluralistic activities would encompass both religious, social and cultural aspects. The objective of this co-operation is to complement the existing forms of activity of Muslim communities, not to replace these.

The second co-operation meetings was arranged in December. At this meeting, the draft rules for the co-operation prepared under the leadership of the larger mosques were presented. The draft rules were considered a good foundation for further work, but they were not adopted as such. It was seen necessary to widen

Concerns of Russian speakers

The Russian speakers and their representatives in Lahti region contacted the Ombudsman for Minorities after a young man with a Russian background lost his life in a shooting incident that took place in Nastola in the early autumn. Other contacts were spurred by an assault later in the autumn in Lahti. At that time, young girls representing the main population assaulted girls with a Russian background after a youth disco.

These contacts reflected fear and shock over whether a Russian ancestry gives rise to being targeted by racist violence. These concerns and fears were partly also vented as frustration towards the authorities. The customers felt that the hostility experienced by the Russian

speakers is not taken seriously, attempts are being made to cover up the problems, the authorities' actions are not adequate and that the atmosphere of fear and insecurity is allowed to get worse. What added to these concerns was the statement by the police in Lahti, according to which the shooting incident in Nastola was not recorded as a racist crime. The Ombudsman for Minorities criticised this statement in a letter addressed to the City of Lahti and also forwarded it to the top police management for information.

To the City of Lahti, the Ombudsman suggested the organisation of an informal discussion for the authorities in Lahti region, population with a Russian background living in the area and the parties working with them. By openly discussing the repercussions of the incident, an effort was made to improve dialogue and communication between the authorities and the Russian speakers, thus dispersing fears and building up mutual trust. The City responded positively to the suggestion and organised the discussion at the end of November.

The situation of the Somali

During the reporting year, a social debate went on concerning the possibilities of immigrants being integrated in the Finnish society. What spurred these discussions was crimes committed by certain young people with a Somali background. In the public debate, the Ombudsman for Minorities attempted to highlight the fact that it is not possible to evaluate the integration of a whole ethnic group based on crimes committed by individual young people. This debate was also about when it is justified to reveal the ethnic background of a criminal in information disseminated by the police and the media. In the Ombudsman's opinion, the ethnic background should not be revealed in crime news, excluding exceptional cases where it has a significance for such as apprehending a criminal.

The Ombudsman for Minorities continued his co-operation with the Somali League in Finland by arranging a collaborative meeting between the League, the police and the specialists working with young people with Somali backgrounds. In December, the Ombudsman also organ-

ised a seminar in the Somali language, in which some 80 parents with a Somali background took part. At this seminar, specialists in social, youth and family work with mainly Somali backgrounds introduced a discussion on how families can support their youngsters.

Housing situation of the Roma

The Ombudsman also worked in co-operation with parties administrating the housing matters of the Roma. During the year, the Office of the Ombudsman took part in meetings organised by the regional Advisory Board on Romani Affairs in Southern Finland concerning housing, met members of other regional Advisory Committees on Romani Affairs and representatives of the Ministry of the Environment and the State's Housing Fund.

The annual report for 2004 of the Ombudsman for Minorities described contacts by Roma people and their housing problems in the town of Oulu. In January 2005, the Ombudsman met the Deputy Mayor of Oulu and central civil servants responsible for housing. During these talks it was established that the contacts of the authorities with the elected representatives and associations of the Roma are fairly few. Co-operation with the regional Advisory Board on Romani Affairs could also be closer. Establishing dialogue would make it possible to intervene in individual problems before they develop into head-on conflicts.

A co-operation network for housing of the Roma people was set up in Oulu in spring 2005, which met three times during the year. In the September meeting, a representative of the Office of the Ombudsman for Minorities introduced a discussion on the preconditions set by the Non-Discrimination Act for of the authorities' work. The Town of Oulu also recognised the need for advisory services on housing and started looking at hiring a housing advisor.

A meeting with NGOs

In the spring, the Ombudsman for Minorities called a meeting with the representatives of the human rights organisations active in Finland. In addition to the representatives of the Ombudsman's Office, participants in this event included the Amnesty International, the Refugee

Composition of the Advisory Board on Minority Affairs in 2005

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Ombudsman for Minorities **Mikko Puumalainen**

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Councillor for Foreign Affairs **Ilkka Rentola**, Ministry for Foreign Affairs

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Specialist **Riitta Wärn**, Confederation of Finnish Industries EK
(Specialist **Mikko Räisänen**, Confederation of Finnish Industries EK)



Advice Centre and the Finnish League for Human Rights.

In this meeting were discussed topical matters that were of interest to all parties, communication between actors and possible co-operation projects. The Ombudsman also informed the meeting of his own activities and invited the NGOs to tell how they expected them to develop. It was jointly agreed to organise a similar event with the same participants on a yearly basis.

The Advisory Board on Minority Affairs

In accordance with the Decree on the Ombudsman for Minorities, the Ombudsman is assisted in the prevention of ethnic discrimination and the development of co-operation between various authorities by the Advisory Board on Minority Affairs. In early 2005, the Ministry of Labour appointed the first Advisory Board on Minority Affairs for the period of 1 April 2005 - 31 March 2008. The members of the Board represent the organisations of immigrants, the Roma and the Sami people, human rights organisations, social partners, various Ministries, the Association of Finnish Local and Regional Authorities and the Directorate of Immigration. The Equal Opportunities Ombudsman was invited to attend the Board as an expert member.

As the operating method of the Board has been established organising small-scale seminars on topical themes. Introductions prepared in advance have preceded discussions. In 2005, the Board met twice. Such themes as the Government's draft immigration political programme and the state of various authorities' equality planning have been discussed at the meetings.

International connections

The annual meeting of the Scandinavian Ombudsmen

The main theme of the annual meeting was the implementation of the Non-Discrimination Act in Scandinavia. The host country, Iceland, was particularly interested in hearing about practical methods of implementing the law. In Iceland, a corresponding law is still under development.

Among other individual themes, such as testing discriminatory situations was dis-



cussed, e.g. admission to a restaurant. The Ombudsmen themselves felt there were problems involved in the testing, mainly in terms of credibility. This is why external parties would have to be used for testing. In Sweden, tests of this type have been carried out by such as student groups.

Scandinavian co-operation concerning the customers and authorities was also discussed at the meeting. The participants e.g. focused on how the so-called invisible and silent customer groups could be reached. In this respect, the Ombudsman for Minorities received many ideas for making the activities more efficient. The Scandinavian countries described the structure of their activities, the processing of cases in boards and/or court cases as well as their experiences of court hearings.

EUMC

As a member of the Board of Directors, the Ombudsman for Minorities took part in the meetings of the European Monitoring Centre on Racism and Xenophobia. At these meetings, such as the establishment of a common Agency on Fundamental Rights was discussed. In the beginning of the year, the Ombudsman for Minorities issued an opinion on a Communication by the European Commission concerning a European Fundamental Rights Agency.

EurEquality

The Office of the Ombudsman for Minorities took part in the EurEquality project financed by the European Union, in which Poland, Bulgaria, Spain, Belgium and Ireland also took part. The aim of this project was to support Poland, Bulgaria and Spain in the implementation of the EU's anti-discrimination directives and the setting up of an authority corresponding to the Ombudsman for Minorities in each country. For Finland, Belgium and Ireland, the goal also was to exchange

experiences of good practices and to develop the activities of the Ombudsmen.

During this project, an international conference was organised in Bulgaria, and the participants got acquainted with the activities of the Ombudsman in Belgium and those in other countries. Individual themes included the modes of co-operation between the Ombudsmen in each country and the NGOs as well as co-operation between the ombudsmen, employers and employers' associations.

In addition to international meetings and exchange of information, the participating countries each had their national development task. The Office of the Ombudsman for Minorities used the project funding to implement a research project on the development of anti-discrimination advice targeting ethnic discrimination. The EurEquality project continues in 2006, during which year the Office of the Ombudsman for Minorities will continue its national task of developing the practices of regional and local advisory services.

4. The position and rights of foreigners

In his opinion issued in the Autumn, the Ombudsman for Minorities regarded the proposal put forward by the working group on the Government's immigration political programme as versatile and comprehensive in principle, but he also expressed his views on certain individual policies contained in the programme. The Ombudsman was concerned for the resources and development of customer service at the Directorate of Immigration, and the fact that the Finnish foreign missions do not justify refusals to grant a visa. In the reporting year, a report on the implementation of legal protection safeguards in an accelerated asylum procedure was also prepared.

Comments on the immigration political programme

The Ombudsman for Minorities issued an opinion on the working group's proposal for the Government's immigration political programme. The proposal of the working group was characterised as comprehensive and versatile, even if it remained rather general in many parts. What was laudable in the proposition was that it recognises equality and the minorities' rights as a value and a goal as such – and not a result of an active immigration policy for example.

The Ombudsman also put forward his views on certain individual policies in the draft programme. Among others, the permit system of the Aliens Act consists of parts that are inappropriately separated from one another, resulting in permit practices that do not necessarily support the goals of the immigration policy. In this connection, the Ombudsman paid attention to the practice that had become more common during the reporting year of issuing asylum seekers temporary permits of residence without a right to work.

The Ombudsman supported the working group's view according to which the authorities should also assume a systematic attitude to promoting equality in their capacity as employers. For certain parts, legislative changes are also needed. The application of the current legislation does not enable intervention in such as the so-called every-day racism. The legislative amendments should not, however, result in inconsistencies which make the arrival of immigrants in the country or their integration in the Finnish society more difficult. In the Ombudsman's opinion, one of the working group's most central suggestions was that the

Government should make a commitment to regularly discuss issues associated with immigration and ethnic relationships also in the future.

The proposal of the working group gives as such a good starting point for continued preparation of immigration political issues. In further work on the programme, improving the position of immigrants already living in Finland should also be examined.

Directorate of Immigration

Customer service

Over several years, ensuring that the customers of the Directorate of Immigration receive adequate advice and instruction has been one of the primary concerns of the Ombudsman. The need for advice has been reflected in such as the number of customers coming to the Office of the Ombudsman for Minorities with issues related to permits, refusals to enter and citizenship. During the reporting year, a project to develop customer service had been launched in the Directorate of Immigration, and the Ombudsman submitted to this project views put together based on customer contacts concerning the need to develop advisory services.

In the light of the numbers of issues and customers, the national help line hours of the Directorate of Immigration have been inadequate. The customer contacts received by the Ombudsman for Minorities also reflected dissatisfaction with the standard of service and inappropriate attitudes in the customer service of the Directorate of Immigration. The personal advisory service point in Helsinki provides a good service, but only those living in the capital area have easy access to it.

The Ombudsman for Minorities suggested

that the help line services be extended and that the staff working with customers trained and supported. The Internet pages of the Directorate of Immigration need to be updated regularly, and increasing the number of language versions both on the Web pages and in the production of brochures should be considered. The Directorate of Immigration does not as such have a duty to serve its customers in languages other than Finnish and Swedish, but when planning a good, efficient service, it would be a good idea to also review the possibilities of serving the customers in other languages. Pursuant to Section 2.2 of the Languages Act (6.6.2002/423), an authority may provide a better service than what is required by law.

As a general comment and summary, the Ombudsman for Minorities suggested to the Directorate of Immigration that it is the duty of good administration to set demanding but justified objectives for the customer service. This duty includes such as expert information and advisory services, which need to be up-to-date, matter-of-fact and impartial and which to a reasonable extent are dimensioned according to the need and demand. The appreciation of good customer work need to be increased and the employees supported in their challenging work. Good, efficient customer service is a benefit for both the customers and the Directorate.

Citizenship questions

The Ombudsman for Minorities requested from the Directorate of Immigration information on the time limit practices in the processing of citizenship applications. The Ombudsman was informed of cases in which an applicant for citizenship had submitted a certificate of linguistic ability that was of the wrong type or insufficient as an attachment to their application. The Directorate of Immigration gave the applicants one month to submit the correct certificate, and on request this time limit could be extended by another month. The applicants were given no more time than this, even if they said they were taking part in the requested language test on a certain date.

The Directorate of Immigration felt that their actions were totally in compliance with the Aliens Act and the Administra-

tive Procedure Act. According to the Ombudsman's opinion, the Directorate should take in consideration the provisions of the Administrative Procedure Act on completing an application and the time limit for this in the processing of citizenship applications. The current practice of the Directorate of Immigration does not fulfil the requirements of good administration. This problem could be solved by granting the applicant on request a reasonable delay for submitting the certificate of linguistic ability, and additional time should not be denied by appealing to an attempt to clear the backlog of the Directorate of Immigration.

The Ombudsman continues to receive regular customer contacts concerning slow and partly inappropriate processing of citizenship applications. The Ombudsman for Minorities has in previous years repeatedly expressed his concern for the long processing times of citizenship applications. In 2005, the Ombudsman informed the Chancellor of Justice of the Council of State of this situation, simultaneously expressing his view that a process taking up to 6-8 years can be regarded as a violation of the right guaranteed in the Constitution and the European Convention on Human Rights to have the matter processed within a reasonable delay. The inflexible procedure of the Directorate of Immigration can also be regarded as conflicting with good administration as defined in the Administrative Procedure Act.

Asylum seekers

Issuing temporary permits of residence for asylum seekers

In 2005, the Directorate of Immigration was increasingly issuing temporary permits of residence to asylum seekers pursuant to Section 51 of the Aliens Act. This section was applied to many asylum seekers coming from Afghanistan, Iraq and Somalia. In line with the earlier practice, persons arriving from these countries were primarily issued permits of residence of a continuous nature.

According to Government proposal HE 28/2003, the Government does not intend to make significant changes in the contents of the provisions on international

Legal protection in an accelerated asylum procedure

At the Council of State's request, the Ombudsman prepared a report on the practical implementation of legal protection safeguards in an accelerated asylum procedure.

It was established that the accelerated asylum procedure mainly does guarantee sufficient legal protection. Implications of the fact that the safeguards of legal protection are not always implemented in an appropriate fashion were however found in the report. Deficiencies were found in such as the rights to use an assistant and to receive legal assistance and advice. Attention was paid to the importance of implementing these elements of legal protection, because the asylum seeker only rarely is in a position to without assistance and advice safeguard his or her interests in the asylum process.

The most central observation of the report concerns the appeals phase of the asylum process. During the period of validity of the new Aliens Act, in at least two cases the asylum seeker was refused entry before the Administrative Court had a chance of issuing its opinion on the implementation of the decision to refuse entry. In other words, the applicant was deported before the application for a stay of execution had been processed.

As the accelerated procedure does not guarantee the applicant the right to stay in the country while waiting for the final decision of the appeals authority, efficient appeals have been ensured by reserving the asylum seeker a possibility to apply for a stay of execution of the decision to refuse entry. In practice, applying for this stay often means that the authorities drop the deportation process for the duration of the asylum appeal process. At the time of passing of the Aliens Act, several experts regarded the possibility of applying for a stay of execution an essential part of legal protection after the process.

The intention of the stay of execution is to give the applicant temporary legal protection, until the organ hearing the appeals makes its final decision. This need for legal protection should also be taken in consideration when implementing a decision to refuse entry. This did not, however, take place in the above-mentioned cases, as in the point of view of implementing legal protection, the applicants were deported prematurely.

The report also revealed the reasons for the fact that the stay of execution was not processed before refusal of entry. For example, the fact that the Administrative Court of Helsinki does not generally give notification of decisions in which a stay of execution is not imposed results in a situation where the police implementing the deportations cannot be certain of whether the Administrative Court has always had time to process the application for a stay of execution on time. The Administrative Court of Helsinki mainly processes these applications without delay. An unforeseen backlog or a similar exception to normal circumstances may, however, result in a delay in the processing, which is not necessarily known to the police. Similarly, if the Administrative Court is not aware of the urgent need to process an application, it may be postponed until a later date.

In order to prevent this type of situations from arising, however, main attention need to be focused on the actual Aliens Act. The Act does not have a clear provision stating that the police should always wait until the time for processing an application for a stay of execution has elapsed before implementing the deportation. For this part, the Ombudsman's report proposes adjustments in the Aliens Act.

protection in the new Aliens Act. Section 51 of this Act is intended for situations where there are no grounds for issuing a permit of residence, but the person concerned cannot be deported either because of practical reasons (e.g. no traffic connections) or humanitarian reasons (e.g. illness). Consequently, the legislative amendment should not have an impact on the application of the Aliens Act as regards the need for protection.

The Ombudsman asked the Directorate of Immigration to establish why asylum seekers coming from such countries as Afghanistan, Iraq and Somalia no longer are granted permits of residence based on a need for protection. The Directorate of Immigration responded that the situations in these countries no longer warrant protection of the applicants because of the general situation in the country. The Directorate of Immigration announced that it is going to continue this interpretation, unless the Administrative Court regards the Directorate's decision as illegal.

A temporary permit does not entitle to employment or integration measures

A temporary permit of residence issued pursuant to Section 51 of the Aliens Act does not entitle the person in question to work or take part in integration measures. In practice, this means that an asylum seeker may work during the asylum process, but after receiving a temporary permit of residence, his or her right to work is terminated.

The Ombudsman requested the Ministry of Labour for information on what measures it will take pursuant to Section 51 in order to promote the employment and integration of persons resident in the country. The Ministry of Labour considered the situation problematic and saw a solution in changing the permit of residence practices of the Directorate of Immigration. According to the Ministry of Labour, it has no means of intervening in the problems due to the current legislation and practices of the Directorate of Immigration.

In his opinion on the Aliens Act (registration no 2266/001/2005), the Ombudsman proposed to the Ministry of the Interior that Section 51 of the Act should contain less ambiguous and more clearly delimited provisions on situations in

which it is intended to be used. It would also be necessary to amend the Act so that those having been issued with a temporary residence permit would have a right to work.

Even in the current situation, a person with a temporary residence permit may apply for a separate employee's permit of residence. Asylum seekers do not, however, always have travel documents, and as persons liable to be deported they are not issued aliens' passports. In other words, in practice it is impossible for them to receive employee's residence permits, as these cannot be issued without a valid travel document.

In an initiative submitted to the Ministry of the Interior and the Ministry of Labour, the Ombudsman suggested that when preparing any amendments to Section 51 of the Aliens Act, those having received a temporary permit of residence would also have the possibility of receiving an employee's permit of residence. The applicants are issued a temporary residence permit without a valid travel document, and consequently issuing employee's permits of residence could be made possible on the same grounds. The Ombudsman also suggested that the Ministries issue the administration under their governance guidelines on continuing the working rights of a person having received a temporary residence permit until the legal solution of the asylum application. By the end of the year, the Ombudsman had received no information on any changes in the application practice.

Deportation of drug addicts

The Ombudsman for Minorities submitted to the Ministry of the Interior an initiative concerning deportations of young immigrants and returnees suffering from a drug addiction. The Ombudsman requested that the Ministry issue guidelines to the Directorate of Immigration and the police stating that in overall consideration pursuant to Section 146 of the Aliens Act, seeking for rehabilitation treatment for intoxicant abuse should be taken into account as strong grounds against deportation, whenever deportation is proposed due to drugs use or drug-related crimes. According to the Ombudsman, the police should be issued instructions to e.g. make conditional deportation proposals, and the Directorate of Immigration should, when making

deportation decisions, check whether the person in question is participating in drug rehabilitation treatment.

The deportation of young people who are second generation returnees and immigrants in particular may lead to dramatic situations. The Ombudsman for Minorities was informed of cases in which a young returnee was deported to a country which he/she had never visited, the language of which he/she did not speak and where he/she did not know anybody. Situations of this type emerged for example when a young person had moved to Finland from Estonia with his family as a child. In case the young person was Russian by nationality, however, he or she was deported to Russia.

Foreign Affairs Administration

Justifications of visa refusals

The fact that the foreign missions of Finland do not give justifications to refusals to grant a visa continued to prompt customer contacts in 2005. In these refusals, a general form is used indicating the technical grounds but not the reasons influencing the decision, or the justifications. Consequently, the applicant has no possibility of assessing the reasons for the refusal. The fact that the duty to justify decisions contained in the Constitution is not safeguarded in visa matters often led into difficult and ambiguous situations in practice. In the opinion of the Parliamentary Ombudsman, too, it is part of good administration to help a person having refused a visa to understand why the application was rejected.

Based on the legislation and the opinion of the Constitutional Law Committee, the justifications for refusals to grant a visa are open to interpretation and ambiguous. The Ombudsman for Minorities requested that the Chancellor of Justice look into the extent of the duty to justify refusals to grant a visa and the constitutionality of Sections 17 and 32 of the Aliens Act.

5. Work with customers increased

In the reporting year, the Office was striving for an overall development in the customer work. The number of customer cases decreased slightly from the previous year, but the change in their structure continued. The number of cases associated with discrimination increased, and that of cases to do with the application of the Aliens Act was reduced. The majority of the Ombudsman's customers were immigrants or persons with an immigrant background. The amount of work required to resolve cases increased as a partial result of the customer cases becoming more complex.

Overall development of customer work

Having filled in the new posts granted to the Office in 2004 and established the activities also gave opportunities for a more comprehensive development of the customer work. The staff can increasingly focus and concentrate on various areas of competence. A systematic use and follow-up of the Office's contact register brought up questions based on which not only individual cases were processed, but influence was also exerted in wider circles. Taking further problem areas that had emerged in customer contacts or cropped up frequently with the interest groups as well as any other work to exert influence also benefits those who do not personally get in touch with the Ombudsman for Minorities.

The Ombudsman's clientele often is difficult to reach by traditional administrative means. The Ombudsman can only succeed in his work if those belonging to ethnic minorities are aware of the Ombudsman's mandate and can access the services of the Office when necessary. Information on the Ombudsman's work and customer services was disseminated not only on the Web pages but also at meetings with interest groups and by newspaper advertisements. Developing communications will be a challenge for the Ombudsman for Minorities in the next few years, and it will be an essential part of the Office's internal development and strategy work.

More than 1,500 customer contacts

In 2005, the Office processed 704 customer cases. The customers contacted the Office a total of 1,508 times; in other words, the number of contacts decreased by some 7% from 2004. A significant increase (19%) was seen in customer

contacts after the Non-Discrimination Act entered into force in 2004. In 2005, this increase seems to have tapered off. The change in the structure and emphasis of customer cases, on the other hand, has continued in line with the Office's development objectives. Cases linked to the application of the Aliens Act have decreased, whereas the number of cases associated with discrimination and inappropriate treatment has increased.

The most important other parties involved in customer cases in 2005 were the Directorate of Immigration, police, municipalities and enterprisers. As to the Directorate of Immigration, the cases were mainly linked to permit and citizenship issues. Permits were also often brought up in connection with customer contacts concerning police activities. In discrimination, such as unwillingness by the police to investigate discrimination or to receive reports to do with discrimination came up.

Enterprisers mainly were involved in cases of discrimination. These could be about discriminating treatment in such as entering a restaurant. Customer cases related to the activities of municipalities almost systematically were about the housing problems of the Roma.

The share of the Directorate of Immigration in customer cases continued its decrease last year, in the background of which was the change in the structure of customer cases from permit and citizenship issues towards cases of discrimination. The share of municipalities increased significantly. The number of cases associated with police activities also grew in 2005.

The majority of the Ombudsman's customers were immigrants or persons with an immigrant background. The total

number of customer cases to do with the Roma people was 91. On the other hand, only six customers contacting the Office of the Ombudsman for Minorities were Sami their ethnic background.

Resolving cases

A total of 1,089 measures by the employees of the Ombudsman's office to resolve customer cases were recorded. The workload has increased annually. The largest number of measures were telephone conversations (56%) with the customer or the "opposite party" in the case. In 44% of the cases, written contacts were required to resolve the matter. A request for information sent by letter was a typical measure.

These figures reflect the complex nature of customer cases. Resolving cases of discrimination typically requires several contacts with both the party suspected of discrimination and the party having been subjected to discrimination. In addition to cases of discrimination, these figures include cases related to the application of the Aliens Act, cases associated with integration and cases to do with other matters than discrimination and permits, such as problems in obtaining a flat.

Housing problems for the Roma in 40 localities

In 2005, 70 customer cases associated with housing problems of the Roma were pending in the Office of the Ombudsman for minorities. Nearly all contacts concerned issues related to obtaining a council flat, changing flats or problems while living in a flat. These cases were distributed all over Finland, to 40 different localities in all.

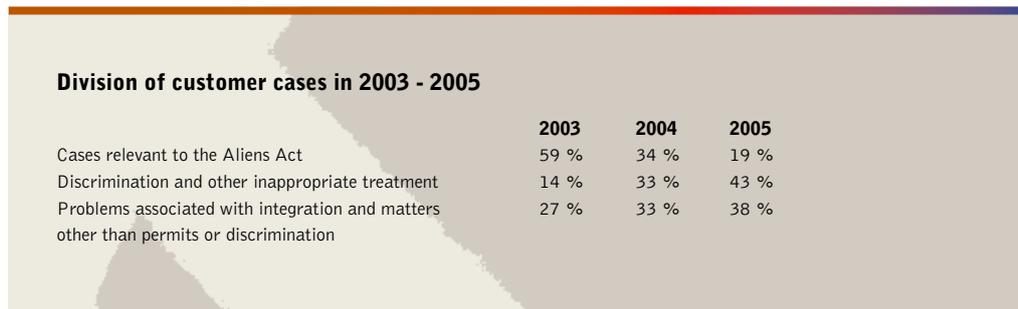
In situations known to the Ombudsman, suspicions and claims of ethnic discrimination often emerged. Obtaining concrete proof, however, was often difficult, and this is why an actual suspicion of discrimination arose only rarely. One aspect causing problems was that the applicant does not receive a justified decision that could be appealed to an application for a rented flat addressed to the municipality or a rental company. The applicant either is offered a flat, or the application remains in the queue. In that case it is

difficult to prove whether the applicant is not offered a flat because of his or her ethnic background or because the need for housing of other applicants is more urgent or better justified. Neither can comments uttered in private conversations between a Roma applicant and the housing officer be proved. In many cases, claims of discrimination were associated with criticism against the quality of the authorities' actions and the implementation of the principles of good administration.

In contacts with the Roma people, cultural issues also often emerged: which are the special features of the Roma culture, which cultural issues have a bearing to housing and where can the boundaries of exercising one's culture be drawn in housing questions? On the other hand, contacts by the Roma can also be examined in the perspective of the implementation of basic rights. In that case, what needs to be looked at is at least the right to follow one's culture and the rights to housing and social security.

Quite often, a particular women's perspective can be associated with the housing issues of the Roma. In many cases of which the Ombudsman was informed, it was a question of the financial and housing-related problems, evictions and homelessness of single mothers and their children. The position of the children was also connected to the situations of the Roma women. In an unstable housing conditions, e.g. the possibilities of the children to attend school could be poor.

The contacts received by the Office of the Ombudsman were dealt with by giving the customers general advice and by directing them further. The customers were for example prompted to complete their housing applications with information on their need for housing, or they were directed to address the local contact person for the Roma to clarify the situation. Sometimes the Office of the Ombudsman contacted a municipality by telephone, and the situation of the customer was discussed with the housing and social welfare authorities. To resolve some cases, a written request for information was needed. After receiving this information, the Ombudsman issued an opinion or a view in the matter as well as guidelines, advice and recommendations to settle it. For example, the municipality

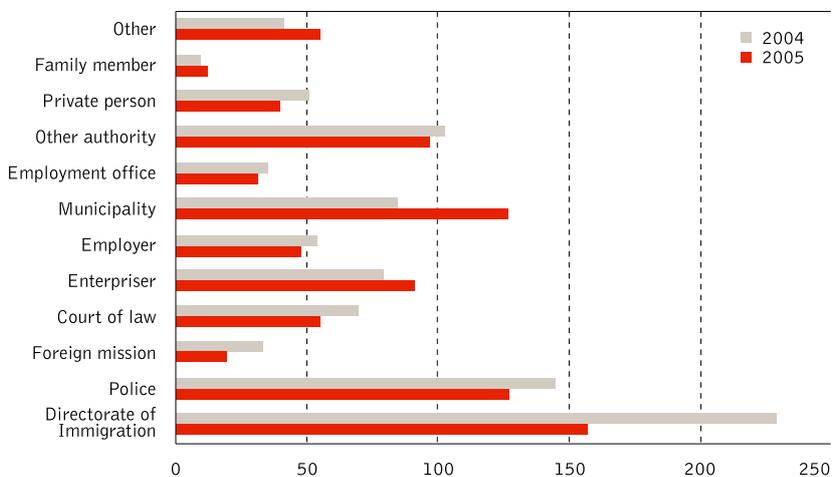


was urged to take in consideration the position and interests of the under-age children in the family and to resolve the situation in co-operation between the housing and social welfare functions.

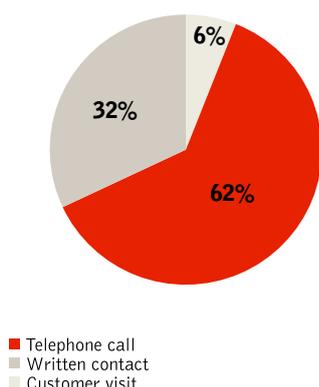
owned by a town or a municipality, in which case the Ombudsman referred the matter to the Housing Fund of Finland.

In case there were no suspicions of ethnic discrimination or other reasons for the Ombudsman for Minorities to intervene, the matter was referred to other authorities as necessary. It could e.g. be a question of the appropriateness of the resident selection criteria of a rental company

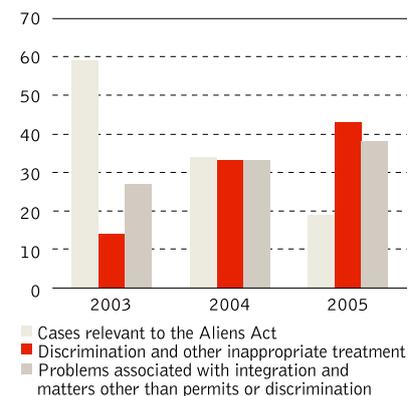
The other party customer cases processed by the Ombudsman



Customer contacts with the Office (1,508 in total)



Change in the emphasis of customer case contents 2003-2005 (%)



6. Internal changes and development of the activities

During the reporting year, a total of eight people worked in the Office of the Ombudsman for Minorities in permanent civil service relationships. The operating costs increased, which was due not only to the increased number of staff but also the more active work with national and international interest groups. The development needs were to a great extent linked to establishing the boundaries of functional independence in the Ombudsman's activities and clarifying the Office's position.

New posts and changes in the staff

In 2005, the Office of the Ombudsman for Minorities obtained two new posts, those of a Senior Officer and a Planning Officer. A total of eight persons worked in permanent civil service relationships in 2005. The permanent staff of the Office consisted of the Ombudsman for Minorities, five Senior Officers, a Planning Officer and a Special Secretary. Senior Lawyer Yrsa Korkman, who had already been working in the office the year before, started in the newly created post of a Senior Officer. To the post of the Planning Officer was appointed Päivi Okuogume, who had previously been working as Special Secretary.

Hanna Välimaa substituted Senior Officer Kari Kananen, who was on job alternation leave, from June until the end of August. After Senior Officer Annika Parsons took maternity leave in September, Hanna Välimaa continued as her substitute. To the permanent post of Special Secretary was appointed Massimo Zanasi from the beginning of August.

In addition, two researchers worked in the Office of the Ombudsman for Minorities for a fixed term. Riikka Tella started in July in the EurEquality project, in which the national development task was to study the development of anti-dis-

crimination advice services. This study was concluded at the end of November, and Riikka Tella continued working in the Office as a temporary Senior Officer. Valtteri Nieminen prepared a report requested from the Ombudsman for Minorities by the Council of State concerning the legal protection safeguards of the accelerated asylum procedure between 1 July and 31 December 2005.

Use of allocations

The Ministry of Labour gave the Ombudsman for Minorities a grant of 40,000 euro for operating costs. However, 54,726 euro were spent on the activities. This was due not only to the increase in staff numbers but also the increased hospitality, travel and printing expenses. The work with both national and international interest groups increased considerably. In 2005, as it seemed likely that the allocation for operating costs would be spent before the end of the year, a permission was requested from the Ministry of Labour to use the part of the allocation for wages that would remain unused for the activities.

Needs for development

The position of the Ombudsman for Minorities in association with the Ministry of Labour makes it necessary to reconcile co-operation with the Ministry with the statutory functional

independence. Based on the experience accumulated since 2002, the Ombudsman prepared a memorandum on the development needs to the Ministry of Labour (2568/65/2005 TM).

As a matter having a significant bearing on the day-to-day work, the question of the premises for the Office of the Ombudsman for Minorities remained pending a solution. In addition to a shortage of individual offices, the Office needs a reception room for customers and a meeting room. The lobby space in connection with the Ministry's access control is unsuitable for customer service, not the least in view of the customers' privacy and protection of confidentiality.

Pursuant to Section 8.1 of the Administrative Procedure Act, a civil servant must within the limits of his or her authority give the customers advice connected to the processing of administrative matters and to respond to questions and inquiries concerning the business at hand. This advice shall be free. The Office of the Ombudsman attached attention to the pricing of in-coming calls. Some customers, too, commented on the high price of the telephone advice of the Ombudsman. The Ministry of Labour was requested to take measures to rectify the situation.

The Web pages of the Ombudsman are part of the pages of the Ministry of Labour. In their current state, these pages do not reflect the Ombudsman's position as an independent actor; nor does their accessibility meet the needs of the interest groups and customers. The Swedish and English pages, for example, can only be accessed through the Finnish pages of the Ministry. Consequently, the Office should obtain resources for setting up its own Web pages. Only then would it make sense to publish the other language versions serving the clientele of the Ombudsman.

The bulletins published by the Ombudsman for Minorities have up till now been similar in their external appearance to the bulletins of the Ministry of Labour. In order for the Ombudsman's responsibility to disseminate information on his own activities to be also seen in practice, the bulletins should be clearly published

The volume of activities and staff is two-fold.

under the name of the Ombudsman and with the Ombudsman's logo. The procedure of the Ministry of Labour should be changed as to Section 42 on information activities, so that the independent position of the Ombudsman for Minorities would also be taken in consideration for this part.

In the reporting year, the Ombudsman also drew the Ministry of Labour's attention to hearing the Ombudsman in situations where legislation relevant to his sector is being prepared in the Ministry of Labour. The Ombudsman for Minorities should not be seen as one unit of the Ministry of Labour, but the Ministry should hear the Ombudsman as an independent expert organ and issuer of opinions.

In addition to the monitoring of operating costs, the annual process of allocating funds has also been ambiguous and variable as regards the Ombudsman for Minorities. Compared to the predecessor of the Ombudsman for Minorities, the Ombudsman for Aliens, the available operating allocation has been reduced. In 2001, for example, 42,000 euro were made available for the Ombudsman for Aliens. Even though the tasks of the Ombudsman for Minorities have increased and the volume of activities and staff is two-fold, the allocation for the Ombudsman for Minorities in 2005 only was 40,000 euro. äraha vuonna 2005 oli vain 40 000 euroa.

Use of allocations in 2005 and 2004

	2005	2004
The Ombudsman for Minorities		
Allocation granted for operations	40,000	40,000
The operating expenditure	54,726	30,930
The largest items in the expenditure of the Ombudsman for Minorities		
Equipment and materials	8,870	5,443
Training services	4,053	7,920
Travel services	13,974	5,418
Printing services	10,766	3,261
Advertising services	4,509	3,317
External services	7,517	4,136
Expenditure on wages		
Allocated	357,976	299,169
Used	341,054	281,696
The Advisory Board on Minority Affairs		
Allocation granted	1,200	1,200
Expenditure on wages/fees	573	not used
Expenditure on other activities	1,142	not used
Project funding from the Council of State for report on accelerated asylum procedure		
Allocation granted	50,000	
Expenditure on wages	18,767	
Expenditure on other activities	6,161	
The EurEquality project		
Allocation granted	20,950	
Expenditure on wages	17,067	
Expenditure on other activities	3,100	

(these figures are ex VAT, the wages include overheads)

Appendices

Statements

05.01.2005

UN Convention on Civil and Political Rights; Conclusions of the Committee on Human Rights 2744/059/2004 TM

13.01.2005

The Commission's Communication on the European Agency on Fundamental Rights 27/0550/2005 TM

18.02.2005

UN Convention on Economic, Social and Cultural Rights; the 5th periodical report of Finland 153/059/2005 TM

08.04.2005

HE 280/2004 vp proposal for an Act amending the Act on integration of immigrants and reception of asylum seekers 816/65/2005 TM

20.04.2005

A proposal for a national programme for combating violence 601/003/2005 TM

18.05.2005

The Government's proposal for an Act amending the Aliens Act 1000/001/2005 TM

03.06.2005

The Council of State's decision on national policies concerning the general preconditions of using foreign labour 1119/003/2005 TM

01.07.2005

Council Directive 2000/43/EC (the Racism Directive) adopted on 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin TM-2005-00095

11.08.2005

Enquiry on the methods of consultation of ethnic minorities 1375/003/2005 TM

05.09.2005

Openness of court hearings 1050/003/2005 TM

06.09.2005

The Government's proposal for an Act amending the Aliens Act 1903/001/2005 TM

16.09.2005

Agency on Fundamental Rights: Draft Directive of the Commission 1940/65/2005 TM

21.09.2005

The Working Group's proposal for the Government's immigration political programme TM

029:00/2003

07.10.2005 Implementation of the action plan against human trafficking 1981/65/2005 TM

04.11.2005

The Government's proposals for Acts amending the Aliens Act and the Act on the Register of Aliens 2193/65/2005 TM

04.11.2005

Monitoring the working and application of the Aliens Act 2266/001/2005 TM

04.11.2005

Supporting the national strategy work by means of the Equal community initiative programme 816/816/2004 TM

05.12.2005

The Government's proposal for an Act amending the Aliens Act concerning permits of residence issued to victims of human trafficking 2385/001/2005 TM

Initiatives

05.01.2005

The impact of the immigrants' independent language teaching and other services and measures promoting employment on employment benefit 35/65/2005 TM

13.04.2005

Complementary teaching, travel to school and equality requirements concerning the Basic Education Act 683/65/2005 TM

16.09.2005

Provisions on visas in the Aliens Act (301/2004) and the requirement of good administration in the Constitution 2926/65/2004 TM

26.09.2005

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Solicitors' seminar

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The Kuvasi seminar, Cultural Centre Caisa - "The Finnish immigration policy and independent cultural work"

24.02.2005

The Committee on spiritual work of the Association of Finnish Lawyers, discussion - "Is there a future for tolerance in Finland?"

22.03.2005

A hearing by a working group of civil servants preparing the immigration political programme - "Could the immigration policy be politics?"

03.05.2005

The policy programme for civic involvement, globality and the working group on globalisation, discussion - "Multi-culturalism and civic involvement"

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Pavee Point Anniversary Conference - "Protecting Minorities and Respecting Ethnicity"

Press releases

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Attention needs to be paid on legal protection in accelerate asylum procedures

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The Ombudsman for Minorities criticises Lahti for the housing arrangements of the Roma

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We need to invest in advice against ethnic discrimination

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Improvements needed in the position of the victims of human trafficking

07.10.2005

The immigration policy concerns the whole population

29.06.2005

The Non-Discrimination Act has significantly improved the possibilities of intervening in discrimination

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The Administrative Committee; the Government's proposal for an Act amending the Act on the Integration of immigrants and reception of asylum seekers, HE 280/2004 vp

09.09.2005

The Administrative Committee; the Government's proposal for an Act amending the Aliens Act HE 78/2005 vp

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The Working life and Equality Committee; the Government's proposal for an Act amending the Aliens Act HE 78/2005 vp

23.11.2005

The Administrative Committee; the Government's proposal for an Act amending the Act on the Integration of immigrants and reception of asylum seekers, HE 166/2005 vp

TV appearances

Thu 10 February 2005

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The legal position of a foreigner in a criminal process

Wed 30 March 2005

Channel 4 news 8 p.m.

Refusal of entry of Georgian women

Thu 30 June 2005

Channel 1 Morning News 7 a.m.

The Non-Discrimination Act has significantly improved the possibilities of intervening in ethnic discrimination

Thu 30 June 2005

Huomenta Suomi 7.12 a.m.

A delightful decrease in discrimination, special guest Mikko Puumalainen

Mon 24 October 2005

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Discriminating actions of the Social Welfare Office in Espoo. The case of "Pierre"

Thu 3 November 2005

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Racism on the Internet

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Channel 4 News 8 p.m.

The publication of the study Development of advisory services against ethnic discrimination

Mon 12 December 2005

Channel 4 News 8 p.m.

Press conference on the Ombudsman's report on legal protection safeguards of the accelerated asylum procedure

Mon 12 December 2005

TV 1 News 9.30 p.m.

Press conference on the Ombudsman's report on legal protection safeguards of the accelerated asylum procedure

Publications

Vähemmistövaltuutetun vuosikertomus 2004
(the Annual Report 2004 of the Ombudsman
for Minorities)

Edita, Helsinki 2005

Riikka Tella: Etnisen syrjinnän vastaisen
neuvonnan kehittäminen
(Development of anti ethnic discrimination
advisory activities)

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