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1999 Country Reports on Human Rights Practices

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FINLAND

Finland is a constitutional republic with an elected head of state (President), a Parliament, a head of government (Prime Minister), and an independent judiciary.

The security apparatus is controlled effectively by elected officials and supervised by the courts.

Finland has a mixed economy, primarily and extensively market based.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Government is taking serious steps to address the problem of violence against women.

RESPECT FOR HUMAN RIGHTS

Section 1: Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The judiciary consists of the Supreme Court, the Supreme Administrative Court, and the lower courts. The President appoints Supreme Court justices, who in turn appoint the lower court judges.

The law provides for the right to fair public trial, and the judiciary vigorously enforces this right. Local courts may conduct a trial behind closed doors in juvenile, matrimonial, and guardianship cases, or when publicity would offend morality or endanger the security of the state. In national security cases, the judge may withhold from the public any or all information pertaining to charges, verdicts, and sentences. The law provides for sanctions against violators of such restrictions.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices. Government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2: Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of the press, and the Government respects this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. Nontraditional religious groups freely profess and propagate their beliefs. Such groups are eligible for some tax relief (e.g., they may receive tax-free donations),

provided they are registered with the Government as religious communities. Some 87 percent of the population belongs to two state churches, the Lutheran and the Orthodox. All citizens belonging to one of these state churches pay, as part of their income tax, a church tax. These church taxes are used to defray the costs of running the state churches. Those who do not want to pay the tax must notify the tax office.

Such groups as Jehovah's Witnesses and the Church of Jesus Christ of Latter-Day Saints have been active in Finland for decades. In December 1998, the Ministry of Education turned down the application of the Finnish Association of Scientologists to be registered as a religious community. This was the first time that an applicant had been denied church status. The Scientologists' application was pending for nearly 3 years while the Government awaited additional information that it had requested from the Association. The Association acknowledged that it had not responded to the Government's request. The Education Ministry's decision can be appealed to the Supreme Administrative Court. The Scientologists have not yet done so, but they have indicated that they may begin the process anew and reapply for recognition as a church.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Approved refugees and asylum seekers are processed directly for residence. The issue of the provision of first asylum has never arisen. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

In 1998 1,272 persons applied for asylum, up from 973 in 1997. During 1998 the Directorate of Immigration processed 866 asylum applications. It granted asylum to 7 persons and residence permits to 372 persons and rejected the applications of 240 persons. Also in 1998, 247 asylum seekers withdrew their applications. In 1999 from January 1 to July 31, 1,851 asylum applications were submitted. Government officials attribute this increase in the number of asylum applicants to the fighting in Kosovo and to the sudden arrival in the country of Romani asylum seekers from Slovakia during June and July. In July the Government imposed a visa regime on Slovak citizens; the requirement was lifted in November. Most of the Roma subsequently withdrew their applications after the Government denied the applications of several hundred initial applicants on the grounds that most had first transited Hungary, the Czech Republic, or Sweden en route to Finland.

In 1997 the Government issued guidelines aimed at creating a more coherent immigration and refugee policy rather than dealing with immigration and asylum matters on a case-by-case basis. A revised aliens' code went into effect on May 1 that makes it easier to obtain asylum and facilitates family reunification. On May 1, a law establishing procedures for receiving asylum seekers, as well as promoting the integration of immigrants into society, also went into effect (also see Section 5).

Section 3: Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women are fairly well represented in Government. There are 74 women in the 200-member Parliament, and 8 in the 18-member Cabinet. The Foreign Minister and the Speaker of the Parliament are women. In 1995 Parliament passed quota legislation for all state committees, commissions, and appointed municipal bodies, requiring a minimum of 40 percent membership from each sex.

Section 4: Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

Section 5: Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on sex, age, origin, language, religion, conviction, opinion, or disability, and the Government effectively enforces these provisions.

Women

Police statistics for 1998 record 2,708 cases of domestic violence, 208 more than the previous year. Of the victims, 2,182 were women and 526 were men. A total of 463 cases of rape were reported to the police in 1998, compared with 468 in 1997. During the period from January to September 1999, 424 cases of rape were reported. During the 1988-97 period, an average of 395 cases of rape were reported each year. Government experts report that as many as half of all rape cases may go unreported.

The annual number of calls to the police relating to domestic violence is not centrally compiled but is estimated at 10,000 to 12,000. Shelter officials state that the figure represents less than half of the number of actual incidents. Most of the persons seeking shelter are women between 25 and 35 years of age, either married or in a common-law relationship. Nearly one-third are immigrants.

The law provides for stringent penalties for violence against women; the police and the courts vigorously enforce this provision.

The Union of Shelter Homes as well as the municipalities maintain homes all over the country for female, male, adult, and child victims of violence. The total number of shelters is around 55. Many of the people served by the shelters are women with small children fleeing abusive husbands. Increasing numbers of elderly persons--the parents of abusive (usually male) offspring--have sought safety in the shelters. Generally the conditions that cause both young and old to avail themselves of the shelters are alcohol-related. Studies show that the opening of a shelter in an area brings cases of family violence into the open. The concept of family violence includes negligence in care,

psychological violence, and economic abuse. The Union of Shelter Homes introduced a special program to alert persons from other cultures to the possibilities of getting help from the authorities in a society where they lack a natural support network.

A study published in 1998 indicated that the typical victim of family violence is a young woman between 18 and 24 years of age who is married or is living in a common-law relationship. The study concluded that every fifth married woman or woman involved in a common-law relationship has suffered from violent behavior at the hands of her partner. The study also concludes that as many as 40 percent of all women over the age of 15 have experienced some form of family violence. (The study considers psychological and verbal abuse as "violence.")

The government-established Council for Equality coordinates and sponsors legislation to meet the needs of women as workers, mothers, widows, or retirees.

The Constitution calls for the promotion of equality of the sexes in social activities and working life, the latter particularly in the determination of remuneration. In 1985 the Parliament passed a more detailed comprehensive equal rights law that mandates equal treatment for women in the workplace, including equal pay for "comparable" jobs. In practice comparable worth has not been implemented because of the difficulty of establishing criteria, but the Government, employers, unions, and others continue to work on implementation plans. Women's average earnings are 81 percent of those of men, and women still tend to be segregated in lower paying occupations. While women individually have attained leadership positions in the private and public sectors, there are disproportionately fewer women in top management jobs. Industry and finance, the labor movement, and some Government ministries remain male dominated. Some 60 percent of physicians are women. Women serve in the military. The Government's Equality Ombudsman monitors compliance with regulations against sexual discrimination. Of the 78 complaints processed by the Ombudsman between January 1 and June 30, 17 cases were established as violations of the law.

In 1997 the Government began a special program to promote women's equality during the period from 1997 to 1999. This program consists of 30 projects, one of which focuses on violence against women and domestic violence. The project against violence offers support, nationwide, to women in need and to men who wish to combat their own tendencies to resort to violence. This project is regarded as the most significant component of the women's equality program, in that it has helped break the taboo about the subject. Children

The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. There is no pattern of societal abuse of children, and the national consensus supporting children's rights is enshrined in law.

People with Disabilities

Although since the 1970's the law has required that new public buildings be accessible to people with physical disabilities, many older buildings remain inaccessible. No such law applies to public transportation, but each municipality subsidizes measures to improve accessibility to vehicles. Local governments maintain a free transport service that

guarantees 18 free trips per month for a disabled person. The deaf and the mute are provided interpretation services ranging from 120 to 240 hours annually. The Government provides subsidized public housing to the severely disabled.

Indigenous People

Sami (Lapps), who constitute less than 0.1 percent of the population, benefit from legal provisions protecting minority rights and customs. Sami language and culture are supported in the Constitution and financially by the Government. The Sami receive subsidies to enable them to continue their traditional lifestyle, which revolves around reindeer herding. Sami have full political and civil rights and are able to participate in decisions affecting their economic and cultural interests.

In 1998 the President issued instructions on implementing a European Union directive on the use of minority and regional languages. The directive's purpose is to ensure that the use of minority languages is permitted in school, the media, dealings with administrative and judicial authorities, economic and commercial life, and cultural activities. The Sami language belongs to the category of a minority language used regionally.

National/Racial/Ethnic Minorities

In recent years, concern has arisen about increasing expressions of racist and xenophobic behavior. The Government is trying to address this problem through an in-depth, ongoing study of attitudes toward different ethnic groups. The government study examines discrimination in working life, looks into popular attitudes toward foreigners, and charts the attitudes of those authorities involved in immigration affairs--the police, teachers, social workers, border guards, and employment office personnel. The popular attitudes survey found that half of those interviewed acknowledged some feelings of xenophobia or prejudice.

Two government-sponsored legislative initiatives are aimed at improving the situation of noncitizens. On May 1, a law promoting the integration of immigrants into society and establishing procedures for receiving asylum seekers went into effect. A revised aliens' code also went into effect on May 1 (see Section 2.d.). In addition to these legislative initiatives, the Government in 1997 issued policy guidelines for promoting tolerance and combating racism.

Section 6: Worker Rights

a. The Right of Association

The Constitution provides for the rights of trade unions to organize, to assemble peacefully, and to strike, and the Government respects these provisions. About 87 percent of the work force is organized. All unions are independent of the Government and political parties. The law grants public sector employees the right to strike, with some exceptions for the provision of essential services. In the first half of the year there were 28 strikes, only 1 of which was not a wildcat strike.

Trade unions freely affiliate with international bodies.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively. Collective bargaining agreements usually are based on income policy agreements between employee and employer central organizations and the Government. The law protects workers against antiunion discrimination. Complaint resolution is governed by collective bargaining agreements as well as labor law, both of which are adequately enforced.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and this prohibition is observed in practice. The law prohibits forced and bonded labor by children and adults, and such practices do not exist. The Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits forced and bonded labor by children (see Section 6.c.). Youths under 16 years of age cannot work more than 6 hours a day or at night, and education is compulsory for children from 7 to 16 years of age. The Labor Ministry enforces child labor regulations. There are virtually no complaints of the exploitation of children in the work force.

e. Acceptable Conditions of Work

There is no legislated minimum wage, but the law requires all employers--including nonunionized ones--to meet the minimum wages agreed to in collective bargaining agreements in the respective industrial sector. These minimum wages generally afford a decent standard of living for workers and their families.

The legal workweek consists of 5 days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24-hour rest period during the week. The law is enforced effectively as a minimum, and many workers enjoy even stronger benefits through effectively enforced collective bargaining agreements.

The Government sets occupational health and safety standards, and the Labor Ministry effectively enforces them. Workers can refuse dangerous work situations without risk of penalty. f. Trafficking in Persons

The law does not explicitly prohibit trafficking in persons, but existing statutes concerning procuring and illegal aliens can be used in such cases.

Finland is becoming a destination country for trafficked women, according to an OSCE report.

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