



2008 Human Rights Report: Finland

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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Finland is a constitutional republic of 5.3 million persons with a directly elected president and a unicameral parliament (Eduskunta). The prime minister is head of government. Parliamentary elections held in March 2007 were free and fair. Civilian authorities maintained effective control of military and security forces.

The government generally respected the human rights of its citizens, and the law and an independent judiciary provided effective means of addressing individual instances of abuse. Human rights problems included violence against women, trafficking in persons, and societal discrimination against foreign-born residents and Roma.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated or other disappearances.

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

The law and constitution prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention

The law and constitution prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the military and the national police force, which is under the centralized control of the Ministry of Interior. The government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year.

Arrest and Detention

The law requires police to have a warrant issued by a prosecutor to make an arrest. If an individual is arrested while committing a crime, a warrant must be obtained within three days; arrested persons must receive a court hearing within three days. Detainees must be promptly informed of the charges against them, and lawyers must be provided for the indigent. Authorities generally respected these rights in practice. There is no system of bail, but most defendants awaiting trial were eligible for conditional release based on personal recognizance. Criminal detainees were allowed prompt access to counsel of their choice and to family. There were no reports of preventive detention, which the law allows only in exceptional circumstances such as during a declared state of war or for narrowly defined offenses including treason, mutiny, and large-scale arms trafficking.

e. Denial of Fair Public Trial

The law and constitution provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The law and constitution provide for the right to a fair public trial, and an independent judiciary generally enforced this right.

Defendants are presumed innocent until proven guilty. The law does not provide for trial by jury. Defendants have a right of appeal, to be present at trial, and to consult with an attorney in a timely manner; attorneys are provided at public expense if defendants face serious criminal charges that can result in imprisonment or significant fines. Defendants can confront and question witnesses against them and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases.

The law extends these rights to all citizens and legal residents. Irregular migrants have the same rights as citizens except that they may be removed from the country or deported for legal cause.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution provides all citizens with a fundamental right to live under the rule of law and to have the law applied equally and without discrimination. The country had an independent and impartial judiciary in civil matters, and there was access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law and constitution provide for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. The independent media were active and generally expressed a wide variety of views without restriction, with the exception of hate speech.

Publishing hate material and any public speech intended to incite discrimination or violence against any national, racial, religious, or ethnic group is a crime.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

The country had one of the world's highest rates of Internet connectivity, and virtually all citizens had access to the Internet. Courts can fine persons found guilty of inciting racial hatred on the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The law and constitution provide for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. According to the law, the Evangelical Lutheran Church (ELC) of Finland and the Orthodox Church are established state churches.

Citizens who belong to one of the two state churches pay a 1 to 2 percent "tithe" as part of their income tax, but may opt out by officially disassociating from the ELC or Orthodox Church. During the year other registered religious communities that qualified by having 200 or more members became eligible for the first time to receive state funds to help defray operating costs.

Religious instruction in Lutheran or Orthodox doctrine was part of the public school curriculum; however, students could substitute philosophy or world religion courses. In some urban communities, students may receive Islamic religious instruction in public schools.

In August the NGO Union of Conscientious Objectors (a member of NGO War Resisters' International) reported that 15 conscientious objectors were in prison for refusing to perform either compulsory military service or alternative civilian service. Some of those imprisoned stated that their objection to military or civilian service was based on religious conviction. However, there was no evidence that the government singled out any individuals for prosecution because of their religious beliefs or their membership in a religious minority. Jehovah's Witnesses are specifically exempt from military service. Regular military service is between 180 and 362 days. The law provides

that conscientious objectors must perform 362 days of alternative civilian service. Amnesty International criticized the length of alternative civilian service for conscientious objectors as punitive and discriminatory. During the year the law was changed shortening the allowed maximum time in prison for refusal of alternative service to 181 days, one half the number of days served for alternative military service.

Societal Abuses and Discrimination

According to Statistics Finland, the country's Jewish community numbered 1,181 at the end of 2007, the last date for which figures were available. There were no reports of anti-Semitic acts.

The Ministry of Education continued to integrate tolerance and antibias courses and material into the public school curriculum. Students begin studying the Holocaust and the phenomenon of anti-Semitism in the eighth grade.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law and constitution provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. However, the government automatically denied asylum to anyone who previously was denied asylum by another European Union state.

In practice the government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened.

The government also provided temporary protection to individuals who might not qualify as refugees under the 1951 convention or the 1967 protocol and provided it to 35 persons by the end of November.

There were reports of societal discrimination against foreign-born residents, including refugees and asylum seekers.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Parliamentary elections in March 2007 were considered to be free and fair and resulted in a four-party coalition government led by the Center Party. Political parties could operate without restriction or outside interference.

There were 84 women in the 200-seat parliament and 12 women in the 20-member Council of State (cabinet). The president is a woman.

There were 13 members of minorities in parliament and two in the cabinet. One representative from the electoral district of Åland (autonomous region) is always elected. The indigenous Sami (Lapp) minority enjoys semiautonomous status and has its own legislative body.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were no reports of government corruption during the year.

All citizens, including public officials, are subject to public disclosure laws; by law, income and asset information from all tax forms must be made public each year. The Office of the Chancellor of Justice has overall responsibility for oversight of government activities.

The law provides for public access to government information, with the exception of national security information and documents covered by privacy laws, and the government provided such access in practice.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced the law effectively. However, violence against women and children, trafficking in persons, and societal discrimination against foreign-born residents and Roma resulted in legal actions.

Women

The law criminalizes rape, including spousal rape, and the government enforced the law effectively. The maximum sentence for rape is seven years. As of June 30, a total of 366 cases of rape were reported to police. Justice Ministry officials estimated that the actual number of rape cases was higher, noting that as many as 75 percent of unreported rapes each year were committed by a known assailant.

There were no reports of police or judicial officials showing reluctance to act on rape cases. Police and government officials actively encouraged victims to report rape cases through various public awareness campaigns. In 2007, the most recent period for which government figures were available, 104 persons were convicted of rape.

In August the Rovaniemi District Court sentenced a man to 10 years in prison for deliberately infecting five women with HIV. The court ordered the man to pay damages to the victims.

A 2007 report by Statistics Finland indicated that the number of sexual crimes reported to the police in 2007 decreased by 12 percent to 320 cases.

Societal violence against women, including spousal abuse, continued to be a problem. Domestic abuse may be prosecuted under various criminal laws, including the laws prohibiting rape, assault and battery, harassment, and disturbing the peace. The penalty for domestic physical violence ranges from a minimum of six months to a maximum of 10 years in prison. According to government officials, efforts to raise awareness of the problem have increased victims' willingness to report violence.

In August the National Research Institute of Legal Policy and the European Institute for Crime Prevention and Control released findings in which they estimated that 20 percent of women in relationships were subjected to some form of violence. In 2007 the National Research Institute of Legal Policy estimated that 33 of the female homicides in the country had clear implications of domestic violence.

During the year police received training in how to identify potential domestic violence. Police may refer potential perpetrators or victims to government social welfare agencies that have programs aimed at reducing domestic violence by promoting cooperation between cohabiting partners; by providing better support to victims; and through anger management and other counseling services to perpetrators.

The government encouraged women to report domestic violence and abuse and provided counseling, shelters, and other support services to victims of domestic violence and rape. The government also funded NGOs that provided additional services, including a telephone hot line and crisis center. According to regional and municipal officials who operated shelters, most women who sought shelter from violence were between the ages of 25 and 35 and married or in a cohabiting relationship; nearly one fifth were reported as immigrants, but origin is often not reported in shelter logs to protect residents. Foreign-born residents who were proficient in neither Finnish nor English experienced some difficulty accessing domestic violence services.

Prostitution is legal, but pimping, pandering, selling, and purchasing sexual services in public is illegal. Prostitution was generally limited to private apartments and nightclubs in larger cities.

Trafficking in women for the purpose of sexual exploitation resulted in legal action. In late July a court convicted seven persons of purchasing sexual services from trafficking victims and sentenced them to prison terms ranging from two years and three months to five years.

Sexual harassment is prohibited by law, and the government generally enforced the law in practice. The prosecutor general is responsible for investigating sexual harassment cases. Employers who fail to protect employees from harassment are subject to fines or a maximum of six months' imprisonment.

Women have the same rights as men under family and property laws and in the judicial system. The government placed a high priority on gender equality and maintained three government organizations devoted to gender equality issues: the ombudsman for equality, the Gender Equality Unit, and the Council for Equality.

The law stipulates that men and women must receive equal pay for equal work. However, allegations of wage discrimination against women continued to be reported. For example, in 2007 the equality ombudsman's office received 381 complaints alleging unequal treatment in working life and determined that approximately 20 percent of the cases violated the law. Women filed 75 percent of complaints.

On average women earned approximately 18 percent less than men for substantially similar work. Women were overrepresented in lower-paying occupations, while men tended to dominate the upper ranks in industry, finance, and some government ministries. The law provides that individuals may receive compensation for lost wages in cases where gender-based discrimination is proven.

Children

The government was strongly committed to children's rights. Child abuse remained a problem.

There were reports of trafficking of children for sexual exploitation. During the year the number of suspected sexual abuse cases reported to police continued to increase, due in large part to a greater willingness to report child abuse. According to Statistics Finland, there were 1,025 cases of child sex abuse reported to the police in 2007.

The government established a national action plan to train law enforcement, judicial, and social welfare officials in methods for identifying, protecting, and assisting child victims of sexual abuse. However, according to a 2007 survey by the government-run National Council for Crime Prevention, there was still a need for better central planning, more government resources for law enforcement and victim protection, and better information sharing among national and local-level officials to combat child abuse.

There is a government ombudsman for children's issues under the Ministry for Social Affairs and Health. During the year the ombudsman worked to raise public awareness of child abuse and help policymakers identify the socio-economic factors that can lead to abuse. Authorities also attributed the increase in the reporting of child abuse to the ombudsman's efforts to raise awareness of the problem.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, through, and within the country.

The country continued to be a transit and destination point for trafficked men, women, and children; however, there were no reliable estimates available on the actual incidence of trafficking.

Many of the trafficking victims were women Russian, although Azerbaijani, Moldovan, Estonian, Latvian, Lithuanian, Ukrainian, and Belarusian women were also trafficked to and through the country to Western Europe for commercial sexual exploitation. Increasing numbers of Asian women, most of whom were believed to be Chinese or Thai, were trafficked through the country to other parts of Europe. In 2007 authorities identified a small number of Russian boys as trafficking victims while transiting the country to Sweden.

Men and women were trafficked to provide forced labor. Many of these workers were trafficked from China, Vietnam, and India and employed by other Asians, who frequently had family or clan ties to the victims.

According to government and NGO reports, Russian organized crime syndicates were the principal traffickers of women into the country. Many of the trafficked women were aware that they would work as prostitutes. Economic incentives for women seemed to play a larger role than physical coercion in the recruitment of trafficked women by crime syndicates. However, after arriving, they were pressured and coerced into working longer hours and accepting lower wages.

Many trafficking victims entered the country with valid visas obtained at Finnish consulates abroad. The Schengen Treaty, which allows travelers already within the EU Schengen area to travel to any other EU Schengen country without inspection, facilitated the transit of trafficked persons from Russia and the Baltic countries to Western Europe.

In some cases traffickers confiscated victims' passports and used violence or the threat of violence to ensure their compliance.

The maximum penalty for trafficking in persons is six years' imprisonment; for aggravated trafficking in persons 10 years. Other laws used to prosecute traffickers include laws against organized prostitution, dissemination of child pornography, coordination of illegal entry into the country, and the marketing of sexual services.

During the year authorities continued to prosecute suspected traffickers vigorously. In 2007, 10 traffickers were prosecuted for sex trafficking compared to 10 sex trafficking prosecutions and one labor trafficking prosecution reported in 2006.

During the year five Finns received two to six year prison sentences and were ordered to pay restitution in an aggravated trafficking case involving a domestic victim within the country. The traffickers threatened, assaulted, coerced, and pimped the victim by falsely alleging that the victim had debt.

The ministries for foreign affairs, interior, justice, labor, education, and social welfare were involved in combating trafficking. The parliamentary human rights caucus, the National Bureau of Investigation, frontier guards, customs and immigration, and municipal police were also involved in antitrafficking efforts. The government provided specialized training for law enforcement personnel and prosecutors in antitrafficking measures.

The government participated in multilateral and regional efforts to combat trafficking through organizations such as the Council of Baltic Sea States, the Nordic Council of Ministers, and the Barents Euro Arctic Council. The government was also involved in antitrafficking efforts with the EU and OSCE.

The government provided the majority of funding for antitrafficking NGOs. Although there were no NGOs dedicated to assisting trafficking victims, several focused on women's rights and general assistance to victims. NGOs and government facilities operated by the Ministry of Labor provided trafficking victims with shelter, subsistence, medical services, and psychological counseling. Law enforcement and social workers identified trafficking victims and referred them for necessary care. The government generally respected the rights of trafficking victims and did not penalize them. Authorities allowed some victims to apply for a temporary residence permit.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government effectively enforced these provisions.

Laws mandating access to buildings for persons with disabilities were generally enforced, although many older buildings remained inaccessible. Most forms of public transportation were accessible, but problems remained in some geographically isolated areas. The Ministry for Social Affairs and the Ministry for Labor are responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

There was some societal tension between ethnic Finns and minority groups, and there were reports of racist or xenophobic incidents. In 2007, the last date for which figures were available, police stated that they received 698 reports of race-related crimes and misdemeanors. The vast majority of the cases involved racial epithets directed towards immigrants or merchant refusals to provide services to members of minority groups.

There were occasional reports of fighting between ethnic Finns and foreign-born youths of African and Middle

Eastern descent as well as fighting between rival ethnic immigrant groups. However, none of the cases that led to court proceedings were prosecuted as hate crimes.

According to the minority ombudsman, discrimination against the approximately 10,000 Roma extended to all areas of life, resulting in their de facto exclusion from society. The Romani minority was the most frequent target of racially motivated crimes. According to government figures, 75 percent of discrimination cases involved Roma, followed by Somalis, Russians, Turks, Iraqis, and Iranians. Ethnic Finns were also occasionally victims of racially motivated crimes for associating with members of minority communities.

The government strongly encouraged tolerance and respect for minority groups and sought to address racial discrimination. All government ministries included antiracism provisions in their educational information, personnel policy, and training programs. The government also monitored police, border guard, and teacher treatment of national, racial, and ethnic minorities. The government's minority ombudsman monitored and assisted victims of discrimination.

Indigenous People

The law provides for the protection of Sami (Lapp) language and culture, and the government financially supported these protections, and the Sami have full political and civil rights as citizens, as well as a measure of autonomy in their civil and administrative affairs. Despite constitutional protections, members of the Sami community, which constitutes less than 0.1 percent of the population, continued to protest the lack of explicit legislation to safeguard Sami land, resources, and economic livelihood. Sami have alleged for decades that, while 90 percent of the Sami home region is considered government-owned land, the government used this land for logging and other purposes without consulting them. During the year members of the Sami community won some legal challenges related to violations of their land rights.

Other Societal Abuses and Discrimination

There were no reports of societal violence or discrimination against persons based on their sexual orientation.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions of their choice, and workers exercised this right in practice. Approximately 79 percent of the workforce was unionized. The law grants employees the right to strike, with some exceptions for public sector employees who provide essential services. Workers exercised this right in practice. An official dispute board can make nonbinding recommendations to the cabinet on ending or limiting the duration of strikes when national security is threatened. Employees prohibited from striking can use arbitration to ensure due process in the resolution of their concerns. A strike is legal when an employment contract is not in effect and the action is pursuant to new contract negotiations. Strikes are considered illegal after a contract agreed to by all parties is in effect. Fines may be imposed for illegal strikes.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, and the government protected this right in practice. Collective bargaining agreements usually were based on wage policy agreements among employees,

employers, and the government. All unionized workers were covered by such agreements. Employers of nonunionized workers were required to compensate employees at a wage equal to that stipulated by existing collective bargaining agreements.

The constitution provides for the right to trade union freedom. The statute regulating work agreements extends these rights to both the employee and the employer. Any restriction or obstruction of these rights is prohibited. In addition, the country is a member of the International Labor Organization Convention 87 concerning freedom of association and protection of the right to organize, and the government generally enforced these rights.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such incidents occurred. Men and women were trafficked to provide forced labor in the construction industry, restaurants, and as domestic servants. They often worked long hours for low pay and were reluctant to approach authorities for cultural reasons or out of fear of deportation or confinement.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace, and the government effectively enforced these laws in practice. The law prohibits children under age 16 from working more than six hours a day and from working at night. The law sets occupational health and safety restrictions for children, and the government implemented these provisions effectively.

The labor ministry enforces child labor regulations; there were no reports of children engaged in work outside the parameters established by law.

e. Acceptable Conditions of Work

There is no national minimum wage law; however, the law requires all employers, including nonunionized employers, to pay minimum wages agreed to in collective bargaining agreements. Almost all workers were covered under such arrangements. These negotiated minimum wages provided a decent standard of living for workers and their families.

The standard workweek established by law consists of five days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24 hour rest period per week. Workers are entitled to premium pay for overtime work. The law limited a worker to 250 hours of overtime per year and to 138 overtime hours in any four-month period. Foreign workers were covered by these laws, which the government effectively enforced.

The government sets occupational health and safety standards, and the Labor Ministry effectively enforced them. Workers have the right to refuse dangerous work situations without penalty, and the government enforced this right in practice.