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## 2009 Human Rights Report: Finland

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

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 in 2007 were free and fair. Civilian authorities generally maintained effective control of military and security forces.

Human rights problems included police failure to provide detainees timely access to legal counsel, questionable contributions to political campaigns, 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. The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest or Detention

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

## Role of the Police and Security Apparatus

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

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## Arrest Procedures and Treatment While in 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. 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.

On January 20, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on the 2008 visit of a CPT delegation to the country. The report noted that in most cases a detainee's access to a lawyer was delayed until an investigator's first formal interview of the detainee, often by "a considerable time" after the initial arrest. The report also stated the delegation heard several allegations that access to a lawyer was only granted after a detainee signed a confession or a statement, or at the beginning of the court hearing. The delegation also heard complaints that detainees were not allowed freely to choose their lawyers and that authorities imposed on them *ex officio* lawyers who were said to be "working with the police."

At the Helsinki City Center Police Precinct, a senior police officer, citing the Pretrial Investigation Act, told the CPT delegation that, in cases of minor offenses, police staff were not obliged to provide access to a lawyer and were not required to inform detainees of their rights. Many of the persons interviewed by the CPT delegation were only verbally informed of their rights at the first formal interview with an investigator.

### e. Denial of Fair Public Trial

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

### Trial Procedures

The constitution and law 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. An alien and his or her family residing in the country are given a hearing before removal.

### 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 has 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.

Between October 2008 and October 2009 the European Court of Human Rights issued seven judgments against the government for violating the rights of accused persons as provided under the European Convention on Human Rights.

#### 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 constitution and law 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 public speech intended to incite discrimination or violence against any national, racial, religious, or ethnic group are crimes.

#### 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. According to International Telecommunication Union statistics for 2008, more than 82 percent of the country's inhabitants use the Internet.

Courts can fine persons found guilty of inciting racial hatred on the Internet, and there were reports of court decisions in 2008 against persons for publishing and distributing hate material via the Internet. On March 17, the Helsinki District Court found a municipal politician in Turku guilty of circulating hate material and fined him 615 euros (approximately \$920). The court found the defendant's remarks during the 2007 election campaign to be derogatory and slanderous toward immigrants. The Helsinki District Court also found an independent member of the Helsinki City Council guilty of writing hate material on his blog and fined him 330 euros (approximately \$470). During the year the Kouvola Court of Appeals upheld the conviction of a man for posting anti-Roma hate material 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 constitution and law 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 Finnish Orthodox Church are established state churches.

Citizens who belong to one of the two state churches pay a 1-2 percent church tax as part of their income tax but may opt out by officially leaving the ELC or Orthodox Church. Other registered religious communities that qualified by having 200 or more members may receive state funds to help defray operating costs.

Religious instruction in Lutheran or Orthodox doctrine is a 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.

The Ministry of Defense stated that between seven and 12 persons annually refuse to perform military service, and it estimated that 30 to 40 persons also refuse to perform civilian service. In April the NGO Union of Conscientious Objectors (a member of NGO War Resisters' International) reported that 11 conscientious objectors were in prison for refusing to perform either compulsory military service or alternative civilian service. The 2009 Amnesty International USA report on the country put the number of imprisoned conscientious objectors between October 2007 and September 2008 at 18. Some of those imprisoned stated 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. The law specifically exempts Jehovah's Witnesses from military service. Regular military service is between 180 and 362 days. The period prescribed for nonmilitary service is 362 days. There is no obligation to repeat the service.

#### Societal Abuses and Discrimination

According to Statistics Finland, the country's Jewish community numbered approximately 1,500. 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 2009 *International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://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 country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, 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 EU state. According to the Finnish Immigration Service, the average processing times for asylum applications in the first part of the year were 7.6 months (normal procedure) and 3.4 months (accelerated procedure), compared with 5.9 months and 1.9 months in 2008. During the first nine months of the year, the government provided temporary protection to 19 individuals who might not qualify as refugees.

In practice the government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

There were reports of societal discrimination against foreign-born residents, including refugees and asylum seekers, and there was violence aimed at asylum applicants. On June 15, an explosion occurred in the yard of the Finnish Red Cross reception center housing 21 asylum seekers in Suomusjarvi in the southwest. There were no reports of injuries, but the blast was strong enough to cause minor damage to the property. The police have not determined if the act was racially motivated.

There are also reports of individual attacks against asylum seekers, including a knife attack on June 30 by two men against an asylum seeker at a reception center in Kemi, fighting at a refugee center in Pudasjarvi, and an assault originating in Takajarvi on a male asylum seeker who was thrown into a lake.

On July 1, the Ministry of the Interior responded to the attacks by stating it would more closely monitor the security situation at refugee centers. Officials have tried to reduce tension by writing about refugees in local newspapers, inviting refugees to participate in local sporting events, and increasing opportunities for direct contact between locals and immigrants. The ministry stated it is concerned about the recent attacks against asylum seekers but has not planned to take official action to deal with the attacks.

### 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

Municipal elections were held in October 2008. Due to the malfunction of electronic voting machines in three districts, the Supreme Administrative Court in April ordered a rerun of elections; the repeat elections were held in the three districts on September 9.

Parliamentary elections in 2007 were considered free and fair. Political parties could operate without restriction or outside interference.

On June 7, the country held elections to the European Parliament that were considered free and fair.

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 minority groups in parliament and two in the cabinet. The autonomous region of the Aland Islands elects one representative and has its own parliament. The indigenous Sami minority enjoys semiautonomous status and has its own parliament.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. In May the first phase of campaign finance law reforms proposed by a nonpartisan governmental working group was approved and implemented.

There were allegations of improper campaign contributions during the year. Starting in May 2008 the press began publishing stories about questionable campaign donations made to a large number of candidates in the 2007 parliamentary elections--mainly but not exclusively involving the governing parties. The largest source of questionable donations was a business development association that received funds from a now-bankrupt real estate developer. State-owned enterprises also gave donations. The majority of the recipients were members of the prime minister's Center Party, including the prime minister himself. During the year, the Center Party, the National Coalition Party, the Social Democratic Party, and individual politicians returned campaign donations from the real estate company. Late in the year controversy became more heated and led to calls from the opposition for the resignation of the prime minister. On October 1, the government survived a no-confidence vote over the issue in parliament.

By the end of the year police initiated one pretrial investigation. This investigation is focused on the former chairman of the board of the state-owned Finnish Slot Machine Association. This person resigned from his post on September 29 after media reported that he had received campaign donations from a foundation that receives financial support from the Slot Machine Association. The former chairman was a member of parliament for the Center Party from 1983 until he lost his bid for a seat in the 2007 elections.

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 responsibility for oversight of government activities and prosecuting cases of possible corruption.

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 5 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.

On September 1, the Porvoo District Court opened the trial of Francois Bazaramba, a 58-year-old Hutu man accused of committing war crimes in Rwanda in 1994. Finnish authorities had detained Bazaramba, who came to the country in 2003 as a refugee, since 2007. On February 20, the government declined an April 2008 request from the Rwandan government to extradite Bazaramba to Rwanda.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced these prohibitions. However, there were reports of violence against women and children, trafficking in persons, and societal discrimination against foreign-born residents and Roma.

On September 3, the government released a report on human rights policy. The report noted that women, children, persons with disabilities, sexual minorities, and indigenous persons face the greatest risk of discrimination in the country.

## Women

The law criminalizes rape, including spousal rape, and the government enforced the law effectively. The maximum prison sentence for rape is six years but can be as much as 10 years in cases of aggravated rape. A total of 668 cases of rape were reported to police for the year. In 2008, the most recent period for which government figures were available, 110 persons were convicted of rape. The 2009 Amnesty International USA report on the country, which covered the period from October 2007 through September 2008, stated that less than 10 percent of rape cases were reported and that only one in seven rape cases resulted in a conviction. Officials at the Ministry of Justice estimated that the actual number of rape cases was higher and that, of the unreported cases, as many as 75 percent were committed by an assailant known to the victim.

Police and government officials actively encouraged victims to report rape cases through various public awareness campaigns.

Societal violence against women, including spousal abuse, continued to be a problem. Domestic abuse may be prosecuted under various criminal laws, including laws prohibiting rape, assault and battery, harassment, and disturbing the peace. The penalty for physical domestic violence ranges from a minimum of six months to a maximum of 10 years in prison.

During the year a survey by the National Research Institute of Legal Policy implicated domestic violence in an estimated one in three homicides in the country. According to the survey, domestic violence accounted for 12 percent of all violence reported to the police. The survey asserted that the number of domestic violence cases reported to police has risen as a result of training police to identify potential domestic violence and greater public awareness of the problem.

Police may refer potential perpetrators or victims of domestic violence to government social welfare agencies that have programs aimed at reducing domestic violence by promoting cooperation between cohabiting partners through support to victims, as well as anger management and other counseling services for 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 hotline 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-fourth of those seeking shelter were reported to be immigrants, although shelter logs often omitted victims' origin to protect them. Foreign-born residents who were not proficient in Finnish, Swedish, Sami, or 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.

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.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to do so free of discrimination, coercion, and violence. Women have access to contraception and skilled attendance during childbirth, including obstetric and postpartum care, and are equally diagnosed and treated for sexually transmitted infections.

Women have the same rights as men under family and property laws and in the judicial system. The government 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. In 2008 the equality ombudsman's office received 370 complaints (52 percent of all cases) alleging discrimination and unequal treatment.

According to the Office of the Ombudsman for Minorities, one of the authorities that track gender-related issues in the country, situations of inappropriate treatment in the workplace in 2008 were associated with grievances relating to working conditions (ambiguities in working hours and pay) or other unsatisfactory treatment such as name-calling or isolation in the work community.

On average women earned approximately 18 percent less than men for substantially similar work. Statistics Finland data from October 2008, the most recent information available, indicated that in the private sector the average monthly wage for men was 3,500 euros (approximately \$5,000), but only 2,700 euros (approximately \$3,900) for women. These averages, accounting for more than 635,000 private sector employees, demonstrate the gender wage disparity in the private sector. This disparity is attributed to the fact that men tend to work in more senior or skilled positions than women. An exception is in the field of medicine. The Finnish Medical Association, representing 94 percent of physicians living in the country, reported in December 2008 that 52 percent of its 22,951 physicians were women. Furthermore, women accounted for 72 percent of all physicians under the age of 30. In other occupations, women remained 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

Citizenship at birth is generally derived through the child's parents. A child can also acquire citizenship at birth if he or she is born in the country and meets certain other criteria, such as if the parents have refugee status in the country or if the child is not eligible for any other country's citizenship. A local register office records citizens' births in the Population Information System. There were no reports of unregistered births during the year.

During the year 1,078 cases of suspected child sexual abuse were reported to police, approximately the same number of cases as in 2006 and 2007. According to Statistics Finland, 1,321 cases of child sex abuse were reported to the police in 2008.

Information on violence against children was not collected comprehensively. In 2008 a child victim survey by police indicated that children and young persons experienced violence more frequently than adults. Approximately 20 percent of boys and 15 percent of girls indicated they had experienced some form of assault or battery over the previous year. Children were subjected to violence at home, school, and leisure. Adults were responsible for the violence against children in one in 10 cases. In general, girls tended to experience violence at home, while boys were subjected to violence outside the home, usually by another boy.

The government has established a national action plan to train law enforcement, judicial, and social welfare officials in methods of identifying, protecting, and assisting child victims of sexual abuse. However, according to a survey conducted during the year by the National Institute of Legal Policy, there was still a need for better central planning and information sharing among national and local officials and judges in order to streamline judicial procedures to combat child abuse.

The country has laws against statutory rape, with the age of sexual consent set at 16 years. The minimum age for a sex worker is 18. A person whose age cannot be determined but who can justifiably be assumed to be under the age of 18 is regarded as a child. Sexual abuse of a child has a maximum sentence of four years' incarceration while aggravated sexual abuse of a child carries a maximum sentence of 10 years. Manufacturing, selling, renting, importing, or exporting sexually obscene pictures or recordings of a child carries a maximum prison sentence of two years while aggravated distribution of sexually obscene pictures of children has a minimum sentence of four months and a maximum sentence of six years.

There were no reports that child sex tourism was a problem in the country. If a citizen engages in child sex tourism overseas, the country's laws provide for extraterritorial prosecution for such acts, and the citizen could be investigated and prosecuted by local law enforcement. The country has prosecuted sex tourism under child pornography laws.

There is a government ombudsman for children's issues under the Ministry for Social Affairs and Health. During the year the ombudsman continued to work to raise public awareness of child abuse and to promote the government's child, youth, and family policy program.

#### 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 believed to be women of Russian origin, 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.

Men and women were also trafficked to provide forced labor. Many of these workers were trafficked from China, Vietnam, India, and, to a lesser degree, Pakistan and Bangladesh, 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. In some cases traffickers stole victims' passports and used violence or the threat of violence to ensure their compliance.

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

The maximum prison sentence for trafficking in persons is six years, and 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 the police, the border guards, and the National Bureau of Investigations successfully prosecuted one conviction of human trafficking, 98 convictions of the arrangement of illegal immigration, 16 convictions of aggravated arrangement of illegal immigration, and 46 convictions of abusing a person who is the object of the sex trade. In addition there were 85 convictions of employers for improperly hiring aliens and 1,466 convictions of aliens for working illegally. In

December 2008 a court handed down prison sentences to three men and two women on human trafficking for the purpose of sexual exploitation and fraud charges. The sentences ranged from two to five and a half years.

The ministries of foreign affairs, interior, justice, labor, education, and social welfare were involved in combating trafficking. The parliamentary human rights caucus, the National Bureau of Investigation, the border guards, customs and immigration, and municipal police also were involved in antitrafficking efforts. The government provided specialized training for law enforcement personnel and prosecutors in antitrafficking measures. In January the parliament designated the ombudsman for minorities as a national rapporteur on human trafficking. The ombudsman reports regularly to the government and independently monitors the country's international commitments.

The government participated in multilateral and regional efforts to combat trafficking through organizations such as the Council of Baltic Sea States, the Nordic Baltic Task Force against Trafficking in Human Beings, the Council of Ministers, and the Barents Euro-Arctic Council. The government was also involved in antitrafficking efforts with the EU and the Organization for Security and Cooperation in Europe.

The state-owned airline, Finnair, continued to train new flight attendants to identify and report potential trafficking victims, particularly children and unaccompanied minors, on its international flights.

The government provided the majority of funding for antitrafficking NGOs. However, critics questioned the overall effectiveness of the trafficking awareness campaigns and their ability to target relevant NGOs, authorities, and victims. 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 Employment and the Economy 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.

In October the Office of the Prosecutor General and police cosponsored a two-day antitrafficking education seminar for police officials, prosecutors, and judges.

The Ministry of the Interior operated a cross-administrational trafficking-in-persons intelligence group that was permanently assigned in March to work on international exchange of information, participate in national and international working groups, coordinate national operations, and monitor and compile statistics with regard to trafficking.

The State Department's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://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 remain inaccessible. Most forms of public transportation were accessible, but problems remained in some geographically isolated areas. The Ministry for Social Affairs and the Ministry of Employment and the Economy 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. The most common reported race-related crime was assault. In 2008, the year for which the most

recent data are available, the police received 859 reports of race-related crimes and misdemeanors. This represents a 19 percent increase over the 698 race-related crimes reported in 2007, but at least a portion of this increase is likely due to an increased awareness of this type of crime resulting from additional training and an improvement in the collection of statistics.

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 was prosecuted as a hate crime.

According to the minority ombudsman, discrimination against the approximately 10,000 Roma in the country 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, 60 percent of discrimination cases involved Roma, followed by Russian-speakers, Somalis, Turks, Iraqis, and ethnic Thai. 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 the treatment of national, racial, and ethnic minorities by the police, the border guards, and teachers. The government's minority ombudsman monitored and assisted victims of discrimination. The ombudsman for minorities supervises compliance with the prohibition of ethnic discrimination.

#### Indigenous People

The law provides for the protection of the Sami language and culture, and the government financially supported these protections. The Sami, who constitute less than 0.1 percent of the population, have full political and civil rights as citizens, as well as a measure of autonomy in their civil and administrative affairs. A 21-member Sami parliament (Samediggi) popularly elected by the Sami is responsible for the group's language, culture, and matters concerning their status as an indigenous people. The Sami parliament can make initiatives to officials and adopt resolutions. It is an independent body but operates under the purview of the Interior Ministry. Despite constitutional protections, members of the Sami community continued to protest the lack of explicit legislation to safeguard Sami land, resources, and economic livelihood. The government owns 90 percent of the land in the Sami home region. Sami have alleged for decades that the government used their land for logging and other purposes without consulting them.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

No person may be discriminated against on the basis of gender, sexual orientation, or other personal characteristics. The government generally respects these rights, and law enforcement authorities have mechanisms to investigate and punish violations against these human rights. The national human rights and sexual equality-oriented NGO Seta and its members participate actively in national decision-making processes, and the organization provides a forum for public discussions of these subjects. In addition, several foundations, social platforms, and government-funded offices offer advising services, support, and hotlines related to sexuality issues.

There were no incidents of violence or human rights abuses specifically targeting individuals based on their sexual orientation or gender identity. Gays in legal partnerships are not allowed to donate blood or organs for national use.

#### Other Societal Violence or Discrimination

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

## Section 7 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. According to statistics from the Ministry of Employment and the Economy, approximately 71 percent of the workforce was unionized during the year. According to a survey by the University of Turku published in January, approximately 30 percent of the foreign labor force in the country is 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. The national conciliator assists the negotiating partners in settling labor disputes if a collective agreement cannot be reached without outside help. The national conciliator can also assist central labor market organizations in drawing up comprehensive income policy agreements. 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.

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.

### 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 law requires all employers, including nonunionized employers, to pay minimum wages that are collectively agreed. This means that in theory workers for the same job will all receive the same wages, regardless of whether they are a member of a labor union.

The government sets occupational health and safety standards, and the Ministry of Social Affairs and Health enforced them effectively.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that such incidents occurred. Men, women, and children were subjected to forced prostitution and 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 reprisal.

### d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace; however, there were reports that children were subject to commercial sexual exploitation and forced labor.

The law allows children older than 15 to enter a valid employment contract as long as work does not interrupt compulsory education. Such employment is restricted to no more than nine hours per day and 48 hours per week with mandatory minimum daily rest of 12 hours. Additionally, young workers may not work at night after 10 p.m. or in certain conditions that risk health and safety. Children as young as 14 may work only under more limited circumstances.

The Ministry of Employment and the Economy 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. These agreements covered almost all workers. The negotiated minimum wages provided a decent standard of living for workers and their families.

The Ministry of Employment and the Economy is responsible for labor policy strategy and implementation, improving the viability of working life and its quality, and promoting employment. The ministry's tasks also include arbitration in industrial disputes, ensuring nondiscrimination, certain services for seamen, and matters related to wage security.

The standard workweek established by law is eight hours per day with no more than 40 hours of work per week. Only seamen, household workers, road-transport workers, and workers in bakeries are subject to separate working time regulations. Employees working shifts or during the weekend are entitled to one 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.

The government sets occupational health and safety (OSH) standards, and the Ministry of Social Affairs and Health enforced them effectively. Occupational safety and health inspectorates monitor compliance with occupational safety and health legislation. OSH inspectors have the right to enter workplaces and carry out health and safety inspections there. They also receive from the employer information and analyses necessary for inspection purposes. The employer is informed of the inspection in advance, unless a surprise inspection is necessary for enforcement purposes. A subsequent inspection report gives the employer written advice on how to remedy minor defects. In the case of more serious violations, the inspector issues an improvement notice and monitors the employer's compliance with it. When necessary, the OSH authority--the office of the OSH Inspectorate--may issue a binding decision and impose a fine. If the hazardous situation involves a risk to life, the inspector may halt work on the site or issue a prohibition notice concerning the source of risk. Workers have the right to refuse dangerous work situations without penalty, and the government enforced this right in practice.

Compliance with collective agreements is monitored by the labor market organizations concerned. OSH authorities monitor unorganized employers' adherence to generally applicable collective agreements.

The labor and occupational safety law is applied to all employees in the country, regardless of their nationality. If an employer's response to an employee complaint is not satisfactory, unionized employees may forward the matter to the relevant trade union. Nonunion employees may contact the OSH Inspectorate for advice and guidance.