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2010 Human Rights Report: Finland

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

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 a four-party coalition government. Parliamentary elections in 2007 were free and fair. Security forces reported to civilian authorities.

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, societal discrimination against foreign-born residents and Roma, and violence against lesbian, gay, bisexual, and transgender (LGBT) persons and property.

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 disappearances.

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

The constitution and law 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 monitoring visits by independent human rights observers.

The government's report on human rights policy stated that in January 2009, 510 cells in five penitentiaries had inadequate sanitary facilities. During the year the media reported that closures and renovations of selected prisons reduced the total number of inadequate cells to 200 in two penitentiaries.

During the year prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. There were no such complaints during the year.

d. Arbitrary Arrest or Detention

The constitution and law 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 the 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.

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. Authorities usually respected these rights in practice. Detainees must be promptly informed of the charges against them, and lawyers must be provided for the indigent. There were no developments or reports of government action in response to the finding in 2009 by the Council of Europe's Committee for the Prevention of Torture (CPT) that detainees' access to legal counsel was often significantly delayed.

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.

The law permits police to carry out a simplified pretrial investigation in cases such as endangering traffic, petty theft, and unlawful use of narcotics where the statutory punishment for the alleged offense is limited to a fine. In these simplified pretrial investigations police may often conduct the questioning and other aspects of the investigation soon after the offense at the place where it was allegedly committed.

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. Trials in courts of the first instance are usually public. The law does not provide for trial by jury. Defendants have a right to be present at trial. They also have a right to consult an attorney in a

timely manner, although in 2009 the CPT reported many cases in which detainees were denied prompt access to an attorney of their choice (see section 1.e.). Attorneys are to be 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. Defendants have a right of appeal.

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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 residing in the country has the right to be heard in a matter relating to the refusal of his or her entry, deportation, or prohibition of entry. If the matter is taken to court, the Supreme Administrative Court makes the final decision. The alien is allowed to stay in the country until the legal procedure is concluded.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

During the year the European Court of Human Rights (ECHR) issued 17 judgments against the government, some of them involving multiple infractions. In nine cases the court found excessive lengths of legal proceedings; in eight, violations of the freedom of expression; in two, violations of the right for a fair trial; and in two, violations of the right for the respect of family and private lives. When a breach of the ECHR is found, the government's policy is to take action in the specific case in which the breach was found and enact legislative and administrative changes to avoid a repeat of the infraction.

In June a study for the Ministry of Justice found that the country's laws and regulations were adequate for the protection of freedom of expression but that authorities did not take ECHR decisions into sufficient account when applying them. It recommended training for officials on those decisions. The ministry commissioned the study because the government had lost many cases in the ECHR related to freedom of expression.

Civil Judicial Procedures and Remedies

The constitution provides all persons in the country 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.

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

The constitution and the law prohibit 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.

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 the Finnish Communications Regulatory Authority, 86 percent of the country's residents used the Internet in the period from August to October, and 81 percent of households had an Internet connection. Supplementing private use, approximately 91 percent of enterprises are connected with broadband.

In the beginning of July access to a broadband connection of at least one-megabit became a legally "guaranteed right" for all residents. Telecommunications service providers must be able to offer every permanent residence or business affordable and high-quality broadband access to the Internet. The new measure provides equally high-standard access to the Internet to all residents and to support services in sparsely populated areas of the country. According to the law, the broadband subscription's price and delivery time must be reasonable.

Courts can fine persons found guilty of inciting racial hatred on the Internet, and during the year there were reports of court decisions fining individuals for publishing and distributing hate material via the Internet.

On September 9, the prosecutor general's office charged a man who threatened Minister of Migration and Europe Astrid Thors by creating a group on the social networking Web site Facebook with the heading "I am prepared to do a few years for killing Astrid Thors." He was charged with illegal threats, aggravated defamation, public encouragement of crime, and incitement against a national group. He was convicted on December 8 and fined 640 euros (\$858); in addition his computer was confiscated. This was the country's first prosecution of a threat made on Facebook.

On April 16, the Helsinki Court of Appeals upheld the fine of 615 euros (\$824) against Olavi Maenpaa, a member of the Turku city council from the True Finns Party, for making derogatory and slanderous remarks against immigrants in an election debate held in 2007 and broadcast on national television and the Internet.

On June 3, the district court in Kymenlaakso found a 43-year-old man guilty of incitement of an ethnic group after he sold extremist white-power music on the Internet. The man was fined 420 euros (\$563), but did not receive a jail sentence.

On October 29, the Helsinki Court of Appeals upheld the district court's conviction of Jussi Halla-aho, a local politician and parliamentary candidate from the True Finns Party, for defaming religion and affirmed his fine of 330 euros (\$442). However, the appeals court found that Halla-aho's Internet writings on Somalis were within the bounds of lawful exaggeration and provocation and dismissed charges of inciting racial hatred.

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 the freedoms of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/rpt.

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

The constitution and law 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, and the government has established a system for providing protection to refugees.

On March 11, the Ministerial Working Group on Immigration Policy left the national quota allocation for the year at 750 refugees, unchanged from previous years. The ministerial group agreed to receive 200 Iraqi refugees from Syria, 150 Burmese refugees from Thailand, 150 Congolese refugees from Rwanda, 150 Afghan refugees from Iran, and 100 refugees on an emergency basis. Afghan refugees were allocated a quota for the first time in five years. The government selected quota refugees individually and gave preference to vulnerable refugee women. Authorities expected that approximately 2,000 fewer persons would seek asylum during the year than in 2009, when 5,988 applications were filed.

The continuing deportation case of an Egyptian grandmother, Eveline Fadayel, received widespread media attention. The 65-year-old woman lived in the country since 2007. The Finnish Immigration Service previously denied her a residence permit because grandparents are not considered immediate family members. Authorities ordered her to leave the country by mid-June, but her relatives hid her. On August 31, the ECHR extended her temporary stay in the country, and the government responded to the ruling on December 21 by issuing her a one-year residence permit. Fadayel subsequently died.

On July 1, legislation entered into force to provide for faster adjudication of the claims of asylum seekers from other EU countries and reduce their monetary benefits. In practice a citizen from another EU country cannot be granted asylum in the country.

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 directed at asylum applicants.

According to statistics for 2009 from the UN High Commission for Refugees, 2,407 stateless persons lived in the country at the end of 2009. A child may obtain citizenship from either his mother or father regardless of the place of birth and may also acquire citizenship if he is born in Finland and would otherwise be stateless. Involuntarily stateless persons and certain other special groups (such as refugees) have a shorter residency requirement than typical applicants before gaining citizenship – four years as opposed to six.

All asylum applicants are granted temporary residency while they await the decision regarding their applications, but to discourage asylum seekers from destroying their identification documents, only those applicants who crossed the border with proper identification documentation may without discrimination seek employment, education, healthcare, property

ownership, and other services after three months. Otherwise, the right to work may be granted after six months of residence.

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

The law provides citizens with 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 2007 were considered free and fair. 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, the prime minister, and the president of the Supreme Court were women.

There were 13 members of minority groups in the parliament and two in the cabinet. The autonomous region of the Åland 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.

Public debate on election-financing ambiguities continued during the year. Effective September 1, the law requires parties, candidates, and candidates' supporters to report every donation above 800 euros (\$1,072) in municipal elections or above 1,500 euros (\$2,010) in other elections. This reporting requirement also applies to other forms of electoral support, such as funding seminars or donating goods and services for political purposes. The National Audit Office, the country's supreme audit institution, is responsible for collecting the reports and maintaining a public register on the Internet.

During the year the National Bureau of Investigation continued investigating suspected instances of bribery and abuse of trust involving members of parliament from the Center and National Coalition parties.

On September 16, Chancellor of Justice Jaakko Jonkka urged the parliamentary Constitutional Committee to investigate an alleged conflict of interest involving Matti Vanhanen (Center Party) while he was prime minister. Vanhanen left the prime minister's office on June 22 because of this scandal. The alleged conflict of interest related to cabinet decisions about whether the state-run Slot Machine Association should aid the nongovernmental organization (NGO) Youth Foundation (a Center party-led housing charity). The Youth Foundation had funded Vanhanen's presidential election campaign in 2006. Vanhanen did not recuse himself from participating in these cabinet decisions. On October 12, the parliamentary Constitutional Law Committee requested a police inquiry into Vanhanen's role in his government's decisions.

On October 27, prosecutors brought charges against seven former executives of the now-insolvent property developer Nova Corporation, including two CEOs, Arto Merisalo and Tapani Yli-Saunamaki, for aggravated debtor fraud and aggravated bookkeeping offenses. According to a police inquiry, the corporation's spending included giving more than 100,000 euros (\$134,000) to the political fundraising body Kehittyvien Maakuntien Suomi. Nova also allegedly funded a birthday party for former foreign minister Ilkka Kanerva (National Coalition Party).

In June the state prosecutor charged Markku Murto, the former CEO of Patria Vammas, a subsidiary of the majority-state-owned defense contractor Patria, and four other persons with the bribery of Egyptian officials and bookkeeping crimes. Investigators reviewed three separate allegations of bribery by Patria. The oldest of the cases involved possible bribery by Patria of high-ranking officials in Slovenia to help secure a contract for armored vehicles. The company's former CEO Jorma Wiitakorpi resigned in 2008 as the investigation into this matter intensified, and several other employees were arrested on charges of bribery related to this case in the same year. Of the two other cases being investigated by Finnish authorities, one involved allegations of bribery to secure contracts in Croatia, and the other involved possible violations of the country's corporate secrecy laws.

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 oversees government activities and prosecutes 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.

The Parliamentary Ombudsman enjoyed the government's cooperation, operated without government or party interference, and had adequate resources. In 2009, the last year for which data are available, 4,806 new matters were referred to the ombudsman, and the ombudsman issued a decision in 4,903 cases. The main targets of the complaints received were the social welfare authorities, law enforcement authorities, health care, municipal affairs, education, and taxation. The average length of time taken to deal with an oversight-of-legality case at the end of the year was 6.1 months.

The parliamentary Constitutional Law Committee issued statements on bills submitted to it regarding their consonance with international human rights agreements. The parliamentary Legal Affairs Committee dealt with legislation relating to criminal and procedural law, the courts, and the prison system.

On June 11, the Ita-Uusimaa district court found Francois Bazaramba, a Rwandan living in the country, guilty of committing genocide in Rwanda in 1994 and sentenced him to life in prison. The court found that Bazaramba, an ethnic Hutu, led attacks against Tutsis in southern Rwanda and gave orders and instructions that led to killings. In addition he was found to have disseminated anti-Tutsi propaganda, organized roadblocks, and distributed seized property. Bazaramba applied for asylum in the country in 2003. The Justice Ministry denied the Rwandan government's extradition request and tried Bazaramba because it feared Rwanda would not be able to provide a fair trial.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit 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.

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. Between January and September, 648 cases of rape were reported to police. In 2009, 660 cases of rape were reported to police. The number of reported rapes during the year included cases reported to the Finnish Border Guards and Customs that were not included in 2009 data. In 2009, the most recent period for which government figures were available, 153 persons were convicted of rape.

On March 8, Amnesty International stated in two reports that victims of sexual abuse and domestic violence seeking justice in the country faced many obstacles, such as inadequate, negative, or dismissive responses by police, medical, and judicial personnel. On February 5, Allan Rosas, the country's judge in the European Court of Justice, stated to the Finnish Broadcasting Company that sentences by the country's courts for rape were light compared to those of other EU countries. During the year other legal scholars also criticized the variations among sentences by different courts for the same crimes.

Police and other government officials actively encouraged victims to report rapes through various public awareness campaigns.

Societal violence against women, including spousal abuse, continued to be a problem. According to the 2009 National Research Institute of Legal Policy survey, 12 percent of violence reported to the police qualified as domestic violence, 75 percent of victims of domestic violence were women, and 25 percent were men.

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.

The NGO Federation of Mother and Child Homes and Shelters stated domestic violence is a problem in all age and social groups regardless of level of education. Violent behavior within a family often remained unreported to the police. A report by the Ministry of Social Affairs and Health highlighted three trends in violence against women. Sexual violence (including harassment) seemed to be more frequent. With approximately 100,000 women involved in domestic or sexual violence in 2008, crimes involving serious domestic violence did not decrease significantly, since the number of women in relationships killed in violent deaths remained stable. In 2003-08, the period covered by the report, an average of 23 women were killed annually in partnerships. The number of women who experienced violence by their former husband or partner increased.

Police may refer potential perpetrators or victims of domestic violence to government social welfare agencies that have programs designed to reduce domestic violence. These programs promoted cooperation between cohabiting partners by providing support to victims and anger management counseling and other advisory 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 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 were married or in a cohabiting relationship; nearly one-fourth of those seeking shelter were reported to be immigrants, although shelter records often omitted victims' origins to protect them. Foreign-born residents who were not proficient in Finnish, Swedish, Sami, or English experienced some difficulty accessing domestic violence services.

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. The Office of the Ombudsman for Minorities, one of the authorities that track gender-related problems in the country, noted an increase of inappropriate treatment in the workplace in 2009 related to working conditions (ambiguities in working hours and pay) or other unsatisfactory treatment such as name-calling or isolation in the work community.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and have the information and means to do so free of discrimination, coercion, and violence. Women have access to contraception and skilled attendance during childbirth, including obstetric and postpartum care. Women and men are equally diagnosed and treated for sexually transmitted infections. According to UN estimates for 2008, the maternal mortality rate in the country was 8 deaths per 100,000 live births, and all the births were assisted by skilled attendants.

Women have the same rights as men under family and property laws and in the judicial system. The government maintained three entities devoted to gender equality problems: 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. In 2009 the equality ombudsman's office received 540 complaints (59 percent of all cases) alleging discrimination and unequal treatment.

On average women earned 19 percent less than men for substantially similar work. According to Statistics Finland data from November, the most recent information available, the average monthly wage in the private sector for men was 3,297 euros (\$4,418) but only 2,669 euros (\$3,576) for women. This disparity was attributed to the tendency of men to work in more senior or skilled positions than women, with the exception of the fields of medicine and education. Men tended to dominate the upper ranks in industry, finance, and some government ministries, while women remained overrepresented in lower-paying occupations. This pay gap narrowed slightly from 2008 to 2009 because women's earnings in the public sector rose faster than men's. The law provides that individuals may receive compensation for lost wages in cases where gender-based discrimination is proven.

The conflict between the leadership of the Evangelical Lutheran Church (ELC), the larger of the country's two state churches, and members of its clergy who refused to cooperate with female pastors continued during the year. The recalcitrant clergy were in the minority, and on September 12, Irja Askola became the country's first female ELC bishop.

The Supreme Court ruled on October 24 that a pastor who refused to work with a woman colleague was guilty of discrimination. The court's ruling brought to a close the first case in the country's legal history involving discrimination against woman clergy. The court heard that Ari Norro had refused to work with a woman, citing his convictions against female clergy. The Supreme Court ruled that religious freedoms do not supersede antidiscrimination laws. A district court had fined Norro 320 euros (\$429), and the appeals court and the Supreme Court upheld the fine.

Children

Citizenship at birth is generally derived through either or both of 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 registration office records all births in the Population Information System.

Between January and September, 840 cases of suspected child sexual abuse were reported to police, 55 percent more than in 2009. The minister of justice declared on both February 4 and May 4 that sentences for sex crimes against children were being toughened.

According to the National Research Institute of Legal Policy, victimization is more prevalent among youths than it is among adults. A national victimization survey found that 20 percent of 15 to 19 year olds reported having been victims of violence or threats of violence in 2009. Four percent reported violent victimization resulting in physical injury. Recent years have seen new types of victimization emerging through technology including harassment and threats by e-mail and SMS (text) messages.

Children were subjected to violence at home, school, and during leisure activities. Girls tended to experience violence at home, while boys were subjected to violence outside the home, usually by another boy. Violence against children outside of the home by adults was limited, with less than 5 percent of children reporting physical violence by a teacher, and only isolated instances of violence and sexual abuse by recreational instructors. Psychological violence was more common; approximately 9 percent of students surveyed reported psychological violence from a teacher.

The country has laws against statutory rape, with the age of sexual consent set at 16 years of age. The minimum age for a sex worker is 18 years of age. 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' imprisonment. Manufacturing, selling, renting, importing, or exporting sexually obscene pictures or recordings of a child carries a maximum prison sentence of two years, and aggravated distribution of sexually obscene pictures of children has a minimum sentence of four months and a maximum sentence of six years' imprisonment.

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

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

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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.

On August 1, the country's National Board of Education amended the national core curricula for basic and general upper secondary education levels to underscore the historic importance of the Holocaust and other historical human rights crimes.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. 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 continued in some geographically isolated areas. The Ministry for Social Affairs and Health and the Ministry of Employment and the Economy are responsible for protecting the rights of persons with disabilities, and do so effectively.

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 2009, the most recent year for which data are available, police received 1,007 reports of hate-crime-related crimes and misdemeanors. Approximately 85 percent of those reported crimes had indications of racist motives related to the victims' ethnic or national background. Religious and sexual motives counted for 11.5 percent of reported cases.

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. The law does not have a specific category for "race-related crimes" or "hate crimes." However, racism as a motive or party to another motive to any other criminalized act is a cause for aggravating the sentence. Nine persons were under investigation following a fight at Helsinki's Linnanmaki amusement park that led to its early closure during the park's 60th anniversary celebrations on June 6. Six of the suspects were women, and three were men. They were all between the ages of 16 and 27. According to police, the fight began after a heated exchange between Somalis and Kurds in a line for one of the rides. According to media reports, dozens of young persons with immigrant backgrounds took part in the incident.

On September 11, a fire almost destroyed a Buddhist temple under construction in Turku. Police investigated and stated that the fire was set deliberately. The media reported that the same temple was vandalized a week earlier, and there was an attempt to burn sheets that had been hung on the walls. It is to be the first purpose-built Buddhist temple in the country.

According to the minority ombudsman, discrimination against the approximately 10,000 to 12,000 Roma in the country extended to all areas of life, resulting in their effective exclusion from society. Roma are classified as a "traditional ethnic minority" in the ombudsman's report. The Romani minority was the most frequent target of racially motivated discrimination, followed by Russian-speakers, Somalis, Turks, Iraqis, Sami, and Thais. Ethnic Finns were also occasionally victims of racially motivated crimes for associating with members of minority communities.

On November 20, a group of approximately 15 persons wearing swastikas and brandishing Nazi symbols heckled an antiracism demonstration of 100 persons in Turku. Police held one of the hecklers overnight but did not arrest him.

As of April, 52,200 Russian-speaking persons lived in the country, principally in Helsinki and areas along the Russian border. They were by far the largest minority not speaking Finnish or Swedish, the country's two official languages. In April 2009, the latest date for which data was available, unemployment among immigrants from the former Soviet Union (excluding Estonia) was 31 percent, compared to 17.6 percent for all immigrants and 8.8 percent in the country overall. As causes for this discrepancy, a report by the minority ombudsman identified the lack of Finnish-language ability, the lack of

education or recognition of training, personal cultural differences, lack of employers' confidence in Russian-speakers, discrimination, and the lack of local social networks. Russian-origin persons have the highest number of requests for assistance of any immigrant group and nearly double that of Somalis (the immigrant group with the second highest number of requests).

On October 25, Eva Biaudet, the current ombudsman, proposed that the country institute an anonymous job application system for public sector jobs to counter discrimination against Russian-speakers. According to the ombudsman's office, the unemployment rate among Russian-speakers greatly exceeded the average rate among all foreigners even though many Russian-speakers are highly trained and have a good command of Finnish.

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 police, 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 constitution 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 adopt legally binding resolutions, propose initiatives, and provide policy guidance. 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, much of it in the form of national parks. 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 respected these rights, and law enforcement authorities investigated and punished violations of these rights. Gays in legal partnerships were not allowed to donate blood or organs for use in the country.

On July 2, three men between the ages of 19 and 21 were accused of staging a preplanned attack on Helsinki's annual gay pride parade. After throwing smoke bombs to cause confusion, they assaulted more than 30 persons, including children, with pepper spray. No one was seriously injured. Some 3,000 to 5,000 persons took part in the parade. The country's political leadership, including the president, condemned the attack. At year's end, police continued the pretrial investigation.

On July 10, the media reported that the Helsinki office of the Association for Sexual Equality (Seta) was vandalized. The police stated that windows had been broken and a swastika painted on the Seta office door. The office was empty at the time. The police could not say whether the incident was linked to the attack on the Helsinki Pride parade. On the night of December 25-26, a similar attack occurred in Jyväskylä in which windows of the local Seta office were broken, but no other vandalism occurred. Police and the landlords considered these incidents to be vandalism.

On March 18, the Helsinki regional court of appeals awarded Johanna Korhonen 80,500 euros (\$107,870) in damages and legal expenses in a case of wrongful dismissal. She was fired as editor in chief of the newspaper *Lapin Kansan* in 2008.

prior to taking up her post. She alleged her new employers, Alma Media Group, abruptly fired her when they discovered her life partner was a woman. The award included compensation for violating the equality laws, as well as for wrongful dismissal. Alma Media Group CEO Kai Telanne also faced a criminal charge over the dismissal, and the Occupational Safety and Health Administration considered the company's action a case of illegal discrimination.

On October 12, Tampere Bishop Matti Repo and Member of Parliament Paivi Rasanen from the Christian-Democratic Party questioned the need to protect the rights of LGBT persons in a televised program. In reaction to some of Repo's comments against LGBT persons, the media reported over 40,000 persons formally left the Evangelical Lutheran Church by November 3. This compared to the normal number of 44,000 persons in an entire year. In contrast the Christian Democratic Party, which had some 12,000 registered members before the incident, reportedly gained 1,000 new members during the same period.

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 constitution provides for the freedom to form trade unions and to organize. The statute regulating work agreements extends these rights to both the employee and the employer. Any restriction or obstruction of these rights is prohibited. According to statistics from the Ministry of Employment and the Economy, approximately 71 percent of the workforce belonged to unions during the year. In January 2009 a survey by the University of Turku reported that approximately 30 percent of the foreign labor force in the country was unionized. On June 16, the largest labor federation, the Central Organization of Finnish Trade Unions, stated that roughly one-third of immigrant workers had joined labor unions.

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 provide for 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. If a contract agreed by all parties is in effect, a strike is considered illegal. 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. The country's labor market system is characterized by an extensive tripartite cooperation between the government, employers groups, and trade unions. The Occupational Safety and Health authorities monitor unorganized employers' adherence to generally applicable collective agreements. The regulation of the labor market is based on labor legislation and, primarily, on collective agreements. Any trade union and employers' association may make collective agreements. Nearly all collective agreements are branch-specific. The Ministry of Labor and Economy decides on the universal validity of the agreement. The parties to collective agreements are trade unions and the central organizations of employers' associations. The role of the government has been, when needed, to support the conclusion of collective agreements by making the appropriate economic policy decisions, such as in cases involving taxes.

Employers of nonunionized workers are required to compensate employees at a wage equal to that stipulated by existing collective bargaining agreements.

The law prohibits antiunion discrimination, and there were no reports that it occurred during the year.

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 and women were subjected to forced labor in the construction industry, restaurants, and as domestic servants.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

On April 30, the district court in Pietarsaari rejected charges of human trafficking against two men of Vietnamese origin who ran an ethnic restaurant. The prosecutor alleged the victim was forced to work in his relative's restaurant for too many hours per week and for too little pay.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace.

The law allows children older than the age of 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 10:00 p.m. or in certain conditions that risk health and safety. Children as young as the age of 14 may work under more limited circumstances.

Children younger than 15 years old may be employed for summer work, school-related events, modeling, and other similar purposes, but the approval of their guardians is required. Even with guardian approval, the Occupational Safety and Health office must approve the precise employment terms of every young worker, and the working hours are limited in all cases. Employers are required to provide work insurance, social payments, and a letter of reference for all young workers. The law applies to work done by all persons under 18 years of age, whether in the private or public sector. In addition to employment relationships, the provisions of the act on occupational safety and health apply to the practical training of under-18-year-old pupils or practical work done at school.

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. 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 standard workweek established by law is eight hours per day with no more than 40 hours of work per week. The Confederation of Finnish Industries conducted a study in 2009, which showed that an industrial worker had, on average, a 33-hour workweek. Certain occupations, such as seamen, household workers, road-transport workers, and workers in bakeries, are subject to separate workweek 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 limits a worker to 250 hours of overtime per year and 138 overtime hours in any four-month period.

The government sets occupational health and safety standards, and the Ministry of Social Affairs and Health enforced them effectively. The Occupational Safety and Health Administration monitors compliance with occupational safety and health legislation, including overseeing the employment terms for young workers. The Occupational Safety and Health Administration has the right to enter workplaces and to carry out health and safety inspections. They receive information and analyses necessary for inspection purposes from the employer. The administration informs the employer of an 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 serious violations, the inspector issues an improvement notice and monitors the employer's compliance with it. When necessary the Occupational Safety and Health Administration 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.

The labor and occupational safety laws cover 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 Occupational Safety and Health Administration for advice and guidance.

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