

**OMBUDSMAN FOR MINORITIES
ANNUAL REPORT 2004**



TABLE OF CONTENTS

New Ways to Ensure Equality	2
The Media and Ethnic Minorities: Popular Education, Entertainment, or Freedom	3
The Act Came into Force	4
Broader Clientele	6
Interpretation of the Aliens Act and Good Administration	8
Monitoring Discrimination	10
Problems of the Roma Became Evident	13
Influencing and Cooperation	15
Personnel and Finances	17
Appendixes	20

NEW WAYS TO ENSURE EQUALITY

The year 2004 brought forth the awaited legislative amendments: the new Equality Act and the overall revision of the Aliens Act. The Equality Act clarified the division of duties between the authorities, imposed a new, broad monitoring duty, and essentially solidified action against discrimination. The amendments consolidated the anticipated outlines planned for the office's operation, but also signified a challenge for its internal development.

In Finnish society, the attitude towards ethnic minorities sometimes appears unresponsive and indifferent. Sometimes it is a matter of racism, but often it is only the desire to hang onto what feels familiar and safe. Improving the status and rights of ethnic minorities and foreigners calls for influencing this way of thinking. The task of the Ombudsman for Minorities is, among other things, to change the attitudes by bringing forth the ethnic minorities' and aliens' angle. Freedom of speech and the relationship with the media are thus manifested in this work in many ways. This was the case – and maybe even more so – in 2004 as well. The subject is discussed in more detail in light of what happened this year in the adjacent writing.

The individual side of ethnic conflicts becomes apparent in the Ombudsman's customer work: facing discrimination or other types of injustice is a hard experience and, if left unresolved, even destructive. Matters are still too often hidden and remain unclear. The society that is becoming multicultural has to intervene in an efficient manner: suspicions must be clarified and matters have to be resolved in a qualitative way. Being content with talking about attitudes and believing that things will come right on their own is not enough. What we need are concrete and even strong measures applicable to single cases. The Equality Act provides these.

It is also a communicative challenge to identify customer situations and bring the matters up for review. Like other authorities, the Ombudsman for Minorities has to show initiative to reach his customers. A notable milestone in



this respect was giving a new appearance to the office's website (www.vahemmistovaltuutettu.fi) in 2004. The revamp of this publication also conveys the office's stronger communication effort.

In accordance with section 6 of the Decree on the Ombudsman for Minorities (687/2001), the Ombudsman submits an annual report on the activities of the field to the Ministry of Labour. The report on the activities of the field also covers the activities of the office. The Ombudsman thus respectfully surrenders his report for the year 2004.

Helsinki, 26 May, 2005.

A handwritten signature in blue ink, which appears to be 'Mikko Puumalainen'.

Mikko Puumalainen
Ombudsman for Minorities

THE MEDIA AND ETHNIC MINORITIES

POPULAR EDUCATION, ENTERTAINMENT, OR FREEDOM

Attitudes are often crucial when it comes to the way the ethnic majority population treats minorities. If no friends, fellow workers, or relatives of the immediate circle belong to an ethnic minority, ideas are often formed by the media. The picture the media creates may become more real than the reality people can themselves see around them. The media may either strengthen or question these attitudes.

There are ways to intervene in clearly erroneous writing – it is, after all, also a sign of the journalist's unprofessionalism. Professional knowledge may, however, sadly manifest itself as an ability to fawn upon the media consumers' presumed attitudes and reinforce them by, for example, branding or suggestive writing or headlines, yet without succumbing to factual errors.

In the year under review, a public debate went on, among other things, about whether all Chinese people living in Finland were branded when it was stated in the media that "the industrial espionage conducted by the Chinese" was seen a threat to businesses. The situation may be frustrating to those belonging to the group targeted by the writing, and they suffer from this self-image imposed on them that they are often unfamiliar with. Very seldom do they get the opportunity to use their freedom of speech and bring forth information about themselves or their community that would change the image.

Freedom of speech also involves the possibility to obtain information. Support for media production directed at ethnic minorities in their own language and cultural context is still lacking today. As multiculturalism progresses, support should, nevertheless, be increased significantly.

The media can at its best give a voice to the ethnic minorities and bring them closer to the public at large. This type of writing and programming has become more common in the media. The best of them are characterised by a listening and respectful approach and an ability to convey an insight to a slightly different way of living without forgetting humanity that unites everybody.

Topics relating to ethnic minorities and foreigners are interesting. For example, the activities of alien administra-

tion are vigilantly followed. The human content in, for example, asylum matters may be enormous. The statement of the Ombudsman for Minorities regarding asylum investigations conducted at the Tampere jurisdictional district police station expressed that there existed very little administrative control or guidance. Thus, the media has an indispensable and even traditional role in watching over the authorities.

Freedom of speech includes the right to write about or show whatever and however – even unpleasant matters and in an unpleasant manner. This, of course, also applies to the doings of ethnic minorities and foreigners. The extreme way of interpreting this freedom has sometimes been to identify it with the liberty to pursue a trade. However, publishing everything that sells has nothing to do with freedom of speech. The freedom is not without boundaries, nor does it include the right to spread racism or racial hatred.

Writings expressing racial supremacy – especially those without critical and balancing thoughts – are very problematic. This was the case in the interview with Tatu Vanhanen (the August 2004 issue of the Helsingin Sanomat monthly extra). The judicial evaluation of the case can also be criticised. The decisive factor cannot be whether the communication that is presented to convince the reader and that is spreading racial supremacy by content has been composed in a neutral manner and how the one spreading the notions is expected to react to it; instead, it should ultimately be the content of the writings.

Racism and doctrines of racial supremacy are part of the common, sad European history. The vigour of racist thinking should not be underestimated by anybody in the European value community even today.

The media is the most important debater of Finnish migration and ethnic relations policies. Of course, it is a good thing that the media has assumed this role, but the politicians should do the same on a wider scale and in more ways. If one is not active enough to form one's own opinion, one cannot require others to change their attitudes. Neither can it be expected that political readiness to accept the multiculturalism of society would gain ground.

THE ACT CAME INTO FORCE

When the Equality Act came into force in February 2004, it added to the possibilities to intervene in discrimination directed at ethnic minorities and to promote equality in general. Even though discrimination on the basis of ethnic origin has been prohibited in the penal code, it has been difficult, among other things, to prove the offences. The Equality Act includes the shared burden of proof and the possibility to take the matter to the Discrimination Board or circuit court for investigation, which offers significant new possibilities alongside police investigation.

The act clarified the division of duties between the occupational safety and health authorities and the Ombudsman for Minorities. Discrimination in working life in single cases is a matter for the occupational safety and health districts. Working life questions other than single customer cases of discrimination are still part of the Ombudsman's field. They are closely related to the status and rights of aliens and ethnic minorities.

Broader Rights to Obtain Information

The Act on The Ombudsman for Minorities and the National Discrimination Board (660/2001) gives the Ombudsman the right to obtain "information necessary for him to take care of his duties from other authorities without being obstructed by confidentiality provisions." In practice, this provision provides the opportunity to monitor and evaluate how the authorities, for example, intervene in discrimination and apply the Aliens Act.

For this purpose, the Ombudsman for Minorities was authorised to review the alien register maintained by the Directorate of Immigration. However, the problem is that, despite the requirements of the act, the electronic versions of all decisions of alien administration have not been added to the register.

The authorisation to use the register has sped up counselling related to the application of the Aliens Act and customers' status and rights. The Ombudsman for Minorities has not, however, allowed this to lead to the customers directing their inquiries about the status of their application to the Ombudsman's office instead of the authorities handling the application.

Departing from the principles of good administration, the Aliens Act does not require that the missions give grounds for their visa decisions. The Ombudsman's office receives inquiries about the legal justification of negative visa decisions. In prior years, the Ombudsman often requested information from The Ministry of Foreign Affairs in these situations. In 2004, the Ministry of Foreign Affairs asked the Ombudsman for Minorities to clarify what his authority to request information regarding visas was based on. The answer was that the authority in this case was based on section 7 of the Act on The Ombudsman for Minorities. In addition, the Government proposal on the 2004 reformed Aliens Act specifically referred to that "the Ombudsman's action to improve the status and rights of aliens requires the right to obtain information about decisions that centrally affect the aliens' status and other action by the authorities." The Ministry of Foreign Affairs delivered the requested information to the Ombudsman.

The Equality Act also decreed on the possibility to impose a conditional fine to guarantee the Ombudsman's right to obtain information. The Ombudsman imposed the first conditional fine on a municipality in southern Finland in connection with the handling of a possible discrimination case relating to a Rom. Despite several requests, information was not given. The conditional fine was not sentenced to be paid, because the municipality delivered the requested information by the date required by the conditional fine.

The Equality Act Brought the Discrimination Board

The Equality Act allows the Ombudsman to ask the National Discrimination Board for a decision on the application of the Equality Act and submit cases of discrimination as administrative matters for the Discrimination Board to investigate.

Requesting a Decision on Authorities' Responsibilities

The Ombudsman for Minorities asked the Board to comment whether section 4 of the Equality Act should be applied so that the equality plans should also include an authority's role as an employer and not only as a service provider.

Neither the Equality Act nor its drafting limits the drafting of an equality plan to cover an authority's action oth-

er than as an employer. Section 4 of the Act reiterates section 22 of the constitution, which decrees the government's responsibility to safeguard the realisation of fundamental and human rights. It also makes concrete an authority's responsibility derived from the constitution to acknowledge the requirement of equal treatment in all its action. The parliamentary debate also emphasised that the equality plans must cover the authorities' action on the whole.

Bringing the Case Before the Board

A customer of foreign origin informed the Ombudsman for Minorities having experienced discrimination at a restaurant. The customer had been to the restaurant only once before. At the beginning of 2004, the customer had gone to the restaurant again and the doorman had wished the customer welcome. The doorman had apparently noticed the customer's foreign accent in the customer's response and had unexpectedly informed the customer that entry to the restaurant was denied due to the customer's prior bad behaviour. The restaurant did not offer the Ombudsman for Minorities any concrete proof of the alleged behaviour when the case was being investigated. The Ombudsman contacted the restaurant and later the customer visited the restaurant with no problems.

The Office of the Ombudsman for Minorities helped the customer to submit an application to the Discrimination Board. In the autumn, the customer was not admitted to enter the restaurant again and the reason stated was the customer's earlier problems with the restaurant.

The Ombudsman subsequently helped the customer to submit an addendum to the application to the Discrimination Board. In the addendum, the customer expressed that the customer had been a target of counteraction prohibited by the Equality Act after the customer had taken action to safeguard equality.

The Ombudsman's Role in Relation to the Board and Customers Should Be Clarified

The 2004 experiences showed that the Ombudsman's relation to both the Discrimination Board and the customers is not clearly prescribed in the Act. Namely, the Ombudsman can act as:

1. A customer's adviser in bringing a case before the Discrimination Board;
2. A customer's judicial aid when a case is taken to the Discrimination Board for a decision;
3. The transferor of an initiated case on the basis of the Administrative Procedure Act
4. The initiator of the case in accordance with the Act on The Ombudsman for Minorities and The National Discrimination Board; or
5. A control authority in the case the Ombudsman has taken the initiative to bring the case before the Discrimination Board.

Of course, it is good that there are so many courses of action, but from the standpoint of outlining the rights and responsibilities of different parties, the situation cannot be considered satisfactory.

LEGAL PROTECTION WAS IMPROVED BY THE EQUALITY ACT

- A broad definition of discrimination
- Prohibition of counteraction
- A chance to seek retribution
- A chance to change discriminating contract terms
- Lowering the threshold of proof
- The National Discrimination Board as a new body providing legal protection

BROADER CLIENTELE

The Equality Act changed and widened the priorities of the activities of the Ombudsman for Minorities. Customer service still constitutes a major part of the office's daily work, though.

The Number of Contacts Increased and Their Nature Changed

The contact register has provided significant support for developing the office's customer service and compiling statistics on it. The first comprehensive numbers of customer service contacts and the nature and content of the cases were compiled in 2004. The customer service of the Ombudsman's office was contacted 1 625 times in 2004. The previous year the number of contacts was 1 362, so the contacts increased by 19%. The office registered in total 707 measures, which were required to take care of the matters. This was almost twice as many measures as the previous year (356).

Telephone advisory services almost doubled compared to the previous year. The fact that the Equality Act and the new Aliens Act came into force was certainly one reason for the increased customer contacts. Customer service work also increased, because part of the office's new human resources were directed to customer service. In addition, the new organisation included that senior inspectors started being on duty on alternate days and the daily customer service hours were extended.

A clear change in the nature of customer contacts was the proportionally high growth of cases relating to discrimination and undeserved treatment. They constituted approximately one third of all customer cases. Because of

the varied nature of the discrimination cases, the clarification of the matters often required many steps and multiple contacts. In addition, cooperation with the Discrimination Board and other authorities was increased, which lengthened the time it took to process the cases.

Contacts and action pertaining to matters related to the Aliens Act increased quantitatively compared to the previous year. However, they decreased proportionally so that their proportion was only one-third of all contacts in 2004. The previous year the corresponding figure was 59%. Customer contacts relating to the application of the Aliens Act were mainly handled by advising the customers and guiding them to discuss the matters with appropriate authorities.

Matters compiled in the Ombudsman's register under the label integration include customer inquiries pertaining to housing, education, social services, health, working life, ethnic relations, and family life. Of these topics, contacts pertaining to housing, working life, social services, and ethnic relations in particular increased in 2004.

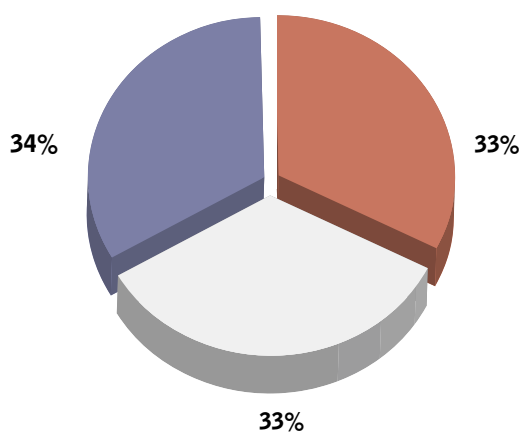
Of all customer groups, contacts by the Roma increased the most. As a result, the clientele became more widespread around the country. Contacts relating to foreigners' issues are typically concentrated on the metropolitan area.

Representatives of other traditional ethnic groups such as the Sami, Tartars and Jews contacted the Ombudsman's customer service only in some rare cases. The Ombudsman worked to influence their status by taking general action; for example, he met the representatives of the Sa-

THE KEY FIGURES OF CUSTOMER SERVICE IN 2004

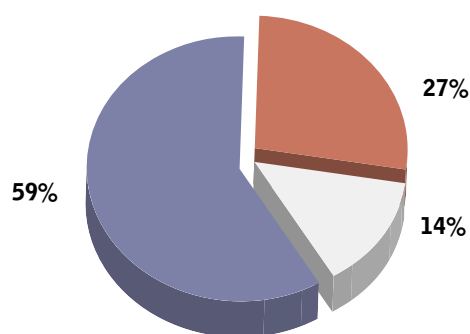
- Customer contacts in total 1 625
- Increase compared to the previous year 19 %
- The division of contacts by subject matter
 - Discrimination 1/3
 - The Aliens Act 1/3
 - Integration 1/3

SUBJECT MATTERS OF CUSTOMER AFFAIRS IN 2004



- Matters pertaining to the Aliens Act
- Integration
- Discrimination and other impertinent treatment

SUBJECT MATTERS OF CUSTOMER AFFAIRS IN 2003



- Matters pertaining to the Aliens Act
- Integration
- Discrimination and other impertinent treatment

mi Parliament and participated actively in the work of the working group appointed by the Ministry of Social Affairs and Health to investigate the circumcision of boys.

Development of Customer Service Work

On the whole, customer service offered by the Ombudsman for Minorities could be described as an increasing effort to concentrate on discrimination-related cases in more detail and bring forth more general defects derived from individual customers' cases, as well as presenting solutions for them. For example, the Directorate of Immigration has been made aware of the needs for development in customer service work, and the observations relating to the asylum investigations at the Tampere jurisdictional district police station were partly based upon the Ombudsman's own customer service. The problems

that have come up in the course of customer service are also brought up in indoctrination, addresses and training events.

The Roma, Russian-speaking and Somalian immigrants usually contact the office themselves. Fairly often, however, a customer case is brought to the Ombudsman's attention so that a Finnish family member or a friend contacts the Ombudsman on the customer's behalf. Those whose situations are the worst possibly do not know about the aid organisations and are not capable of contacting the Ombudsman's office, either. This may, for example, be true in the case of children and youth, people with narcotics or mental problems, and victims of domestic violence within ethnic minorities. In the year under review, information about the Ombudsmans' activities and customer service was thus disseminated more extensively.

INTERPRETATION OF THE ALIENS ACT AND GOOD ADMINISTRATION

Foreigners' issues kept the Ombudsman busy in 2004, as well. Some of the questions had already come up in previous years, but the Ombudsman was also contacted about problems concerning the application of the new Aliens Act. Customer contacts brought up the challenges of good administration, especially in alien administration customer service. This is reflected in the number and content of contacts that have come into the office of the Ombudsman for Minorities.

Citizenship and an Alien's Passport

Like in the previous years, delays in the processing of citizenship applications initiated a lot of contacts. In some cases, the application had been pending for as long as 5-6 years. The Somalians' citizenship applications in particular take a long time to process.

If the case had been pending for an exceptionally long period of time, the Ombudsman would contact the Directorate of Immigration to find out, if there was a special reason for the delay. The customers were advised to contact the person handling their application directly and it was also explained to them how to request the Directorate of Immigration to expedite the application. The customers were also told about the comments of the Parliamentary Ombudsman regarding the processing times of citizenship applications. In addition, the Ombudsman expressed his concern over the long processing times experienced in the cooperation with the authorities.

Based on customer contacts, the Ombudsman investigated the practices of the Directorate of Immigration and the local police in issuing and renewing aliens' passports. Many contacts received by the Ombudsman suggested that customers feel they do not get enough advice and guidance from the permit authorities in these matters. Especially the Kosovo Albanians and, as a new group, the Chechens contacted the Ombudsman regarding aliens' passports.

According to the report received by the Ombudsman for Minorities, one criterion used in issuing an alien's passport has been that it must be proven that the alien has made efforts over a long period of time to obtain a passport from his or her home country, but has repeatedly failed. The Aliens Act, however, does not very clearly de-

fine when and how the precondition that "the alien cannot obtain a passport from the authorities of his or her home country" becomes satisfied.

The Ombudsman for Minorities delivered the Directorate of Immigration and the metropolitan area police stations a comment emphasizing, among other things, the point that at the renewal of an expiring alien's passport, the police should not require the applicant to go through a new, even a year-long, unsuccessful passport application process with the authorities of the country of his or her citizenship.

Residence and Working

According to the new Aliens Act, the spouse of a Finnish citizen can enter Finland to apply for a residence permit. However, this has not always been possible in practice, because the applicants have not been issued a visa to enter the country. In these cases, the spouse has been unable to enter Finland but has been forced to apply for a residence permit at a Finnish mission or wait for the decision abroad. The situation intended by the new act thus remained unrealised.

Customer contacts often also concerned situations, in which people wanted preliminary information about how, for example, a relative or a friend living abroad could get a residence permit in Finland. In addition, questions related to problematic situations in which the permit had not been issued or the permit status was inadequate; for example, a temporary permit allowed living but not working in Finland. The contacts revealed these situations of status changes problematic and the permit authorities reluctant to change the permit status.

Visa Decisions

Finnish missions abroad began to issue unfavourable decisions in writing as obliged by the new Aliens Act. The form used for the decision states the technical basis of the decision, but not the reasons or grounds that it was based on. A visa applicant thus still cannot assess the reasons why the visa was denied.

The office of the Ombudsman for Minorities informed the customers about the general grounds for granting a visa.

In some cases, the Ombudsman for Minorities requested for his own evaluation purposes the information the mission had used in the decision-making but that had not been released to the visa applicant.

Customer Service in Foreigners' Issues

Customer service work in foreigners' issues can be stressful and hard. Customer situations may be difficult and demanding and the work very seldom receives positive feedback. The staff burns out in customer service work and feels that their work is problematic and inefficient.

The office of the Ombudsman continued to receive several contacts in which customers expressed their dissatisfaction with the customer service of the Directorate of

Immigration. Some said they had been treated extremely poorly when they had inquired about the handling of their case. Another problem they had was that they could call the office only three days a week during a predesignated hour.

The viewpoint of the Ombudsman for Minorities is that the obligation of good administration places demanding yet grounded goals on customer service. This includes, among other things, proficient information dissemination and advisory services that are professional, equal, and proportioned appropriately according to demand and needs. Good customer service also includes that the value of work is strengthened in the work community and the staff gets the support they need in their work.

AN INDIVIDUAL'S BASIC RIGHTS AND STATE SECURITY

A clarification request received by the Ombudsman for Minorities asked for his opinion in a situation where the refusal of a residence permit was made on the grounds of a statement given by the Security Police.

In his comment, the Ombudsman stated that, as such, factors threatening state security are an acceptable reason to deny a residence permit. However, it should be considered in individual cases if the suspicions that state security might be in danger are on solid enough ground so that they give reason to limit an individual's basic rights such as, for example, the right to continue family life in Finland. The European Convention on Human Rights that binds Finland internationally also requires this kind of consideration.

What also makes this problematic is that our legislation does not prescribe in what kind of a proceeding an individual's basic rights in relation to state security should be evaluated. The Ombudsman forwarded his opinion on the legislative shortcomings to the Ministries of the Interior and Justice, as well as the parliamentary parties.

THE ACTION OF THE TAMPERE POLICE IN ASYLUM MATTERS

In June, the Ombudsman for Minorities issued his comment on the action of the Tampere jurisdictional district police in handling asylum matters. In his December 2003 clarification request the Ombudsman had requested information on, among other things, why the Tampere police had made considerably more detention decisions than any other police station, and how were they to explain the revocations of asylum applications that were connected to detention.

The comment further stated that the practice of the police station was not fully compatible with correct application of the law and that the practice had to be revised in this respect. The Ombudsman also evaluated the risks of legal protection, which arise when "an asylum seeker, who is unversed in languages, unfamiliar with the Finnish authoritative system and possibly takes up a suspicious attitude towards it or has false expectations for it, meets an authority, who works under performance pressure and is stressed out." The conclusion was that the monitoring and guidance of police action should be made more efficient by both the police administration's own action and means of legitimacy control.

MONITORING DISCRIMINATION

The first experiences of the Equality Act showed that mere communication on the content of the act could resolve situations. For example, when an entrepreneur was told that the entrepreneur's action could be interpreted as discrimination under the new law, it led to correction of the action. So far, the penal legislation has provided means to intervene in only the grossest cases of discrimination.

Tuition and Education

It is not always easy to detect ethnic discrimination in the scholastic world. Prohibited discrimination can occur, for example, in the form of harassment as defined by the definition of discrimination in the Equality Act. The contacts received by the office of the Ombudsman for Minorities related to, among other things, school bullying and problems with cooperation between the parents and school.

In the autumn of 2004, the Ombudsman for Minorities submitted an application to the National Discrimination Board relating to a form of discrimination that is not easily recognised as discrimination. It was a question of suspicions about forbidden differential treatment or segregation. The case was initiated at the office of the Ombudsman for Minorities by a Finnish parent.

The case concerned class division in a comprehensive school. The division of the school's students for certain classes and school years had been arranged so that almost all students with an immigrant background had been placed in the same class. In his application to the National Discrimination Board, the Ombudsman for Minorities requested the Board to investigate whether the prohibition of discrimination prescribed in section 6 of the Equality Act had been violated, and if so, to prohibit the school from continuing and repeating the segregation based on the students' ethnic background, national origin, nationality, or other reason related to the person.

In 2004, the Ombudsman for Minorities was also contacted about a Finnish language text book that was used in vocational institutions. The exercises of the book included a sentence disparaging Thai women and branding them in an impertinent manner.

The Ombudsman contacted the publisher of the book and the Finnish National Board of Education. The book had been published a few years ago and the edition was running out, so the books were about to be replaced with new ones. The publisher committed itself to omit the error from possible future editions. The Board of Education informed it would notify the institutions that the erroneous book would no longer be used for tuition purposes.

Work

What caught the attention of the Ombudsman for Minorities in working life questions were the requirements violating the Equality Act in the employment agencies' vacancy advertisements that mentioned Finnish citizenship or perfect command of Finnish. The requirements were unnecessary from the standpoint of doing the work and the employers could not offer acceptable grounds for their requirements. The employers changed their ads as directed by the Ombudsman. The Ombudsman also forwarded several employer vacancy ads for the occupational safety and health districts to investigate.

The customers who contacted the Ombudsman in employment problems were motivated to seek the services of the labour administration, so that they could find jobs utilising the measures that support employment. On the other hand, some contacts received during the year related to indiscreet action experienced at an employment office, in which cases an unfavourable decision on a training course or a decision instituting a waiting period were seen unreasonable and the advisers' action prejudiced.

Many customer inquiries related to discrimination in employment concerned employment or service relationships. Based on the Equality Act, these matters were forwarded to the occupational safety and health authorities. Call-in services advised the customers to contact their nearest occupational safety and health district. Matters that were initiated in writing were forwarded to the occupational safety and health districts and they were asked to report on the action taken in the matters.

Services

Customer contacts relating to the provision of services mainly concerned action by entrepreneurs. Discrimi-

nation had been experienced, for example, in situations where skin colour, or being an alien or a Rom led to a refusal of entry to a restaurant (see p. 5). In some cases, the customers felt they had been treated in an impertinent manner at a shop. Apart from giving advice and one clarification request, the incidents did not lead to further action. Some customers did not want the Ombudsman to take action. In some cases, the Ombudsman concluded that, despite of what the customer had experienced, presumed discrimination could not be demonstrated due to the lack of a concrete clarification.

On the grounds of a customer contact at the end of 2004, the Ombudsman for Minorities requested an insurance company for a clarification of its practices concerning personal insurance applications. The firm's customer had been asked to deliver a copy of the customer's social insurance card and an account of the customer's residence in Finland prior to issuing an insurance policy. The customer had been told verbally that insurance applicants with foreign names were asked for the verifications in question. The handling of the matter is still pending.

Authorities

Serious cases of discrimination may also be punishable as crimes. The office of the Ombudsman has guided customers, who have experienced discrimination, to make investigative requests or report the offence to the police. The Ombudsman has also requested reports about police action in situations where allegations have been made of slow preliminary investigations or impertinent action in the investigation of alleged crimes of discrimination. Customers have also been given advice in situations, in which the customer had gotten the impression that the police was reluctant to act on the request to investigate the alleged discrimination but had instead advised the customer

to settle the matter. Though promoting conciliatory spirit is one of the functions of the police, it cannot mean that an aggrieved party cannot have an alleged crime investigated.

The majority of the clarification requests that the Ombudsman received pertaining to authorities' action concerned the application of legislation to aliens, particularly in the cases of residence permits. Some customer contacts expressed the suspicion that discrimination may have occurred in situations concerning an income allowance or admittance to treatment.

Unless the contact suggested that the unfavourable or confined decision might have been based on the customer's ethnic background, the customer most often was advised to contact a social or patient ombudsman, for example, to confirm that the income allowance was computed correctly. These situations usually involved the authority's use of discretion rather than a discriminating act. Many contacts, in which a customer suspects discrimination may have occurred, for example, in granting an income allowance, suggest that the authorities are not always able to offer clear enough grounds for their decisions, which gives rise to suspicions about unfair treatment.

To prove discrimination occurs in situations, in which the authorities have the right use discretion, would require the availability of statistical comparison data that could show whether the treatment of an ethnic group differs from that of the majority population in an unfavourable way. As authorities' services are evaluated, indirect discrimination is possible in cases where, for example, the availability of permitting services needed by the immigrants deviates substantially from the availability of corresponding services needed by the majority population.

ISSUING TRANSIT VISAS

An international organisation requested the Ombudsman for Minorities to investigate, if their employee had become the target of ethnic discrimination when applying for a transit visa to the transit area of the airport, which was necessary for performing the employee's duties. Transit visas were applied for for several individuals, but additional clarification was requested only from the employee whose ethnic background was foreign. The employee had Finnish citizenship.

The clarification given by the Civil Aviation Administration explained that the additional information requested from the person with a foreign ethnic background was a way of finding out if the applicant of a transit visa had lived in Finland at least for the past five years, which is a precondition for the background check. Thus the Civil Aviation Ad-

ministration would not waste time sending the police those applications for which the police could not make background checks as prescribed in the Act on Background Checks.

The Ombudsman proposed the Civil Aviation Administration that their handling of transit visas includes discriminative elements and the procedure does not promote the realisation of equality. An ethnically Finnish Person may also have lived abroad for a longer period of time, in which case a reliable background check also would presuppose the required residence in Finland. The Civil Aviation Administration informed the Ombudsman it would change the application for transit visas so that all applicants would be inquired about the length of their residence in Finland regardless of their ethnic background.

PROBLEMS OF THE ROMA BECAME EVIDENT

Contacts by the Roma increased soon after the Equality Act came into force and new cases were brought to the Ombudsman's attention weekly. Compared to 2003, contacts by the Roma and action taken to resolve the cases quadrupled.

The Number of Contacts Increased

The office of the Ombudsman for Minorities handled in total 52 Roma-related customer cases in 2004. Questions related to housing in particular increased and constituted 60% of all cases.

The problems of the Roma were often many-sided and, on the whole, difficult situations in life often seemed to culminate in housing-related matters. Often the cases could not be resolved quickly but matters took long to clarify and municipalities had to be urged to cooperate internally and handle the very complex situations in a broader manner than only as questions of rental housing.

Contacts by the Roma were regionally spread out all over Finland. The Ombudsman became aware of many cases in certain localities, but single contacts were also received from many small municipalities. The furthestmost customer inquiries were from southern Lapland.

The Roma living in the metropolitan area contacted the Ombudsman very rarely. The office of the Ombudsman considered this was partly because some active Romani people worked in various associations and within the authorities, and thus in problematic situations, the Roma had access to several advisory and helping parties. In addition, there is ongoing cooperation regarding the Roma issues. For example, the regional Southern Finland provincial Advisory Board on Romani Affairs meets regularly to discuss housing issues with the authorities dealing with housing questions in the metropolitan area municipalities.

From Single Cases to Cooperation

In addition to taking care of the single cases that emerged in the course of customer service work, the Ombudsman participated in events related to the Roma, tightened ex-

isting contacts, and established new contacts with authorities and organisations working with Romani issues. Opportunities for cooperation were sought especially in housing issues and, on the other hand, an agreement was sought on the division of duties to guide the customers to correct places to resolve different types of problematic situations.

For example, it was agreed with the Romano Missio that the association can direct their customers who have experienced ethnic discrimination to contact the Ombudsman for Minorities or transfer cases involving discrimination for the Ombudsman to handle. In October 2004, the Romano Missio transferred to the Ombudsman a case involving a housing issue relating to four Roma in one municipality. The Ombudsman requested the municipality for a clarification and received an answer, but the case was still pending at the end of 2004.

On the other hand, the office of the Ombudsman received customer inquiries that did not involve ethnic discrimination. The problems rather related to social and economic exclusion and the inability to take care of one's own matters due to, for example, inadequate basic education. In these cases, the Ombudsman attempted to guide the people who had contacted him to take care of the matters and urged them to seek support from, for example, the Romano Missio when necessary.

In the negotiations with the Advisory Board on Romani Affairs and the Housing Fund of Finland, it was noted that there is a need to develop cooperation. It was also noted that when it comes to guiding individual customers and working to resolve their problematic situations, a more efficient division of duties is needed between the different actors to avoid overlapping work.

The responsibility of the authorities to provide advisory services is not yet adequately realised in the case of the Roma. Closer cooperation is needed between the parties aiding the Roma and the municipalities. In addition, internal cooperation within the municipalities in the sometimes complex problematic situations of Romani families and generations must be supported and strengthened.

ROMANI CUSTOMERS AND CONTACTS WITH MUNICIPALITIES

In 2004, the City of Oulu in particular stood out among the Romani contacts the Ombudsman for Minorities received. The questions of the Roma concerned the selection of occupants for rental housing, homelessness, renovating a rental unit, possible discrimination by the authorities, impertinent treatment, lack of advisory services, delays in the processing of matters, and the situation of the elderly Roma.

The customers were hoping that, in addition to individual cases, the Ombudsman would look into the overall difficult rental housing situation of the Roma in Oulu. The office of the Ombudsman handled the individual cases by contacting the authorities handling the matters. One case led to sending a clarification request to the local authority. The Roma were also advised to contact the local social ombudsman. Two cases resulted in the customers submitting complaints with the help of the social ombudsman.

From the spring of 2004 on, the Ombudsman monitored over several months the cases that had come to the attention of the office. No positive developments were seen in these customer situations during the follow-up period. A representative of the Ombudsman's office participated in a regional meeting of the Advisory Board on Romani Affairs held in Oulu

in September 2004. The event reinforced the Ombudsman's conception of the Roma's difficult housing situation in Oulu. The meeting suggested that communication between the Roma and their representatives and city officials was minimal.

The Ombudsman sent a clarification request to the City of Oulu on 1.10.2004. The City responded that it is difficult to clarify the Roma's overall housing situation, because registering based on ethnic background is prohibited. The Romani housing situation was not, however, seen more difficult than that of other special groups. The City stated that developing the housing situation of special groups was a general challenge. The clarification also brought forth the need to develop advisory services related to housing.

The clarification received from the City was not sufficient in all aspects. Neither did it state what measures the City would take to resolve the individual cases presented by the Ombudsman. In December 2004, the Ombudsman suggested to the Assistant City Manager that they meet and discuss the open issues. A meeting with the key officials responsible for housing issues was agreed to take place in Oulu in January 2005.

MEETINGS, APPEARANCES AND NEGOTIATIONS RELATING TO ROMANI AFFAIRS

■ 8.6.2004 – The Senior Officer participated in the "Maantieltä taloon" (From the Road into a Home) seminar discussing Romani housing issues arranged by the Southern Finland provincial state office and the Cities of Espoo, Helsinki, and Vantaa

■ 20.8.2004 – A meeting of the Ombudsman and the Senior Officer with Secretary General of The Advisory Board on Romani Affairs

■ 14.9.2004 – An introduction by the Senior Officer at the conference of regional Advisory Boards on Romani Affairs in Oulu

■ 16.9.2004 – A meeting between the Ombudsman for Minorities, Secretary General of The Advisory Board on Romani Affairs, and the representatives of the Housing Fund of Finland

■ 30.9.2004 – A meeting of the Executive Director and Field Secretary of the Romano Missio at the office of the Ombudsman for Minorities

■ 6.10.2004 – The Ombudsman participated in and addressed the Nordic Romani seminar "Romanit eteenpäin Euroopassa" (Promoting Romani Affairs in Europe) organised by the Ministry of Social Affairs and Health, The Finnish National Board of Education, and the Church Council

INFLUENCING AND COOPERATION

The special duty imposed on the Ombudsman for Minorities by legislation to improve the status and rights of foreigners and ethnic minorities is realised in cooperation with other actors.

A Joint Project with the Somali League and Alien Administration

The Ombudsman for Minorities organised in cooperation with the Somali League a cooperative seminar of alien administration on 8.12.2004. The initiative to organise the seminar came from the Somali League. The league was mostly preoccupied with questions relating to administration of alien permits that had also come up in the league's member survey in the autumn of 2004.

The alien administration parties participating in the seminar were The Frontier Guard, the Directorate of Immigration, the alien and police departments of the Ministry of The Interior, and the alien police of Helsinki and Vantaa. The seminar established communication between the authorities of alien administration and the Somali League. The seminar also served as a venue to exchange information about the Somalis' status and situation in Finland as customers of alien administration and seek solutions for troublesome matters. The seminar resulted in an agreement on cooperation in training and an exchange of expertise in, on the one hand, the Somali community and their culture and, on the other hand, matters relating to the authorities' action. The seminar also offered a valuable opportunity for networking.

Equality Training

Information dissemination directed at ethnic groups was realised in cooperation with the JOIN campaign against discrimination, which is currently underway at the Ministry of Labour and through other parties involved in immigration work. When the Equality Act came into force, an informative campaign was organised to make the content of the Act known. The office of the Ombudsman was also one of the parties involved in the SEIS project that organised training events about the Equality Act and intervention in discrimination.

Cooperation with the Sami Parliament

The Sami or being Sami did not show up much in the office's individual customer work. The status of the Sami as an indigenous people involves, however, many difficult, unresolved questions. The Ombudsman for Minorities made preparations with the Sami Parliament for a seminar that would comprehensively dig into the Sami living conditions.

Cooperation with the Russian Speaking Population (SVYL – The League of Russian-Speaking Societies in Finland)

Ethnic minorities need organisations to advocate their cases that the authorities can also hear. However, support from society to these organisations has been directed mainly to cultural activities. Ordinary association work has received very little support. The Ombudsman assisted SVYL in the negotiations with the Ministry of Education that concerned granting financial start-up aid to the League of Russian-Speaking Societies in Finland.

The Caisa Fair on 22.10.2004

Participation in the fair at the International Cultural Centre Caisa in Helsinki was aimed at increasing awareness about the Equality Act and the opportunities it provides to intervene in discrimination. Two officials from the office of the Ombudsman participated in the fair, handing out brochures dealing with equality and spreading information about the Ombudsman's office and customer service. The exhibition table of the office recorded 105 visitors within four hours.

Events and Addresses

Giving addresses at various types of seminars and events is a pivotal way for the Ombudsman for Minorities to influence opinions and attitudes. In 2004, the themes pertained to immigration policy, immigrants' entry to the labour markets and the adaptability of working life to multiculturalism, the situation of children and the young, combating racism, and educational questions. The addresses can be found at the Ombudsman's Web pages (www.vahemmistovaltuutettu.fi), and they have been listed in the appendix section of the report.

Statements

The Ombudsman commented on, among other things, the EU Network of Independent Experts' working paper on the protection of ethnic minorities.

The Ombudsman also issued a statement to the working group of the Ministry of Labour concerning the re-appointment of the Advisory Board on Ethnic Relations. The proposal of the working group suggesting that three regional advisory boards be appointed in addition to the national Advisory Board on Ethnic Relations was supported.

The regional advisory boards can aid independent organisation and cooperation of immigrants and other ethnic minority organisations. Membership in both the national and regional advisory boards is a position of trust. This is why non-official members in particular should be supported in their posts both economically and by other means. The advisory boards should have a secretary at least at the beginning of the operation, who could concentrate full-time on launching the operation.

The Ombudsman for Minorities gave the Central Criminal Police at its request a statement on the relation between freedom of speech and criminal legislation prohibiting the instigation of an ethnic group. The matter relates to the investigative request the Ombudsman made to the police in 2003 pertaining to a racist Internet site. The statement states that the international agreements binding Finland alone impose a responsibility on the government to intervene in communications containing racist agitation. The fact that the writings are published on the Internet does not change this basic starting point. The site in question, among other things, threatens immigrants and Jews with crimes against property and violent acts. The Ombudsman's standpoint was that action had to be taken to remove the material from the Internet and bring the perpetrators to account for their crimes in accordance with penal responsibility.

The statements can be found at the Ombudsman's Web pages, and they have been listed in the appendix section of the report.

International Contacts

Meeting of the Nordic Ombudsmen 14.-15.6.2004

The office of the Ombudsman organised a meeting of Ombudsmen opposing discrimination in the Nordic countries on 14.-15.6. in Helsinki. Representatives from all Nordic countries participated in the meeting. The seminar brought forth information about legislative developments and good practices for all participants to exploit in their countries. One particular topic of discussion during the seminar days was the development of statistical methods to represent discrimination and indicating structural discrimination with the help of statistics.

European Networking

The Ombudsman was appointed for a three-year term as the Finnish representative in the European Monitoring Centre on Racism and Xenophobia (EUMC). The membership offers an opportunity for Europe-wide networking and to influence the activities of a key office in the field. The Ombudsman is also a member of the Government Working Group on Mandate. The working group drafts comments for the Monitoring Centre and observes its status as its scope of activities is broadened for it to become the Fundamental Rights Agency of the European Union.



© EUMC, Photo: Wolfgang Voglhuber

The Management Board of EUMC enlarged with new Member States convened for the first time in June 2004.

PERSONNEL AND FINANCES



From the left: Päivi Okuogume, Mikko Puumalainen, Annika Parsons, Pirjo Takalo, Yrsa Korkman, Rainer Hiltunen

Personnel

The number of office personnel was six in 2004. Mikko Puumalainen acted as the Ombudsman for Minorities. Senior Officers were Pirjo Takalo, Kari Kananen, and Rainer Hiltunen. The office's acting General Secretary was Päivi Okuogume and acting Department Secretary Railii Keriö until 31.5.2004.

There were some changes in personnel during the year. When the permanent Department Secretary resigned, a new presenting officer position was established by replacing the Department Secretary position with a Senior Officer post. The monitoring duty prescribed by the Equality Act and concentration on questions relating to legal protection introduced by the new Aliens Act brought forth the need to reinforce the office's legal expertise. Master of Laws Annika Parsons was selected to the new presenting officer post. She started on 26.7.2004.

Senior Officer Kari Kananen took a year-long job alternation leave at the end of summer. Yrsa Korkman, Master of Laws trained on the bench, began as his substitute at the beginning of September.

Year of Internal Development

Internal development required by the Ombudsman's broad scope of duties continued in 2004. The Ombudsman attended the Management Training Programme provided by the Finnish Institute of Public Management. Internal division of duties in the office was defined and individual employee duties specified further. The officials' job descriptions were also clarified by the fact that the priorities of customer service and customer work were redefined.

Daily work routines of personnel were established by more specific principles of document circulation, recording and filing. Commonly agreed on procedures were recorded in a procedure manual meant for the office's internal use. The guide also proved its worth in the training of new officials. Common rules of action were also drafted for the purpose of handling demanding customer situations. Modes of action in these cases were included in the safety manual drafted by the General Secretary.

The remodelling of the office's Web pages was begun, and at the end of the year, the totally revamped and expanded Finnish Web pages were published. At the same time,

preparations were under way to produce Swedish and English versions of the Web pages, as well as some other language versions.

Teamwork guidance that had begun in 2003 was continued throughout 2004. The guidance covered, among other things, the office's broader scope of activities and the effects of the lengthy process of changes on the wellbeing and coping with work of the personnel.

The personnel had two recreational events. In May, the office had a Turkish lunch accompanied by Omar Daher, Chairman of the Finnish Islamic Congregation. During lunch, Mr. Daher talked about the history of the Tatars and their life and status in Finland today. The lunch was followed by a visit to the Museum of Cultures to look at The Call of The Minaret exhibition. In November, the staff had dinner at a Thai restaurant after work. Afterwards, they went to see a multicultural theatre perform-

ance "Aina jonkun tytär" (Always Somebody's Daughter) produced by Cassandra and the Alexander Theatre.

The staff had an office meeting on Mondays. The weekly meeting was used to look back at the previous week's activities together and go through the schedule for the coming week. From time to time, the meetings also included discussing matters of office development.

In addition to the weekly office meetings, the staff had four more extensive developmental meetings or seminar days. These events were used to go over the basic duties of the Ombudsman as his scope of activities broadened, methods of action, and priorities of action, as well as values. The increases in customer work and contacts also created the need to discuss the importance of customer service and its provision, as well as the functionality of the contact register.

DEVELOPMENT OF WORK SATISFACTION IN 2002 – 2005



NEW AT THE OFFICE OF THE OMBUDSMAN FOR MINORITIES

"I started work at the office of the Ombudsman for Minorities at the beginning of September 2004. One of the first things I noticed was that the independent position of the Ombudsman made it possible to utilise different kinds of measures in a flexible manner in different situations. The drawback of the small size of the office was that the possibilities to influence were limited, though challenges were abundant.

Direct contact with customers has been important. However, it is easy to feel inadequate in customer work. During the autumn I discovered that even though it is not always possible to provide concrete aid to customers, it is possible to forward customer experiences. This usually takes place at a more general level, when we try to influence matters, for example, on a legislative level or in meetings with other authorities. These situations made me feel that a single person's voice did matter."

Yrsa Korkman

"After years of service at alien administration, I transferred to the office of the Ombudsman for Minorities in the summer of 2004. My first observation of customer work was that many issues were related to the application of the Aliens Act. Apart from that, customer contacts covered the whole spectrum of life. It was a surprise to me how stressful and demanding the work was, even though I was familiar with customer service years ago. The customer contacts conveyed how hard the experience of discrimination or impertinent treatment was.

With time, I was also involved with matters relating to ethnic relations and cooperation with the authorities. At the end of the year, we organised a seminar at the office for the Somali League and different actors of alien administration. It was inspiring to see that immigrants are active and have found means of influence in the Finnish society. The seminar also brought concrete results: Some new approaches were discovered that can aid both the Somalians and the work of the authorities."

Annika Parsons

Finances

In total 281 696 euros were used for personnel wages and salaries in the operational year 2004. The appropriation was 299 169 euros.

Other operational costs were allocated 40 000 euros. An additional 50 000 euros were allocated to study the application of the Aliens Act, but the study will be conducted in 2005. The Advisory Board on Minority Affairs was allocated 1 200 euros, but the Board was not established yet in 2004.

	2004	2003
Appropriations allocated	40 000	45 000
Advisory Board on Minority Affairs	1 200	1 200
Appropriations used, total	30 930	42 800

Biggest expenditures	2004	2003
Furniture and equipment purchases	2 636	590
Books, newspapers, magazines, other printed material	1 709	1 943
Printing services	3 261	7 058
Ads in newspapers and directories	3 317	1 470
Training	7 920	9 445
Foods	677	42
Translation services	643	556
Entertainment	2 600	1 680
Travel	5 418	9 543
Office supplies and miscellaneous purchases	421	486
Mobile phone services	893	1 037

YEAR 2004

The Ombudsman's Statements

- | | |
|---|---|
| <p>12.1. Inquiry to the office of the Ombudsman for Human Rights; situation of persons without nationality
3098/059/2003 TM</p> | <p>Lithuanian, Hungarian, Polish, Slovenian, and Slovakian nationals
HE 172/2003 vp</p> |
| <p>27.1. Government report on the human rights policy
141/009/2004 TM</p> | <p>7.5. Foreign Affairs Committee
Government report on Finland's human rights policy
VNS 2/2004 vp</p> |
| <p>5.3. Draft report on the inspection of the Directorate of Immigration
233/231/2004 TM</p> | <p>7.5. Constitutional Law Committee
Government report on Finland's human rights policy
VNS 2/2004 vp</p> |
| <p>19.5. Memorandum of the working group investigating the legislative need to handle the issue of boys' circumcision
1024/003/2004 TM</p> | <p>16.9. Constitutional Law Committee
European Convention on Human Rights; 12th protocol
HE 121/2004 vp</p> |
| <p>19.5. The recommendations of the Ministry of Labour for the content of equality plans
1100/001/2004 TM</p> | |
| <p>10.6. The reform of the asylum regulation
1564/65/2004 TM</p> | |
| <p>30.9. Re-appointment of the Advisory Board on Ethnic Relations; proposal of the working group appointed by the Ministry of Labour
TM 007:00/2004</p> | |

Addresses

Hearings in Parliament

- | | |
|--|---|
| <p>3.3. Administration Committee
Government bill to amend the act on the alien register
HE 15/2004 vp</p> | <p>28.1. The Immigrants on the Finnish Labour Markets seminar: "Immigrants on the Finnish labour markets"</p> |
| <p>11.3. Administration Committee
Government bill for the Aliens Act
HE 28/2003 vp</p> | <p>24.2. Meeting of the metropolitan area Advisory Boards on Multiculturalism and Alien Affairs: "Equality and action against racism"</p> |
| <p>23.3. Working Life and Equality Committee
Government bill for access to gainful employment by Czech, Estonian, Latvian,</p> | <p>19.3. From Discrimination to Equal Treatment; the UN day against racism in the enlarging Europe: "The Ombudsman for Minorities and the Equality Act: What changed?"</p> |
| | <p>22.3. The Children, Youth, and Racism seminar for teachers and staffs working at schools: "How do the challenges of school and tuition look from the viewpoint of the Ombudsman for Minorities?"</p> |
| | <p>1.4. Hearing of the civil servant working group drafting the migration policy programme: "Discrimination issues in the migration policy"</p> |

TV Appearances

2.4.	The Racist Discrimination – From Experience to Practical Solutions seminar: “Is the law the solution to racist discrimination?”	20.1.	Aamu-TV (Morning TV) The equality Act
3.5.	Professional challenges in immigration work: “What does professionalism mean in immigration work?”	20.1.	TV-Nytt (News in Swedish) On minority issues – Russian-speaking minority
24.9.	Immigrants with disabilities and equality: “Legislation and immigrants with disabilities – what’s new?”	18.2.	A-Talk Children’s equality at school
1.10.	The Discrimination and Racism in the Finnish Prisons seminar: “On ethnic equality and correctional treatment”	26.2.	Poliisi-TV (Police TV) Immigrant crime and crime against the immigrants in Finland
5.10.	Promoting Romani Affairs in Europe, the Nordic Romani seminar: “The possibilities of the Ombudsman for Minorities to make a difference: case work?”	31.5.	TV News at 6 pm A comment on the asylum investigations by the Tampere police
1.11.	Freedom, Security and Justice; what is the European Reality? A Conference on the Future of the Tampere Process: “Third Country Citizens in the EU: Have They Come Closer?”	31.5.	TV-Nytt (News in Swedish) at 6:15 pm A comment on the asylum investigations by the Tampere police
18.11.	The Children of Our Family and The Children of The World – Multicultural Encounters seminar: “Does the minority need a defender?”	31.5.	MTV3 News at 7 pm A comment on the asylum investigations by the Tampere police
		31.5.	TV News at 8:30 pm A comment on the asylum investigations by the Tampere police
		11.8.	TV-Nytt (News in Swedish) at 6.:15 pm Tatu Vanhanen’s racial doctrine
		11.8.	TV1 News at 8:30 pm Tatu Vanhanen’s racial doctrine
		18.8.	Ihana Aamu (Morning Glory) at 8:46 am Discriminating use of language

The office has a scrapbook.

ACT ON THE OMBUDSMAN FOR MINORITIES AND THE NATIONAL DISCRIMINATION BOARD (660/2001)

- The Ombudsman's Scope of Work

- Prevention of ethnic discrimination and promotion of good ethnic relations;
- Safeguarding the status and rights of minorities and foreigners; and
- Monitoring of the principles of ethnic non-discrimination.

- Duties

- Monitor the observance of the Equality Act (21/2004);
- Promote good ethnic relations in society;
- Monitor and improve the status and rights of foreigners and ethnic minorities;
- Report on the realisation of equality and the conditions and status of ethnic groups;
- Make proposals to abolish discrimination and grievances;
- Disseminate information on the legislation relating to discrimination and the status of ethnic minorities and foreigners;
- Perform his duties as prescribed in the Finnish Aliens Act (378/1991); and
- Monitor the realisation of equal treatment independent from ethnic origin in cooperation with other authorities.

- Authority

- Use guidance and advice to ensure discrimination is not continued or repeated;
- Make proposals and suggestions and give advice;
- Initiate a case involving ethnic discrimination;
- Transfer cases reported to the Ombudsman to a competent authority; and
- Issue a statement on the case being transferred.

- Legal Aid

- The Ombudsman may aid or order one of his subordinate officials to aid a customer in safeguarding the customer's rights, or, when necessary, acquire legal aid for the customer, if the Ombudsman considers the case significant from the standpoint of preventing ethnic discrimination.

- Advisory Board

- The Ombudsman is assisted by the Advisory Board on Minority Issues.

- Right to Obtain Information

- The Ombudsman has the right to obtain information necessary for him to take care of his duties from other authorities without being obstructed by confidentiality provisions. The information must be given to the Ombudsman free of charge.
- The Ombudsman and the Discrimination Board have the right to obtain clarification about matters that are pertinent for the monitoring of the prohibition against discrimination based on ethnic origin, as well as for the purpose of equality planning and the evaluation of its implementation.

- Conditional Imposition of A Fine

- The Ombudsman or the Discrimination Board may impose a conditional fine to enforce the compliance with the obligation to provide clarification.

- Discrimination Board

- In addition to the Ombudsman, a Discrimination Board works in conjunction with the Ministry of Labour to monitor the Equality Act.

EQUALITY ACT (21/2004)

- Prohibited bases for discrimination are: age, ethnic and national origin, nationality, language, religion, conviction, opinion, state of health, disability, sexual orientation, and other personal factors.
- Prohibition concerns: direct discrimination, indirect discrimination, harassment, and an instruction or order to discriminate.
- Positive special treatment is allowed with the purpose of preventing or alleviating the detriment caused by discrimination.
- Discrimination is prohibited on account of all bases of discrimination when it is a question of:
 - Preconditions for independent practising of a trade or livelihood and support for business activities;
 - Grounds for employment, working and employment conditions, and career advancement;
 - Overall or vocational education and training, including specialised studies and retraining, as well as receiving vocational guidance; or
 - Membership and activities in an employee or employer organisation or other trade organisation.
- Discrimination is also prohibited on the basis of ethnic origin when it comes to:
 - Social and health care services;
 - Social security benefits or other support, discount or benefits granted on social grounds;
 - Performing military service, women's voluntary military service, or non-military civilian service; or
 - Provision of services or supply of commodities.
- Authorities' duties
 - Promote equality;
 - Modify conditions that hinder equality;
 - Intervene in discrimination within their own action; and
 - Draw up an equality plan that evaluates and develops the way their action can serve ethnic minorities and how well the services directed at ethnic minorities succeed.
- Monitoring compliance with the provisions of the Act:
 - The Ombudsman for Minorities and the Discrimination Board monitor discrimination based on ethnic origin;
 - Occupational safety and health authorities monitor the observance of the Equality Act in employment and service relationships;
- It is also possible to institute legal proceedings in an ordinary court of law in a case involving discrimination and demand restitution in accordance with the Equality Act.
- When a case involving discrimination is being handled, the burden of proof rests on both parties: the target of discrimination and the person suspected of discrimination.
- Counteraction against the target of discrimination or the person intervening in discrimination is prohibited.
- The person found guilty of discrimination can be sentenced to pay remuneration to the target of discrimination or counteraction.

THE OFFICE OF THE OMBUDSMAN FOR MINORITIES CUSTOMER SERVICE

The Ombudsman for Minorities is assisted by his office.

We intervene in

- ethnic discrimination in all walks of life. In cases of working life discrimination, we investigate the matter in cooperation with the occupational safety and health district.

We provide advice and guidance in

- general problematic situations concerning ethnic origin and being a foreigner; and
- seeking legal aid.

You can contact us

- If you have experienced or observed discrimination due to your ethnic origin or because you are a foreigner;
- If you feel you have been the target of racist or impertinent treatment for the above reasons; or
- In the above issues on behalf of another person or in a common issue.

Your experiences may relate to, for example, a situation where you have been a customer of an entrepreneur or dealt with an authority.

- We will look into the matter together with you.
- We will offer you the necessary support to find an amicable solution.
- We will guide you to contact the appropriate authority when necessary.
- We will provide you advice and guidance in seeking help.
- As a rule, we do not draw up complaints or give any other type of legal aid per se, but we can help you to seek legal aid from public legal aid offices and private lawyers.

You can contact us by phone, mail, or e-mail. If necessary, you can visit our office to fill out a customer form. We will contact you based on your visit.

Customer service is available during weekdays from 9 am to 3 pm at 010 60 47048

Street address: Mikonkatu 4, 5.krs

Postal address: P. O. Box 34, 00023 Government

Internet address: www.vahemmistovaltuutettu.fi

The office's common e-mail address: vahemmistovaltuutetun.toimisto@mol.fi

The employees' personal e-mail addresses: firstname.lastname@mol.fi

OMBUDSMAN FOR MINORITIES

P. O. BOX 34

FIN-00023 GOVERNMENT

Telephone exchange: +358 10 60 4001

Customer service: +358 10 60 47048 (weekdays 9 am – 3 pm)

Internet address: www.vahemmistovaltuutettu.fi

The activities of the Ombudsman for Minorities are public.

The addresses, statements, and comments mentioned in the annual report are available in accordance with the Act on The Openness of Government Activities (621/1999).