U.S. DEPARTMENT of STATE

Finland

Country Reports on Human Rights Practices - 2007
Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Finland is a constitutional republic of 5.3 million persons with a directly elected president and a unicameral parliament (Eduskunta). The prime minister is head of government. Parliamentary elections held on March 18 were free and fair. Civilian authorities maintained effective control of military and security forces.

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

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

Prison and Detention Center Conditions

Conditions in prisons and detention centers generally met international standards, and the government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

Arrest and Detention

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

e. Denial of Fair Public Trial

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

Trial Procedures

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

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

The law extends these rights to all citizens and legal residents. Illegal immigrants enjoy the same rights as citizens but may be removed from the country or deported in a separate process.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The country had one of the world's highest rates of Internet connectivity, and virtually all citizens had access to the Internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

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

Citizens who belong to one of the two state churches pay a 1 to 2 per cent "tithe" as part of their income tax, but may opt out by officially disassociating from the ELC or Orthodox Church. Nontraditional religious groups that were registered and recognized by the government as religious communities were also eligible to receive tax funds to help defray operating costs.

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

In March the NGO War Resisters' International reported that 15 conscientious objectors were in prison for refusing to perform either compulsory military service or alternative civilian service. Some of those imprisoned stated that their objection to performing compulsory military or civilian service was based on religious conviction. However, there was no evidence that the government singled out any individuals for prosecution because of their religious beliefs or their membership in a religious minority. Regular military service is 180 days; however, the law provides that conscientious objectors must perform 395 days of alternative civilian service. Amnesty International and other human rights groups criticized the length of alternative civilian service for conscientious objectors as punitive and discriminatory.

Societal Abuses and Discrimination

According to the Helsinki Jewish Congregation, the country's Jewish community numbered 1,157 at the end of 2006, the last date for which figures were available. In contrast with the previous year, there were no reports of isolated anti-Semitism, such as swastikas spray−painted in public locations.

In early January three persons were convicted of violating the law on publishing hate material. The case stemmed from a July 2006 incident involving a letter containing anti-Semitic language that was sent to two regional newspapers. Jewish groups and government authorities criticized the two regional newspapers for publishing the letter. The court ordered one editor-in-chief to pay a fine of $584 (400 euros), the other was fined $1,530 (1,050 euros), and the letter writer was fined 832 (570 euros).

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

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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

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

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

Protection of Refugees

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

In practice the government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to 21

persons during the year.

The government included the number of persons who received temporary protection in overall asylum statistics. As of November the government's immigration secretariat reported a total of 1,501 applications for asylum. Of that number, 39 persons were granted asylum, 372 received residence permits based on the need for protection, and 179 received residence permits for other reasons.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

Stateless Persons

There were no reports of significant problems of legal statelessness in the country. Finland has a significant Roma population. However, virtually all are Finnish citizens. The government has statutory procedures in place that offer opportunities to gain legal residence status or citizenship.

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

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

Elections and Political Participation

The parliamentary elections held on March 18 were considered to be free and fair and resulted in a four-party coalition government led by the Center Party. Political parties could operate without restriction.

There were 84 women in the 200-seat parliament and 12 women in the 19-member Council of State (cabinet). The president was a woman.

There were 13 members of minorities in parliament and two in the cabinet. The indigenous Sami (Lapp) minority enjoys semiautonomous status and has its own legislative body.

Government Corruption and Transparency

There were no reports of government corruption during the year.

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

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

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

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

Section 5 Discrimination, Societal Abuses and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, violence against women and children, trafficking in persons, and societal discrimination against foreign-born residents and Roma were problems.

Women

The law criminalizes rape, including spousal rape, and the government enforced the law effectively. The maximum sentence for rape is seven years. As of October 1, a total of 599 cases of rape were reported to the police. Justice Ministry officials estimated that the actual number of rape cases was higher, noting that as many as 75 percent of unreported rapes each year were committed by a known assailant.

There were no reports of police or judicial officials showing reluctance to act on rape cases. Police and government officials actively encouraged victims to report rape cases through various public awareness campaigns. In 2005, the last date for which government figures were available, 100 persons were convicted of rape.

Societal violence against women, including spousal abuse, continued to be a problem. Domestic abuse may be prosecuted under various criminal laws, including rape, assault and battery, harassment, and disturbing the peace. The penalty for domestic physical violence ranges from a minimum of six months to a maximum of 10 years in prison. According to government officials, efforts to raise awareness of the problem have increased willingness on the part of victims to report violence. In October 2006, according to findings presented at a major international seminar held in the country, an estimated 12 to 15 percent of women over the age of 15 were subjected to violence of some form. In 2005, 4,000 cases of domestic violence were reported to the police; of that number, 3,195 involved female victims.

However, a 2006 report by the independent National Research Institute of Legal Policy indicated that psychological and physical violence against women has decreased somewhat.

According to the government, up to 30 women died each year from domestic violence. In 2006, for example, police estimated that 25 of the homicide prosecutions in the country had clear implications of domestic violence.

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

The government encouraged women to report domestic violence and abuse and provided counseling, shelters, and other support services to victims of domestic violence and rape. The government also funded NGOs that provided additional services, including a telephone hot-line and crisis center. According to regional and municipal officials who operate shelters, most women who sought shelter from violence were between the ages of 25 and 35 and married or in a cohabiting relationship; nearly one-third were immigrants. Foreign-born residents proficient in neither Finnish nor English experienced some difficulty accessing domestic violence services.

Prostitution is legal, but pimping, pandering, selling, and purchasing sexual services in public is illegal. Prostitution was generally limited to private apartments and nightclubs in larger cities. During the year authorities initiated the first prosecution under a 2006 law that criminalizes the purchase of sexual services from trafficking victims; the case was ongoing at year's end.

Trafficking in women for the purpose of sexual exploitation was a problem.

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

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

The law stipulates that men and women must receive equal pay for equal work. However, allegations of wage discrimination against women continued to be reported. For example, in 2006 women sent the Equality Ombudsman 405 complaints alleging violations of the equal wage statutes, and that office determined that approximately 20 percent of the cases violated the law.

On average women earned approximately 18 percent less than men for substantially similar work. Women were overrepresented in lower-paying occupations, while men tended to dominate the upper ranks in industry, finance, and some government ministries. A 2005 law broadened the number of individuals eligible to receive compensation for lost wages in cases where gender-based discrimination was proven.

Children

The government was strongly committed to children's rights and welfare, and the public education and child health care systems were well-funded. Education is free and compulsory for children from the age of seven to 16. Nearly all school-age children attended school. The highest level achieved by most children was completion of high school. Education at universities and trade schools is free.

The government offered free medical care for children through a comprehensive public health care system; boys and girls had equal access to these services.

Child abuse was a problem. During the year the number of suspected sexual abuse cases reported to police continued to increase, due in large part to a greater willingness to report child abuse. According to police, an average of 600 cases of child sex abuse were reported annually.

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

There is a government ombudsman for children's issues under the Ministry for Social Affairs and Health who monitors legislation to assess its impact on children's welfare. During the year the ombudsman was successful in raising public awareness of child abuse and in helping policymakers identify the underlying socio-economic factors that can lead to abuse. Authorities also attributed the increase in the reporting of child abuse to efforts by the ombudsman to raise awareness about the problem.

There were reports of trafficking of children for sexual exploitation.

Trafficking in Persons

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

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

Many trafficking victims were women and girls from Russia, although Azerbaijani, Moldovan, Estonian, Latvian, Lithuanian, Ukrainian, and Belarusian women were also trafficked to and through the country to Western Europe for commercial sexual exploitation. Increasing numbers of Asian women, most of whom were believed to be Chinese and Thai, were trafficked through the country to other parts of Europe.

Men and women were trafficked to provide forced labor in the construction industry, restaurants, and as domestic servants. They often worked long hours for low pay and were reluctant to approach authorities for cultural reasons or out of fear of deportation or confinement. Many of these workers were trafficked from China, Vietnam, and India and employed by other Asians, who frequently had family or clan ties to the victims.

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

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

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

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

During the year authorities continued to vigorously prosecute suspected traffickers.

On April 20, a trafficking case against two Vietnamese nationals in Pietarsaari was delayed when four of five victims dropped charges that they were trafficked. However, one of the Vietnamese victims continued to press charges. On August 2, a Malaysian woman was sentenced to 12 months in jail for participation in a smuggling ring, which arranged illegal entries and forged documents for five Chinese who transited through the country. Also in August, authorities investigated two companies for contributing to an Asian trafficking ring, which was suspected of procuring Schengen area visas to exploit laborers. In December 2006 a Bangladeshi sea captain convicted of trafficking was sentenced to 18 months in prison.

In other cases stemming from 2006, a district court invoked new antitrafficking laws to remand an Asian man on suspicion of trafficking. A Finnish-Turkish couple was convicted of exploiting two trafficked persons to work in restaurants and ordered to compensate the victims $52,560 (36,000 euros) in back wages and damages.

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

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

The government participated in multilateral and regional efforts to combat trafficking, through organizations such as the Council of Baltic Sea States, Nordic Council of Ministers, and the Barents Euro−Arctic Council.

Persons with Disabilities

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

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

National/Racial/Ethnic Minorities

There was some societal tension between ethnic Finns and minority groups, and there were reports of racist or xenophobic incidents. During the first 10 months of the year, police said they received 650 reports of race-related crimes and misdemeanors. The vast majority of the cases involved racial epithets directed towards immigrants, or merchant refusals to provide services to members of minority groups.

There were occasional reports of fighting between ethnic Finns and foreign-born youths of African and Middle Eastern descent as well as fighting between rival ethnic immigrant groups. However, none of the cases that led to court proceedings were prosecuted as hate crimes.

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

In August, in an effort to increase understanding between police and Roma, the government issued a handbook to help dispel prejudices and decrease Roma marginalization. The government also provided tolerance trainers to train Romani and non-Romani teachers and school assistants on how to use the handbook in regions where problems have been most frequent.

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

Indigenous People

Sami (Lapps) constituted less than 0.1 percent of the population. The law provides for the protection of Sami language and culture, and the government financially supported these protections. Sami enjoyed full political and civil rights as citizens, as well as a measure of autonomy in their civil and administrative affairs. Sami have the right to use their language in dealings with administrative and judicial authorities and in schools, media, economic and commercial life, and cultural activities. There were no reports of discrimination against Sami in employment, education, housing, health services, or land rights.

Despite constitutional protections, members of the Sami community continued to protest the lack of explicit legislation to safeguard Sami land, resources, and economic livelihood. Sami have alleged for decades that, while 90 percent of the Sami home region is considered government-owned land, the government used this land for logging and other purposes without consulting them. During the year members of the Sami community won some legal challenges related to violations of their land rights.

Other Societal Abuses and Discrimination

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

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions of their choice, and workers exercised this right in practice. Approximately 79 percent of the workforce was unionized.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, and the government protected this right in practice. Collective bargaining agreements usually were based on wage policy agreements among employees, employers, and the government. All unionized workers were covered by such agreements. Employers of nonunionized workers were required to compensate employees at a wage equal to that stipulated by existing collective bargaining agreements.

There are no export processing zones.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and such incidents are rare. There were some reports of compulsory labor in connection with human trafficking.

d. Prohibition of Child Labor and Minimum Age for Employment

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

The labor ministry enforces child labor regulations; no complaints about the exploitation of children in the work force arose.

e. Acceptable Conditions of Work

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

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

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

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