



How to measure progress in combating discrimination and promoting equality ?

Country Report on Finland

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I. AIM OF OVERVIEW

Despite a legal and political commitment to equality, discrimination remains a fact in Finland, as well as in other European countries. There are people living in Finland who experience discrimination and expressions of prejudice on different grounds. In order to fight discrimination and promote equality, one challenge is to define how to measure the extent of discrimination in Finland, as well as other European Union countries. The objective of this brief overview is therefore to describe the institutional framework set up to measure discrimination and promotion of equality in Finland and outline the indicators that *are* currently *being* collected or *could* be collected on discrimination and promotion of equality by Finnish authorities and institutions. This report covers indicators of discrimination based on gender, racial or ethnic origin, religion or conviction, sexual orientation, age, and disability. The investigation concerns both qualitative and quantitative indicators. Insofar as data is collected, it is important to identify whether this data is further employed to fight discrimination. First, the role of Finland in European discrimination monitoring and the Finnish legislation are briefly presented. Second, the Finnish monitoring project is presented and then each ground of discrimination is overviewed. Examples of existing data are provided to illustrate different measurement options.

II. FINLAND AND MONITORING DISCRIMINATION WITHIN THE EUROPEAN UNION

Finland has worked actively in the European Union in the field of anti-discrimination policy and is one of the countries with the most advanced project of data collection on discrimination. A representative of Finland acted as the chairperson of the Working Group on **Data Collection for the Measurement of the Extent and Impact of Discrimination** during 2003-2005. In 2004, Finland together with the European Commission organised a conference on measurement questions **Data to Promote Equality** (see Mannila, 2005). In 2005, the **Making Equality a Reality with Adequate Data** -project (MERA) was launched by the Finnish Ministry of Labour, in collaboration with the European Commission and Finnish Ministry of Education. A **European handbook on equality data** (Makkonen, 2007) resulted from this project as well as a national





proposal for a data collection system (**Monitoring Discrimination in Finland**, 2007). Reuter, Makkonen and Oosi (2004), in turn, overviewed the institutional setup and data collection in the anti-discrimination field in EU member states.

Several international and national activities (with public authorities and non-governmental organisations NGOs) promoting anti-discrimination activities have also been organised in Finland (for a list of projects see appendix in Lepola & Villa, 2007). For example, **SEIS** (STOP- Finland Forward without Discrimination) is a national awareness-raising campaign aiming at non-discrimination through education and information sharing (www.seis.fi) and **JOIN IN** is a European Union community action project led by the State Office of Southern Finland (Mainstreaming of Equality and Non-Discrimination –project; www.join-in.info/). Moreover, the Academy of Finland financed a large research programme **Marginalisation, Inequality and Ethnic Relations in Finland** (SYREENI) from 2001 to 2003.

III. FINNISH LEGISLATION

Discrimination is prohibited in the Finnish legislation through the **Anti-discrimination Act** (21/23.1.2004, term Equality act used equivalently) based on the European Union **Anti-Racism Directive and Equal Treatment in Employment Directive** (2000/43/EC and 2000/78/EC). In domestic legislation, the **Constitution** (Section 6) and the **Penal Code** (Chapter 11:9 Sections 8-9 (21.4.1995/578) and 47:3) as well as more than a dozen individual statutory acts which deal with particular domains of life prohibit discrimination in their respective spheres of application (Makkonen, 2004a).

Direct and indirect discrimination, harassment as well as instructions to discriminate are forbidden by law. Though grounds for discrimination are similar in these legal texts, the formulations differ to some degree (see <http://www.finlex.fi/fi/laki/kaannokset/> for translations in this section). The Anti-discrimination Act forbids discrimination “... *on the basis of age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics* (section 6).” The Penal Code, in turn, forbids discrimination based on “... *race, national or ethnic origin, colour, language, sex, age, family ties, sexual preference, state of health, religion, political orientation, political or industrial activity or another comparable circumstance* (Chapter 11, section 9; see also Chapter 47, section 3).” The Constitution stipulates



that “No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person (Chapter 2, section 6).” Gender has traditionally enjoyed high priority in Finland. Gender-based equality and discrimination has been treated separately in legislation from other grounds of discrimination resulting in the adoption of specific legislation, the **Act on Equality between Women and Men** (609/1986; amendments up to 232/2005 included).

European Union anti-discrimination directives provide the minimum standards for measurement. However, insofar as the Finnish legislation (Constitution, Penal code, and Anti-Discrimination Act) has a wider range of application than EU directives, the monitoring of discrimination in Finland should correspond to the Finnish legislation. The functioning of the Anti-Discrimination Act (e.g., clarity of the legislation, problems of application, discrimination on multiple grounds, and the equality plans and account for the views of various target groups) is currently being examined. A working group led by the law drafting department of the Ministry of Justice is drafting a proposition for transforming this Act. The functions and structure of authorities implementing and monitoring the Act will be revised in parallel. The work group is also reflecting on whether gender should be included in the new version of the Anti-Discrimination Act.

IV. SOURCES OF CURRENT OVERVIEW

Official documents, statements and experts were consulted to outline the indicators of discrimination and equality collected and planned in Finland. The principal sources employed in the current overview are the European Union funded **Monitoring of discrimination in Finland** proposal (Mannila, 2007; from hereon the Monitoring Proposal) covering ethnic origin, age, disability and state of health, sexual orientation, gender identity and expression of gender as well as the background report to the proposal **Syrjinnän mittaaminen ja raportointi Suomessa – nykytilan kuvaus** (Measurement and reporting of discrimination in Finland - a description of the current state; Mannila, 2006). However, gender-based discrimination was not covered. Nevertheless, in the proposal, gender is considered a cross-cutting issue such that the importance separate data collection and analysis of men and women is stressed. A monitoring group constituted of representatives from ministries as well as non-governmental organisations contributed actively to the elaboration of the proposal prepared by Simo Mannila. Researchers,





officials, and representatives for non-governmental organizations, some of whom were part of the monitoring group, were consulted for the current report (see Appendix 1).

IV.1 PRINCIPLES OF DATA COLLECTION AND MONITORING IN THE MONITORING PROPOSAL

The Monitoring Proposal (2007) states that it is “. . . necessary to create a monitoring and reporting system to replace the current data collection and reporting procedures, which are rather fragmented and partly ad hoc based. This system will produce information about discrimination on various grounds, describe the development of the situation, help to target anti-discrimination policies and to evaluate the impacts of these activities (p. 1).”

The Monitoring Proposal suggests that the Ministry of labour coordinate the development of the monitoring system. However, since reporting is a common interest, a large range of actors are included in a monitoring group consisting of public and private parties: The representatives of Ministry of Labour, Ministry of Social Affairs and Health, Ministry of Education, Ministry of Justice, Ministry of the Interior, Ministry for Foreign Affairs, the Ombudsman for Minorities, the Data Security Ombudsman, the Occupational Safety and Health Inspectorates, the National Research Institute for Legal Policy, the Advisory Board for Ethnic Relations (ETNO), the Advisory Board on Romani Affairs (RONK), the Sami Parliament, representation of the national organisations for the disabled, the central NGOs and the employer and employee parties.

The Ombudsman for Minorities is an authority advancing the status and legal protection of ethnic minorities and foreigners as well as equality and good ethnic relations in Finland. The jurisdiction of the Ombudsman covers only the supervision of the prevention of *ethnic* discrimination. Preventing discrimination on other grounds belongs to different authorities, mainly the highest supervisors of legality and, in working life, to occupational safety and health authorities. The National Discrimination Tribunal of Finland, in turn, is an independent organ promoting legal protection. Again, this organ only examines cases of discrimination based on ethnic origin, excluding the cases involving supervision of the prohibition of discrimination in employment and public service. Therefore, in order to monitor discrimination more extensively, the Monitoring





Proposal suggests extending the scope of activities of the Ombudsman for Minorities and National Discrimination Tribunal of Finland to cover all types of discrimination.

IV.2 OVERVIEW OF INDICATORS BASED ON THE MONITORING PROPOSAL (2007)

The Monitoring Proposal presents a plan for a data collection system based on a data report outlining all presently available data on direct as well as indirect discrimination (Mannila, 2006). The data report comments upon the usefulness of the data, indicates gaps in data, and proposes new methods of analysis (see also Makkonen, 2007 *Case of Finland* p. 99). The Monitoring Proposal displays 44 proposals for developing data collection and for reporting direct, indirect and structural discrimination. At the outset, the proposal insists that while Finland is lacking a uniform monitoring system of discrimination, several mechanisms to produce information on different discriminatory phenomena exist. A monitoring and reporting system of discrimination should thus be based on different types of data and will by definition be fragmented. The proposal aims to avoid overlapping reporting and suggests developing cooperation between public administration and academic research to cover topics that have received less attention. Therefore, the report would complement existing reporting and databases carried out by various organs instead of creating new ones. A particular challenge is to detect multiple grounds of discrimination.

Different sources for measuring discrimination in Finland are proposed. In the following, examples of data collection by means of official statistics, of empirical research, of NGO and ombudsman activity reports, and of legal cases are presented.

IV.2.1 OFFICIAL STATISTICS

Besides producing data requested by **EUROSTAT**, **Statistics Finland** carries out national data collection initiatives. Since Finland no longer conducts censuses, register data is relied upon for data collection. Information can be derived from a multitude of registers kept by various authorities (e.g., Reuters et al., 2004). Concerning discrimination at the workplace and education,





several options for data collection exist. First, a specific **URA -information system** for labour administration could, after development, be used to monitor for example the services received different aged, disabled or immigrant jobseekers. Second, **educational statistics** by Statistics Finland describing applications and acceptance to studies as well as drop-out rates are appropriate for indirect measurement of discrimination. However, currently information for example concerning ethnic origin is not included in the reporting. Third, **Occupational Safety and Health Inspectorates** are initiating the reporting of discrimination. Fourth, the **Quality of work life** survey of Statistics Finland (carried out five times since 1977) and the **Working Life barometer** by the Ministry of Labour can be complemented to cover all discrimination grounds. Fifth, company-level diversity monitoring is almost absent in Finland (see however, **MONIKKO -project** at the Finnish Institute of Occupational Health, greatplacetowork.fi/best/trust-index-kysely.php), despite the international importance of the topic. The Monitoring Proposal suggests carrying out research on diversity monitoring in collaborative projects including state authorities, companies and trade unions. Sixth, the existing **PATJA database** records hundreds of racist crimes each year (see further section 5.2 of this report). The majority of these crimes are not discrimination-based but other crimes such as assaults. This database should be revised to cover not only racist crimes but also other grounds of discrimination. The progress of the investigation of the crimes concerning the police, prosecutors and court should also be included in this reporting. Moreover, hate crimes should be systematically reported. Mannila (2006) also proposes collecting background information of victims (i.e., gender, ethnicity, age). Finally, the national population register is the main register for population issues (Reuter et al., 2004).

IV.2.2 EMPIRICAL RESEARCH

The monitoring proposal urges to expand **attitude research** to cover all grounds of discrimination, since up to now there has been a strong focus on research on attitudes towards ethnic minorities. In addition to attitudes of the majority population, investigations on employers' and workplace attitudes are called for. **Victim studies**, in turn, allow analysing personal experiences of target groups. Results of these studies are limited due to small and heterogeneous target groups (e.g., different national groups), that cannot be aggregated, or because of the





difficulty to observe the phenomenon. Victim studies should also be extended to cover other grounds of discrimination in addition to ethnic discrimination. **Discrimination testing** and **living condition** studies are also projected for monitoring discrimination. Investigation of the **impact of equality plans** adopted by private and public sector employers can be considered as measures of progress of equality. To the extent that current research is fragmented, efforts should be made to combine different domains of research of the same topic (Simo Mannila, personal communication, August 7, 2007). For example, Liebkind et al. (2004) investigated simultaneously subjective experiences of immigrants as well as objective living conditions. Finally, the **impact of anti-discrimination programmes** need to be studied (Simo Mannila, personal communication, August 7, 2007).

IV.2.3 ACTIVITY REPORTS

Activity reports of officials and NGOs are another useful device for monitoring. Currently the annual reports of the **Ombudsman for Minorities** and the **National Discrimination Tribunal** only comment on ethnic discrimination. The Monitoring Proposal considers the scope of this reporting system could be extended to cover other grounds of discrimination. However, currently the **Ombudsman for Equality** monitors gender-based discrimination.

The Human Rights League (Ihmisoikeusliitto ry), the leading human rights organisation in Finland, publishes a yearly **Rasismi Suomessa** (Racism in Finland) report. The scope of this publication has been widened and a **Discrimination in Finland** -report coordinated by this NGO now includes chapters discrimination discussing discrimination based on sexual orientation; disability; ethnicity, religion, language or nationality; and age (see Lepola & Villa, 2007). This is one the first attempts to report on all grounds of discrimination. In the report, experts of each field describe the current pressing issues, present existing research, and suggest topics that should be investigated. Moreover the appendix of the report lists a large number of past and present anti-discrimination projects as well as an extensive list of organisations fighting against discrimination. Other channels for reporting discrimination can also be developed to increase and systematize the mapping of discrimination into a uniform system.





IV.2.4 LEGAL CASES

Though modern discrimination is often subtle and covert and therefore hard to prove in court (e.g., Makkonen, 2007), legal cases are important indicators of discrimination. The joint burden of proof in the Anti-Discrimination Act facilitates the processing of discrimination cases. Reporting cases and opinions of the **Supreme Court** and **Supreme Administrative court** are included in the Monitoring Proposal. Reports of the **Parliamentary Ombudsman** (www.oikeusasiamies.fi) and the **Chancellor of Justice** (www.chancellorofjustice.fi) can be employed to investigate discrimination that has taken place in the exercise of public powers (Makkonen, 2004a). Moreover, analysing the decisions of **District courts** provides information of discrimination (see Section 5.2 of this report). Registering reported racist crimes is yet another way to examine discrimination through statistics. Drawing on the **PATJA database** on reported offences, racist crimes can be investigated (see Section 5.2). The decisions made by the **National Discrimination Tribunal of Finland** on discrimination based on ethnicity or race have the same legal effect as a judgement by a general Court of law and should therefore be included in the monitoring of legal cases.

IV.3 DATA SECURITY QUESTIONS

The views of the Office of the Data Security Ombudsman have been taken into account in the preparation of the data collection proposal. *“When using statistics, data protection issues do not arise, as these have already been resolved by the authority responsible for the statistics. The same applies to the activity data of judicial and monitoring authorities. The protection of privacy and data protection required particular attention as the NGOs and social partners are developing their activities to study discrimination. As regards data protection, the regulation pursuant to which the use of the data must be specified while collecting it and the data may only be used for the specified purpose plays an important role. There is nothing in the legislation in force to stop us from developing the monitoring and reporting of discrimination (Monitoring Proposal, 2007, p. 6-7).”*





IV.4 MAKING USE OF INDICATORS

According to the Monitoring Proposal, the aim is to publish a comprehensive report once during each parliamentary term (every four years) and to present it to the Finnish Government. Moreover, a yearly more concise report concentrating on a specific ad hoc topic is planned. The *Discrimination in Finland* (2007) report edited by the Human Rights League is a first attempt to fulfil this aim. The Monitoring Proposal suggests that a certain degree of flexibility is maintained in reporting which allows including new topics or focusing on urgent ones on short notice. A specific updated website is also projected for displaying data on discrimination and equality that is available publicly. Moreover, the data collected within the new reporting system should be directly transmittable to UN and to the Council of Europe reports.

Currently, indicators are mainly used for official reports, for policy discussions and for planning awareness raising campaigns and education. The monitoring group is now planning how to carry out the data compilation and collection propositions laid out in the proposal. Hence it is impossible at this stage to evaluate the use of indicators after the Monitoring Proposal is fully implemented.





V. MONITORING AND DATA COLLECTION ON DIFFERENT GROUNDS OF DISCRIMINATION

V.1 GENDER DISCRIMINATION

Promoting equality between sexes and gender-based discrimination has been a priority for a long time and institutional structures to tackle the question exist, even though the Monitoring Proposal does not explicitly cover measurement of gender-based discrimination. Gender equality matters fall within the scope of the Ministry of Social Affairs and Health. The practical implementation of gender equality is carried out by the **Ombudsman for Equality**, the **Gender Equality Unit** and the **Council for Gender Equality**. The **Ombudsman for Equality** and the **Council for Gender Equality** (a permanent parliamentary body with advisory status within the state administration) monitor compliance with the Act on Equality between Women and Men in private and public activities and provide advice and instructions when discrimination is suspected. These statements are, however, recommendations that do not obligate the parties concerned. In addition, the ombudsman monitors the implementation of equality planning at work (which is the responsibility of employers). The **Gender Equality Unit** prepares the government's gender equality policy. Research and statistics of gender equality are actively drawn upon in policy development.

The office of the Ombudsman for Equality does not do research on indicators, but instead collaborates with Statistics Finland to collect equality statistics (e.g., statistics on equality planning). The office of the Ombudsman nevertheless keeps an archive **on the complaints and claims** it receives. The activity report of Ombudsman for Equality in 2006 indicated that the Ombudsman received 1067 clarification demands. Several topics came up in these contacts. The majority of demands concerned discrimination in recruitment. Unequal treatment related to salaries and pregnancy as well as general banning of discrimination were also frequent topics. The contacts have increased in recent years due to electronic communication and the new Act of equality between women and men from 2005.

The Ministry of Social Affairs and Health produces an **equality barometer** that studies the equality attitudes, expectancies and opinions of Finnish citizens (e.g., Melkas, 2004). As a part of





the European Union equality policy, the “Peking” indicators (e.g., Women and decision making indicators) are currently being created and monitored (Riitta Martikainen, October 15, 2007 personal communication). The first study on equality indicators covering women and decision making was carried out in 1999 (Merja Tirinen, May 2, 2007 personal communication). **Statistics Finland** follows the advancement of gender equality by maintaining and updating equality statistics. For example, in 2007 Statistics Finland published a report (**Vaaka vaaterissa? Sukupuolten tasa-arvo Suomessa 2006**) describing gender equality in the areas of family, education, work life, income, health and election participation. Statistics Finland has published a statistics pocketbook **Women and men in Finland** four times since 1998. The **quality of work life survey** of **Statistics Finland** and the **Working life barometer** of the **Ministry of Labor** also investigate gender discrimination and promotion of equality at work. **Employee organisations** (e.g., AKAVA - Confederation of Unions for Professional and Managerial Staff in Finland www.akava.fi; SAK - Central Organisation of Finnish Trade Unions www.sak.fi; STTK - Finnish Confederation of Salaried Employees www.sttk.fi) have repeatedly investigated members' experiences of gender equality. Finally, **employer organisations** have at their own initiative monitored the implementation of the equality planning obligation.

A recent report **Mainstreaming the gender equality perspective in Government administration in Finland** (2006) maintains that though statistics and data production have been developed, more gender-specific information is still needed to progress in gender equality. Several ministries are therefore planning to include a gender perspective in their data collection.

Besides gender specific statistics and discrimination or equality data, mainstreaming of gender equality is supported by gender studies. The national **Minna database** (www.minna.fi) records gender research, experts, as well as equality data (see also Grönroos, 2005 for a proposition for a plan on information and documentation on gender equality in Finland).

V.2 DISCRIMINATION BASED ON ETHNIC ORIGIN

Cultural diversification has been rapid in Finland; the number of immigrants grew fourfold during 1990-2002. Nevertheless, the proportion of ethnic minorities is small (3% of population) compared to other countries. Most of the foreigners are of Russian, Estonian, Swedish, Somali or





(ex-)Yugoslavian nationality. Traditional national minorities, include the Roma, and Tatar minorities, as well as the indigenous Sami people. The Swedish speaking Finns (5.7% of population) are not expected to experience discrimination in Finland, therefore a discussion of potential indicators was omitted from the Monitoring Proposal. Swedish speaking Finns are not considered a minority, to the extent that Swedish is an official language in Finland established in the Finnish Constitution (section 17).

In Finland, ethnic origin is not reported in statistics and the term *ethnicity* does not have a clear linguistic equivalency in everyday Finnish language (Mannila, 2006) nor is it defined in the Anti-Discrimination Act. Ethnicity is therefore tapped by collecting information on individuals' language, national origin and nationality. All these indicators, however, provide somewhat different results when used for observing discrimination.

Ethnic discrimination is the most investigated of the discrimination grounds mentioned in the Anti-Discrimination Act and Finland participates in international reporting (e.g., ECRI national report, 2007; EUMC Annual report, 2006). Lepola, Joronen and Alanen (2007) present a broad overview of work carried out by different instances, the laws related to ethnic discrimination and cover topics ranging from racist crime to discrimination in education and worklife, based on language, religion and nationality. The Monitoring proposal, in turn, outlines several ways of measuring ethnicity-based discrimination.

Attitude research has been conducted on ethnic discrimination and, according to the Monitoring Proposal, it should be continued. Since 1987, attitudes towards foreigners have been studied every five years (Jaakkola, 2005). A comparison over time revealed that majority populations' attitudes towards immigrants and refugees have become more positive. In 2003, there was more emphasis than before on the positive consequences of immigration such a diversified cultural life, an increase in language skills, in tolerance, in the joy of living and in foreign trade and a revitalised economy. Attitudes towards different nationalities continue to differ, however. Attitudes towards people from the Nordic countries and from Anglo-Saxon countries were more favourable than attitudes towards immigrants who are visibly and culturally different and come from distant, poor countries.

Victim studies are another way of examining discrimination based on ethnic origin (Jasinskaja-Lahti, Liebkind, & Vesala, 2002; Liebkind et al., 2002; Perhoniemi & Jasinskaja-Lahti,





2006). Perhoniemi and Jasinskaja-Lahti (2006) investigated longitudinally the integration of seven immigrant groups (Russians, Estonians, Ethnic Finns returning to Finland, Somalis, Arabs, Vietnamese, and Turks). Over time, integration developed favourably and perceptions of discrimination decreased. Differences between groups were also revealed. Somalis and Arabs experienced the most discrimination, while the Estonians experienced the least. Another study, ordered by the National Police of Finland, consisted of interviews of 3595 immigrants of different ethnic groups (Reuter et al., 2004). Almost a third had been a victim of a racist offence, mainly threats and insults, during the previous 12 months, but 71% of the victims had *not* reported the offence. Minorities' awareness of their rights has nevertheless grown over time (Mikko Joronen May 11, 2007 personal communication, see also Eurobarometer 263) and recently, minorities have established associations (e.g., Islamic Council in Finland, Somali Union of Finland, Union of Russian associations in Finland). The Monitoring Proposal nevertheless suggests that victim studies are continued and developed further.

Discrimination testing has not been systematically carried out in Finland. However, the Human Rights League tested how restaurants in Helsinki reacted to Romani and Black clients. This small-scale exploratory study revealed that each individual or group including a minority member was discriminated against at least once. The test resulted in 11 offences reported to the Helsinki police (Rasismi Suomessa, 2005).

The existing **Immigrant Records** by Statistics Finland (collected since 1989) provide an important source for measuring indirect discrimination. This data set includes information concerning unemployment, taxable income and benefits, standard of housing and professional standing. In the future, information from Immigrant Records should be reported by gender and controlling for education. Statistics concerning health and social care services, social security and housing have been examined. However, due to small numbers of immigrants it is often impossible to infer information concerning discrimination. Cooperation between **Statistics Finland**, the municipalities, the **Association of Finnish Local and Regional Authorities** (www.kunnat.net), enterprise statistics and the **National Research and Development Centre for Welfare and Health** (www.stakes.fi/) is suggested in the Monitoring proposal to remedy the problem.

Registering racist crimes is yet another way to examine discrimination through statistics. Based on the **PATJA database** on reported offences, racist crimes were investigated between





2003 and 2006 in Finland (e.g., Keränen, 2005; Kääriäinen & Ellonen, 2007; Nojonen, 2007): racist crimes increased to some degree. In 2003, 387 racist crimes were listed while the corresponding figures for 2004 and 2005 were 400 and 412, respectively. A crime was classified as racist when it was at least partially attributable to the victim's ethnic group membership. Assault was most common crime. The majority of the victims (over 70%) were foreigners or people with a foreign origin. The Roma were registered as victims in 15 % of the cases. Approximately 70% of victims were men. However, the statistics are based on the reported offences and not on investigations, trials and court decisions, which limits the conclusions that can be drawn concerning racist discrimination.

Besides observing statistics and empirical research, the decisions and **statements** of **Ombudsman for Minorities** and the **National Discrimination Tribunal** have a crucial role in monitoring and investigating ethnic discrimination. About half of the 645 customer cases processed by the Office of the Ombudsman reported discrimination or inappropriate treatment (Activity Report, 2006). The 2004 - 2006 activity report indicates that the National Discrimination Tribunal processed 100 claims over two years and describes six cases that received an injunction. Majority of the claims involve discrimination of officials. Decisions of other judicial authorities should also be employed to monitor ethnic discrimination. For example, the Office of the Ombudsman investigated cases processed in district courts (Press release of March 19 2007). Between 2002 and 2006, around 20 discrimination cases were processed each year. The cases were often related to discrimination experienced in restaurants and in shops and the victims were most commonly Romas or immigrants. Moreover, the **opinions**, **minutes** and **reports** of non-governmental organisations and other official instances (e.g., Human Rights League, see Section 4.2.3 in this report; The Refugee Advice Centre, www.pakolaisneuvonta.fi), Advisory Board for Ethnic Relations (ETNO), Advisory Board on Romani Affairs (RONK), and the Sami Parliament should be used to monitor ethnic discrimination.

The monitoring proposal underscores the importance to **study traditional ethnic minorities**, the Roma and the Sami, and especially discrimination related to education, employment and living conditions. In the case of Sami, controversies concerning land rights also need to be investigated. Recently the situation of Romani and their culture has received a lot of the media coverage. Examples of the Roma situation are provided here. Demonstrating the vulnerable





status of the Roma in Finnish society, the Ombudsman of Minorities is most frequently contacted for complaints concerning access to housing of Roma people. The advisory board of the Romani Affairs observes the development of living conditions of Roma population in Finland and gives statements concerning these issues. The board is also frequently contacted for remarks concerning access to employment. For example, the traditional clothing make Romani women a target of discrimination (Romani Advisory Board statement, May 15, 2006). However, *“The Roma in Finland oppose strongly all kinds of statistical data based on ethnic origin and the Advisory Board on Romani Affairs has systematically promoted a reserved attitude towards any ethnic data collection (Romani Advisory Board statement, May 15, 2006, p. 3).”* Statistical reporting has been considered stigmatising and the statement argues that guidelines based on statistical inquiries have rarely been implemented. Instead, local level interventions and communications have reached better results and are therefore called for by the Advisory Board (Romani Advisory Board Statement, June 6, 2006).

V.3 DISCRIMINATION BASED ON RELIGION AND BELIEFS

Religious diversity has increased as well, although the position and membership base of the Lutheran Church remains very strong, with 84% of the population as members. Other religious groups are considerably smaller, the next biggest communities being the Russian Orthodox Church (1%). Some 13% of the population does not belong to any religious community (Makkonen, 2004b).

The Monitoring Proposal (2007) assumes that the Lutheran and Orthodox groups are not discriminated since they enjoy a special statutory position. *“No particular attention is focused in this proposal on language and religion as grounds of discrimination, assuming that any discrimination against various religious and linguistic groups in Finland is sufficiently covered under ethnic origin (p. 17).”* However, if the situation were to change, this ground should also be included in the national monitoring report.

Despite the absence in the Monitoring Proposal, some examples of different ways of detecting religious discrimination cases can be noted. First, a survey carried out in 1998 showed that 25% of Finns would ban the exercise of Islam in Finland (Makkonen, 2004b). Second, a





Finnish Red Cross attitude barometer indicated that religion or faith was considered to be the motive in 18% of discrimination cases (Lepola et al., 2007). Third, the Human Rights League has studied discrimination based on religion by contacting religious minority associations and inquiring about their subjective experiences concerning discrimination (e.g., anti-semitism, islamophobia) (Mikko Joronen, May 11, 2007 personal communication). Fourth, reports of the religious and cultural dialogue working group of ETNO (Advisory Board for Ethnic Relations) can be analysed. Finally, legal cases can be studied: *“in a recent case, the Parliamentary Ombudsman held that Muslim women are entitled to wear a veil in passport photos, in accordance with the requirements of their religion* (Makkonen, 2004b, p. 4).”

V.4 DISCRIMINATION BASED ON SEXUAL ORIENTATION

A considerable change has taken place in attitudes towards sexual orientation. Traditionally, homosexuality was considered a sin by the religious authorities, a disease by the medical authorities and a crime by the law. Homosexual behaviour was decriminalised in 1971 and discrimination on the basis of sexual orientation was prohibited in 1995. In 2001, the Act on Registered Partnerships was adopted, guaranteeing registered same-sex couples a position that in many ways resembles that of married couples (Makkonen, 2004a). However, Finnish legislation does not define the meaning of sexual orientation (Hiltunen, 2004).

Discrimination based on sexual orientation, gender identity or expression of gender is difficult to detect with general statistics, since these factors are not tapped in surveys. Therefore, the Monitoring Proposal suggests that research focusing on discrimination based on both sexual orientation and gender identity is carried out regularly. Especially, **majority attitudes, working conditions, access to education** as well as **social and health services** should be monitored regularly. Moreover, victim studies need to be carried out. For example, **Sexual and gender minorities at work** was a project within a larger European Union EQUAL project. A large scale research including questionnaires and interviews was conducted to study the role of non-heterosexuals (including lesbian, gay, bisexual and trans people) in the job market, coping at work, occupational choices and the situation of sexual minorities as a function of social class and different occupational domains (Lehtonen & Mustola, 2004). These topics were analysed from the





point of view of heteronormativity. Specific questions concerning role of sexual orientation on discrimination upon recruitment, in salaries, in opportunities for training and career advancement, and access to information were examined in the study. Lehtonen (2007) also calls for studies on childhood, adolescence and family life.

The role of NGOs, mainly **SETA ry** (Seksuaalinen Tasavertaisuus, Sexual Equality), is important in the effort for reporting discrimination. In their aims for the Government Programme 2007 – 2011, SETA calls for modifications in the Anti-Discrimination act and for monitoring and statistical reporting of hate talk and crime. Currently the Anti-Discrimination Act requires equal treatment of all employees independent of their sexual orientation, however the Act does not oblige employers to actively prevent discrimination related to sexual orientation (see further SETA statement January 20, 2006). Discrimination based on sexual orientation should be banned as extensively as discrimination based on ethnic origin. For example, the ban should be extended to cover social and health services. Insofar as most of the work is carried out on a voluntary basis (Lehtonen, 2007), adequate resources and official guidelines are necessary before initiating data collection (Juha Jokela, May 11, 2007 personal communication).

V.5 DISCRIMINATION BASED ON AGE

Age discrimination is the most common form of workplace discrimination (Lehto & Sutela, 2004). The structure of unemployment, for example, indicates age discrimination. Traditionally, the favoured solution in Finland has been to move the ageing unemployed into retirement - with an age limit varying at different times - after a certain period of unemployment by means of various early retirement arrangements (Monitoring Proposal, 2007). In addition to work and education related discrimination, there is a growing concern for care of and services provided for elderly people (Jyrkämä & Nikander, 2007). Availability of health and social services, equal access to these services and dignified treatment irrespective of age and health status are the most pressing questions. This concern is reflected in public discussion. For example, the media that has highlighted existing problems and denounced the appalling living conditions of many old people. Also, in 2006, the parliament received a petition signed by over 400 000 Finns requesting better care for old people. Abuse of old people, in turn, is debated in expert circles, but less so by the





general public (Veronica Fellman, August 6, 2007 personal communication; see *Kätketyt äänet* campaign (*Hidden voices* campaign) coordinated by Sirkka Perttu, www.sosiaalihanke.fi). Discrimination based on age is often associated with other grounds of discrimination. Discrimination is the most likely, when grounds accumulate such as for elderly ethnic minority females.

Currently, parliamentary discussions are being carried out for developing legislation on the care of elderly people. This legislation would then apply the Article 25 of the EU Charter of Fundamental rights in the Finnish context. Besides discrimination of older people, in some circumstances discrimination is aimed at children and adolescents (Jyrkämä & Nikander, 2007). The non-participation of young people has been discussed in terms of age discrimination. The **Youth Act** aims to support the active citizenship and social inclusion of young people as well as the dialogue between generations. This legislation refers to those under 29 years of age. **The Ombudsman for Children** (an independent authority in liaison with the Ministry of Social Affairs and Health), in turn, assesses the implementation of children's rights and monitors the welfare children and young people in Finland.

Age is included as background data in most studies, but without specific focus on discrimination, it is difficult to employ age differences as an indicator of ageism. The Monitoring Proposal (2007) outlines ways to investigate ageism with existing indicators. First, the **SILC living condition study** permits examining income, employment, housing and social integration of people in different age groups. Second, applications and acceptance to education included in **Adult education statistics** constructed by Statistics Finland and the Ministry of Education should be reported by age group and used, despite some shortcomings, as an indicator of ageism. Third, the labour administration's **URA information system** reporting unemployment of people in different age groups can be employed to investigate indirect discrimination. These propositions involve integrating existing databases. Finally, perceived discrimination has previously been investigated with **Working conditions barometers** (*Työolobarometri*; Ylöstalo, 2006). Results of these barometers reveal that the physical and psychological demands of work life pose more problems for older than younger employees. However, paradoxically, these results may reinforce stereotypes and prejudice associated to older employees (Jyrkämä & Nikander, 2007).





Only a few **court cases** have dealt with age discrimination, since discrimination based on age is often hard to prove (Veronica Fellman, August 6, 2007 personal communication). Makkonen (2004a, p. 4) provides an example of case-law decision by the Supreme Administrative Court where age discrimination was found: *“City of X had to cut down the number of its employees, and issued instructions according to which those above a certain age limit should be primarily targeted at, although individual assessment was required to establish who should be dismissed. The likelihood of having been given notice was two times higher in the age group 50-59 years in comparison to other age groups. The City was not able to justify its actions by providing a weighty and acceptable reason for such differential treatment on the basis of age (August 8, 2001/1766, KHO: 2001:38).”* Fellman (2005) reports a case decided by the Supreme Court in 2004 where a male employee was dismissed because he was too old to be re-educated for new tasks when subsidiaries of an avian company merged.

As suggested by the Monitoring Proposal (2007), reporting by **pensioner and youth organizations** (e.g., Vanhustyön keskusliitto - The Central Union for the Welfare of the Aged, www.vanhustyonkeskusliitto.fi; Lastensuojelun keskusliitto - The Central Union for Child, www.lskl.fi; Mannerheim League of Child welfare www.mll.fi) as well as **attitude and victim research** can shed light to monitoring of age discrimination.





V.6 DISCRIMINATION BASED ON DISABILITY

A legal and political focus, instead of an equal treatment focus, has been dominant when considering services for people with disabilities. Consequently, there is little information available on the extent and nature of disability discrimination (Makkonen, 2004c). State of health and disability are often associated with ageism, since age brings restrictions to the ability to function and work. The confound of state of health and disability leads however to grouping very diverse people such as visually impaired people, handicapped people and people with motor impairments (Mannila, 2006).

The Anti-discrimination Act does not define *disability* or a *disabled person*. The Act on Services and Assistance for the Disabled defines a disabled person as a person who because of impairment or an illness has longstanding difficulties to get by ordinary activities of life (Mannila, 2004e, p. 3). The Decree on Labor Force Services defines “a handicapped person” as an individual whose opportunities in the working life have considerably lessened due to an appropriately established impairment or illness. Three Finnish words correspond the English word “disability” (Mannila, 2002, p. 1): *“Firstly, the term ‘vajaakuntoisuus’ is a purely administrative one and is used in various parts of employment legislation, which means that a number of benefits and other provisions are given to people defined as disabled (‘vajaakuntainen’) . . . The meaning of the second one ‘vammaisuus’ . . . is also used in everyday language: it could probably be translated into English also as ‘impairment,’ and it refers to classic groups of disabled people (invalids) such as e.g. the blind . . . The third Finnish term to correspond disability is ‘työkyvytön,’ which means partial or full incapacity to work and gears a person out of work force to retirement, gives a person an entitlement to sickness allowance or disability (invalidity) pension.”* The replacement of the term “incapacity” with a less stigmatizing term has been discussed by National Council of the Disabled (e.g., December 21, 2006 statement). Depending on the definition, 200 000 – 400 000 Finns can be considered to have a disability (Makkonen, 2004c).

The Monitoring Proposal requests for more research on the discrimination of disabled and suggests including organisations such as **The National Council of the Disabled** or **The Finnish Disability Forum** in the reporting of discrimination. The Monitoring Proposal considers observing the development of people with different disabilities in rehabilitation services as indirect information





in the monitoring and reporting of discrimination. This data can be provided by the **Social Insurance Institution** (The **rehabilitation statistics** for 2005 at [www.kela.fi/it/kelasto/kelasto.nsf/alias/Kunto_05_pdf/\\$File/Kunto_05.pdf](http://www.kela.fi/it/kelasto/kelasto.nsf/alias/Kunto_05_pdf/$File/Kunto_05.pdf)). Moreover, the Social Insurance Institution register on receivers of disability benefit, combined with other register information, can provide information of the living conditions and societal status of beneficiaries. This then provides indirect evidence on discrimination. With data available from Statistics Finland, it is also projected to monitor people following special needs **teaching curricula** and their subsequent **employment data** by educational institution. Recent research confirms that people with disabilities are worse off than others in terms of employment, unemployment, income and education (see Konttinen, 2007). A separate study is proposed on the position of the disabled in the public services and the accessibility of public and private services.

The **majority populations' attitudes** towards disability need to be investigated in more detail, though attitudes towards disabilities and people with disabilities seem to have become more positive than previously (Konttinen, 2007). In 2006, the *Finnish Association of People with Mobility Disabilities* (Invalidiliitto ry) commissioned a qualitative study on attitudes towards people with mobility disabilities (Research summary October 11, 2006). Though there was variation among the participants, the findings reveal that disability is perceived as "negative difference", the life of disabled people is defined mainly in terms of incapacity and people find it difficult to imagine having disabled people close to them (i.e., as a partner, as a caretaker for their children).

Victim studies are also called for (Konttinen, 2007). The Threshold Association (Kynnys ry) has developed a system of reporting of discrimination where disabled individuals or others can report events and experiences of discrimination (www.kynnys.fi). The majority of these cases have not been reported to officials and are related to the environment and access to buildings, as well as recruitment (Konttinen, 2007).

The number of **court cases** dealing with disability discrimination remains low. The National Council of the Disabled reports three discrimination cases that have been processed in district courts and courts of appeal (see www.vane.to/). The first case concerned the right to enter a restaurant with a guide dog for blind. The second discrimination case involved a visually impaired and a person in wheel chair who were denied entry in a restaurant. In the third case, laying off a woman with osteoarthritis was considered discrimination. The National Council of the Disabled





deems the creation of an Ombudsman for Disabled important for monitoring the advancement of equality (National Council of the Disabled Statement, March 28, 2007).

The question of multiple discrimination rises when the discrimination of disabled is discussed. The *National Council of the Disabled* publication *DisabledWomen* (olennainen – vammaisten naisten tavoite suunnitelma) requests that disabled women should be accounted for in statistics and in research. A recent study (KELA 53/2006 cited in National Council Statement, March 28, 2007) demonstrated that disabled men and women are not equal. The disability benefit applications of women were rejected more often than those of men. This discrepancy was the greatest when comparing over 55 year old women and men. Examination of the situation of disabled immigrants should also receive special attention (see Saraste & Könkkölä, 2001).





VI. CONCLUSIONS

An extensive monitoring proposal has been drawn to cover different grounds of discrimination in Finland. This proposition consists of integrating and re-analysing existing databases and reports as well as of suggestions for new research. Various experts were consulted to complement information found in the monitoring proposal and other sources. In addition to providing a multitude of reports, articles and statements, the conducted interviews revealed that a consensus prevails on the need for more research and reporting related to prevention of discrimination and promotion of equality needed. However, in addition to planning the monitoring, more concrete acts such as practical applications, developing legislation, sensitizing and educating citizens were considered crucial in order to decrease discrimination and increase equality. Lack of resources was given as a reason for currently insufficient concrete acts. Moreover, the relative autonomy of Finnish municipalities results in a varying implementation of laws.





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APPENDIX 1 - CONSULTED EXPERTS

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