

May 21, 2024

European Commission against Racism and Intolerance (ECRI)

## **Background information from the Finnish Non-Discrimination Ombudsman for ECRI's monitoring visit 2024**

The Non-Discrimination Ombudsman thanks ECRI for the opportunity to share its views on racism and intolerance in Finland prior to ECRI's monitoring visit in autumn 2024. Please find below answers to your questions on equality bodies and our views on some of the current developments regarding racism and intolerance in Finland. We have also attached the Non-Discrimination Ombudsman's Report to the Parliament (2022) and some of our recent statements on government bills and proposals.

### **Equality bodies**

1. Has your country established an equality body (independent human rights institution tasked with combating racism and intolerance) that covers the entire private and public sectors? If more than one such body exists, the questions in this section apply to all of them.

- Yes.

2. If so, has it been set up by constitutional provision or parliamentary legislation?

- Parliamentary legislation

3. Is the equality body fully independent, i.e. set up as a separate legal entity outside the executive and legislature?

- Yes.

4. Does the equality body have the following functions and competences:

(i) promote and achieve equality - yes

(ii) prevent and eliminate discrimination and intolerance - yes

(iii) promote diversity and good relations between the different groups in society - yes

(iv) conduct inquiries - yes

(v) conduct research - yes

(vi) raise awareness, develop standards and support good practice -yes

(vii) make recommendations - yes

(viii) contribute to legislation and policy formation - yes

(ix) receive complaints and provide personal support, legal advice and assistance to people exposed to discrimination or intolerance - yes

(x) have recourse to conciliation procedures - yes

(xi) provide legal representation to people exposed to discrimination or intolerance. yes

(xii) pursue strategic litigation, and bring cases before institutions and courts - yes

(xiii) obtain evidence? - yes

5. Does it have the additional competences to examine, hear, conciliate and decide on complaints of discrimination?

- The non-discrimination ombudsman is not mandated to provide legally binding decisions or change decisions made by the authorities. The non-discrimination ombudsman can give a reasoned opinion in a discrimination case and promote reconciliation, including compensation for the victim of discrimination.

6. Does the equality body decide independently on its internal structure, management of its budget, and recruitment and deployment of staff?

- Yes

7. Is the equality body provided with sufficient funds and staff to implement all its functions with real impact?

The Non-discrimination Ombudsman is sufficiently funded to fulfil its legal mandate. As the number of discrimination complaints have increased radically during the last 10 years, most of the resources at the moment, however, have to be allocated to managing complaints, leaving promotional work in many societal spheres such as working life, education and social- and health services under resourced.

8. Is the equality body entitled to make statements and publish reports independently?

- Yes

9. Are there safeguards for protecting the independence of the persons leading the equality body?

Yes, during time in Office, but as the Ombudsman is appointed (for a 5 year period that can be renewed) by the Government, the safeguards cannot be considered fully adequate

10. Is the equality body easily accessible for individuals and groups experiencing discrimination or intolerance?

- We pay specific attention to being as accessible as we can, while acknowledging that we can always do better. We have conducted an enquiry into reasons of under-reporting of racist harassment. We offer phone and chat service and we can receive communications using our secure online form, email, phone and regular mail. When necessary we can meet with victims of discrimination and other parties.

11. What are the main contributions of the equality body to preventing and combating discrimination and intolerance?

- See the attached report to the Parliament.

12. Please indicate any follow up to the recommendations made by ECRI in its fifth cycle report concerning your country's equality body.

### **Racism is a significant social problem in Finland**

After the parliamentary elections in the spring of 2023, there was much public debate around the subject of racism in Finnish society. In July, the Finnish Government appointed a working group to prepare a government statement to the Parliament on promoting equality and non-discrimination in Finnish society. The statement resulted from discussion in the summer of 2023 concerning Prime Minister Petteri Orpo's government and its individual members and attitudes towards racism.

The Non-Discrimination Ombudsman is concerned about the risk of racism and hate speech becoming normalised in politics. Normalisation of racism and hate speech in politics is a troubling phenomenon that widely affects society as a whole. Research has shown that the manner in which we use language – including when talking about various minorities – builds, renews, changes and creates meanings in the social reality around us. Language both depicts reality and constructs it. Complaints received by the Ombudsman illustrate how normalisation of racism and hate speech in Finnish society raises concerns, fear and insecurity, especially among minorities.

In connection with government negotiations, the Ombudsman delivered a memorandum on racism, research into this phenomenon, and its impact on mental health and internal security to the negotiators. The Non-Discrimination Ombudsman was heard by the working group tasked with preparing the statement. The Ombudsman emphasised that a strong governmental commitment to promoting equality and non-discrimination requires a thorough examination of all measures laid down in the government programme and the assessment of their impact in terms of risk of discrimination and the fundamental rights of various population groups. The Ombudsman has found government programme entries concerning immigration to be particularly concerning from the perspective of non-discrimination.

The Ombudsman stresses that prevention of racism and promotion of non-discrimination is not a matter of opinion. The Constitution of Finland prohibits discrimination and provides for the public authorities' obligation to guarantee the observance of basic and human rights. Political discussion regarding the definition of racism has threatened to not only make descriptions of the multifaceted phenomenon more narrow, but also silence views brought up by people who are experiencing racism. The ability to recognise racism is the first step towards a more

anti-racist society. Mere symbolic denouncing of racism is not enough to dismantle the phenomenon that is rooted deep in social structures. Active anti-racist action that deconstructs discrimination should be reinforced and implemented systematically on a long-term basis in various areas of society.

### **Complaints received by the Ombudsman and research data indicate the extent of the phenomenon**

Statistics of the Non-Discrimination Ombudsman, the number of complaints received and reports and numerous studies on the subject show that discrimination is common in Finland and it affects all aspects of life. Discrimination and racism are still deeply embedded into the structures, practices, institutions and attitudes of Finnish society. Complaints concerning suspected discrimination show that discrimination continues to be a serious problem in our society.

Complaints received by the Non-Discrimination Ombudsman and the Ombudsman's work with customers indicate that racist discrimination and harassment appear to be extensively present in various aspects of life. Experiences of racist discrimination or harassment are rarely just individual incidents – they are often persistent, cumulative, extend over various aspects of life and multiple generations, and take concrete form in different institutional connections.

Based on complaints received by the Non-Discrimination Ombudsman, racism can be seen in connection with matters such as:

- access to housing
- harassment and discrimination in school
- operations of the police and other security authorities
- finding employment
- access to health care and other services
- public debate
- everyday situations

In addition to racism in everyday life, these complaints illustrate racism on a structural and institutional level.

In 2023, the Non-Discrimination Ombudsman received a total of 2,411 complaints. The majority of these, approximately 72 percent, concerned discrimination. Similar to the previous year, the number of complaints kept increasing in 2023. The highest number of discrimination complaints concerned discrimination based on disability or health, as well as discrimination based on origin, nationality, and language.

### **Research shows the extent of racism in Finnish society**

It is known based on research data that the bar for reporting racist discrimination, harassment or crime is relatively high. Very few people report racist discrimination, harassment or violence to an authority. One of the most significant reasons for not reporting incidents is the following: the person who has experienced racist discrimination, harassment or violence does not believe that anything would change or happen after reporting the incident.

The results of the latest report [Being Black in the EU](#) published by the European Union Agency for Fundamental Rights, racist harassment and discrimination is more prevalent in Finland than in many other EU member States.

Out of the countries included in the study, the prevalence of racist discrimination and violence is highest in Finland. During the past year, 43 percent of respondents reported having encountered racist discrimination in Finland. The average for all countries included in the survey was only slightly more than half of this at 24 percent. Experiences of racist violence in the five years preceding the survey were also most common in Finland.

Our national research supports the results of research conducted on the EU level. According to [a recent population study by the Finnish Institute for Health and Welfare](#), 42 percent of immigrants living in Finland had experienced discrimination in the past year. Experiences of discrimination were even more common for some specific groups. For example, up to 63 percent and 58 percent of young people who had moved from Africa and the Middle East, respectively, had experienced discrimination.

Furthermore, discrimination and harassment experienced by children and young people can be deemed to be a particularly concerning phenomenon. Racism and discrimination experienced by young people is a serious social problem. In December 2023, the Ministry of Justice published a survey on racism and discrimination experienced by young people. The study draws a picture where racism has become a part of the daily lives of young people in Finland. Young people have expressed wishes for adults to take responsibility for addressing racism. Young people

emphasise the influence of persons in positions of power, who could show through their own example that racist behaviour is not acceptable.

The Office of the Ombudsman for Children also conducted a survey on the well-being of Roma children and the realisation of their rights in 2023. Even though the results paint a relatively positive picture of the lives of Roma children in Finland, Roma children continue to face a lot of discrimination and racism.

It is also worth noting that the number of [suspected hate crimes reported to the police](#) increased by a fifth in 2022 and the number of suspected hate crimes rose to the same level as in 2015. According to [a report published by the Police University College](#), the motive for nearly 75 percent of all suspected hate crimes is the victim's real or perceived ethnic or national origin. The suspects of these hate crimes were often members of the majority population and the victims were members of a minority.

These research results highlight the notion that experiences of racist discrimination or harassment are rarely individual incidents – they are often persistent, cumulative, extend over various aspects of life and multiple generations, and take concrete form in different institutional connections. [Recent research data](#) indicates that experiences of discrimination also have consequences that can extend over multiple generations within the family. It is known that discrimination experienced by parents can affect the well-being of their offspring, even many decades later. However, in many families discrimination is experienced by both children and their parents.

These recent research results remind us that racism persists as a significant social problem in Finland and cannot be ignored as merely results of individual studies. Recent reports published in late 2023 highlight the need to take necessary measures to eradicate racism and promote non-discrimination. Active anti-racist action that deconstructs discrimination should be reinforced and implemented systematically on a long-term basis in various areas of society, including political debate and decision-making.

## **Hate speech and hate-motivated violence**

The Finnish law does not include a specific definition of a hate crime. The motive of the act determines whether the crime can be defined as a hate crime. In general terms, a hate crime is a crime motivated by prejudice or hostility towards the victim based on grounds like victim's ethnic or national origin. The motive of hatred can act as an aggravating factor for imposing a more severe punishment, and in a few crimes in the Finnish Criminal Code, the motive of hatred fulfills the essential elements of

the crime. As stated in the Criminal Code, the grounds for imposing a more severe punishment are race, skin color, origin, national or ethnic origin, religion or beliefs, sexual orientation, disability, or other motive comparable to the ones mentioned above.

Most typical crimes in which a hate motive fulfills the essential elements of the crime in Finnish law are:

- Agitation against a population group (*Finnish Criminal Code 39/1889, chapter 11 Section 10 (13.5.2011/511)*)
- Aggravated agitation against a population group (Finnish Criminal Code 39/1889, Chapter 11 Section 10a (13.5.2011/511))
- Discrimination (Finnish Criminal Code 39/1889, Chapter 11 Section 11 (13.11.2009/885))

The Finnish Criminal Code does not have a separate definition of hate speech. When hate speech meets the characteristics of a crime (such as agitation against a population group), it may be defined a hate crime. Even if hate speech does not meet the hallmarks of a crime, it may be prohibited harassment according to the Non-discrimination Act of Finland (1325/2014)

Hate speech may then constitute discrimination prohibited by the Non-discrimination Act. The Non-Discrimination Ombudsman is tasked with assessing hate speech from the perspective of the prohibition of discrimination of the Non-Discrimination Act. Hate speech may constitute illegal discrimination under the Non-Discrimination Act, even if it may not always meet the statutory definition of an offence.

According to the Non-discrimination Act of Finland (1325/2014, section 14) the deliberate or de facto infringement of the dignity of a person or a group is harassment, if the infringing behavior relates to a reason referred to in section 8(1), and as a result of the reason, a degrading or humiliating, intimidating, hostile or offensive environment towards the person is created by the behavior.

The Non-Discrimination Ombudsman records the harassment cases it has received. The data for the period 2019 to 2023 are listed below.

- In 2023           60 cases of harassment
- In 2022           44 cases of harassment



- In 2021            51 cases of harassment
- In 2020            34 cases of harassment
- In 2019            51 cases of harassment

Our institution – as a part of our institution’s practice – follow cases where we have guided the clients to file a police report and request the police to pay extra attention to the grounds for increasing the punishment. We also do collaborate with the Police and the prosecutors in enforcing criminal accountability for hate speech.

Furthermore, since the primary task of the Non-Discrimination Ombudsman is to promote equality and tackle discrimination in all fields of Finnish society, excluding the core of private and family life and practicing of religion, we will naturally also monitor the efficiency of investigation and prosecution of hate crimes to make sure that discrimination or other action prohibited by the Non-Discrimination Act would not happen and if it does, to make sure that the situation is handled appropriately and remedied. We also have multiple channels via which victims and other concerned individuals and actors can contact us if they suspect that action prohibited by the Non-Discrimination Act has taken place.

### **A police operation targeting the Roma indicate problems related to discrimination based on ethnic origin within the police.**

A police operation targeting the Roma indicate problems related to discrimination based on ethnic origin within the police.

In 2021, it was revealed that the Helsinki Police Department had carried out an extensive operation called KURI1 that targeted Roma people in 2013–2015. Based on the information requested from the police, the Non-Discrimination Ombudsman found that a presumption of discrimination was established in the case. In the assessment of the Ombudsman, the fact that the operation was only revealed in 2021, and its insufficient processing by the police, show that there are deficiencies in the police related to identifying, preventing and addressing discrimination. The Ombudsman gave a statement related to the operation and issued recommendations for further measures to the National Police Board and the Ministry of the Interior in late 2021.

The National Police Board had independently drawn up a legality control report of the operation, but in the Ombudsman’s opinion, the report and the further measures listed in it were not sufficient and the interpretation of the prohibition against

discrimination in the case was not correct. The operation called KURI1 was ordered to be established in 2013, and the activities were started with instructions stating that the goal of the operation was to prevent shootings and provide information for resolving cases that were already being investigated. The introduction of the instructions concerning the Roma, on which additional control and monitoring was to be focused, can be understood to mean that the targets include any individual assumed to be Roma and moving in a car or as a part of a group.

The instructions also required a low threshold for intervening in all minor offences discovered during the monitoring. The instructions did not pay attention to the prohibition of discrimination, and this was apparently not done in monitoring the implementation of the operation, either. The Ombudsman found that the operation appeared to be based on discriminatory instructions.

In December 2021, the Non-Discrimination Ombudsman issued a recommendation to the National Police Board and the Ministry of the Interior for further measures so that the operating methods and impact of the KURI1 operation could be sufficiently investigated further and that the matter could be discussed with the Roma community.

On 23 November 2023, the Non-Discrimination Ombudsman organised a round table discussion about the Helsinki Police Department's Kuri1 crime prevention and information gathering operation targeting Roma in 2013–2015, and the questions raised by the National Police Board's decision made in 2023. In addition to the Non-Discrimination Ombudsman, the round table was attended by representatives of, for example, the Police Department of the Ministry of the Interior, the Helsinki Police Department, the National Police Board's legality control unit and Roma organisations.

The Non-Discrimination Ombudsman recommends that the National Police Board develop its operations to ensure that the prohibition of ethnic profiling has been fully understood at all police departments. In addition, the National Police Board is urged to design and implement information gathering measures to determine whether ethnic profiling is being used in police operations. To foster dialogue and trust, the Non-Discrimination Ombudsman recommends that police departments hold regular discussions with the Roma on the targeting of police operations at them. The Roma population's distrust of police activities can be dispelled through open and honest exchanges of information.

The Non-Discrimination Ombudsman recommends that the police invest in more extensive anti-racism work at all levels in addition to ensuring compliance with the prohibition of ethnic profiling through targeted measures. For example, the

development of equality promotion planning is an effective way of addressing structural equality issues.

The Non-Discrimination Ombudsman will hold a new round table discussion in the spring of 2025. The topics of the discussion will include the implementation of the follow-up measures recommended by the Non-Discrimination Ombudsman and the results of the efforts to improve trust between the police and the Roma population.

[All of the Non-Discrimination Ombudsman's recommendations are available here \(PDF\).](#)

## **Rights of the indigenous Sámi**

The most central institution in the self-government of the Sámi is the Sámi Parliament. The existing Act on the Sámi Parliament has deficiencies; several attempts to correct them have already been made, but so far the legislative proposals have failed. The Non-Discrimination Ombudsman considers the reform of the Act on the Sámi Parliament as an important step towards the better realisation of the rights of the indigenous Sámi people in Finland. In their recommendations concerning Finland, the monitoring bodies of both the Council of Europe and the human rights conventions of the United Nations have repeatedly brought up the need to promote the equality and right of self-determination of the Sámi. The issue was addressed most recently by the UN Human Rights Committee in their recommendations based on the periodic report of Finland in May 2021.

In the view of the Ombudsman, the legislative proposal by the previous government and the proposal currently in the parliamentary committees would promote the realisation of these goals. We have attached the ombudsman's statement to the parliamentary agriculture and forestry committee issued in February 2024. The legislative proposal strengthens the right of self-determination of the Sámi in matters related to their own language and culture. The amendments to the act are also a response to the human rights violations concerning matters related to inclusion in the electoral roll of the Sámi Parliament, presented in the decisions issued by the UN Human Rights Committee in 2019 and the committee on elimination of racism in 2022.

The Sámi Parliament is elected to implement the right of self-determination related to language and culture. The definition of a Sámi in the proposal ensures that the people included in the electoral roll have a living connection to the Sámi language and culture.

The Non-Discrimination Ombudsman finds that the proposed changes to the legislation concerning the prohibition of discrimination both in general and specifically in connection with inclusion in the electoral roll promote the realisation of the rights of the indigenous Sámi people. According to the proposal, the Supreme Administrative Court would remain as the final appeal body, but with a more limited authority than it currently has. The Supreme Administrative Court could resolve appeals, in which a justified claim concerning discrimination or arbitrariness has been presented. In the view of the Ombudsman, this is an important safeguard for the legal protection of individuals.

### **Access to rights for irregular migrants**

According to estimations, there are almost 3,000 irregular migrants residing in Finland who have arrived in Finland as asylum seekers in 2015-2016, of which almost 300 are minors and their families.<sup>1</sup> However, there are also irregular migrants who have not been in the asylum system, with less information available about this group.

The Government Programme poses challenges to the access to rights for irregularly residing migrants.<sup>2</sup> For example, the Government is currently preparing legislation that would remove the right of irregular migrants to non-urgent health and social services and social security. Only urgent care would be provided but not healthcare services deemed necessary or other healthcare services.<sup>3</sup>

Under the UN Convention on Economic, Social and Cultural Rights, States Parties recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. To restrict the right to health services to only urgent health care would severely restrict the right to health of irregular migrants.

The aforementioned proposal would be particularly problematic for children, pregnant persons and persons who have given birth, if no exception for children and prenatal and postnatal healthcare is prepared. The UN Convention on the Rights of the Child states that the child has the right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States shall take appropriate measures, in particular, to ensure appropriate pre-natal and post-natal health care for mothers. In its recent concluding

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<sup>1</sup> Selvitys mahdollisista kansallisista ratkaisusta maassa ilman oleskeluoikeutta olevien tilanteeseen (Sisäministeriön julkaisu 2022:16).

<sup>2</sup> [A strong and committed Finland – Programme of Prime Minister Petteri Orpo's Government](#) (2023).

<sup>3</sup> <https://stm.fi/en/project?tunnus=STM054:00/2023>

observations, the UN Committee on the Rights of the Child recommended that Finland should provide health and social services to all children and pregnant women, regardless of documentation.<sup>4</sup>

## **Integration and inclusion of migrants**

Parliamentary elections were held in spring 2023. The new Government outlined in its Government Programme a number of reforms to the Aliens Act, the Reception Act, the Citizenship Act and integration services, which, if implemented, would weaken the status and rights of migrants. The combined effects of the envisaged legislative changes to the rights of migrants are likely to be severe. In addition, the Government Programme's provisions on foreigners contain a dismissive and sometimes discriminatory tone regarding the willingness and ability of foreigners to work in Finnish society, which is also repeated in the various draft proposals that have been prepared based on the Government Programme.

Regarding the integration and inclusion of migrants, the Ombudsman focuses in her Statement to ECRI on legislative proposals and plans that have a clear negative impact on the opportunities of migrants to integrate to Finland.

According to the Government Programme, the residence period for obtaining citizenship is to be extended, while residence permits for international protection, will be made temporary and considerably shorter. In addition, the Government Programme also provides for changes to the conditions for permanent residence with a longer period of residence, as well as for the differentiation of social security so that only permanent residents have an equal right to social security. Overall, the combined effects are significant. They make residence and integration more precarious, insecure and financially challenging, and increase inequality between people residing in Finland, contrary to the spirit of the Constitution. Increasing uncertainty can have a wide range of consequences and impacts on people's lives, which need to be carefully considered from a fundamental and human rights perspective.

There is research available on the negative impacts that stricter immigration policies have had on the integration of migrants. For example, over the past decades, Denmark has introduced a large number of legislative changes tightening migration policies, residence permit and citizenship conditions, as well as, for example, the benefit system for foreigners. In November 2022, a review of Danish measures was

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<sup>4</sup> UN Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth reports of Finland](#) (CRC/C/FIN/CO/5-6).

published on integration and labour market participation of immigrants.<sup>5</sup> The broad research review concluded that long-term and cost-effective support for migrants' language skills and education, as well as the possibility to settle freely in places with good employment prospects, contribute to migrants' integration and labour market participation in the long term. In contrast, restrictions on social security and tightening of conditions for permanent residence and citizenship had a negative impact on many migrants.

#### Integration act

The Government is also amending the Integration Act. The proposed changes would shorten the period of compensation to be paid by the state to municipalities and welfare regions to facilitate integration. It is also proposed that the municipality or employment authority could charge the integration client a fee for services not used if this has resulted in interpretation costs for the municipality or employment authority. The proposed changes would increase the migrant's own responsibility for their integration and for the practical management of their affairs. In addition, the upper age limit for support services for unaccompanied minors would be lowered from 25 to 23 years.

The purpose of the Integration Act is, among other things, to promote immigrant inclusion and equality. However, in the draft Government Proposal, it is recognized that the proposal and its implementation could mean problems and obstacles for the integration of immigrants and international protection beneficiaries. For example, cuts in municipal resources for integration services or in support services for unaccompanied migrants could translate into an increased need for more burdensome remedial services.

#### Acquisition of legal status

In April 2024, the Government gave a Proposal to the Parliament on international protection permits. Both asylum and subsidiary protection were previously granted for four years, but the government proposes that asylum would be granted for three years and subsidiary protection for one year. The Non-Discrimination Ombudsman notes that the constant re-application for residence permits prolongs the period of insecurity of beneficiaries of international protection, who are often in a very vulnerable situation, and contributes to hampering the process of integration. Increased insecurity can have a wide range of consequences and impacts on people's lives.

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<sup>5</sup> Jacob Nielsen Arendt, Christian Dustmann, Hyejin Ku, [Refugee migration and the labour market: lessons from 40 years of post-arrival policies in Denmark](#) (Oxford Review of Economic Policy, Volume 38, issue 3, Autumn 2022).

It is also proposed that the duration of the renewals of international protection permits would be reduced to three years for asylum and two years for subsidiary protection. Other forms of residence permits are usually renewed for a period of 4 years. In view of the very difficult situations in which persons are usually granted asylum or subsidiary protection, there is no justification for the extensions granted to them to be shorter than those granted to persons who have obtained residence permits for other reasons. Refugees and beneficiaries of subsidiary protection must also have the opportunity to build a more permanent life in Finland. As stated in the draft proposal's impact assessment on children and families: "[t]he shortening of residence permits and the more frequent application for renewal permits can be estimated to have an impact on the motivation to integrate."<sup>6</sup>

In addition, there is a Government Proposal in the Parliament on reforming the Alien's Act Section on preventing evasion of regulations of entry. The proposal will affect both the granting of residence permits on the basis of work and study and family reunification. The reform includes multiple new paragraphs with long lists of situations where the residence permit of the applicant would be rejected. One of the situations mentioned is if a person who has resided irregularly in Finland would apply for a residence permit. In these situations, the application would in the future be rejected, making it practically impossible for irregular migrants to legalize their stay even if other criteria for residence permits would be met. In addition, the proposal includes a new Section according to which a person who has applied for asylum cannot obtain a residence permit for work or study purposes in Finland.<sup>7</sup> The proposal wants to prevent "the use of the asylum procedure as a channel for labour immigration".<sup>8</sup> The Non-Discrimination Ombudsman points out that asylum procedures often take years and that the fact that an asylum-seeker also develops other ties to Finland during the asylum procedure is understandable and positive from the perspective of integration.

One proposal in the Government Programme is to tighten the conditions – including the length of the required period of residence – for permanent residence considerably, with an exception envisaged for people with a high income, making requirements for obtaining permanent residence permits different based on the socio-economic status of the migrant. The legislative work has started in the Ministry of the Interior, but there is not yet any draft proposal to evaluate.

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<sup>6</sup> HE 29/2024 vp.

<sup>7</sup> The application for a work or study permit cannot in the future be submitted from Finland, but an asylum-seeker could apply for such a permit if they for example returned to their country of origin.

<sup>8</sup> HE 26/2024 vp.

The Government is also planning to tighten the conditions for family reunification in several ways, one of which is introducing a two-year residence period requirement for family reunification of sponsors who have received international protection. This new condition for family reunification is motivated in the Government Programme by ensuring integration. However, as this means longer periods of time that a person has to live without their family in Finland, it is questionable whether this will promote integration or whether it will in fact hamper it. In addition, the government plans to re-introduce an income requirement for minors, and introduce an age limit of 21 years for a sponsor to reunite their spouse. The possibility of limiting the definition of family in family reunification to include only the spouse and children in all situations will also be explored.

#### Naturalisation

The Government Programme's objectives on citizenship will be implemented in three stages. The first stage, which is now in the parliament, is the extension of the required period of residence to eight years and the abolishing of a shorter period of residence for international protection beneficiaries.

In the second phase the requirement for sufficient financial resources will be tightened, the integrity requirement will be tightened, and the conditions for losing citizenship will be tightened. Citizenship will not be granted if the person concerned does not actively help in establishing their identity.

In the third phase, a citizenship test will be introduced. Previously, Finland has not required applicants to pass a citizenship test. The Ministry of the Interior launched a preliminary study for the preparation of a test in autumn 2023. The working group is to complete its work in spring 2024. Its aim is to explore what kind of a citizenship test could be introduced in Finland and options for the body to administer the test. Based on the working group's report, the Ministry will draft the required amendments to the Citizenship Act. In addition, the third phase of the project will review the dual citizenship system in accordance with the Government Programme. The Ministry will provide more information on the completion of the study as it becomes available.

Citizenship has important dimensions in terms of both individual rights and duties; rights such as the right to stand for election and to vote, duties such as the national defence obligation. All in all, the proposed changes to naturalisation are detrimental to a secure and fast integration process as they make the process of obtaining citizenship more difficult. In addition, separating the legislative changes to different phases makes it more difficult to assess the impact of the reform, and is also likely to increase uncertainty for applicants as to which rules apply to naturalisation.



## Centralising international protection applications and border closures

Finland amended its Border Guard Act in 2022. According to the amended Act (section 16.2), the Government may decide to centralise the submission of applications for international protection to one or more border crossing points if it is necessary to prevent a serious threat to public order, national security or public health, and if the situation is caused either by instrumentalized migration or large-scale influx of migrants. When a decision concerning centralisation has been made, seeking asylum is possible only on those border crossing points to which the reception of asylum applications has been centralised. Exceptions can be made in individual situations taking into account the rights of children, disabled persons and other persons in a particularly vulnerable position. (section 16.3.)

As a reaction to the amendments of the Border Guard Act, the Council of Europe Commissioner for Human Rights sent Finland a letter where she expressed her concern “that the provisions introduced could prevent individuals from applying for asylum and may lead to them being returned in violation of the principle of non-refoulement.”<sup>9</sup> The Non-Discrimination Ombudsman has stated that a situation where a person would be forbidden to seek asylum and enter the country is in evident conflict with the Constitution and international human rights obligations.<sup>10</sup>

In November 2023, the Government decided to centralise the reception of asylum seekers to certain border crossing points on the eastern border due to instrumentalization of migration and as the situation continued, all border crossing points on the eastern border were closed and the reception of asylum seekers was centralised to only airports and seaports. Based on the most recent decision of the Government, the eastern border will remain closed indefinitely.<sup>11</sup>

Since November 2023, when the Government decided to only keep one border crossing point open on the eastern border, the Non-Discrimination Ombudsman has considered that the border closure measures seriously jeopardise the right to seek asylum.<sup>12</sup> The state has an obligation to safeguard real and effective access to the asylum procedure. This means, among other things, an obligation to keep a sufficient number of border crossing points open for persons seeking international protection, and to accept and examine asylum applications. In the absence of

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<sup>9</sup> [Letter to the Minister of the Interior of Finland from the Commissioner for Human Rights of the Council of Europe](#) (27.7.2022, CommHR/DM/sf 022-2022).

<sup>10</sup> The Annual Report of the Non-Discrimination Ombudsman for the year 2022, available only in [Finnish](#).

<sup>11</sup> The Decision of the Government SM/2024/5, available only in [Finnish](#) (8.2.2024).

<sup>12</sup> [Non-Discrimination Ombudsman: the closing of nearly all border crossing points on the eastern border seriously jeopardises the right to seek asylum](#) (24.11.2023); [Keeping the Eastern border crossing points closed continues to seriously compromise the right to seek asylum](#) (12.1.2024).

genuine and effective access to the asylum procedure, there is a danger of violations of the principle of non-refoulement and the prohibition of collective expulsions.

International human rights actors have been concerned about the human rights consequences of the current border measures. In November 2023, UNHCR stated the following: “UNHCR is concerned about the closure of Finland’s eastern land border which may prevent people who wish to apply for asylum from accessing the territory and the asylum procedures in line with international refugee law.”<sup>13</sup> In December 2023, the Council of Europe Commissioner for Human Rights stated that “the full closure of the Eastern land border raises concerns as regards genuine and effective access to means of legal entry in order to claim asylum, in accordance with the case-law of the European Court of Human Rights and other standards. I am concerned this step may lead to breaches of the principle of nonrefoulement and of the prohibition of collective expulsion.”<sup>14</sup> The UN Committee against Torture has also raised the concern that the “full closure of the State party’s Eastern land border -- raises concerns as regards effective access to means of legal entry to seek asylum in the State party and may lead to breaches of the principle of non-refoulement and of the prohibition of collective expulsion” in its concluding observations concerning Finland.<sup>15</sup>

The Non-Discrimination Ombudsman recommends that Finland stops the full closure of the eastern border in order to ensure the access to asylum procedure and the realisation of the human rights of asylum-seekers. In addition, the Non-Discrimination Ombudsman recommends that the amended Border Guard Act is re-evaluated to ensure that the Act can only be implemented and interpreted in a manner fully in line with international and European human rights obligations.

On March 15, the Government presented a draft proposal for a Bill on an Act which would allow the Government to make a decision for a maximum of one month on the suspension of receiving asylum applications and returning persons seeking asylum (i.e. a legislation allowing for pushbacks). The draft proposal explicitly states that a legislation of this kind would be in violation with international human rights instruments, including the Torture Convention. The legislation would also be in violation of the Constitution. The Government’s intention is that the Act would be

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<sup>13</sup> [UNHCR urges Finland to protect the right to seek asylum](#) (30.11.2023).

<sup>14</sup> [Letter to the Minister of Interior of Finland concerning the human rights of refugees, asylum seekers and migrants](#) (4.12.2023, CommHR/DM/sf 034-2023).

<sup>15</sup> UN Committee against Torture, Concluding observations on the eighth periodic report of Finland Adopted by the Committee at its seventy-ninth session (15 April–10 May 2024).

passed in Parliament through the procedure foreseen in the Constitution for exceptions from the Constitution, which would require a quorum of 5/6 of the Parliament to be passed during this parliamentary period. The Non-Discrimination Ombudsman recommends that the proposed legislation is withdrawn.

Non-Discrimination Ombudsman                      Kristina Stenman

Airin Bahmani                      Matti Jutila                      Elsa Korkman

- Attachments      The report of the Non-Discrimination Ombudsman to the Parliament 2022
- [in Finnish] Statement to the parliamentary agriculture and forestry committee on the reform of the act on the Sámi parliament
- [in Finnish] Statement to the Ministry of Economic Affairs and Employment on the draft proposal for the Integration Act
- [in Finnish] Statement to the Ministry of the Interior on the draft proposal for the Aliens Act (international protection permits)
- [in Finnish] Statement to the Ministry of the Interior on the draft proposal for the Aliens Act (reform of regulation concerning residence permits)
- [in Finnish] Statement to the Ministry of the Interior on the draft proposal for the Citizenship Act (1<sup>st</sup> stage)
- [in Finnish] Statement to the Ministry of the Interior on the draft proposal on temporary measures to combat instrumentalised migration