

**NB: Unofficial translation,
legally binding only in Finnish and Swedish
Ministry of the Interior, Finland**

**Act
on the Ombudsman for Minorities and the National Discrimination Tribunal**

(660/2001; amendments up to 1109/2008 included)

Section 1
Sphere of activity

- (1) The Ombudsman for Minorities operates under the Ministry of the Interior with the purpose of preventing ethnic discrimination, promoting good ethnic relations, safeguarding the status and rights of ethnic minorities and foreigners, and supervising compliance with the principle of ethnic non-discrimination, and reporting on trafficking in human beings. The Ombudsman for Minorities is an independent and autonomous actor. (1109/2008)
- (2) Provisions on the qualification requirements for and appointment of the Ombudsman for Minorities are laid down by Government decree.

Section 2
Duties (22/2004)

- (1) It is the duty of the Ombudsman for Minorities to:
 - 1) supervise compliance with the Non-Discrimination Act (21/2004), as provided in that Act;
 - 2) promote good ethnic relations in society;
 - 3) monitor and improve the status and rights of foreigners and ethnic minorities;
 - 4) prepare and commission independent reports on issues relating to ethnic discrimination;
 - 5) report on the attainment of equality for different ethnic groups and on their circumstances and standing in society, and devise initiatives on how to remove any discrimination and remedy any grievances she has observed;
 - 6) provide information on legislation pertaining to discrimination based on ethnicity and the status of ethnic minorities and foreigners, and on the practical application of such legislation;
 - 7) exercise her right to be heard under the Aliens Act (301/2004);
 - 8) act as the National Rapporteur in Trafficking in Human Beings who:
 - a) monitors phenomena relating to human trafficking, the fulfilment of international obligations and the effectiveness of national legislation, and reports on them;

- b) issues proposals, recommendations, opinions and advice relevant to the fight against human trafficking and to the realisation of the rights of victims;
- c) keeps in contact with international organisations in human trafficking issues.
(1109/2008)

- (2) The Ombudsman for Minorities also has a duty to supervise the implementation of equal treatment irrespective of ethnic origin in cooperation with other authorities.

Section 2a

Report on activities (1109/2008)

- (1) The Ombudsman for Minorities shall submit an annual report on her activities to the Ministry of the Interior.
- (2) The Ombudsman for Minorities shall also submit a report on human trafficking and related phenomena annually to the Government and every four years to Parliament.

Section 3

Powers

- (1) If the Ombudsman for Minorities detects ethnic discrimination, she will issue guidance and advice with the aim of ensuring that it does not continue or reoccur.
- (2) The Ombudsman for Minorities may put forward initiatives and issue recommendations and advice aimed at enhancing good ethnic relations and promoting the status of ethnic minorities.
- (3) On matters concerning ethnic discrimination, legal action can be initiated through the Ombudsman for Minorities. With the consent of the person concerned, the Ombudsman for Minorities has the right to refer or give notification of ethnic discrimination matters reported to her to the competent authority. The Ombudsman for Minorities may append her own opinion on the matter to be referred. The competent authority shall notify the Ombudsman for Minorities of the measures taken in the matter.

Section 4

Legal assistance (1109/2008)

The Ombudsman for Minorities may assist, or appoint a subordinate official to assist, a victim of ethnic discrimination or a possible victim of human trafficking in securing the person's rights or, if necessary, obtain legal assistance for the person for this purpose if she considers that the matter is of considerable importance for preventing ethnic discrimination or for securing the rights of a possible victim of human trafficking.

Section 5
Advisory Board

The Advisory Board for Minority Issues shall assist the Ombudsman for Minorities in promoting issues concerned with the prevention, monitoring and surveillance of ethnic discrimination and in enhancing cooperation between the different authorities. Further provisions on the duties, composition and work of the Advisory Board are laid down by Government decree.

Section 6
Office

The Ombudsman for Minorities shall operate from office premises designated for the purpose. Within the limits of its budget, the office shall employ the necessary number of officials to act as rapporteurs as well as other staff.

Section 7
Right to obtain information (22/2004)

- (1) Notwithstanding the secrecy provisions, the Ombudsman for Minorities has the right to obtain free of charge from other authorities any information necessary to carry out the duties laid down for her in this Act and the Aliens Act.
- (2) The Ombudsman for Minorities and the National Discrimination Tribunal have the right to obtain from the authorities and those who run businesses and their staff included in the scope of application of the Non-Discrimination Act the information required to supervise compliance with the prohibition on discrimination based on ethnicity laid down in the Non-Discrimination Act and to assess how well measures to promote ethnic equality have been planned and implemented. The right to obtain information does not apply to information on which the person who the information concerns has the right to refuse to give evidence.
- (3) Notwithstanding what is provided elsewhere in the law on secrecy and the supply of information, the Ombudsman for Minorities also has the right, in her capacity as the National Rapporteur on Trafficking in Human Beings, to obtain information from service providers who take part in the provision of services and support measures referred to in the Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999) or who receive state aid intended for combating human trafficking. The Ombudsman for Minorities has the right to obtain personal data on an individual victim of trafficking from the actors referred to in this subsection only if obtaining such information is necessary to perform the duties laid down for the rapporteur in this Act. (1109/2008)

Section 7a
Imposition of a conditional fine (22/2004)

The Ombudsman for Minorities and the National Discrimination Tribunal have the right to impose a conditional fine to enforce compliance with the duty to provide information referred to in section 7(2). Payment of a conditional fine imposed by the Ombudsman for Minorities shall be ordered by the National Discrimination Tribunal. The imposition of conditional fines and ordering their payment are otherwise subject to the Act on Conditional Fines (1113/1990).

Section 7b

National Discrimination Tribunal (979/2007)

In addition to the Ombudsman for Minorities, the National Discrimination Tribunal also operates under the Ministry of the Interior to carry out the supervisory duties laid down in the Non-Discrimination Act.

Section 7c

Duties of the National Discrimination Tribunal (22/2004)

It is the duty of the National Discrimination Tribunal to consider and resolve those matters which are intended for its consideration and resolution under the Non-Discrimination Act.

Section 7d

Composition of the National Discrimination Tribunal (22/2004)

- (1) The National Discrimination Tribunal shall comprise a chairman, six other members and a secretary. The chairman and secretary may be appointed full-time. In addition, the Tribunal may have one or more part-time rapporteurs.
- (2) The Government will appoint the chairman and designate the other members, including their personal deputies, to serve for a term of four years at a time. One of the members shall be appointed vice-chairman. If the chairman, a member or a deputy resigns or dies during tenure, the Government will appoint or designate another person as replacement for the remainder of the term.
- (3) The part-time members, deputy members and secretary of the Tribunal, experts heard by the Tribunal and parties submitting opinions will be paid a fee in accordance with the criteria laid down by the Ministry of the Interior. (979/2007)

Section 7e

Qualification requirements of members (22/2004)

The members and their deputies and the secretary of the National Discrimination Tribunal shall be familiar with the activities of the Tribunal. In addition, the Tribunal's chairman and at least three members and their deputies and the secretary shall be eligible for the office of judge. Finnish citizenship is not required for appointment or designation as member, deputy member or secretary of the Tribunal.

Section 7f
Responsibilities and impartiality of members (22/2004)

- (1) The members and secretary of the National Discrimination Tribunal have liability for acts in office.
- (2) The provisions on disqualification of a judge apply to the disqualification of members and rapporteurs of the Tribunal.

Section 7g
Presence of a quorum on the National Discrimination Tribunal (22/2004)

- (1) The National Discrimination Tribunal shall be quorate when the chairman of the meeting and at least half the other members are present. The provisions of section 52 of the Administrative Judicial Procedure Act (586/1996) apply to voting at meetings of the Tribunal.
- (2) The Tribunal's rules of procedure may provide that the Tribunal has subcommittees. Subcommittees shall be considered quorate when all members are present.
- (3) The chairman may make decisions on the Tribunal's behalf concerning the preparation of matters, as further provided in the rules of procedure.
- (4) The chairman may act alone in resolving matters which are manifestly groundless or which have to be dismissed without investigation under section 13(4) of the Non-Discrimination Act.

Section 7h
Filing of a petition (22/2004)

- (1) Provisions on persons who have the right to file a petition with the National Discrimination Tribunal are laid down in section 15 of the Non-Discrimination Act.
- (2) Petitions may be filed either in writing or electronically. They shall include:
 - 1) the detailed claim made by the petitioner;
 - 2) the detailed grounds of the claim;
 - 3) where possible, the information that the petitioner intends to present and what the petitioner intends to prove with it; and
 - 4) details of any other authority considering the matter referred to in the petition.
- (3) In addition, petitions shall include the names, occupations and domiciles of the parties involved, the phone numbers of the parties involved or their legal representatives or agents and witnesses or other persons who are to be heard, and the postal address to which summonses, requests and notifications may be sent. If the petitioner does not know the address of the defendant, he or she

shall give an account of the actions taken to discover the address. The petition shall be signed by the petitioner or, if it was not drawn up by the petitioner, by the person who drew it up. The person who drew up the petition shall provide his or her occupation and domicile.

- (4) If a petition is defective, the petitioner shall be requested to provide the missing information within a specified period of time if this is deemed necessary for continued processing of the petition. The petitioner shall at the same time be told why the petition is defective and that it may be dismissed without investigation or rejected if the petitioner does not fulfil the request.
- (5) The National Discrimination Tribunal may for a special reason extend the period referred to in subsection 4.

Section 7i

Consideration of petitions (22/2004)

- (1) The opposing party shall be asked to respond to the petition. This, however, is not necessary if the petition is deemed manifestly groundless.
- (2) The National Discrimination Tribunal is entitled to hear experts, obtain opinions and information and arrange inspections.
- (3) Matters will be resolved on submission during sessions of the Tribunal. The chairman or vice-chairman of the Tribunal shall chair its sessions. Matters shall be presented by the Tribunal official so assigned.

Section 7j

Other provisions to be observed in consideration of petitions (22/2004)

- (1) With regard to the burden of proof, section 17 of the Non-Discrimination Act applies.
- (2) Provisions on the convening of the Tribunal, submissions, minutes, the signing of judgments and appointing of the secretary are laid down by Government decree. Further provisions on the organisation of work within the Tribunal are given in the Tribunal's rules of procedure, approved by the chairman after having heard the views of the other members and the rapporteurs.
- (3) The provisions of the Administrative Procedure Act (434/2003) apply to the consideration of petitions, unless otherwise provided in this Act.

Section 7k

Costs of considering petitions (22/2004)

- (1) Copies of the National Discrimination Tribunal's documents and judgments shall be provided free of charge.

- (2) The parties concerned shall be responsible for the costs they incur in having their petition considered by the Tribunal.

Section 8
Further provisions

Further provisions on the implementation of this Act are given by Government decree.

Section 9
Entry into force

- (1) This Act comes into force on 1 September 2001.
- (2) This Act repeals the Act of 1 March 1991 on the Ombudsman for Aliens (446/1991), as amended.
- (3) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.
- (4) The officials acting as rapporteurs and the other staff in the Office of the Ombudsman for Aliens may, at the time this Act comes into force, transfer to equivalent duties in the Office of the Ombudsman for Minorities without the posts being advertised as vacant. Transfers are subject to the decision of the Ministry of Labour.