

# Ethnic profiling in supervision of foreign nationals

Kalle da Silva Gonçalves, detective chief inspector

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The most typical misconception in supervision of foreign nationals is that the mere perception of being foreign is enough to justify jurisdiction.

# Supervision of foreign nationals 1/6

- Statutory to the police.
- Jurisdiction should only target, according to the Aliens' Act, those that are believed to have entered the country illegally, to be staying in the country illegally.

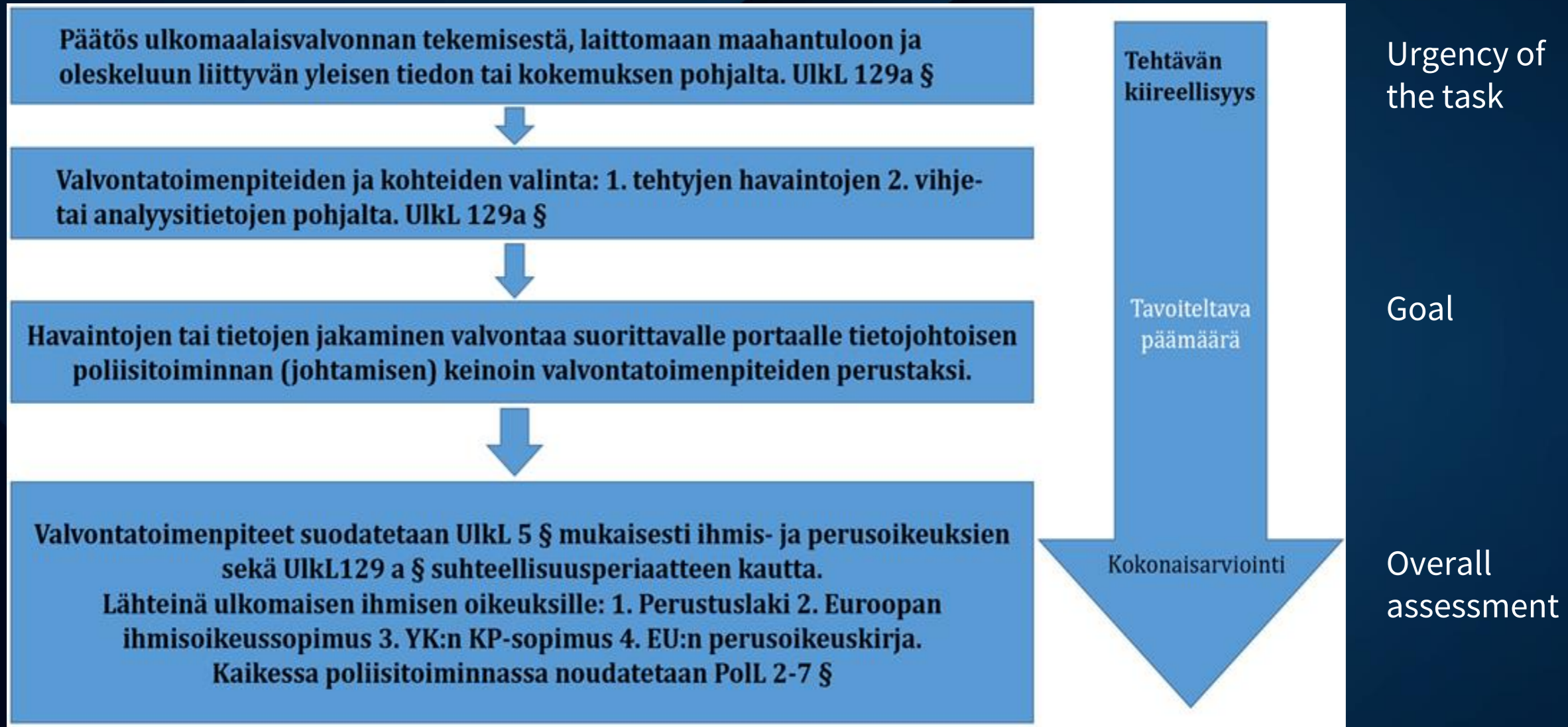
## Supervision of foreign nationals 2/6

- The expression "common knowledge and experiences," found in the Aliens' Act, as grounds for the exercise of police powers is very prone to subjective interpretations.
- In practice, it's often unclear what the goal of supervision of foreign nationals is and who it can be targeted at.

# Supervision of foreign nationals 3/6

- The most typical misconception in supervision of foreign nationals is that mere perception of being foreign is enough to justify jurisdiction.
- This might lead to ethnic profiling and directing supervision at people who shouldn't be objects of jurisdiction.
- Supervision of foreign nationals must not be based on ethnic profiling.

# Supervision of foreign nationals 4/6



# Supervision of foreign nationals 5/6

The monitoring of aliens shall be based on the monitoring authority's general information and experience of illegal entry to and stay in the country. Aliens Act section 129a.

- The monitoring measures shall be based on observations made and on tip-off information or analysis data received. Aliens Act section 129a.
- Sharing observations or information with police officers on the ground to be used as grounds for supervisory measures.

# Supervision of foreign nationals 6/6

- Supervisory measures are filtered through the principle of human and basic rights according to the Aliens Act section 5 and through the principle of proportionality according to the Aliens Act section 129.
- Sources for the rights of foreigners: 1. Constitution of Finland 2. European Convention of Human rights 3. UN's International Covenant on Civil and Political Rights 4. Charter of Fundamental Rights of the European Union
- Police Act sections 2–8 shall apply in all policing.



# Ways of carrying out supervision of foreigners

- As part of all types of policing
- Based on an analysis

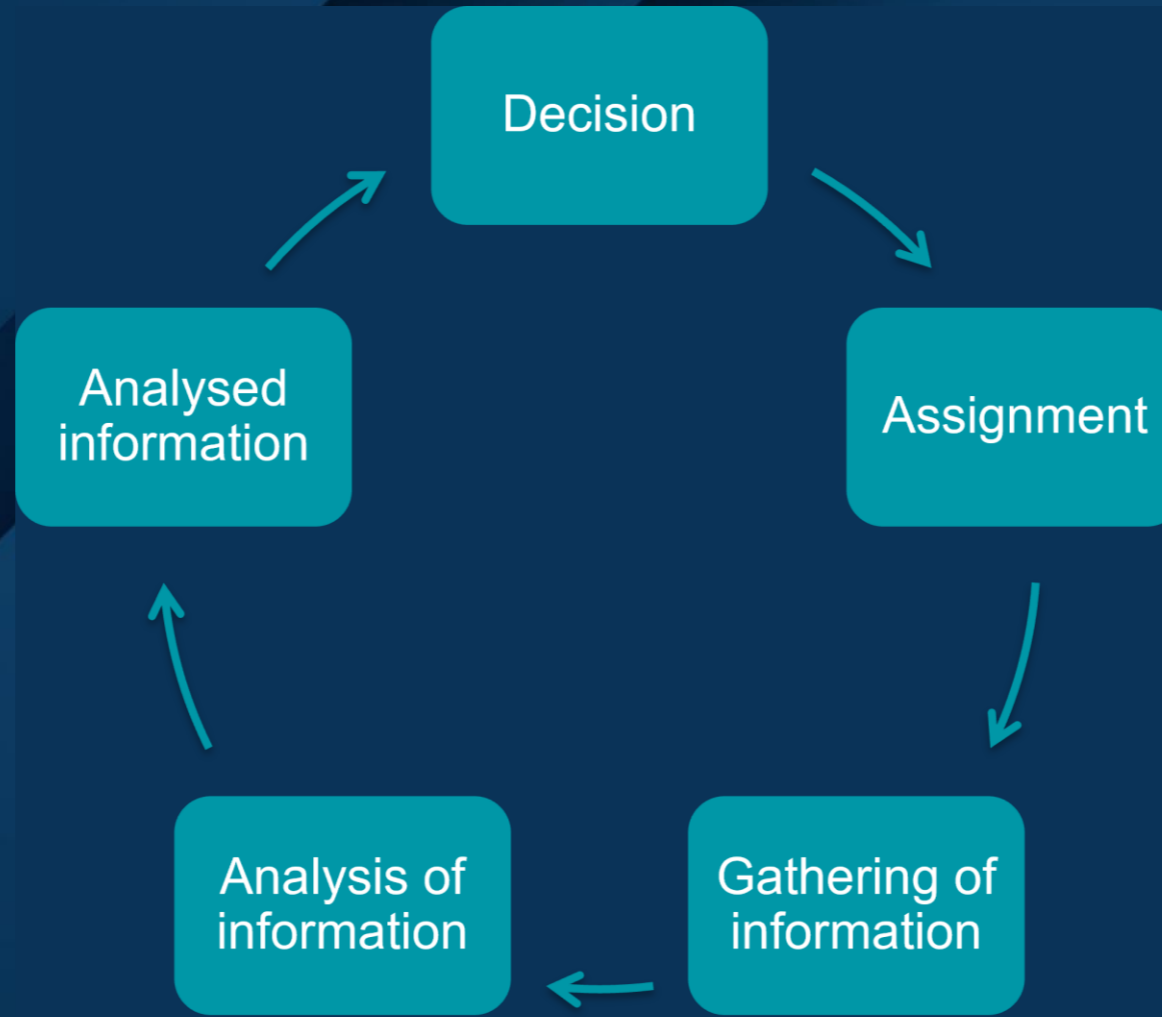
# Supervision as part of other type of policing

- Policing activity
- Identification
- Information of a person's foreigner status
- Supervision of foreigners
- Commitment to purpose

# Supervision based on an analysis

- Definition in the law
- The current situation of analytical activities in the police force

# Supervision of foreign nationals



# Ban on ethnic profiling 1/2

- A supervision action can't be conclusively based on the real or assumed ethnic background
- An example

## Ban on ethnic profiling 2/2

- Authorities can never determine another person's ethnicity
- No measure should be based on an assessment of a police officer on ethnicity
- Ethnic profiling is always discrimination

If the police carry out supervision of foreigners and are driven by a racialised notion of foreigners, it might end up suspecting racialised others and extending supervision to people who are in Finland legally and citizens of Finland who shouldn't be supervised.

# Justification for a measure

- The grounds for supervision must be clear both to the customer as well to the police officer carrying out the supervision.
- According to international research, people view unfound bodily search as the most unjust form of policing



## Lastly

- You don't need to have ill intentions to be able to discriminate.
- Having good intentions doesn't eliminate discrimination.

THANK YOU

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