An Evaluation of African Immigrant Perspectives on Human Rights in Finland

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Introduction

The European Convention on Human Rights (ECHR) and the Universal Declaration on Human Rights (UDHR) seek to protect the human rights of all within their territorial jurisdictions. Finland has ratified these treaties and has been a member of these bodies since 1955. There has been an increasing flow of immigrants into Finland recently who have changed the face of Finland from a country of emigration to a country of immigration. The current number of immigrants in Finland is 91,074. In Turku there are 6,484 immigrants of which 505 are Africans. However, in all official discussion of policies and debates within Finland, what stands out are human rights principles. Furthermore, African immigrants are the most visible in Finland having migrated from countries with poor human rights records form a significant proportion of the immigrants in Turku. This paper intends to examine the respondents’ level of understanding of human rights and what determines the level of this understanding. Secondly, this is an attempt to explore and identify the level of legal provision for their protection in Turku. Our findings seem to suggest that there is a low level of understanding of human rights among the respondents on gender lines, because of the different governmental, administrative, educational and cultural structures that exist in Africa and Finland.

* Faculty of Law, University of Turku, Finland. I wish to thank my colleagues for their criticism of an earlier draft of this paper and their suggestions. Professor Ahti Laitinen for reading through this article and pointing out some technical faults in an earlier version of this paper. Mr Gordon Henderson for the language check. My deepest appreciation goes to my family in Nigeria, my wife and the children for their understanding and patience.

1 Text amended according to the provisions of Protocol No. 3, which entered into force on 21 September 1970, of Protocol No. 5, which entered into force on 20 December 1971, and of Protocol No. 8, which entered into force on 1 January 1990, and comprising also the text of Articles 1 to 4 of the Protocol of 2, which in accordance with Article 5, paragraph 3, thereof, have been an integral part of the Convention since the entry into force of the Protocol on 21 September 1970.


3 Statistics Finland, December 31st 2000.
A Brief Review of Human Rights Literature

Many scholars have defined human rights (Selby 1978, Waldock 1992, Cassese 1990) but the most suitable definition is by Stoljar. He defined human rights as ‘those claims made by men for themselves or on behalf of other men’ supported by the insistence on man as an individual human being, and a member of humankind.

According to Stoljar (1981), human rights are not earned, bought, inherited or determined by jobs. Everybody in the world possesses human rights because they are human. As a prelude to this premise, the UN General Assembly adopted and proclaimed the Universal Declaration of Human rights in 1948. Included in this proclamation is a list of major standards of human rights which signatory states have to uphold in their domestic jurisdiction. As a preview to the universal acceptability of human rights, the following case of *Ransome Kuti v. the Attorney General of Nigeria* will support this vision of universality. The then presiding judge, Justice Kayode Eso of the Nigerian Supreme Court described the concept of human rights ‘as a right which stands above the ordinary laws of the land, which in fact is antecedent to the political society itself’. Many constitution drafts have emphasized continuity as the primary condition of a universally civilized existence following independence. Also the 1993 Vienna Declaration on human rights stated that human rights and fundamental freedoms are the birth right of all human beings. Traditionally human rights fall within the domestic jurisdiction of states which involves the protection, and treatment of all citizens within the state.

The Universal Declaration of Human Rights (UDHR) in particular had a great influence on the moral, political and legal practices of many nations, including African countries. However, this lofty idea may be hardly enforced or not even discussed long enough in many African countries for the citizens to become aware of these principles. For instance, countries like Nigeria, Ghana, and even Somalia, under military regimes in the past, suppressed this knowledge among its citizens as we will see as we proceed with the analysis of this study. Many African countries do recognize the UDHR and have also accepted generally recognized rules of international law. However, it is disturbing that a lot of ignorance exists even among

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Paragraph 1 of the Vienna Declaration and Programme of Action adopted by consensus of the 171 States, and endorsed by the General Assembly in December 1993.