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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF FINLAND  
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE  
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES  
IN FINLAND  
(received on 22 August 2006)**

**The Framework Convention  
for the Protection of National Minorities**

**THE REPORT PREPARED BY THE ADVISORY COMMITTEE FOR THE COMMITTEE  
OF MINISTERS OF THE COUNCIL OF EUROPE PURSUANT TO ARTICLE 25,  
PARAGRAPH 2 OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF  
NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF FINLAND**

**August 2006**

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## I GENERAL

The Advisory Committee has evaluated the measures taken by the Government of Finland for the implementation of the requirements set out in the Framework Convention for the Protection of National Minorities. In the light of this, the Advisory Committee has made proposals to the Committee of Ministers for the preparation of the recommendations that the latter might wish to address to Finland.

The Opinion of the Advisory Committee is based on the situation as it was in December 2004 when the Government of Finland submitted its Second Periodic Report on the Application of the Framework Convention as well as on the updated information presented to the Committee during its visit to Finland in September 2005. In the course of the visit, meetings were organised between the Advisory Committee and representatives of Parliament, various ministries of the Government, the Parliamentary Ombudsman, the Ombudsman for Minorities, the Association of Finnish Local and Regional Authorities, the autonomous institutions of the Åland Islands, the Advisory Board for Roma Affairs, the Advisory Board for Ethnic Relations (ETNO), the Sámi Parliament and local authorities in Lapland, various minorities and NGOs as well as other independent bodies/experts, in order to seek further information on the implementation of the Framework Convention.

## II ARTICLE-BY-ARTICLE FINDINGS

### ARTICLE 3

#### **Personal scope of application of the Framework Convention**

*The Finnish authorities are encouraged to endorse more explicitly the inclusive practice pursued in their dialogue under the Framework Convention as far as the personal scope of application is concerned, taking into account the criticism expressed towards the distinction between Old Russians and other Russian-speakers and the related findings of the working group report on the questions concerning the Russian-speaking population. (paragraph 28)*

The Government continues the dialogue under the Framework Convention regarding, among others, the Russian-speaking population.

*The Finnish authorities are also encouraged to conduct a dialogue on the potential of the Framework Convention in the protection of other groups whose representatives have expressed an interest in being covered by this convention, such as Karelians. Increasing dialogue should also be pursued by the central authorities and the authorities of Åland on the applicability of the Framework Convention to the Finnish-speaking population living in the province of Åland to the extent that those concerned show interest in such dialogue. (paragraph 29)*

The Karelian language is one of the minority languages spoken traditionally in Finland, although it does not have an official minority language's status. The minority languages of Karelia are included in UNESCO's list of endangered languages. According to a survey, there are some 5,000 persons in Finland considering themselves as Karelian-speakers. Karelian is currently taught in several places with the assistance of different Karelian societies, Orthodox parishes and open colleges. It is also possible to learn the Karelian language in summer courses held by the Karelian Association. A Karelian language dictionary was published in February 2005.

In June 2004, the University of Joensuu submitted its report on the position of the Karelian-speaking population in Finland, together with recommendations for the necessary measures, to the Ministry of Education. The report was based on inquiries intended to assess, among other things, the level of Karelian language skills, the attitudes towards the language and its use and teaching among the Karelians. The report and the recommendations for measures were sent out for comment to the relevant universities, organisations and other bodies at the end of 2004. A summary of the comments and any proposals for measures will be sent to the Parliamentary Finance Committee.

There are persons of Finnish origin in Northern Norway, who have settled there in the course of history and have maintained their native language. The dialect spoken by these persons is close to that spoken by the persons of Finnish origin living by the Torniojoki river in Sweden. The latter has sometimes been considered a language separate from Finnish. The persons of Finnish origin residing in Northern Norway are considered there a national minority and the dialect spoken by them a regional minority language.

The autonomous status of the Åland Islands is based on a decision<sup>1</sup> made by the League of Nations in 1921, whereby Finland was given responsibility for the administration of the province provided that the local population would be guaranteed the right to the Swedish language, a culture of their own and self-government. The language conditions of the Åland Islands are governed by the Act on the Autonomy of the Åland Islands. According to section 36 of the Act, the official language of Åland shall be Swedish. The language used in State administration, Åland administration and municipal administration shall be Swedish. The provisions of the Act may only be amended on a joint decision of the Finnish Parliament and the Åland Parliament, through the procedure applied to the enactment of the Constitution.

Of the 26,000 inhabitants of the Åland Islands, approximately five per cent speak Finnish as their native language. For the purposes of the transposition of EU Council directives 2000/43/EC and 2000/78/EC, the Government of Åland has passed regional legislative acts on the prevention of discrimination in Åland (2005/66), the office of a Discrimination Ombudsman (2005/67) and a discrimination board (2005/75).

The first Discrimination Ombudsman of the Åland Islands took up her appointment on 1 March 2006. The Discrimination Ombudsman is an independent official whose duties include the enhancement of non-discriminatory treatment, prevention of discrimination and monitoring of the implementation of the Non-Discrimination Act in the Åland Islands. Under the regional legislative act on a Discrimination Ombudsman, the Discrimination Ombudsman shall protect the rights of persons subject to discrimination, among others, by means of providing advice, publishing reports addressing discrimination, giving recommendations on questions relating to discrimination, and maintaining a dialogue with non-profit organisations working against discrimination in the Åland Islands. The Discrimination Ombudsman also gives information on the contents of the provisions of law applied to discrimination and, where necessary, makes efforts to reach a friendly settlement between the parties concerned. In the autumn of 2006, the Discrimination Ombudsman will initiate a survey to assess means to identify and define discrimination possibly taking place in the Åland Islands. On the basis of the results of the survey, the need for further measures will be assessed.

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<sup>1</sup> Decision of the Council of the League of Nations on the Åland Islands

**ARTICLE 4****Anti-discrimination legislation and its implementation**

*Implementation of comprehensive anti-discrimination legislation and related monitoring mechanisms should be continuously supported and developed. (paragraph 36)*

According to the Non-Discrimination Act, certain authorities of central and local government and of joint municipal boards are obliged to draw up an equality plan to foster ethnic equality. The general recommendations on the contents of the equality plan given in 2004 by the Ministry of Labour are available on the Internet in Finnish, Swedish and Sámi. According to the recommendations, each authority is encouraged to draft an Equality Plan and to regularly monitor its implementation. Follow-up data on equality plans is collected regularly by the Ministry of Labour and examples of the completed plans can be found at [www.equality.fi/english/equality\\_planning/](http://www.equality.fi/english/equality_planning/).

In employment and public-service relationships the Non-Discrimination Act is supervised by occupational safety and health authorities, whilst the supervision of the prohibition of discrimination based on ethnic origin outside employment and employment relationships is assigned to the Ombudsman for Minorities and a new judicial authority, the National Discrimination Tribunal of Finland.

The Tribunal may, on the initiative of an individual or the Ombudsman for Minorities, confirm a conciliation settlement or prohibit the continuation or repetition of a conduct contrary to the discrimination or victimisation prohibitions. The Tribunal may impose a penalty payment and order its enforcement if necessary. The Tribunal may also issue opinions on the application of law.

Since 2001, in connection with the information campaign SEIS (STOP) – *Finland Forward without Discrimination*, training for authorities, non-governmental organisations and discriminated groups has been organised. The aim of the campaign is to raise awareness of discrimination issues and to increase equality and diversity in Finnish society. SEIS is organised and implemented by the Ministry of Labour in co-operation with the Ministry of Education, the Ministry of Social Affairs and Health, and the Police Department of the Ministry of the Interior.

In 2004 and 2005, the SEIS campaign essentially aimed at providing information on the relevant legislation and its implementation, providing training and publishing and disseminating information materials. The issue of discrimination has regularly been addressed, among others, in an online publication ("*Sysäys*") relating to the campaign. In the autumn of 2005, there were approximately 10,000 persons visiting the website of the campaign each month. A related booklet on the new legislation is available in printed form in Finnish, English, Swedish, Sámi, Russian, Somali and Arabic, and in electronic form in English, French and Spanish.

The national Nova Etna network, established in 1999 has expanded from the mere promotion of ethnic equality to the promotion of the equality of any groups exposed to discrimination (on the ground of ethnic origin, religion, opinion, sex, disability, age or sexual orientation). The network has organised training on equality and diversity issues for all its members. Currently, the network has 115 members.

The JOIN IN programme coordinated by the Ministry of Labour and the Association of Finnish Local and Regional Authorities, being part of a Community-wide equality and non-discrimination project, offers training, testing and spreading of good practices to the local authorities. The objects of the project co-funded by the EU are education, health care and police work.

Legislation, documentation and additional information on the work of the three aforementioned projects and programmes, SEIS, Nova Etna and JOIN IN, can be found on the Internet at <http://www.yhdenvertaisuus.fi/>.

*The authorities should put in place regular monitoring of the quality and implementation of equality plans envisaged in the Anti-Discrimination Act (see also related comments under Article 6). (paragraph 27)*

The Ministry of Labour is preparing a European handbook for the monitoring of discrimination. The handbook will contain good practices found within the framework of systems of monitoring discrimination on various grounds, including methods and indicators. Its preparation is contributed to by experts from EU Member States, the European Commission and the European Commission against Racism and Intolerance (ECRI). At the same time, a comprehensive national system of monitoring discrimination is being developed, in cooperation with various ministries, the Discrimination Ombudsman, the Data Protection Ombudsman, researchers and NGOs. The system will also cover the monitoring of the implementation of equality plans. The project is scheduled to be completed in the autumn of 2006.

*Particular attention should be paid to name calling and other problems faced by pupils with minority background, including Russians. This requires concerted efforts by schools, parent associations, local and central authorities as well as others concerned. (paragraph 38)*

The Government finds the name-calling and other problems faced by Russian pupils very unfortunate. As part of a national awareness-raising campaign a new type of a guidebook for schools, teachers and teacher-students (“Muutu.Puutu.”; [www.equality.fi](http://www.equality.fi)) has been published. The Government has set well-being at schools, including the prevention of bullying, as one of its present priorities in the development of educational policy. In the autumn of 2005, a working group set up by the Ministry of Education to enhance well-being at schools proposed measures to prevent bullying with the help of a several-year national development programme the implementation of which has already been started. The programme addresses the problem at the levels of schools, school classes and individual pupils, and also pays attention to teacher training and guidance of teaching staff.

### **Full and effective equality of Roma**

*Efforts to ensure full and effective equality for Roma in such key fields as housing and the labour market need to be expanded further so as to ensure that the central authorities’ commitment is felt at the local level and in the private sector. In this context, the authorities should, together with Roma representatives, seek ways to obtain improved statistical data. (paragraph 44)*

The Government admits that at the level of local authorities, new means are necessary to quickly and effectively address discrimination and problems faced by Roma in the field of housing. Raising awareness among the local housing authorities of those particular characteristics of the Roma culture as constitute a generally known need to change apartments or an obstacle to accepting an offered apartment, would increase flexibility in culture-bound situations relating to search for

apartments. The situation could also be improved by means of developing conciliatory practices and working methods at the local level, including Roma participation.

Chapter 3, section 11, of the Personal Data Act (1999/523) prohibits the processing of sensitive data, such as data relating to race or ethnic origin. Therefore, no statistical data is available in this respect.

However, various statistics have been compiled at different times concerning e.g. the living and housing conditions of the Roma, by means of interviews and questionnaires. Such a general survey concerning housing conditions was carried out, for example, at the mid-1990s. As yet such surveys have not managed to establish the situation but have rather been felt as labelling the Roma population, and the measures recommended on the basis of the surveys have not been implemented. Furthermore, the Finnish Roma are against the compilation of statistical data. In the Government's view, better results may be obtained by means of intensifying interventions in problems and the provision of information at the local level. The designation of a local organisation responsible for addressing possible problems has been found a good method.

On the basis of a survey carried out by the Ministry of Labour in 2003 with employment agencies, the report of which contains proposals for measures, the Government has continued the development of employment services for Roma. The purpose of the measures proposed in the report is to enhance the equal treatment of Roma by employment agencies. By means of designating Roma contact persons at employment agencies, an effort is made to improve the services for Roma jobseekers and to increase the employment agencies' knowledge of the Roma culture. The Roma contact persons and the contact persons of employment agencies in equality issues are provided with an annual seminar. A research project focusing on the enhancement of the employment of Roma and the removal of obstacles thereto will be launched in 2006. This project is carried out in cooperation between the Ministry of Social Affairs and Health, the Ministry of the Interior and the Ministry of Labour, and it aims at seeking ways to obtain improved statistical data as recommended by the Committee, which would be acceptable for all interested parties.

The prohibition of discrimination on the basis of ethnic origin, included in the Non-Discrimination Act relates also to the supply of or access to housing and movable and immovable property and services on offer or available to the general public other than in respect of relationships between private individuals. The Ministry of the Environment and the Housing Fund of Finland continuously cooperate with the local authorities to find means to quickly intervene in discrimination or problems faced by Roma in respect of housing. In this respect, the national and regional advisory boards for Roma affairs also play an important role.

## ARTICLE 5

### Definition of the term Sámi

*The authorities should, together with the Sámi Parliament, continue reflection on the definition of the term Sámi, and examine in this context also whether the fact that certain key aspects of the current definition used in Sámi Parliament elections are based on judicial interpretation is satisfactory from the point of view of legal certainty. (paragraph 48)*

It has not been found necessary to change the definition of the term Sámi for the reason that the decisions of the Supreme Administrative Court, given on account of the appeals made from decisions on the inclusion of residents in the list of voters in the Sámi Parliament elections of 1999,



have adequately clarified the interpretation of section 3 of the Sámi Parliament Act. In the elections 2003, the electoral lists were no longer a problem to the same extent as in 1999. Nor have they been taken up as a non-resolved issue in recent discussions between the Ministry of Justice and the Sámi Parliament.

### **Land rights and land use in the Sámi Homeland**

*Finland must address the prevailing legal uncertainty over land rights in the Sámi Homeland as a matter of high priority, by providing high level political input and by designing a process that is endorsed by all key parties concerned, including the Sámi Parliament. While the outcome of the process should be such that it fully reflects the right of the Sámi to develop their culture, it is essential that the current land use is also pursued in accordance with this obligation. In this respect, the logging practices and other related activities of the Forest Administration deserve particular attention, including monitoring and evaluation from outside the said Administration, so as to ensure that the cultural and participatory rights of the Sámi are scrupulously honoured. (paragraph 56)*

Efforts have been made to resolve the question of Sámi land rights through legislative means, but these efforts have remained unsuccessful. In the proposals for solution, particular attention has been paid to the legal and financial aspects of land ownership. The fact that the question of land rights has remained unresolved has prevented Finland from ratifying the ILO Convention and created unnecessary disputes between the different population groups within the Sámi Homeland.

The Ministry of Justice and the Sámi Parliament have an ongoing dialogue to resolve the question and, as of 2004, their joint objective in discussions has been to protect the indigenous culture of the Sámi people. With regard to the preservation of the Sámi culture, it is important that the Sámi may exploit the natural resources in the traditional Sámi areas, for the purposes of their traditional means of living such as reindeer herding, fishing and hunting, without unnecessary hindrance. This has been found to be possible even without addressing the question of land ownership, however. As the basis of discussions has been the need to ensure the right to use land, water and natural resources, it has been considered possible to take further steps without waiting for the results of the research group carrying out research into land titles, commissioned by the Ministry of Justice and addressing, among others, old land titles. The completion of the research still seems to be delayed.

In the autumn of 2005, the Ministry of Justice initiated the preparation of a Government Bill for the purpose of providing for the Sámi rights to land, water, natural resources and traditional means of living within the Sámi Homeland. In December 2005, the new plans were presented to the Prime Minister who designated a ministerial group to follow the development of the project and, where necessary, to prepare further plans. The preparation of the Government Bill has progressed relatively quickly in cooperation between the Ministry of Justice and the Sámi Parliament. The Ministry of Agriculture and Forestry and the Ministry of the Environment have also been heard in respect of the draft Government Bill which is still expected to be completed by the end of 2006.

The purpose of the Government Bill is to achieve a legislative solution that meets the international obligations binding on Finland, and that also makes it possible for local residents other than the Sámi to contribute to the use of land areas in their places of living, without interference in any private rights. This legislative solution is also meant to ensure that state-governed forests may still be profitably used in accordance with jointly accepted plans, with a view to maintaining employment in the area.

The recent positive developments in respect of the Sámi land rights is also reflected in the approval given by the Sámi Parliament on 28 February 2006 to the programme of sustainable development of 2006. The programme, aiming at biologically, socially and culturally sustainable exploitation of natural resources within the Sámi Homeland, is based on the linguistic and cultural autonomy of the Sámi people.

### **Support for cultural initiatives**

*The authorities should continue to seek further resources to support Sámi culture and Sámi organisations, paying particular attention to initiatives that aim to preserve such threatened elements of Sámi culture as the Skolt language. The Advisory Committee considers that the positive trend in terms of the interest in, and visibility of, Sámi culture could be further strengthened through the development of the proposal to create a Sámi Cultural Centre. (paragraph 63)*

The Educational Centre of Sámi Area in Inari plays an important role in the maintenance and development of the Sámi culture and natural means of livelihood. The Centre is of particularly great importance for the provision of education focusing on the Sámi and for the production of educational materials. The languages of education at the Centre are Finnish and Sámi but, where necessary, other languages may also be used. Activities targeted at the Sámi and other residents of Northern Finland reflect characteristics of several cultures. The education given in the Sámi language and culture cover the whole Sámi area and is one of the priorities of the Centre. The Centre also offers basic vocational education in the fields of nature and environment, hotel and restaurant services, handicrafts and arts, social welfare and health care, data processing, business administration and tourism. In addition, basic education in the Sámi language, traditions and culture, general education and preparatory vocational education (wilderness and nature guides, Sámi handicrafts, reindeer herding and various types of further education) as well as in-house training is organised by the Centre. Apart from the vocational degrees, the Centre provides various shorter courses for the adult population in the Sámi area, reaching hundreds of persons every year.

In July 2004, the Ministry of Justice set up a committee responsible for the further preparation of the project concerning a Sámi cultural centre. The planned centre will have premises reserved for the Sámi Parliament and certain other administrative bodies as well as for Sámi educational, research, business and cultural activities. These different activities will constitute a functional entity the purpose of which is to offer the Sámi population better possibilities to independently maintain and develop their language, culture and means of livelihood, to administer and develop their cultural autonomy, and to support the development of the general living conditions of the Sámi. In addition, the Centre aims at improving the possibilities to disseminate and obtain information on the Sámi as an indigenous people. The cultural centre to be built in Inari will mainly be used by the Sámi Parliament and the aforementioned Sámi Educational Centre. The cultural centre enjoys the status of a special national project and is financed within the framework of the state budget. The construction of the cultural centre is expected to be completed in 2009, and its total costs are estimated to amount to EUR 8.2 million.

*Drawing on the positive experiences gained as regards the Sámi, the authorities should revise the process of allocation of support for initiatives of organisations of other minorities with a view to giving representatives of the minorities concerned a significant role in the decision making. (paragraph 64)*

According to the Act on the Sámi Parliament, the purpose of the Act is to guarantee the Sámi as an indigenous people cultural autonomy in respect to their language and culture. For the tasks belonging to cultural autonomy the Sámi shall choose a Sámi Parliament from among themselves at

an election. The Sámi Parliament has general competence in questions pertaining to the Sámi language and culture and the status of the Sámi as an indigenous people.

According to section 8 of the Act, the Sámi Parliament shall decide how the funds designated for the common use of the Sami shall be allocated. In 2005, amount designated by the Ministry of Education for this purpose, on the allocation of which the Sámi Parliament decided, was EUR 240,000.

When the general guidelines concerning minority cultures in the equality plan of the Ministry of Education as well as the plan of action on access to arts and culture were prepared, the different cultural minorities were heard. However, with the exception of the Sámi, direct participation of minority groups enjoying state support in the allocation of funds is in practice neither possible nor appropriate.

## ARTICLE 6

### Integration efforts

*The authorities should pursue further integration efforts pertaining to minorities at various levels of administration, including through provision of teaching of national languages. They should also monitor the implementation of the language proficiency requirements in the citizenship process with a view to ensuring that they do not lead to undue obstacles. (paragraph 67)*

All immigrants who are entitled to either labour market support, due to unemployment, or income allowance which is granted by the local authorities pursuant to the Act on the Integration of Immigrants and Reception of Asylum-seekers (Integration Act), have the right to a personal integration plan to be prepared together with the authorities as well as to services provided for in the plan. Among such services, the teaching of Finnish or Swedish and knowledge of the Finnish society is of particular importance. The Ministry of Labour has reserved funds for this purpose, guaranteeing each immigrant an integration training. Those immigrants who are illiterate are provided with longer training. The training is free of charge. Where necessary, the integration plan is applied for the first three years of residence in Finland.

According to a proposal of the working group which prepared the Government's new immigration policy programme, the integration plans should be supplemented with a system of providing assistance and guidance for immigrants entering Finland because of work and for their family members, as well as for other immigrants who are not covered by the provisions of the Integration Act. Such assistance and guidance could include information on Finnish society and teaching of Finnish or Swedish depending on the needs of the immigrant concerned. The proposal for the Government's new immigration policy programme was published in June 2006 and will be used as a basis for the preparation of the final programme.

### Ethnically motivated crime

*Discrimination and other ethnically motivated crime should be vigorously monitored and, where necessary, adequate sanctions imposed. The Prosecutor General's commitment to monitor closely the action of prosecutors in this area should be supported and coupled with adequate training efforts. New methods of collecting data on ethnically motivated crime, including data on investigations and prosecutions, should be developed. (paragraph 73)*

The Development Unit of the Office of the Prosecutor General is responsible for the training of prosecutors. General instructions and guidelines are issued for prosecutors by the Prosecutor General, who closely monitors the action of prosecutors. Furthermore, the most important decisions of the Deputy Prosecutor General in any given field are summarised and used in training. In 2005, 1056 prosecutors and staff members participated in the training organised by the Unit.

The training of the police has been increased in order to enable the police to better identify ethnically motivated offences and to carry out pre-trial investigations effectively. Instructions on increasing intolerance and combating racism within the police forces are issued by the Police Department of the Ministry of the Interior. The amount of courses on ethnic questions and prevention of discrimination has also been increased in both the basic and further training of the police. National and local training courses have been organised together with different co-operation partners such as human rights organisations.

The collection of data on racist offences by prosecutors and courts is currently being developed, with a view to increasing coherence between the statistics compiled by the police and those compiled by the courts and the prosecutors. Since 2004, courts have compiled statistics on such offences where the sentence has been increased on the ground that the offence has been directed at a person for the reason of him or her belonging to a certain national, racial, ethnic or other population group, as referred to in Chapter 6, section 5(4), of the Penal Code, whereas statistics have been compiled on a wider basis at the stage of criminal investigations.

### **Attitudes within the police**

*The police and representatives of national minorities should pursue a deeper dialogue on the issues of common concern, including at the local level, and the police should ensure that all manifestations of intolerance are adequately dealt with. The authorities should also consider how to lower the obstacles that language proficiency requirements constitute in efforts to train and recruit police officers with a minority background. (paragraph 79)*

The Police continuously pay considerable attention to problems faced by the minorities at both the national and local levels. The development of different forms of cooperation is also continued.

Under section 16a of the Police Administration Decree, police officers who are not required to have a university degree, must have, when working for a bilingual authority, a good written and oral skills in the majority language in the official district of the authority and a satisfactory written and oral skills in the other language. In authorities using only one language, it is required that the police officers have good written and oral skills in the language of the authority and satisfactory understanding of the other language. A good knowledge of the national languages is an essential requirement in police work, but the requirements of the Finnish or Swedish language skills are currently no higher than is necessary for the daily functions of police officers. Education in national languages is continuously being reviewed and further developed.

## Separation of Roma in prisons

*While acknowledging that the issue has received increased attention by the authorities, the Advisory Committee finds it essential that the problem of segregated Roma prisoners is addressed decisively. In addition to improving the conditions of those who seek segregation for their own protection, it is necessary to address root causes of the problem, including by ensuring that prison staff react rapidly to any sign of inter-ethnic hostility or manifestations of racism and by pursuing training and other proposals contained in the report on the status of Roma inmates. (paragraph 81)*

The Criminal Sanctions Agency carried out an inquiry in the autumn of 2005, concerning the conditions of Roma prisoners. In the light of the replies received, it could be concluded that the encouragement of Roma prisoners to use the regular educational services and the rehabilitation services for intoxicant abusers has produced results.

The replies to the inquiry showed that Roma prisoners mostly needed educational services. Specific education for Roma has already been provided in those prisons where there is a larger group of Roma prisoners. Apart from the teaching of the Roma language and culture, Roma prisoners have been given basic education, vocational education and training in the development of their preparedness to learn and think. However, the proposal for the designation of support persons for released Roma prisoners has not been implemented. Nor have Roma contact persons been designated for all prisons.

An overall reform of the enforcement of sentences of imprisonment will enter into force on 1 October 2006. The reform also improves the situation of Roma prisoners, as the new Imprisonment Act requires more careful assessment of the prisoner's needs for activities and security measures. The new regional prisons that will start their operation on 1 October 2006 must plan and develop their activities so that the special needs of Roma prisoners will also be better taken into account. The new provisions of law also improve the security of prisoners who are afraid of living together with other prisoners. Under the provisions of the Imprisonment Act, such prisoners must be provided with a possibility to be separated from other prisoners, where there is justified reason to do so.

In addition, the Prison Administration is preparing an equality plan for prisons. The Non-Discrimination Act requires the Finnish authorities to prepare such plans to enhance ethnic equality. Through the implementation of the plan, different forms of discrimination may be better identified, intervened in and prevented.

## Portrayal of minorities in the media and Internet

*The Advisory Committee finds that the self-regulatory bodies of the media should be encouraged to pursue further initiatives to stamp out derogatory terminology and reporting based on negative stereotypes concerning minorities. (paragraph 87)*

Commercial internet service providers have published so-called Netiquette guidelines. These guidelines forbid, among other things, racism and incitement to racism.

The Council for Mass Media in Finland (see [www.jsn.fi](http://www.jsn.fi)) cultivates responsible freedom in regard to the mass media as well as provides support for good journalistic practice. The Council publishes

Guidelines for Journalists. Article 26 of the Guidelines, concerning public and private media, states that the human dignity of every individual must be respected and that the ethnic origin, nationality, sex, sexual orientation, convictions or other similar personal characteristics may not be presented in an inappropriate or disparaging manner.

The Media companies who have signed on to the Basic Agreement of the Council have committed themselves to observe the agreement and to exert influence to the effect that their members and those in their service shall function in a manner benefiting the contract. Any individual can file a complaint to the Council requesting the investigation of a matter concerning breach of good professional practice or the freedom of speech and publication.

*Furthermore, efforts to spread good practices amongst Internet operators should be expanded further. The new legal tools to combat racist speech on the Internet should be invoked where necessary, but this needs to be done in full compliance with freedom of expression. (paragraph 88)*

The Ombudsman of the Minorities has reported various internet sites to the police. In these cases the contents of the web pages and blogs have been found to contain materials fulfilling the elements of the offence of ethnic agitation. The criminal investigations by the police have not been completed so far, however. The Ombudsman has also been in contact with service providers concerning racist writings on various chat rooms and web forums and has referred to the responsibility of the service provider in these situations.

The police continue to cooperate with other authorities and NGOs with regard to racism on the Internet. A booklet targeted at authorities concerning the Non-Discrimination Act has been published by the Ministry of Labour, which is available in Finnish, Swedish and English. The materials produced by the pan-European campaign, For Diversity – Against Discrimination ([www.stop-discrimination.info](http://www.stop-discrimination.info)) have also been widely distributed in Finland in connection with various events and through various channels, such as websites and mailing lists.

## **ARTICLE 8**

### **Status of religious communities**

*The authorities should pursue their plan to review the current system of public financing of churches and consider reforming the system so as to ensure that it fully accommodates the religious diversity in Finland, taking into account also the needs of smaller religious communities, including non-Christian religious communities. ( paragraph 92 )*

Under the Freedom of Religion Act, the religious communities in Finland include the Evangelical-Lutheran Church, the Orthodox Church, and the religious communities registered in accordance with the provisions of the Act. Registered religious communities mainly finance their activities with donations, membership fees and fund-raising. They do not receive financial aid from the Government. At the beginning of 2006, there were 54 such communities with approximately 64,000 members.

A committee was appointed in 2004 to evaluate the system of state subsidies for registered religious communities and to make proposals to update the system. The Committee presented its report to the Ministry of Education in the spring of 2005. The report included a variety of information on the issue as well as a proposal for changing the current system of public financing.

According to the proposal, a state subsidy could be granted to a registered religious community on the basis of the number of its members. No subsidy would be granted to communities which have fewer than 100 members, and nor to communities which have no or very few activities. The aim is to achieve clear allocation criteria whose application requires as little value-based discretion as possible. The committee further proposes that the appropriation for the state subsidies should be decided annually in connection with the state budget. The basis of calculation could be the share received by the Evangelical-Lutheran congregations of the corporate tax revenue, reduced by the cost of graveyard maintenance. This would make some EUR 5 - 7.7 per community member in subsidy.

The proposal is included in the budgetary negotiations and its financial implications and possibilities for its implementation are being assessed.

### **Circumcision of boys**

*The Advisory Committee encourages the authorities, together with minorities and others concerned, to continue to search for pragmatic solutions to this issue, taking the health of children fully into account, while ensuring that the outcome does not unduly inconvenience the practice of religious traditions at issue ( paragraph 94)*

Efforts are made to find an acceptable solution, taking into consideration the various views on the issue.

## **ARTICLE 9**

### **Minority language media**

*The Advisory Committee encourages the authorities to support continuous development of the Sámi electronic media, taking into account also the needs of the Sámi residing outside the Sámi Homeland and those of Sámi children. The authorities should also ensure that the development of electronic media of other minorities is adequately supported, including as regards the Roma language radio broadcasts, which remains limited. (paragraph 100)*

Internet services provided in Sámi have increased substantially in recent years. Many Sámi institutions and associations have websites in Sámi. The Sámi Radio of the Finnish Broadcasting Company opened a website in Sámi (as well as Finnish and English) in October 1997 and, for example, news are immediately published on the website in Sámi. This service also reaches Sámi populations outside the Sámi Homeland.

A reform of the Finnish Broadcasting Company, that entered into force at the beginning of 2006, is aimed at increasing the diversity of the Company's tasks, improving its operating conditions and meeting the needs of the changing society and public. The Company's administration was reformed, in order to better take into account the Sámi-speaking population in administration. The Board of Directors must hear the Sámi Parliament before submitting a report on its implementation of public service to the national Parliament every second year. The hearing obligation concerns the section of the report that deals with the Sámi, and it contributes to the strengthening of the Sámi people's cultural autonomy.

As regards the Roma language, a radio programme called *Romanihelmiä – Romano mirits* ("Roma Pearls"), that is broadcast once a week on the YLE Radio 1 Channel, and its duration has been extended. In this channel, the regularity of the programme can be ensured clearly better than before.

*As regards the print media, the Advisory Committee encourages authorities to examine whether the current public subsidy system takes adequately into account the specific situation of the media of national minorities and consider whether changes are necessary to provide a solid foundation for the development, inter alia, of Sámi and Russian language print media. (paragraph 101)*

The mass communications in minority languages are of utmost importance in society with plurality of values. The purpose of subsidies granted under the Government Decree on state subsidies for newspapers is to enhance the diversity of values and views in the Finnish newspapers and media. Within the meaning of the Decree, a newspaper means a paper published and printed in Finland, which is available to all against reasonable subscription price, and which is issued at least three times a week and contains national and international news as well as commentaries on various sectors of society. An online publication means a publication which is available to the public through the Internet, and the contents of which are updated at least three times a week.

Within the meaning of the Decree, parliamentary subsidy means a subsidy granted within the framework of the funds reserved in the state budget for supporting newspapers and corresponding online publications as well as a subsidy granted to the province of the Åland Islands for the purpose of supporting mass communications. A selective subsidy means a subsidy granted for the purpose of reducing the costs of delivery and distribution and other costs of newspapers. The Government Decree does not prevent the provision of support for newspapers published in Sámi or Russian, provided that they fulfil the conditions set out in the Decree. So far, no support has been paid for the purpose of publishing or establishing Sámi or Russian papers, and nor have Sámi and Russian papers applied for the selective support referred to in the Decree. However, an association representing the Sámi has contacted the Ministry of Transport and Communications to get separate financing for the purpose of establishing a Sámi newspaper. The Ministry is considering the initiation of an experimental project to provide support for the establishment of a Sámi paper.

A newspaper published in Russian, *Spektr*, has applied for and has been granted yearly state subsidy by the Ministry of Education as of 2000, within the framework of funds reserved for the purpose of enhancing cultural diversity and work against racism. The number of bodies applying for subsidies has constantly increased along with the diversity of cultures existing in Finland. This development has led to the need to adjust the amount of subsidies granted.

## **ARTICLE 10**

### **Use of Swedish language in official contacts**

*The Advisory Committee finds it important that the authorities ensure that there is adequate Swedish language capacity in the local, regional and central bodies concerned in order to ensure full implementation of the Language Act, including by ensuring that the proficiency requirements are adequately implemented, that in service language training is readily available and that the teaching of the Swedish language in the educational system remains comprehensive. The need to ensure availability of Swedish language documentation requires particular attention in the EU context, bearing in mind the specific status of Åland. (paragraph 108)*



The new Language Act (423/2003) entered into force on 1 January 2004, providing significant guarantees for the protection and promotion of the Swedish language. The measures taken by the authorities to provide services in both Finnish and Swedish have increased since the adoption of the Act. Pursuant to the provisions of the Act, the Government presents to Parliament once every electoral period a report on the application of the language legislation and on the linguistic situation in the country in general. In addition to Finnish and Swedish, the report covers, among others, the Sámi languages, Roma language and the sign language. The report is prepared by the Ministry of Justice in cooperation with the Advisory Board on Language Affairs, to which the Sámi Parliament has nominated an expert on the Sámi languages.

The first report was published in 2006 and is available at [www.om.fi/uploads/vimir.pdf](http://www.om.fi/uploads/vimir.pdf). The report is a tool for monitoring of the implementation of the Act and for raising the awareness of the decision-making bodies, authorities and citizens on their linguistic obligations and rights. Ministries have issued recommendations on the application of the language legislation, arranged related training and information and issued instructions on how to take into account the linguistic rights in their respective sectors of administration. The Association of Finnish Local and Regional Authorities has instructed the local authorities and provided information on the language legislation.

Although the Language Act has only been in force for two years, the monitoring of its implementation has already resulted in the identification of factors influencing the implementation process. Some of these factors cannot be regulated by law. All in all, the full implementation of the Language Act requires further efforts from both the authorities and the citizens.

The language of court proceedings in Finland is, under the Code of Judicial Procedure (4/1732) and the Criminal Procedure Act (689/1997), either Finnish or Swedish. A person always has the right to use Finnish or Swedish in court proceedings irrespective of the language of the procedure, which may therefore in practice be bilingual. According to the Language Act (18 §), if a person has the right to use his or her own language but the language of an authority or the language of the proceedings is different, the authorities are obliged to arrange interpretation free of charge. Further provisions on the right to interpretation can be found in legislation concerning for example social services and health care.

Legislative provisions, such as those of the Act on Judicial Appointments (205/2000), ensure linguistic rights in the operation of the judicial and the law enforcement systems, by setting formal minimum language qualification requirements for judges and other personnel of courts, prosecutors and the police. Legislation also allows the courts to set up units or departments on linguistic grounds to safeguard the equal linguistic rights of the Finnish and Swedish-speaking population. Prosecutors have flexible territorial jurisdiction to enable the necessary language services throughout the country.

The importance of continuously updating the language skills of the judiciary and other authorities is recognised in the Language Act as the authorities are placed under an obligation to ascertain the maintenance of sufficient language skills of their staff, for example by means of in-service language training. The Act, however, leaves it for an individual authority to decide how to achieve the objectives of the Act.

Bilingual authorities have to use both Finnish and Swedish when providing public information, so as to meet the needs of the whole population, even though not everything has to be published to the same extent in both languages.

The Language Act also creates obligations to some extent for private or state-owned companies providing public services and information to citizens. The Act also applies to private-sector service providers when they provide public services on the basis of either law or contractual obligations.

### **Sámi language legislation**

*The Advisory Committee calls on the authorities to ensure that adequate, and appropriately allocated, means are made available to implement the new Sámi Language Act, including support for in-service and other language training and education aimed at ensuring the availability of personnel with adequate Sámi language skills as well as support for awareness raising and other measures to encourage the Sámi to use the possibilities offered by this new legislation. (paragraph 112)*

According to the Sámi Language Act, the Sámi language office submits, together with the Language Council set up by the Sámi Parliament, to each elected Sámi Parliament a report on the implementation of the Sámi Language Act and on the development of the linguistic rights of the Sámi and on the development of the linguistic conditions. The first report will be published in 2007. This report will be attached, pursuant to the Sámi Language Act, to the report of the Sámi Parliament submitted to the Government. As the first report has not been published yet, no such report was attached to the Government's language report in 2006.

### **ARTICLE 12**

#### **Information on minorities in the educational system**

*Finland should design tools to ensure regular review of the content of the local curricula as well as history and other textbooks with a view to ensuring that national minorities are adequately addressed therein and make sure that this issue receives sufficient attention also in teacher training. (paragraph 116)*

In the national guidelines for school curricula, it is underlined that the special national and local conditions as well as the national languages, the Sámi as an indigenous people and the national minorities must be taken into account in the provision of education. The schools must pay attention to the cultural diversity in Finland along with new immigrants representing different cultures. This should also be reflected in the activities at schools in general.

The evaluation referred to in section 21 of the Basic Education Act also covers the implementation of school curricula. Evaluation is to be carried out at regular intervals. The production of educational materials, as provided for in the national guidelines for school curricula, is ensured by means of open cooperation between publishers and the National Board of Education. The Ministry of Education provides financial support for the production of educational materials that are only needed by a small number of pupils, such as the materials published in the Sámi and Roma languages.

In 2005, the Ministry of Education published a draft national strategy for global education in respect of which the follow-up has already been started. The implementation of the programme of action will be evaluated for the first time in 2010. The programme of action consists of education on human rights, tolerance, cultural diversity and minorities. One of its aims is to further increase global education at schools and other educational establishments as well as in teacher training, and to assess the need to develop educational materials.

## Roma in education

*The abovementioned survey contains a number of recommendations that should be followed up by the authorities, including recommendations to analyse in more detail the real reasons behind transfers to special education, to increase knowledge of Roma culture within the school staff and to step up cooperation between schools and families. (paragraph 121)*

The most relevant national instrument for the development of education, the Development plan for education and university research for the period 2003-2008, is based on the objective of guaranteeing the educational rights. One aim with the plan is to intervene in and prevent social exclusion at an early stage, and thereby protect the educational rights of all pupils. The National Board of Education publishes regularly a comprehensive survey on the status of Roma children's basic education. The education of Roma Children is being developed by the Roma Training Unit of the National Board of Education and by a separate working group on the basis of the survey. Efforts are made to increase the possibilities of children to benefit from early education and to improve young persons' school attendance and success in further studies.

The share of Roma children of pupils attending remedial education is still worryingly significant. However, the purpose of remedial education is to help and support pupils with learning difficulties so that they have equal possibilities to complete school in accordance with their capacities, at the same time with other pupils of their age. Education must be based on the strengths and individual learning and improvement needs of the pupil, supporting his or her independence and self-esteem. If the pupil has difficulties in normal education, or it is not appropriate in view of the pupil's development, the basic education is provided partly or entirely by means of remedial education. Such pupils are prepared an individual educational plan in cooperation with their custodians and teachers and other experts. As soon as there is no longer need for remedial education, the pupil is transferred back to normal education.

## Swedish language teaching for Finnish-speaking pupils

*The authorities should ensure careful monitoring of the developments concerning Swedish language teaching and take continuous measures to promote the teaching of the Swedish language among the majority population. (paragraph 123)*

Although Swedish was made an optional subject in the matriculation examination (taken upon the completion of upper secondary school) in 2005, this reform did not otherwise affect the teaching of Swedish at upper secondary schools. When the reform was implemented, a declaration was given according to which the development of education and educational materials and methods concerning the other national language will be continued, and language immersion programmes will be developed and supported as an important part of language education.

However, not all factors relating to the implementation of linguistic rights can be affected by means of legislation. Success in Swedish studies essentially depends on the pupils' attitudes to the language. The willingness to learn languages derives from communication needs: desire to understand and be understood. In practice, the need for Swedish language skills varies in different regions and professional groups. Efforts are made to increase the knowledge of the other national language by means of increasing teacher, student and cultural exchange between Finnish and Swedish-speaking schools and with other Nordic Countries.

## ARTICLE 14

### Russian language education

*Finland should develop a coherent policy for the development of Russian language teaching for native speakers, with a view to ensuring adequate volume and quality of education in the Russian language. (paragraph 128)*

Adequate education of high quality in the Russian language is the right of every person speaking Russian as his or her native language in Finland. Under section 12 of the Basic Education Act, it is also possible to teach a language other than Finnish, Swedish, Sámi, Roma or the sign language as the pupil's mother tongue, in accordance with the custodian's choice. In such a case, the objective is that the pupil will be fluent in two languages. The knowledge of immigrants of their native languages will be supported and developed. In 2004, the National Board of Education gave a recommendation for the providers of education concerning the teaching of immigrants' native languages. In 2003, there were 52 languages taught as mother tongue in Finland, of which the largest foreign languages were Russian, Somali and Albanian. The National Board of Education continuously develops means to ensure adequate teaching of the mother tongue to as many pupils as possible. One of such means is cooperation between the different regions of the country.

The Ministry of Education is implementing a plan of action for Russia, focusing on research and researcher training, basic education, the position of the Russian language, mobility and exchange of students and teachers, youth work and sports. In addition, the plan of action pays attention to cooperation within the framework of EU projects and to the perspectives of the EU's Northern Dimension and regional cooperation. The development of the teaching of Russian, Finnish and Swedish to Russian immigrants is continued and the supply of education is extended. The knowledge of the Russian language and culture is also improved by means of mutual student and expert exchange.

In the spring of 2005, the National Board of Education initiated a Russian language and culture network consisting of fourteen municipalities and three state/ private educational establishments. In the school year 2005-2006, several excursions and school camps have been arranged, attended by teachers and students of several municipalities. For the autumn of 2006, a cultural bus tour is being planned for the municipalities participating in the project.

### Roma language education

*The authorities should take further measures to expand and strengthen the Roma language education, including by following up the relevant proposals made in the survey on the status of Roma. (paragraph 132)*

The Roma Training Unit of the National Board of Education arranges further and continuing education for Roma and teachers of the Roma language as well as education in the Roma language and culture for all teachers. The Unit produces, updates and revises educational materials and arranges different types of seminars and events. In 2005, a Roma-Finnish-English dictionary and a Finnish-Roma dictionary were published.

## **Sámi language teaching**

*Finland should pursue further the development of the Sámi language education, including outside the Sámi Homeland. (paragraph 137)*

Every year, approximately 500 children attend education in the Sámi language. In basic education, about 150 pupils are taught either entirely or mainly in the Sámi language. At the upper level of comprehensive school, approximately 30 pupils study the Sámi language as their mother tongue.

In the autumn of 2005 the city of Oulu, which is outside the Sámi Homeland, started to provide teaching of the Sámi language both as mother tongue and as foreign language. Lack of qualified Sámi-speaking teachers continues to be the main obstacle to the teaching. The Sámi Parliament is granted annually 253,000 € for the purpose of producing teaching materials in the Sámi language.

Since 2004, the society of the Sámi people living in the Greater Helsinki area, the City Sámi, has maintained a language nest project for Sámi children with the support of the Sámi Parliament. Two hours of language nest activities are provided weekly at a day care centre maintained by the City of Helsinki. So far, approximately 10 children with their parents have attended the activities.

*Access to Sámi language pre-school education should not be connected to the content of mother tongue entry in the population registry. (paragraph 138)*

The child's mother tongue entered in the population register does not predetermine the language of the pre-school education. According to the Basic Education Act, children living in the Sámi Homeland, who are capable of receiving education in one of the Sámi languages, shall be taught primarily in Sámi. If the provider of education gives education in more than one language in which the pupil is able to study, the pupil's custodian may choose the language of education. This is meant to ensure the pupil's right to equal opportunities to complete the compulsory school education.

## **Finnish language teaching in the province of Åland**

*The Advisory Committee considers that further dialogue should be pursued on Finnish language education in Åland with a view to determining if and how the proposals for Finnish language instruction in pre-school and primary schools could be followed up, in the private or public sphere, in a manner that would not prejudice the status, protection and promotion of the Swedish language as the only official language of the province. (paragraph 142)*

Under the Constitution of Finland, the authorities must respond to the educational and social needs of the Finnish and Swedish-speaking population of the country on equal grounds. The population of the Åland Islands is represented, in questions relating to the autonomy of the islands, by the Åland Parliament. According to section 3 of the Act on the Autonomy of the Åland Islands, the administration of Åland is vested in the Government of Åland and the officials subordinate to it. Under section 18 of the Act, Åland has legislative powers, among others, in respect of education, apprenticeship, culture, sport and youth work. Accordingly, the Government of Finland has no competence to decide on the status of the Finnish-speaking minority in the Åland Islands.

According to section 40 of the Act on the Autonomy of the Åland Islands, the language of education in schools maintained by public funds for subsidised from the said funds shall be Swedish, unless otherwise provided by an Act of Åland. It is not compulsory to learn Finnish in the Åland Islands, although most pupils study Finnish as an optional subject as of the fifth form at school. The Act on the Autonomy of the Åland Islands gives students who have completed school education in the Åland Islands access to a Swedish-speaking or bilingual educational establishment in Finland irrespective of whether the student fulfils the normal requirements of Finnish language skills.

## ARTICLE 15

### Roma participation

*The authorities should, together with Roma, draw up a comprehensive strategy on improving the situation of the Roma. Such a strategy should bring together various important initiatives that are carried out by different sectors and by different levels of administration, but it should also set clear targets and introduce methods for evaluating progress achieved. (paragraph 146)*

The establishment of the Office of the Ombudsman of Minorities has proved to be significant for addressing concerns of the Roma. In addition, the Advisory Board for Roma Affairs plays an important role in the improvement of the situation of the Roma. In the spring of 2006, the Board initiated a process for founding a national umbrella organisation for the Roma. In addition, all the various Roma programmes and projects have recently increased significantly the local-level Roma participation. For the time being, there is no civil-society channel for Roma participation in social and political affairs, nor any interest organisation independent from administrative structures. The currently active atmosphere should be taken advantage of for the purpose of creating a comprehensive network of interest organisations.

Since the submission of the Government's previous periodic report and the Committee's visit to Finland, Parliament has approved an allocation of EUR 600,000 within the framework of the State budget for the purpose of recruiting secretaries general for the regional advisory boards for Roma affairs and for the operation of the advisory boards. In future, the amount of the allocation will probably be around EUR 200,000 a year. The recruitment of full-time secretaries general may be considered the most significant step for the improvement of the status of Roma at the local and regional levels.

### Participation of Russian-speakers

*Finland should organize a thorough reflection on the findings of the ad hoc working group's report on the Russian-speaking population and devise an improved consultation mechanism to address issues concerning the Russian-speaking population. (paragraph 151)*

There are various arrangements for the hearing of the Russian-speaking population in Finland. The Union of Russian Associations in Finland is represented in the Advisory Board for Ethnic Relations (ETNO), and there are Russian-speaking members in certain member associations of ETNO.

*Linguistic obstacles in the access of Russian-speakers to key public services need to be addressed by the authorities, including through provision of key documentation in Russian. (paragraph 152)*

Persons representing Russian-speakers have specifically been heard e.g. by the Advisory Board for Language Affairs when the Government's report of 2006 on the implementation of language legislation was prepared. The report provides an extensive overview of the status of the Russian-speaking population in Finland, among others, on the basis of the statement given by the representatives of the Russian-speakers.

### **Role of the Sámi Parliament**

*The Advisory Committee repeats its recommendation for the development of the procedural guidelines on how the "negotiation" obligation should be implemented and calls on the authorities to ensure that negotiations with the Sámi Parliament reflect the true meaning of the term, going beyond mere consultation, and ensure that the views of the Sámi Parliament are fully taken into account in decision-making affecting the protection of the Sámi. (paragraph 156)*

The negotiation principle is implemented in accordance with the applicable legislation. Further development of the procedural guidelines will be considered in due course.

### **General consultative structures**

*The authorities should ensure that representatives of national minorities have adequate influence in the work of the Advisory Board for Ethnic Relations, including by supporting their active input to the work of the said body. (paragraph 158)*

There are 51 officially registered associations, with a total of nearly 5,000 members, are represented in the Advisory Board for Ethnic Relations (ETNO), either directly or through larger organisations. The activities of the Advisory Board are regulated by the Government Decree on the Advisory Board for Ethnic Relations (96/2005). The purpose of the Advisory Board is to develop interaction between authorities, non-governmental organisations and parties represented in Parliament, as well as immigrants and ethnic minorities at the national, regional and local levels. The activities of the Advisory Board involve both immigrant organisations and old national minorities. The Advisory Board aims at creating positive interaction between the various minority groups.

The Advisory Board has a chairman, two vice-chairmen and a maximum of 29 other members and their personal deputies, of which at least ten represent immigrants or ethnic minorities. The chairman is the Permanent Secretary of the Ministry of Labour, and the vice-chairmen are the Permanent Secretary of the Ministry of the Interior and a representative of immigrants. The members represent different ministries and other authorities, associations of immigrants and ethnic minorities, trade unions and other non-governmental organisations, political parties represented in the Finnish Parliament, and the Association of Finnish Local and Regional Authorities.

The associations were chosen on the basis of their ability to represent immigrants (the criteria including, *inter alia*, the number of members and the contacts with the represented groups), their opportunities and ability to support the Advisory Board's objectives, the size of the represented

groups regionally and nationally, the represented groups' grounds for immigrating into Finland, the risk of the represented group to encounter discrimination because of its ethnic origin, the possible other channels of influence of the represented groups, the organisational know-how of the association, and the possible other grounds that the applicant association wanted to present. Thus, the Advisory Board came to involve not only major immigrant organisations but also organisations which represent, inter alia, particularly vulnerable groups.

In addition, there are several other consultative bodies as well as joint projects and boards that include members of the government and other authorities as well as minority representation. The consultation arrangements are based on the objective of meeting the requirements of good governance and securing the rights of minorities and also on the effort to arrive at political solutions which are feasible and correspond to the needs of different groups of citizens.

### **Minorities' access to the Parliament**

*The Advisory Committee encourages Finland to consider how to improve access of persons belonging to national minorities to Parliament's decision-making processes, possibly by establishing regular channels of communication between minority representatives and the relevant Committees of the Parliament. (paragraph 160)*

The Advisory Board for Roma Affairs has, in its anniversary publication in 2006, presented a view that a specific committee focusing on minorities should be established at Parliament, which would make the parliamentary system even with the Constitution and the Government and its ministries insofar as the protection of minorities is concerned. In the parliamentary elections of 2007, there will be Roma candidates but their success will depend, among others, on the support provided for them by the electoral organisations of the political parties.

## **ARTICLE 16**

### **Changes in administrative borders**

*The authorities should ensure that the linguistic composition of the administrative units and the possibilities of persons belonging to minorities to take part in the decision-making and access relevant services are taken into account in the planning and implementation of reforms affecting administrative borders. (paragraph 162)*

Mergers of municipalities are, according to the existing legislation, voluntary in Finland, requiring the assent of both merging municipalities. The citizens have a substantial influence in situations where mergers are planned, and also in this context, questions concerning the position of national minorities are thoroughly considered.

When changes are planned in State administrative districts, the position of the linguistic minority is protected in several ways. The Regional Development Act (602/2002) provides that before a State authority takes a decision concerning state local or regional government bodies or their jurisdiction or competence, it shall request an opinion from the municipality concerned if the change may weaken the availability of public services. If the matter affects two or more municipalities, an opinion shall also be requested from the Regional Council.



If the state authority intends to act contrary to the opinion, it shall negotiate with the municipality and Regional Council concerned. Furthermore, according to the Government's policy, included in the Government report to Parliament in 2005 on the current state of administration and the need for its reform, the local customer services must be maintained despite administrative reforms. The Government also sets standards for local administration customer services. The special needs of the Swedish-speaking residents must always be taken into account in situations where the local state administration is reformed. If necessary, this will be done by means of special language-based solutions.

## **ARTICLE 18**

### **Nordic Sámi Convention**

*The Advisory Committee encourages the authorities to pursue regional co-operation on Sámi, including by completing the work on a Nordic Convention providing strong guarantees for the protection of the Sámi as an indigenous people. (paragraph 164)*

The preparation of a Nordic Sámi Convention is continued. The proposal of the group of experts for a Nordic Sámi Convention has been submitted to a large number of authorities and interested bodies in all the three Nordic Countries involved, in cooperation with the Sámi Parliaments of the respective countries. The opinions of the said authorities and bodies are expected during the summer of 2006. On the basis of the proposal of the group of experts and the opinions received, a decision will be made on the further preparation of a draft text of the Convention, in a meeting between the Government ministers responsible for Sámi affairs and the presidents of the Sámi Parliaments of the three countries in the autumn of 2006.