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

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### **Third Opinion on Finland adopted on 14 October 2010**

#### **EXECUTIVE SUMMARY**

Finland has continued its constructive attitude towards the Framework Convention and its monitoring system, and has followed an overall inclusive and pragmatic approach with regards to its personal scope of application. The Finnish Government has launched several legislative as well as institutional reform initiatives aiming at strengthening protection against discrimination. An 'Equality Committee' has been set up to make Finnish equality legislation more consistently applicable to all sectors of life, including as regards instances of multiple discrimination. A proposal for a National Policy on Roma has been developed which, if adopted, will constitute the first nation-wide policy programme to promote the social inclusion and equal treatment of the Roma in different spheres of life. A Sami Cultural Centre is currently being built in Inari and is expected to be opened in 2012.

No progress has been made towards a solution to the dispute regarding land rights of the Sami people and general perceptions of the issue remain fundamentally different between parties. The Advisory Committee is deeply concerned that negotiations appear blocked without any clear platform for their continuation. Incidents of racism and xenophobia continue to be reported, particularly via the Internet. Some children belonging to minorities are still bullied in schools as some resistance against the increasing diversity of Finnish society persists.

Reports point to insufficient follow-up of racist crimes by the police and prosecution services, as well as the lack of progress regarding the recruitment of more minority representatives into the police force. There are continued and serious shortcomings as regards the implementation of the Language Act and the Sami Language Act as too few public officials have the adequate language skills to allow Swedish speakers outside the Swedish language area and Sami in the Sami Homeland to use their languages in official contacts with local administrative authorities. The availability of minority language media is still insufficient, particularly as regards the Sami, Russian and Romani language print media.

National minorities must be granted appropriate representation and sufficient influence within the various consultation mechanisms to enable them to participate more effectively in the decision-making processes which affect them. The Russian-speaking community still lacks a separate consultation mechanism that could facilitate an ongoing and constructive dialogue between this fast growing group and the relevant government structures. Despite continued efforts towards enhanced participation of Roma in social and economic life, no notable improvements have been made in the area of formal employment where the Roma, as well as other minorities, are still greatly under-represented.

#### **Issues for immediate action**

- **Take rapid measures to unblock the current stalemate and re-establish a constructive dialogue with the Sami Parliament to bring a solution to the legal uncertainty over land rights in the Sami Homeland;**
- **Take appropriate measures, in consultation with the Sami Parliament, to prevent the further disappearance of the Sami languages from public life through adequate funding and the effective implementation of the Sami revitalisation programme, and invest in relevant educational measures in order to ensure that the Sami have improved access to public services in the Sami languages;**
- **Take appropriate measures to ensure that the various consultation structures and mechanisms for persons belonging to national minorities are complemented and reorganised to provide clear communication channels and improve possibilities for representatives, including those of numerically-smaller minorities, to have a real impact on the decision-making process.**

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

**THIRD OPINION ON FINLAND**

1. The Advisory Committee adopted the present Opinion on 14 October 2010 accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), due on 1 February 2009 and received, regrettably, only on 17 February 2010, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Helsinki and Rovaniemi from 18 to 21 May 2010.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Finland. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second Opinions on Finland, adopted on 22 September 2000 and 2 March 2006 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 31 October 2001 and 31 January 2007.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Finland.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Finland as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. The Advisory Committee would also like to bring to the attention of state parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the Protection of National Minorities).

## **I. MAIN FINDINGS**

### **Monitoring process**

6. Finland has maintained a constructive approach to the monitoring process under the Framework Convention. The second Opinion of the Advisory Committee was published shortly after its adoption together with the Government's comments in March 2006. The second Committee of Minister's resolution of February 2007 was translated immediately after its adoption into Finland's two official languages, Finnish and Swedish, as well as into North Sami, and shared widely with governmental and non-governmental actors throughout the country. In addition, a follow-up Seminar was jointly organised by the Finnish Ministry of Foreign Affairs and the Secretariat of the Advisory Committee on the Framework Convention on the Protection of National Minorities in May 2007, which gave an opportunity to approximately 50 representatives of different authorities and minority organisations to further discuss the outstanding issues regarding the implementation of the Framework Convention.

7. While welcoming the above-mentioned efforts to inform the relevant authorities and others concerned about the content of the second Committee of Ministers' Resolution on Finland, the Advisory Committee reiterates its regret that the more comprehensive Opinion of the Advisory Committee was for a second time not translated into Swedish or Sami.

8. The Advisory Committee welcomes the fact that representatives of national minorities were again involved in the preparation of the third State Report. Civil society contributions were invited in writing already during the drafting process as well as during a discussion meeting organised by the Ministry of Foreign Affairs in August 2009, which was attended by a range of governmental and non-governmental representatives dealing with minority issues. The fact that a number of their concerns, including critical observations, were included in the final text contributed to the high quality of the report.

### **Progress on implementation of the Framework Convention at the end of the first two monitoring cycles**

9. Finland maintains an inclusive practice with regards to the personal scope of application of the Framework Convention, having ceased the differentiation between the so-called Old Russians and other Russian-speaking groups in practice. It has recently added the Karelian language to the list of non-territorial languages protected by the European Charter for Regional or Minority Languages, however without accompanying this with a recognition of the group as a national minority under the provisions of the Framework Convention.

10. There continue to be other groups whose representatives have expressed an interest in receiving the protection of the Framework Convention, including the large group of Estonians, as well as increasing numbers of representatives of the Swedish-speaking population who are concerned by the decrease of the presence of their language in public life throughout the country.

### **Legislative and institutional framework**

11. Finland's two main legal frameworks pertaining to the implementation of the Framework Convention, the Language Act and the Sami Language Act of 2003, remain in force. Their strong legislative guarantees, however, are implemented to varying degrees. The Finnish government has launched several legislative as well as institutional reform initiatives,

aiming at strengthening the non-discrimination legislation and creating a single Ombudsman Office covering all areas of discrimination except gender. The competencies of the Ombudsman for Minorities were extended in 2008. Preparatory work on the Nordic Sami Convention has been completed.

### **Combating discrimination and racism**

12. An 'Equality Committee' has been established under the Ministry of Justice in order to conduct a broader reform of Finnish equality legislation with the purpose of making it more consistently applicable to all sectors of life, including as regards cases of multiple discrimination. While these are commendable efforts, increased attention must be paid to ensure close consultation with all involved parties, including minority representatives, to ensure that the established structures, such as the Ombudsman for Minorities, with their considerable expertise and experience, are not undermined by the reform.

13. Finland has also made commendable efforts at State level to support municipalities in fulfilling their obligations to draw up individual 'equality plans' to counter discrimination and racism at local level, as a large number of municipalities have still not done so or have presented plans of limited quality. Close monitoring of the implementation of existing anti-discrimination legislation, the adequate allocation of human and financial resources, and significant training is called for to ensure that potential victims of discrimination are made aware of the legal remedies available to them and can effectively address the courts.

14. Finland has continued its considerable efforts at improving the integration of its increasingly diverse society but instances of negative attitudes against national and other minorities continue to be reported and have apparently become worse in some domains, particularly as regards racism and xenophobia on the Internet.

### **Support for the preservation of national minority languages and culture**

15. There has been no progress towards finding a solution to the dispute regarding the land rights of the Sami people and, on the contrary, positions seem to have hardened after a preparatory body which should have been set up to bring consultations further was not established. Finland continues to provide the Sami Parliament with the same amount of funds for the organisation of cultural activities in the three Sami languages. The possible adoption of a revitalisation programme for the Sami Languages has been discussed, aimed particularly at preventing the complete disappearance of Skolt and Inari Sami from Finland, which will require substantial financial resources. In addition, considerable funds were made available in 2009 for the organisation of a Youth Council within the Sami Parliament.

16. Finland has not changed its position as regards the allocation of subsidies for cultural activities of other minorities, including numerically-smaller ones. While there is support for a variety of events and activities, including support for Finland's 'multi-culturalism', minority representatives themselves do not play a role in the decision-making process concerning the allocation and, reportedly, sometimes receive more support for activities that celebrate the cultural diversity in Finland than for projects to support their own minority culture and identity.

### **Language legislation and media**

17. The Language Act and Sami Language Act of 2003 provide strong legislative guarantees as regards the use of the Swedish and Sami languages in contacts with the authorities. However, as acknowledged in relevant documentation and reports,

implementation of the Acts is increasingly problematic even in bilingual municipalities, as civil servants as well as members of the judiciary often do not have the language skills necessary to provide adequate services in Swedish or Sami. Targeted efforts are called for in this regard to ensure that the linguistic rights of these groups are upheld in accordance with Finland's legislation and constitutional guarantees.

18. The minority language media continues to receive public support in Finland, including since 2007 through additional funds provided by 'selective press subsidies'. These, however, are only accessible after a considerable investment of private funding, since up to 40 % only of the overall cost may be granted by the Ministry of Transport and Communication. As such, these subsidies are not sufficient to ensure the presence of minority language media in the public broadcasting system, particularly as regards numerically-smaller minorities. There is still no support for Russian language print media and the public broadcast radio services are reportedly of limited quality and insufficient quantity. The Sami language media, including the two smaller Sami languages, as well as the Romani print and broadcast media, also require further promotion to allow for an adequate presence of these languages in the Finnish media.

### **Teaching of and in minority languages**

19. Finland continues to invest considerable efforts in the teaching of and in minority languages and has recently doubled its funds to provide for weekly mother tongue instruction for all children with immigrant background. While these commendable efforts also benefit the significant number of Sami children living outside the Sami Homeland, as well as children of the Russian-speaking population, more concerted efforts are needed to ensure that these national minority languages are adequately taught and learned in Finnish schools. A recently developed proposal for a *National Policy on Roma* contains a number of concrete recommendations on how to decrease further the drop-out rate among the Roma pupils and, in general, promote better access for pupils belonging to this community to basic and higher education.

### **Participation in public life**

20. Finland has developed a complex system of Advisory Boards at national and regional level (such as the Advisory Boards on Romani Affairs, the Advisory Boards on Ethnic Relations, as well as the Advisory Board on Language Affairs) who co-operate with the relevant Ministries and provide advice on issues concerning minorities. While this development reflects increased openness towards constructive dialogue and often leads to positive and concrete measures for the benefit of minorities, attention must be paid to ensure that the views expressed by minority representatives on these Boards are duly taken into account and their actual participation in and influence on decision-making are strengthened. In this regard, a streamlining of the many different entities and structures dealing with minority concerns would help clarify communication channels and improve opportunities for representatives, including those of numerically-smaller minorities, to be heard.

21. The Sami Parliament co-ordinates with a number of different entities involved in, for instance, the issue of Sami land rights, encountering varying standpoints and views within the relevant Ministries. The creation of a special structure in government serving as a focal point for all issues relating to the Sami people would provide the Sami Parliament with a clear partner in negotiations with the competent authority in order to share all relevant information and promote constructive communication and negotiation on all issues of concern. Similarly, a separate consultation mechanism should be established to address issues concerning the

large Russian-speaking minority and to ensure that their participation in decisions affecting them is increased.



## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

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

##### *Recommendations from the two previous cycles of monitoring*

22. In previous monitoring cycles, the Advisory Committee encouraged the Finnish authorities to develop further their inclusive practice with regards to the personal scope of application of the Framework Convention and to review the applicability of the Convention to persons belonging to other groups who may be interested in its protection such as the Karelians, the Finnish speaking population in the Province of Åland, as well as Swedish-speaking Finns living in some areas. The Advisory Committee further encouraged the authorities to re-examine the distinction made between the so-called Old Russians and other Russian-speaking groups.

##### *Present situation*

23. Finland has continued its inclusive and pragmatic approach concerning the personal scope of application of the Framework Convention which remains based on the idea that “the existence of minorities does not depend on a declaration by the Government but on the factual situation in the country.”<sup>1</sup>

24. The Advisory Committee is pleased to note that, in current practice, there is no difference in the enjoyment of rights under the Framework Convention in every day life for the Russian-speaking population, despite the fact that the legal distinction between the so-called Old Russians and other Russian-speaking groups is being upheld. This pragmatic approach to the Convention’s personal scope of application is commendable and should be pursued further.

25. The Advisory Committee welcomes the recent addition of the Karelian language to the list of non-territorial languages protected by the European Charter for Regional or Minority Languages,<sup>2</sup> and invites the authorities to discuss the applicability of some of the provisions of the Framework Convention to persons belonging to the Karelian community in Finland who have expressed an interest in the protection offered by the Convention.

26. The Advisory Committee further notes that there are other groups whose representatives have expressed an interest in receiving the protection of the Framework Convention, including the Estonians who remain one of the largest immigrant groups in Finland,<sup>3</sup> and an increasing number of Swedish-speaking Finns, given the continued decline of the presence of the Swedish language in Finnish public life (see below comments on Articles 10 and 16).

27. As regards the Finnish-speaking population living in the Swedish-speaking province of Åland, the Advisory Committee notes that the issue is again only sparingly addressed in the third State Report but is not aware of any expression of interest among representatives of

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<sup>1</sup> See First State Report submitted by the Finnish authorities on 16 February 1999, indicating that the Framework Convention “would cover the Sami people, the Roma, the Jews, the Tatars, the so-called Old Russians and de facto also the Swedish-speaking Finns” (page 7).

<sup>2</sup> The Instrument modifying the declaration with respect to Article 7 paragraph 5 contained in the Instrument of Acceptance of the European Charter for Regional or Minority Languages was deposited by Finland with the Secretary General of the Council of Europe on 30 November 2009.

<sup>3</sup> At the end of 2008, Finnish Population Statistics showed 22,604 Estonians living permanently in Finland.

this group in the protection of the Framework Convention nor complaints as to infringements of their rights in the light of the Convention.

*Recommendation*

28. The Advisory Committee encourages the authorities to continue to pursue an open and inclusive approach to the Framework Convention's personal scope of application and to engage in a constructive dialogue with persons belonging to other groups whose representatives have expressed an interest in the protection of this Convention.

**Principle of self-identification**

29. The Advisory Committee notes that the current population registries allow only one entry with regard to a person's mother tongue (see also comments on Article 14 below) and wishes to recall that questions relating to ethnic background and language should be optional and open-ended in line with relevant international recommendations relating to population registries and census exercises.<sup>4</sup> In particular, the Advisory Committee wishes to emphasise that in accordance with the right to free self-identification as guaranteed in Article 3 the possibility for entries of multiple language and identity affiliations should be granted to persons belonging to national minorities,<sup>5</sup> particularly given that this is an increasingly common phenomenon in pluri-cultural Finland.

*Recommendation*

30. The Advisory Committee invites the Finnish authorities to respect the principle of free self-identification as enshrined in Article 3 of the Framework Convention by facilitating the entry of multiple identity affiliations into population registries in order to reflect better each individual's choice. This should also be applied in the preparation and implementation of future population census exercises.

**Article 4 of the Framework Convention**

**Anti-discrimination legislation and its implementation**

*Recommendations from the two previous cycles of monitoring*

31. In previous cycles of monitoring, the Advisory Committee acknowledged the existence of comprehensive anti-discrimination legislation, but encouraged the authorities to pay more attention to its implementation and the development of suitable monitoring mechanisms, including as regards quality and implementation of equality plans. The Advisory Committee expressed particular concern at the discrimination faced by pupils from a minority background in schools.

*Present situation*

32. The Advisory Committee welcomes the various initiatives of the Finnish Government to complement its anti-discrimination and equality legislation and notes in particular the revisions made in 2008. More specifically, these reforms broaden the competencies of the

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<sup>4</sup> See Recommendations for 2010 Censuses of Population and Housing by the United Nations Economic Commission for Europe and the Statistical Office of the European Communities (Eurostat) [http://www.unece.org/stats/publications/CES\\_2010\\_Census\\_Recommendations\\_English.pdf](http://www.unece.org/stats/publications/CES_2010_Census_Recommendations_English.pdf)

<sup>5</sup> See above Recommendations, § 426: "Respondents should be free to indicate more than one ethnic affiliation or a combination of ethnic affiliations if they wish so".

Ombudsman for Minorities to conduct and commission independent studies on issues related to ethnic discrimination and extend the scope of the prohibition of ethnic discrimination to cover relations between private individuals in the provision of public housing or access to public services.<sup>6</sup>

33. The Advisory Committee is further pleased to note the creation of the 'Equality Committee' by the Ministry of Justice in January 2007 which was set up to conduct a broader reform of Finnish equality legislation with the purpose of making it more consistently applicable to all fields of life, including cases of multiple discrimination. As part of this initiative to strengthen the protection of equality and non-discrimination in Finland, the consolidation of all general provisions on equality and non-discrimination in one Act, as well as the establishment of one combined Equality Ombudsman authority that would cover all issues related to discrimination and equality except gender, are currently being discussed.

34. The Advisory Committee welcomes the on-going efforts to institute a more comprehensive approach to the diverse manifestations and dimensions of discrimination and agrees that the current Finnish legislative and administrative framework provides numerous structures of authority and competency which may create confusion among potential victims of discrimination. Nevertheless, it shares the concerns of some representatives of national minorities, such as the Sami, that the consolidation of all discrimination matters under one authority could result in a decrease of expertise on the particular issues of concern to national minorities that are, reportedly, now handled very successfully by the Ombudsman for Minorities.

35. The Advisory Committee is aware of efforts at the central State level to support municipalities to fulfil the requirement contained in the Anti-Discrimination Act to draw up individual "equality plans" for encouraging equal opportunities at municipal level but understands that a large number of municipalities have yet to fulfil this requirement and that many of the existing plans remain of poor quality. In this context, it strongly welcomes the 'Discrimination Monitoring Action Plan' under the Ministry of the Interior aiming at implementing a national discrimination monitoring system which, among others, facilitates the collection of relevant data and statistics and whose research may be used for training purposes and other efforts to improve further the municipal strategies to fight discrimination.

36. In addition, the Advisory Committee notes that, while cases of discrimination continue to be reported, actual complaints alleging discrimination are only rarely brought to court. In this regard, the Advisory Committee welcomes the ongoing initiative of the Ombudsman for Minorities to regionalise advisory services against discrimination in order to ensure that potential victims of discrimination throughout the country are made aware of the legal remedies available to them and are given better access to advice where necessary.

#### *Recommendations*

37. The Advisory Committee encourages the Finnish authorities to consult closely the representatives of national minorities when continuing their efforts for further consolidation of anti-discrimination legislation, including the examination of cases of multiple discrimination. While aware of the advantages of a comprehensive approach, the Advisory Committee urges the authorities to ensure that these efforts do not jeopardize the utilisation of the experience and expertise of existing structures dealing with issues related to national minorities such as the Ombudsman for Minorities which has developed relationships of considerable confidence with the minority groups concerned.

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<sup>6</sup> See Government Bill 679/2008 and 82/2008.

38. The Advisory Committee encourages the authorities to pay due attention to the implementation of the relevant current legislation at central, regional and local level, including through the establishment and regular review of effective monitoring and evaluation mechanisms, through an increase in relevant awareness raising activities among potential victims, as well as through the allocation of adequate financial resources.

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

#### *Recommendations from the two previous cycles of monitoring*

39. In previous cycles of monitoring, the Advisory Committee recognised State efforts to promote equality between the majority population and the Roma, but recommended that measures to ensure full and effective equality for Roma in such key fields as housing and the labour market be expanded to be felt also at the local level and in the private sector. The Advisory Committee further recommended that ways be sought to obtain improved statistical data.

#### *Present situation*

40. The Advisory Committee notes the proposal of the working group set up under the Ministry of Social Affairs and Health in December 2008 for a first *National Policy on Roma* and welcomes the fact that representatives of Roma communities in Finland were actively involved in the preparatory and drafting stages of this proposal. The Advisory Committee further notes the commendable focus of the proposal on educational activities for Roma young people as well as adults, aimed at fostering greater integration of the community into the labour market. While providing a number of concrete recommendations to the Finnish authorities as to how to enhance the equal treatment and social inclusion of Roma, the policy also seeks ways to increase the skills and resources of Roma organisations to enable them to effectively participate in all spheres of public life.

41. While strongly welcoming the above initiative and noting that the adoption of the proposal is in principle expected before the next Parliamentary Elections in April 2011, the Advisory Committee understands that no allocation of funding has yet been made for the implementation of the proposal and that, according to Roma representatives themselves, current shortcomings in terms of full and effective equality for Roma stem more from the non-implementation of existing provisions, due to insufficient resources, than from a shortage of legislative safeguards or policy initiatives.

42. The situation of Roma regarding access to housing as well as employment has improved somewhat and the Advisory Committee is pleased to note the important role played by the Ombudsman for Minorities in investigating cases of alleged discrimination and bringing them to the attention of the National Discrimination Tribunal. However, cases of alleged discrimination, particularly regarding access to housing, continue to be reported and the majority of Roma still face considerable obstacles in finding formal employment. The Advisory Committee supports the view of Roma representatives that concrete measures for the promotion of full and effective equality of Roma must be included in all relevant municipal equality plans in order to ensure that administrative structures are strengthened particularly at the local level where matters related to housing, for instance, are decided.

#### *Recommendations*

43. The Advisory Committee calls on the Finnish authorities to monitor regularly the relevant government entities with the current equality legislation with regard to Roma and to

continue promoting the equality of Roma through the adoption of the *National Policy on Roma* and the allocation of adequate resources for the implementation of this policy.

44. The Advisory Committee reiterates its previous recommendation that efforts to ensure full and effective equality for Roma be focussed particularly at the local level and that the municipal equality plans be meaningfully used as a tool in this regard.

### **Data collection**

#### *Present situation*

45. The Advisory Committee acknowledges the fact that the Finnish data protection legislation prohibits the registration of data related to a person's ethnic background. It notes, however, that the lack of reliable data makes it difficult for the Finnish authorities to ensure full and effective equality of persons belonging to national minorities through drafting targeted policies. A number of studies and surveys to investigate the economic and social status of, for instance, the Roma population have been commissioned and a survey is also being currently developed regarding linguistic skills among the Sami speakers (see comments below on Article 5).<sup>7</sup> Nevertheless, the Advisory Committee still considers that the Finnish authorities should identify appropriate means of regularly obtaining reliable data related to the minority population, disaggregated by gender and age. This process must be carried out with strict respect for the principles contained in the Committee of Ministers' Recommendation No. (97) 18 and the Council of Europe Convention ETS 108 concerning the protection of personal data collected and processed for statistical purposes as well as the recommendations of the United Nations Economic Commission for Europe prepared in co-operation with the Statistical Office of the European Communities.<sup>8</sup>

#### *Recommendation*

46. The Advisory Committee encourages the authorities to seek adequate means of obtaining more reliable data on the composition and situation of national minorities, in co-operation with the minorities concerned, and in full respect of the relevant international standards, in order to promote the effectiveness of the preparation and monitoring of measures designed to ensure full and effective equality of persons belonging to national minorities.

### **Article 5 of the Framework Convention**

#### **Sami definition**

#### *Recommendations from the two previous cycles of monitoring*

47. The Advisory Committee noted in its previous cycles of monitoring the persistent difficulties in defining the term Sami and the ensuing tension surrounding the question in Northern Finland. The Advisory Committee encouraged the authorities to continue reflection on the definition together with the Sami Parliament and to examine whether the reliance on judicial interpretation was satisfactory from the point of view of legal certainty.

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<sup>7</sup> See, for instance, the study "*The long journey of the Roma to the Labour Market*" commissioned by the Ministry for Employment and the Economy 22/2008.

<sup>8</sup> See Report of the Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing; <http://webrzs.stat.gov.rs/axd/Popis2011/preporukeE.pdf>

*Present situation*

48. The Advisory Committee notes that there has been no progress as regards the definition of the term ‘Sami’ but that there is no further controversy about the issue within the Sami Parliament as the interpretation made by the Supreme Administrative Court in 1999<sup>9</sup> has been included in the draft Nordic Sami Convention (see below comments on Article 16) and seems to have been generally accepted as sufficiently clear by all parties concerned.

*Recommendation*

49. The Advisory Committee recommends continuing an open dialogue with the Sami Parliament on all questions related to the definition of the term Sami and the requirements for belonging to the Sami people.

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

*Recommendations from the two previous cycles of monitoring*

50. In previous cycles of monitoring, the Advisory Committee stressed the central relevance of land rights in the Sami Homeland to the protection of Sami culture and identity as an indigenous people. The Advisory Committee therefore urged the authorities to address the prevailing legal uncertainty over land rights in the Sami Homeland as a matter of high priority and to ensure that, pending a solution to the dispute, the ongoing land use and in particular the logging practices and other related activities of the Forest Administration are carried out in a manner that scrupulously honours the cultural and participatory rights of the Sami.

*Present situation*

51. The Advisory Committee notes with deep concern that no progress has been made towards finding a solution to the dispute regarding the land rights of the Sami people. However, it welcomes in this regard the statement of the Finnish Advisory Board on Human Rights under the Ministry of Foreign Affairs of 4 June 2010 which urges the Government to take prompt action to safeguard the land rights of the Sami people.<sup>10</sup>

52. The Advisory Committee further notes the general differences in approach to the issue between government representatives and the Sami Parliament. While the Finnish Constitution provides in its Section 17 for the right of the Sami, *as an indigenous people*, to maintain and develop their language and culture, this recognition does not imply the right to self-determination, including with regards to land rights, of indigenous people in the sense of ILO Convention 169. For historical reasons, the Finnish authorities consider that land rights should not be granted personally to the Sami as a people but rather on a territorial basis to all

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<sup>9</sup> Under Finnish law, a ‘Sami’ is a person who identifies himself or herself as a Sami and who is either a native Sami-speaker or has at least one parent or grandparent who learnt Sami as a first language. This linguistic definition was extended in 1995 to include descendants of persons who were identified as ‘Lapps’ in previous land, taxation or population registers, even if these descendants did not fulfill the linguistic criteria. This decision to privilege descent over language was opposed by the Sami Parliament, which claimed that the new legislative definition would effectively dilute the Sami community with persons already assimilated into the majority Finnish population. As a result, in 1999 the Supreme Administrative Court of Finland restricted the scope of the new criterion by excluding persons whose registered Lapp ancestors were more distant than their grandparents. 22.09.1999/3181 KHO:1999:55.

<sup>10</sup> See Notification of the Advisory Board of Human Rights ‘The *Finnish Government is about to break its promise to the Sami people*’ of 4 June 2010.

traditional residents of the Sami Homeland. The Sami, however, see themselves entitled as an indigenous people to special land rights, in conjunction with the existing protection mechanisms of their culture and identity.

53. While welcoming the political commitment expressed by the authorities to secure the right of the Sami people to maintain and develop their own language and cultural autonomy,<sup>11</sup> the Advisory Committee notes with significant concern that the preparatory body intended to be set up between the Ministry of Agriculture and Forestry and the Sami Parliament in order to advance consultations, has not yet been established and that negotiations appear blocked without any clear platform for their continuation. The current deadlock appears at least partially prompted by the lack of a clear and coherent government position as different Ministries have developed different views and standpoints on the issue, depriving the Sami Parliament of a clearly defined and authorised interlocutor.

54. In this regard, the creation of a specific entity within the Finnish Government dealing with issues related to the Sami appears to be indispensable to ensure the co-ordination of a clear government position on land rights issues. In addition, such a structure could serve as a general focal point for the Sami, thus promoting and institutionalising dialogue and information exchange between the Sami Parliament and the Finnish Government concerning this and other relevant issues (see also comments below on Article 15).

55. At the same time, the Advisory Committee is pleased to note that an agreement has been reached between the Forest Administration *Metsähallitus* and the Skolt Council regarding logging practices in parts of the Sami Homeland and that the current arrangement seems to have brought an end to previous tensions on this issue.

#### *Recommendations*

56. The Advisory Committee notes with deep concern that the continued stalemate and the subsequent hardening of positions on both sides remain harmful to inter-ethnic relations in Northern Lapland and consequently affect negatively the implementation of relevant provisions of the Framework Convention. It urges the Finnish authorities to unblock the current situation as a matter of the highest priority and re-establish a constructive dialogue with the Sami Parliament in order to find a solution to the legal uncertainty over land rights in the Sami Homeland without delay.

57. The Advisory Committee further encourages the Finnish authorities to consider seriously the possible ratification of ILO Convention 169 in close consultation with all actors concerned and refocus their attention on the ongoing process preparing the ratification.

### **Support for cultural initiatives**

#### *Recommendations from the two previous cycles of monitoring*

58. In previous cycles of monitoring, the Advisory Committee recommended that the Finnish authorities continue to provide resources to support the Sami culture, paying particular attention to threatened elements such as the Skolt language, and examine the possibility of creating a Sami Cultural Centre. In addition, the Advisory Committee encouraged the authorities to draw from the positive experience with the Sami Parliament's right to decide on the use of the budget allocation and revise the process of allocation of

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<sup>11</sup> See *Government Programme of Prime Minister Matti Vanhanen's second Cabinet*, page 19, 19 April 2007. [http://planipolis.iiep.unesco.org/upload/Finland/Finland\\_Government\\_Programme.pdf](http://planipolis.iiep.unesco.org/upload/Finland/Finland_Government_Programme.pdf)

support to other minorities accordingly by giving their representatives a significant role in the decision-making.

*Present situation*

59. The Advisory Committee is pleased to note that the Sami Cultural Centre, planned in 2007, is currently being built in Inari and is expected to be opened at the beginning of 2012. It further notes that the allocation of 205,000 EUR has continued to be granted annually since 2005 to the Sami Parliament for the organisation of its own cultural activities in the three Sami languages. In addition, the Advisory Committee welcomes the additional support by the Ministry of Education provided to art events of young Sami persons as well as the allocation of 100,000 EUR for the establishment of a Youth Council of the Sami within the Sami Parliament which is expected to become operational in early 2011.

60. The Advisory Committee strongly welcomes the decision of the Finnish Government to launch a comprehensive revitalisation programme of the Sami languages and notes that a steering group was set up in October 2010 within the Ministry of Culture and Education to design the programme. At the same time, the Advisory Committee wishes to underline the importance of close consultations with Sami representatives on the planning and implementation of the programme as well as the necessity for the considerable and sustained allocation of resources for this important work. Revitalisation is particularly relevant for the smaller languages of Inari and Skolt Sami which remain dangerously close to extinction and require immediate and sustained efforts for their survival. In this context, the Advisory Committee notes with interest that the Sami Parliament is currently engaged in developing a survey to determine how many Sami-speakers there are in Finland, on what occasion Sami is spoken and with what level of linguistic skill.

61. The Advisory Committee welcomes the initiative of the Finnish authorities regarding the creation of an increasing number of 'language nests',<sup>12</sup> for persons belonging to the Sami and Roma communities to provide informal opportunities for the use and exercise of their languages, including outside the Sami Homeland.

62. The Advisory Committee notes with appreciation that smaller contributions have also been made to the Society for the Karelian Language, as well as other minorities but shares the concerns of some minority representatives that funding of projects related to 'multiculturalism' is granted more readily than that in favour of initiatives to celebrate the individual culture of numerically-smaller groups. The Advisory Committee is pleased to note, nevertheless, the extent of cultural engagement and activities organised by the small Finnish Tatar Islamic Community who, despite limited State funding, has managed to develop significant contacts with Tatar communities in other countries, often via the Internet, in order to maintain and share their common cultural heritage.

63. The Advisory Committee believes it important for all minority communities, including the Roma, to obtain sufficient and sustained support to preserve the essential elements of their culture and identity. In this regard, it notes reports of repeated requests of representatives of the Russian-speaking minority to be provided with increased public funding for their cultural activities, given the substantial size of this particular group.

64. While acknowledging the explanation provided by the Finnish authorities that the participation of recipients of financial allocations for cultural purposes in the actual process

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<sup>12</sup> 'Language nests' are day care centres for children belonging to national minorities whose languages are in particular danger, such as the three Sami languages and Romani. Financed by the social and health care services, they provide a group of pre-school and school age children an opportunity to develop their language skills.



of granting the subsidy would not be appropriate, the Advisory Committee still considers that representatives of national minorities should be involved in the decision-making process regarding the allocation of support for cultural initiatives of minority groups, similar to the process regarding the Sami, which need not result in a compromise in objectivity.<sup>13</sup>

#### *Recommendations*

65. The Advisory Committee encourages the authorities to continue to seek further resources to support the Sami culture, focussing in particular on appropriate funding to be provided for the revitalisation of all three Sami languages, in particular the increasingly threatened Inari and Skolt Sami. In this regard, the Advisory Committee also encourages the authorities to provide further funding to the initiative of the Sami Parliament to conduct a survey among the Sami on their linguistic skills and habits, the results of which could be crucial to ensure that the revitalisation programme is as targeted and successful as possible.

66. The Advisory Committee further encourages the authorities to maintain an open approach towards the allocation of funding for cultural initiatives of minority groups and to ensure that all relevant groups are provided with the necessary funds in order to maintain the essential elements of their culture. The Advisory Committee also encourages the authorities to carry out an effective review of the allocation process to ensure that representatives of national minorities are more closely involved in the decision-making relating to the allocation of funds.

### **Article 6 of the Framework Convention**

#### **Integration efforts**

##### *Recommendations from the two previous cycles of monitoring*

67. In previous cycles of monitoring, the Advisory Committee recognised the important steps taken by the Finnish authorities to accommodate the country's increased diversity and promote the integration of persons belonging to minorities. The Advisory Committee further encouraged the authorities to increase the provision of teaching of national languages and to ensure that the national language proficiency requirements contained in the Citizenship Law did not lead to undue obstacles for persons belonging to minorities.

##### *Present situation*

68. Finland has continued its efforts to improve further its legislative and administrative framework regarding the integration of persons belonging to minorities. Alongside the ongoing equality initiative (see comments on Article 4 above), commendable efforts have also been made to review the integration plans required to be developed in each municipality by the Integration Act and to assess their quality in terms of consultation with minorities as well as their impact on social cohesion. These efforts are essential given the increasing diversity of Finnish society, including in areas previously seen as homogenous, such as the province of Lapland. The Advisory Committee is pleased to learn that the results of the current review will be taken into account in the forthcoming amendments to the Integration Act that are intended to broaden its scope. This includes in particular the benefits of involving minority communities in the drafting of the plans and the necessity for close monitoring of the preparation and implementation of the plans by regional authorities.

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<sup>13</sup> See also Commentary No. 2 The Effective Participation of Persons belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs, Advisory Committee on the Framework Convention for the Protection of National Minorities, adopted on 27 February 2008.

69. The Advisory Committee further notes the important role of the Advisory Board on Ethnic Relations (ETNO), including that of its four regional offices, to advise the Ministry of Interior on issues related to minorities and immigrants and to ensure that their concerns are taken into account in all relevant policy decisions, particularly as regards social integration. While welcoming the representation of minority and immigrant organisations in ETNO, the Advisory Committee underlines that it remains important to promote their effective participation in the entire integration process.

70. Finally, efforts to promote integration into a pluri-cultural society, including at local level, must be complemented with parallel schemes to support minority groups in preserving their distinct cultural identity in order to ensure that they do not feel forced to assimilate into the majority population (see also comments on Article 5 above). In this context, the Advisory Committee welcomes the considerable funds invested by the Ministry of Education and Culture for the organisation of mother tongue classes for immigrant children in schools but also notes that due to logistical problems as well as difficulties in identifying suitable teachers, not all children are able to take advantage of the weekly two and a half hours' language instruction which are held outside the normal school curriculum.

71. While bullying of pupils of Russian background in Finnish schools appears to have decreased, the Advisory Committee is concerned at continued reports about pupils of other minority communities, including the Somali, who continue to face racist attitudes in schools and other public spaces, as general acceptance of the increasing diversity of Finnish society remains problematic, particularly in the capital region.

72. The Advisory Committee finally wishes to point out that initiatives, such as the recent working group proposal to amend the Public Order Act to ban begging on the streets, which was submitted to the Ministry of Interior, are in conflict with ongoing integration efforts. The Advisory Committee notes that the initiative met with strong opposition from within the Government as well as recognised experts in the field as it is generally perceived to be targeting one minority community in particular and is thus considered discriminatory.

### *Recommendations*

73. The Advisory Committee encourages the Finnish authorities to continue efforts to advance their integration policy and framework, including improved monitoring and implementation of integration strategies at local level.

74. In addition, the authorities should engage in close consultations with representatives of the minority groups concerned to ensure that their views are effectively heard at all stages of the integration process. Attention should be paid in this regard to the concerns of all relevant groups, including those not currently members of ETNO, such as the large group of Estonians.

### **Ethnically-motivated crime**

#### *Recommendations from the two previous cycles of monitoring*

75. In previous cycles of monitoring, the Advisory Committee urged Finland to step up efforts to combat ethnically-motivated crime, among others through increased monitoring of prosecutors' actions in the area by the Prosecutor General coupled with adequate training efforts. The Committee further recommended developing new methods of data collection on ethnically-motivated crime, including as regards investigations and prosecutions.

*Present situation*

76. The Advisory Committee notes with deep concern reports about the recent increase in racism and xenophobia in sectors of Finnish society, directed in particular against Roma, Sami, Russian speakers and immigrant communities.<sup>14</sup> Racist attitudes and instigation to hate crime are particularly frequent on the internet (see comments below). The Advisory Committee finds particularly worrying that cases of ethnic agitation committed by public officials, particularly in the context of election campaigns, still occur and are, reportedly, not always followed up with the appropriate action.<sup>15</sup>

77. According to governmental and non-governmental sources, convictions of racist crimes remain very rare. The Advisory Committee is pleased to note, however, that the Office of the Prosecutor General has paid particular attention to complaints related to police conduct in cases involving racist motivation and is regularly executing its supervisory functions over the prosecution services.

78. The Advisory Committee is further concerned by the information received from a number of its interlocutors that an overall hardening in attitude and language towards persons belonging to national and other minorities is detectable throughout Finnish society, but particularly in the Southern capital region. The Advisory Committee regrets that the security concerns of the Jewish Association in Helsinki after a number of threats appear not to have been duly taken into account by the relevant police authorities.

*Recommendations*

79. The Advisory Committee urges the authorities to step up their efforts to combat racism and xenophobia in Finland, in particular through more stringent monitoring of the actions of prosecutors and the police force whilst implementing the relevant criminal law provisions in order to ensure that racially-motivated crimes are promptly detected, investigated, and appropriately sanctioned.

80. The Advisory Committee further reiterates its recommendation to establish adequate measures to collect data on ethnically-motivated crimes and their subsequent investigation and to ensure that all persons involved in the criminal justice system, in particular those working in the police force and the prosecution services, are adequately trained.

**Attitudes within the police***Recommendations from the two previous cycles of monitoring*

81. In previous cycles of monitoring, the Advisory Committee regretted negative attitudes towards certain minority groups amongst the police force and called for further efforts to promote tolerance, including through the promotion of a deeper dialogue between the police and representatives of national minorities on issues of common concern. The Advisory Committee further encouraged the authorities to ensure that all manifestations of intolerance be adequately dealt with and to consider the obstacles that language proficiency requirements constitute in efforts to train and recruit police officers with a minority background.

<sup>14</sup> See ENAR (European Network Against Racism) shadow report 2008 *Racism in Finland*.

<sup>15</sup> See ECRI third report on Finland (2007) and the 2009 Annual Report of the Ombudsman for Minorities, p. 30. A Helsinki City Counsellor, for instance, who wrote in his blog that “paedophilia was institutionalised in Islamic religion”, and that Somalis are “genetically lazy welfare spongers” received a fine of only 330 EUR. See <http://tundratabloid.blogspot.com/2009/09/free-speech-loses-in-finland-as.html>.

*Present situation*

82. The Advisory Committee welcomes the fact that efforts have continued within the Ministry of the Interior to counter negative attitudes within the police force towards certain minority groups, in particular as regards the training of police officers and their sensitisation towards minority concerns. However, it notes with regret that there has been no notable progress as regards the recruitment of persons belonging to minorities into the police force despite repeated acknowledgement by the authorities that this would be instrumental in improving dialogue with minority groups. The knowledge of a minority language, for instance, is still not considered an advantage when applying for a position within the force and the entrance test of the police academy has not been adjusted in this regard. In addition, the Advisory Committee was made aware of one case where the temporary contract of a police officer was apparently not made permanent despite excellent performance records and the fact that the individual in question was the only member in the country belonging to that particular minority group and working in the police force.

83. While welcoming the comprehensiveness of Finland's legislative framework regarding crimes involving discrimination and racism, the Advisory Committee wishes to draw attention to the fact that its implementation in terms of thorough investigation and follow-up depends on high levels of trust among potential victims of discrimination towards the police force. It therefore notes with concern the continuing perception among minority and immigrant groups that the police do not seriously investigate racist crimes and that they are reluctant to identify possible racist motivation behind offences.<sup>16</sup>

*Recommendation*

84. The Advisory Committee urges the authorities to promote the trust of minority and immigrant communities in the police force by maintaining an open dialogue with representatives of minority groups and ensuring that the recruitment of police officers belonging to national minorities is actively pursued at central and local level. In addition, the knowledge of minority languages should be considered an advantage in the recruitment process of law enforcement officers.

### **Separation of Roma in prisons**

*Recommendations from the two previous cycles of monitoring*

85. In previous cycles of monitoring, the Advisory Committee urged the authorities to address decisively the problem of Roma prisoners seeking segregation for their own protection, not only by improving their condition but also by tackling the root causes. The Advisory Committee strongly encouraged the authorities to ensure that prison staff react rapidly to any sign of inter-ethnic hostility or manifestations of racism and to pursue training and other proposals contained in a report on the status of Roma detainees, issued in 2003.

*Present situation*

86. While the Advisory Committee has not obtained detailed information on the current situation of Roma detainees in prisons, the State Report points to a potential deterioration of their circumstances in the last few years. In this regard, the Advisory Committee is pleased to note efforts by the Prison Service to provide more training to prison staff as well as more counselling to detainees, including through the nomination of Roma liaison officers in some prisons. According to Roma representatives met by the Advisory Committee during its

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<sup>16</sup> See also ENAR Report 2008 *Racism in Finland*.

country visit, one of the main problems facing Roma prisoners at present is their lack of education and vocational training which makes their reintegration into society after having served their sentence particularly difficult.

*Recommendation*

87. The Advisory Committee encourages the authorities to maintain an open dialogue with representatives of the Roma community in order to ensure that the specific concerns of Roma detainees in Finnish prisons are adequately addressed and sufficient funds allocated for this purpose, including as regards their reintegration into society after the end of a prison sentence.

**Portrayal of minorities in the media and Internet**

*Recommendations from the two previous cycles of monitoring*

88. In its previous cycles of monitoring, the Advisory Committee regretted defamatory reports about minorities in some media and called for increased training of journalists and similar efforts to address the negative stereotyping of minorities. The Advisory Committee further recommended that self-regulatory bodies of the media be encouraged to pursue further initiatives to stamp out derogatory terminology and reporting and that efforts to spread good practices amongst Internet operators be expanded further.

*Present situation*

89. In Finland, as in other States party to the Framework Convention, the increase in racism and discriminatory language against persons belonging to minority groups is particularly acute on the Internet. In this context, the recent creation of a special “tip-off” site created by the Ministry of the Interior, where citizens may leave indications concerning racist or hate crimes detected on the Internet, is highly commendable. Three months after its inception in May 2010, already over 1500 “tips” had been received through the site. The Advisory Committee expects that the site will prove a useful tool not only in the detection of racist crime on the Internet but also in the prompt investigation and sanctioning of such offences.

90. While ethnic agitation and negative stereotyping of minorities is particularly widespread on open blogs and chat-rooms, the Advisory Committee notes with concern that also reputable print media outlets have offered Internet sites where citizens can post comments that would otherwise not go through the stricter censorship of the print media. The Council of Mass Media, a self-regulatory body established by publishers and journalists, has called for the creation of an Internet monitoring authority, so far without success. The Advisory Committee recalls that the Internet media can indeed and should be used as a positive tool to encourage the integration of minority and immigrant groups into Finnish society.

*Recommendation*

91. The Advisory Committee calls on the Finnish authorities to combat by all available means the increase of racist or xenophobic language and incitement to racial hatred on the Internet, including through the application of sanctions where appropriate, while continuing to respect the principle of freedom of expression. It is essential that the media respect fully their own codes of conduct, which must be revised or expanded as necessary to include the modern media.

## **Article 8 of the Framework Convention**

### **Status of religious communities**

#### *Recommendations from the two previous cycles of monitoring*

92. In previous monitoring cycles, the Advisory Committee suggested that the Finnish authorities review the system of public financing of churches so as to ensure that it fully accommodated religious diversity in Finland, taking into account the needs of numerically-smaller, including non-Christian, religious communities.

#### *Present situation*

93. The Advisory Committee welcomes the fact that numerically-smaller religious communities with over 200 members have been able to apply for discretionary government grants for the organisation of their activities and that allocations in the total amount of EUR 200,000 were provided on this basis for the first time in 2008.

94. As regards funeral services, the Advisory Committee is pleased to note that, since January 2007, burial plots can be obtained in non-denominational burial grounds to ensure that those wishing not to be buried in an Evangelical Lutheran cemetery for religious or ideological reasons are still entitled to funeral services. In this regard, the Advisory Committee also welcomes the formation of the Burial Ground Board under the Islamic Council of Finland which seeks to promote the establishment and management of Islamic burial grounds.

#### *Recommendation*

95. The Advisory Community encourages the authorities to develop further the public support system for religious communities, taking into account the increasing diversity in society and religion, and to maintain an open dialogue with representatives of the various religious communities in Finland to ensure that they are able to practice freely their religion and religious traditions.

### **Circumcision of boys**

#### *Recommendations from the two previous cycles of monitoring*

96. In previous monitoring cycles, the Advisory Committee encouraged the authorities, together with minority representatives and other parties concerned, to continue to search for pragmatic solutions to the controversies over the circumcision of boys performed by religious communities, and to ensure that concerns over the health of children did not unduly inconvenience the practice of religious traditions at issue.

#### *Present situation*

97. The Advisory Committee is pleased to note that the controversy surrounding the practice of circumcision of boys by religious communities has, notwithstanding some questions, been solved by a Supreme Court judgment in 2008, which held that circumcisions performed in a medically appropriate way and without causing unnecessary pain are not illegal or punishable.<sup>17</sup>

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<sup>17</sup> See Supreme Court Decision of 17 October, 2008 (KKO:2008:93).

*Recommendation*

98. The Advisory Committee encourages the authorities to maintain their open dialogue with minority representatives on this issue and to ensure that outstanding queries related, for instance, to the non-medical circumcision of boys are clarified in conformity with the relevant Supreme Court ruling.

**Article 9 of the Framework Convention****Minority language media***Recommendations from the two previous cycles of monitoring*

99. In previous monitoring cycles, the Advisory Committee encouraged the authorities to examine whether the current public subsidy system took adequately into account the specific situation of the media of national minorities, in particular as regards print media in Sami and Russian languages, Sami language electronic media and Romani language radio broadcasts.

*Present situation*

100. The Advisory Committee welcomes the continued support for minority language media in Finland and, in particular, the decision of the Government in 2007 to allocate EUR 500,000 for ‘selective press subsidies’ to support newspapers and other reporting services in minority languages. At the same time, it understands that the subsidies may only be granted to weekly papers and may only cover up to 40 % of the overall cost which makes the substantial investment of private capital essential to obtain the grant and thereby excludes a number of possibly interested candidates, particularly from numerically-smaller minorities.

101. The Advisory Committee is pleased to note that an applicant for a Sami publication has at last been found, but regrets that the subsidy in question will only relate to one page of Sami news within the Finnish language regional paper ‘Lapin Kansa’. Additionally, part of the subsidy will be used to translate the Sami news into Finnish. The Advisory Committee shares the Finnish Sami Parliament’s concern that one page of weekly Sami news will not satisfy the need for a Sami language newspaper, and that the minority language subsidy should not be used for translations into Finnish, but could more appropriately be utilised for translations into the smaller Sami languages, namely Skolt and Inari Sami.

102. As for Sami language TV and radio broadcasts, the changeover from analogue to digital TV in Finland has, unfortunately, had a negative effect on the availability of Sami language TV in some areas of the Sami homeland which, apparently, has not been fully addressed. The Advisory Committee welcomes, however, the fact that the Finnish Broadcasting Company YLE radio broadcast in Sami is available to listeners throughout the country through its Internet service while children’s programmes in Sami have also increased through the use of the Internet. The Advisory Committee reiterates that the presence of all three Sami languages in the Finnish media is essential to maintain and promote the Sami identity in Finland.

103. While the presence of the Roma community and its cultural identity in the media has, according to reports somewhat increased in the past years, there are still no TV or radio programmes targeting the Roma in the Romani language, apart from a weekly 14-minute YLE news and current affairs programme which remains insufficient. In addition, the demand of Roma representatives for a Romani language network publication, remains only very partially fulfilled with various bi-monthly publications aimed at Roma which are, however, largely in Finnish language.

104. As for Russian broadcasting and press services, the Advisory Committee notes with regret that no significant progress has been made in the past few years. The number of YLE radio programmes in Russian language is quite limited and their quality is, reportedly, inadequate to satisfy the fast growing population of some 50,000 Russian speakers living in Finland today,<sup>18</sup> who instead turn to Russian language services produced in neighbouring countries. The Advisory Committee further notes that the only subsidy granted for the Russian language press supports one page of announcements made by cultural organisations in the monthly paper 'Spektr'.

105. In this context, the Advisory Committee welcomes discussions regarding the creation of incentives for private media providers (through funding and allocation of frequencies, for instance) to increase access to and presence in the media of numerically-smaller minorities and their languages.

#### *Recommendations*

106. The Advisory Committee strongly encourages the Finnish authorities to increase their efforts to enable and promote minority language media in accordance with Article 9 of the Framework Convention by paying due attention to the essential role played by the media in the promotion of the cultural and linguistic identity of minorities. It calls on the authorities to review the current support system allowing only for subsidies to weekly publications of up to 40 % of the costs, which appears inadequate to ensure the presence of minority language media in the public broadcasting system and which is particularly damaging to numerically-smaller minorities. In this context, the Advisory Committee reiterates the positive role that minority media may play in the integration process of different minority groups into the majority society.

107. The Advisory Committee further calls on the authorities to provide broader support to the Sami language media, including the two smaller Sami languages, and to ensure that subsidies for the Sami language print media are effectively used for the benefit and development of the minority language. It further encourages the authorities to assess all available means as regards the Russian as well as the Romani language media and, in consultation with relevant minority representatives, to seek to provide subsidies in order to allow for an adequate presence of these minority languages in the public print and broadcasting media.

108. In addition, the Advisory Committee encourages the Finnish authorities to consider favourably the creation of incentives for private media providers in order to increase, in particular, access of the numerically-smaller minorities to the media.

### **Article 10 of the Framework Convention**

#### **Use of Swedish language in relations with authorities**

##### *Recommendations from the two previous cycles of monitoring*

109. In previous monitoring cycles, the Advisory Committee recalled the importance of ensuring adequate Swedish language capacity to allow for full implementation of the Language Act, pointing to in-service language training and Swedish language teaching in the educational system, and underlined the particular status of the Åland Islands in the EU context.

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<sup>18</sup> Unofficial estimates are considerably higher.



*Present situation*

110. The Advisory Committee notes with concern the overall worsening of the situation as regards the linguistic rights of the Swedish-speaking population of Finland, despite the strong legislative guarantees contained in Section 17 of the Finnish Constitution as well as the Language Act of 2003. As extensively documented in a relevant report prepared by the Ministry of Justice in March 2009,<sup>19</sup> the language most widely used in public administration is Finnish, including in bilingual municipalities, and Swedish speakers will usually only be addressed in Swedish if they specifically ask to communicate in Swedish. Moreover, in some public services, particularly the health and police services, administrative officials with sufficient Swedish language capacity are frequently not available when required, which compels citizens to speak Finnish even though relevant legislation entitles them to speak Swedish. In the long run, this negative tendency will jeopardise and eventually threaten the status of Swedish as an official language of the country.

111. The Advisory Committee further notes with concern recent endeavours within the framework of the Regional Administrative Reform to economise and mainstream administration which has led to the creation of larger municipalities and, thereby, to a decrease in the number of bilingual municipalities (see also comments on Article 16 below). In particular, it was surprised to learn that the bilingual municipality of Karleby (Kokkola) was assigned to the unilingual Oulu State Administrative District and not to bilingual Vaasa.<sup>20</sup> In this context, the Advisory Committee welcomes the statement of the Constitutional Committee<sup>21</sup> that Karleby (Kokkola) should be assigned to the District that could best ensure the linguistic rights of its citizens, and the request made by the Chancellor of Justice that an assessment should be made of the impact on the linguistic rights of residents of the possible inclusion of Karleby (Kokkola) into the Oulu District. The linguistic impact assessment was undertaken by an inter-ministerial working group in the Summer of 2010 and concluded unanimously that the language skills of civil servants in the Oulu District are insufficient and linguistic rights thus more efficiently secured in the Vaasa District. The Advisory Committee followed these developments with great interest and is pleased to note that Karleby (Kokkola) will thus remain within the Vaasa District as the best option to secure respect for the linguistic rights of its residents.

112. The Advisory Committee agrees with the recommendations of the Finnish Ministry of Justice,<sup>22</sup> underlining that practical measures are needed both in political decision-making and in the operations of the authorities to secure the linguistic rights of citizens, and proposing to mainstream linguistic rights in administrative guidance documents, customer service operations, and written communication practices. In addition, the personnel policies of administrative authorities and the courts should be adjusted to ensure that qualification requirements regarding language skills are duly indicated and rewarded in recruitment proceedings.

113. The Advisory Committee agrees, in particular, with the reminder made by the Finnish Ministry of Justice that before taking any decision, the authorities should evaluate the impact

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<sup>19</sup> Report of the Government on the application of language legislation 2009.

<sup>20</sup> See Finnish Ministry of Finance, *Regional administration reform (ALKU) 2010*, 3 April 2009. Section 122 of the Finnish Constitution provides that, when organising administration, compatible regional distribution, ensuring the possibility for the Finnish and Swedish-speaking populations to have access to services in their mother tongue, must be aimed at. Given the documented difficulties with regard to the implementation of the Language Act even in bilingual municipalities, the assignment of Karleby (Kokkola) to unilingual Oulu appears questionable.

<sup>21</sup> See 18a Statement of the Constitutional Law Committee 21/2009 vp/rd, page 3 – 4.

<sup>22</sup> See above Footnote 19, *Proposals for measures*, p. 84 - 85

of their decision on the guarantee of linguistic rights. This influence was clearly not considered when it was decided to make the passing of the matriculation exam in Swedish a voluntary matter for school graduates.<sup>23</sup> According to a number of governmental and non-governmental interlocutors, this alteration has significantly affected the Swedish language capacity of school graduates, making it increasingly difficult today to recruit competent staff with sufficient Swedish language skills into all sectors of public service and the judiciary .

114. Finally, the Advisory Committee notes with concern the ongoing controversy between the authorities of ? land and the central authorities with regard to the availability of relevant legal and other documentation in Swedish, particularly in the EU context. The Advisory Committee was informed that the ? land authorities often receive belated requests to comment on draft EU legislation in Finnish which prevents them from indicating their concerns within the time limit allotted.

#### *Recommendations*

115. The Advisory Committee urges the authorities to redouble their efforts and effectively implement the Language Act at central, regional and local level and to ensure that the current negative trend in terms of Swedish language capacity within the public services is reversed. Particular attention must be paid to language training as well as to the targeted recruitment of Swedish language speakers. The implementation of all measures must be closely monitored and their effectiveness regularly evaluated in order to ensure that the linguistic rights of the Swedish-speaking population are respected .

116. The Advisory Committee further urges the Finnish authorities to ensure that any change in the municipal administration system takes due account of the needs and linguistic rights of Swedish speakers.

117. The Advisory Committee further encourages the authorities at central level as well as the authorities in the province of ? land to enter into a constructive dialogue and find pragmatic solutions to meet the requirements of Swedish language documentation as provided for in the Autonomy Act of ? land.

### **Use of Sami language in relations with authorities**

#### *Recommendations from the two previous cycles of monitoring*

118. In previous monitoring cycles, the Advisory Committee welcomed the legal guarantees for the use of Sami languages before the authorities in the Sami Homeland and called on the authorities to ensure that adequate means be made available to implement the Sami Language Act, including in-service and other language training aimed at ensuring the availability of personnel with adequate Sami language skills, as well as support for awareness raising and other measures to encourage the Sami to use the available possibilities.

#### *Present situation*

119. The Advisory Committee notes with concern that the legal guarantees for the use of the Sami languages before the authorities in the Sami Homeland remain only very partially implemented. Given the lack of personnel who speak Sami in public services in the Sami Homeland, linguistic rights are most often met through the use of interpretation or translation services which, unfortunately, results in delays in the handling process and discourages many Sami speakers from actually using their language. The Advisory Committee is pleased to

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<sup>23</sup> Up until 2004, Swedish language instruction was a compulsory subject in the matriculation examination for all Finns.

note, however, that additional funds have been made available for creating positions for Inari and Skolt Sami translators.

120. While the provision of interpretation services is clearly a financial burden for municipalities which, naturally, grows with the frequency of demand for Sami language interpretation or translation, the Advisory Committee is concerned that the overall lack of resources in municipalities has apparently led to some reluctance within public offices to provide Sami language services to citizens who may also speak Finnish. The Advisory Committee recalls that contacts with the public authorities in the Sami Homeland in their own language is a guaranteed right of all Sami under the Sami Language Act as well as the Framework Convention with a corresponding obligation on the part of the authorities to provide the appropriate conditions for the exercise of this right. The Advisory Committee, however, notes that the language supplement allocated to municipalities in the Sami Homeland amounts to 10 % of the general Government transfer, irrespective of the number of Sami speakers living in the municipality, and therefore does not constitute an incentive for bilingualism in these municipalities.

#### *Recommendation*

121. The Advisory Committee strongly encourages the authorities to redouble their efforts to increase Sami language capacity among public service providers in the Sami Homeland through targeted recruitment processes and increased language training. Adequate human and financial resources must be made available and allocated appropriately to provide for the necessary interpretation and translation services, including for persons belonging to the Inari and Skolt Sami minorities.

### **Article 11 of the Framework Convention**

#### **Use of Sami forenames, surnames and addresses**

##### *Present situation*

122. The Advisory Committee acknowledges the explanation of the Finnish authorities provided in the State Report and during the country visit that technical problems related to Sami language symbols on computer keyboards still hinder the use of Sami language in social insurance cards, passports or driver's licences. The Advisory Committee expects that these technical problems will be resolved as they have been for many other languages and their symbols throughout the world, and as they have also been resolved with regard to topographical signs and street names in the Sami language. In addition, the Advisory Committee regrets that the necessary legislative amendment to allow for the entering of Sami addresses into the Address Service of the Population Register Centre has not been adopted .

##### *Recommendation*

123. The Advisory Committee calls on the Finnish authorities to resolve the current problems related to diacritic signs in Sami language on computer keyboards in order to allow persons belonging to the Sami minority to obtain passports and other personal documents that duly indicate their names and surnames in their own language. In this context, the necessary legislative amendments should also be adopted to allow for addresses to be entered in the Sami language, as well as in Finnish, in the municipal registries in the Sami Homeland.

## **Article 12 of the Framework Convention**

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

#### *Recommendations from the two previous cycles of monitoring*

124. In previous monitoring cycles, the Advisory Committee called on the authorities to ensure that local curricula as well as history and other textbooks adequately address national minorities, including their culture and language, and to pay sufficient attention to this issue also in teacher training.

#### *Present situation*

125. The Advisory Committee notes with interest the creation of an Internet site, in co-operation with the Sami Parliament, providing information to all schoolchildren on the Sami people and their culture, as well as the preparation of a set of teaching materials on the Sami to be used in basic education. However, the Advisory Committee regrets that no significant changes have been introduced into the general content of local curricula and relevant textbooks to ensure that Finland's various minorities, their culture and languages, and the contribution they have made to society are positively and appropriately reflected at all levels of education.

#### *Recommendation*

126. The Advisory Committee reiterates its call on the Finnish authorities to ensure that the general school curricula contain adequate references to national minorities' languages and cultures and that efforts to increase attention to minority identity and culture in teacher training are mainstreamed through regular teacher training courses at all levels and not limited to minority language teachers.

### **Roma in education**

#### *Recommendations from the two previous cycles of monitoring*

127. In previous monitoring cycles, the Advisory Committee urged the authorities to increase their efforts to enable Roma children to remain in regular classes rather than in special education and regretted the fact that support of the Roma language and culture was not adequately reflected in day-care institutions. Furthermore, the Advisory Committee called for more efforts in the field of teacher training to address problems in the availability of Romani language classes and encouraged the authorities to follow up on recommendations made in the context of a comprehensive survey on the status of Roma children's basic education published by the National Board of Education in 2004.

#### *Present situation*

128. The Advisory Committee notes with appreciation that sustained efforts have been made, in close co-operation with the national and regional Advisory Boards on Roma Affairs, to increase the number of Roma children in regular classes, and to promote contact between parents and schools which has helped to decrease school absences and drop-out rates. In this context, the Advisory Committee notes in particular the constructive approach taken by Roma representatives themselves and the extent of their own engagement to convince parents to send their children to school.

129. Despite the above efforts, the drop-out ratio among the Roma population remains significantly higher than average and Roma children and young adults continue to face difficulties in their schooling, including as regards higher education or vocational training. The Advisory Committee is pleased to note that 24 municipalities, in which approximately 75 % of Roma children live, have received additional funding to engage in targeted efforts to increase school attendance of Roma children and participate in development training organised by the Board of Education. The Advisory Committee expects that the implementation of the proposed *National Policy on Roma*, which contains important recommendations regarding Roma education, will further address current shortcomings, provided that sufficient funding is allocated.

*Recommendation*

130. The Advisory Committee encourages the Finnish authorities to adopt the *National Policy on Roma* and to allocate adequate resources to ensure that its proposed actions to redress the continued disadvantages of Roma children in Finnish schools in a comprehensive manner, including access to higher education and vocational training, are fully implemented.

**Swedish language teaching for Finnish-speaking pupils**

*Recommendations from the two previous cycles of monitoring*

131. In previous monitoring cycles, the Advisory Committee called on the authorities to ensure careful monitoring of the developments concerning Swedish-language teaching and to continue measures to promote the teaching of the Swedish language among the majority population.

*Present situation*

132. The Advisory Committee notes with concern that the study of the Swedish language in Finnish schools appears to have further decreased in the last years. The decision to make the passing of the matriculation exam in Swedish a voluntary matter for school graduates has, unfortunately, had a negative impact on the demand and quality of Swedish language study, resulting in a lack of proficient Swedish speakers in the civil service (see comments on Article 10 above). While Swedish remains a compulsory subject in comprehensive and upper secondary schools, the Advisory Committee notes that municipalities are free to start offering Swedish language classes as late as grade 7, as an additional language after English, which may adversely affect the status of Swedish as an official language of Finland.

*Recommendation*

133. The Advisory Committee urges the Finnish authorities to review the Swedish language teaching system to ensure that Swedish language capacity among the majority population does not further decline. Measures should also be taken in the field of teacher training to ensure that a sufficient number of teachers with adequate Swedish language skills are available at all school levels. The Advisory Committee further invites the authorities to monitor the possible negative effects of introducing English at an early age on the Swedish language capacity of pupils.

## **Article 14 of the Framework Convention**

### **Russian language teaching**

#### *Recommendations from the two previous cycles of monitoring*

134. In its previous cycles of monitoring, the Advisory Committee stressed that Russian-language schools should be designed in a manner that also accommodates the needs of pupils who speak Russian as their mother tongue and encouraged the authorities to develop a coherent policy regarding Russian language teaching for native speakers, with a view to ensuring adequate quantity and quality of education in the Russian language.

#### *Present situation*

135. The Advisory Committee regrets that no significant improvement has taken place with regard to Russian language teaching in Finland. While the increase of weekly mother-tongue classes from two to two and a half hours (available to all children with immigrant background) is commendable, it still falls far short of an adequate support to Russian pupils to maintain and develop their minority language skills. According to representatives of the Russian-speaking minority, these language courses can moreover only be followed by a small number of Russian-speaking pupils, as they depend on certain external factors, such as logistical arrangements regarding the time of day to hold additional classes, the number of pupils required in order to organise a class, etc.

#### *Recommendation*

136. The Advisory Committee encourages the Finnish authorities to consider all available options to increase minority language teaching to the sizable Russian-speaking population in Finland, including through an increase of Russian language day-care centres and the introduction of bi-lingual sections in schools where there is sufficient demand for such teaching.

### **Romani language teaching**

#### *Recommendations from the two previous cycles of monitoring*

137. In previous monitoring cycles, the Advisory Committee welcomed the introduction of Romani language teaching but encouraged the authorities to expand and strengthen such teaching, including by following up on recommendations drawn up by the National Board of Education in 2004.

#### *Present situation*

138. The Advisory Committee notes with regret the absence of any significant development in the promotion of Romani language education in Finland. There is still no university level study and a lack of textbooks and other materials are cited by representatives of the Roma community, as well as the relevant school authorities, as reasons for the fact that only very few students can attend Romani language classes. The Advisory Committee points in this context to the relevant chapter of the above-cited proposal for a *National Policy on Roma*, which contains a number of recommendations on how to promote further the teaching of Romani in basic and adult education.

139. The Advisory Committee is pleased to note the creation of eight Romani 'language nests' which provide an unofficial opportunity for the Roma community to speak and develop their language at all ages (see also comments on Article 4 above) but underlines that other,

more structural measures must be taken to ensure that Romani language learning is promoted in order to ensure the preservation and development of the Romani language and culture in Finland. According to Roma representatives, only about 30 % of the Roma in Finland speak Romani with some proficiency.

#### *Recommendation*

140. The Advisory Committee calls on the Finnish authorities to reinforce the quality and quantity of Romani language teaching in Finnish schools, among others by implementing the recommendations contained in the proposed policy paper, and to allocate adequate resources aimed at the development of relevant teaching materials. The authorities should also consult with Roma representatives on opportunities to introduce optional Romani language training for adults.

### **Sami language teaching**

#### *Recommendations from the two previous cycles of monitoring*

141. In the previous monitoring cycles, the Advisory Committee commended the availability of instruction in the Sami languages in the Sami Homeland and encouraged the authorities to pursue further possibilities of offering Sami language education outside the Homeland. It pointed out that access to Sami language pre-school education should not be connected to the mother tongue entry in the population registry.

#### *Present situation*

142. The Advisory Committee welcomes the fact that education in the Sami languages is available in all municipalities of the Sami Homeland, that all three Sami languages are being taught, and that the number of subjects in Sami has increased. It notes that the number of pupils studying in Sami has remained stable over the last few years, and that there has been a slight increase as regards Inari Sami. At the same time, it notes with alarm that the number of Sami teachers continues to decrease, particularly as regards the two smaller Sami languages, and that replacements are harder to find each year.

143. The Advisory Committee welcomes the fact that available funds for additional language teaching, including the Sami languages outside the Sami Homeland, have been doubled and conditions significantly improved in that only two pupils can now establish a class and teaching can be received throughout compulsory school and secondary education<sup>24</sup> for six consecutive years from seven years of age onwards. At the same time, the Advisory Committee appreciates the concern of the Sami Parliament that the teaching of the Sami languages outside the Homeland should receive particular attention and considerably more resources than the general provision of voluntary mother tongue classes to immigrant children in Finland, particularly given that the majority of Sami school children live outside the Homeland.

144. The Advisory Committee further notes that access to Sami language day-care centres and pre-school education remains linked to the entry in the population registry indicating the mother-tongue. A high percentage of Sami children living outside the Sami Homeland are in fact bilingual but can only indicate one mother-tongue in the population registry – which will

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<sup>24</sup> Smaller groups of two pupils only may constitute a class for Sami children outside the Sami Homeland and for Roma. When teaching other languages for immigrant children, the group has to consist of a minimum of four pupils.

often be Finnish. This, therefore precludes them from having access to Sami day-care facilities (see also comments on Article 3 above).

*Recommendations*

145. The Advisory Committee strongly encourages the Finnish authorities to engage in a constructive dialogue with the Sami Parliament to consider available options for a comprehensive promotion of Sami language teaching throughout Finland (see also comments on Article 10 above).

146. The Advisory Committee further invites the Finnish authorities to modify the system for entries into the population registry in order to enable citizens to indicate multiple language and identity affiliations, which are an increasingly common phenomenon in pluricultural Finland.

**Karelian language teaching**

*Present situation*

147. The Advisory Committee welcomes the fact that funds have been provided by the Ministry of Education and the National Council for Literature to the Karelian Society for projects related to the promotion of the Karelian language. In addition, it is pleased to note that, following continued petitions of the Karelian Society, a professorship in the Karelian language and culture has been established at the University of Eastern Finland.

*Recommendation*

148. The Advisory Committee encourages the Finnish authorities to pursue their support and funding for Karelian language teaching, including in higher education.

**Article 15 of the Framework Convention**

**Roma participation**

*Recommendations from the two previous cycles of monitoring*

149. In the previous monitoring cycles, the Advisory Committee noted with concern the remaining shortcomings as regards the effective participation of Roma in social and economic life, affecting in particular Roma women, and encouraged the authorities to draw up, together with Roma representatives, a comprehensive strategy on improving the situation of Roma.

*Present situation*

150. The Advisory Committee welcomes the proposal of the working group under the Ministry of Social Affairs and Health for a *National Policy on Roma* (see also comments on Articles 4, 12 and 14) and the inclusive approach taken in its drafting, which involved the Advisory Board on Romani Affairs as well as its four regional branches. At the same time, the Advisory Committee regrets that only 50 % of the members of the national and regional Advisory Boards on Romani Affairs are actually themselves representatives of the Roma community while the others represent relevant government structures. It further notes the concern of some Roma representatives that issues of considerable importance to the community, such as domestic violence, mental health, as well as the particular difficulties of the Roma elderly, were not taken into account in the drafting of the policy.



151. The Advisory Committee understands that the Advisory Boards constitute the only means for the Roma community to participate in policy-making concerning their affairs. It therefore believes that the bodies should not only be enabled to represent Roma interests (for instance by introducing a majority representation of Roma in the Advisory Boards), but should also be granted some level of effective decision-making competency, including decisions on budgetary issues.

152. Finland has continued its efforts to address shortcomings in the participation of Roma in social and economic life, notably in the area of education, and has also continued to play a positive role in the promotion of Roma concerns within international fora. The Advisory Committee is pleased to note that, according to the Roma representatives themselves, the situation as regards access of Roma to housing and to social services has improved. While Finland has in many areas instituted best practices as regards the participation of Roma and is rightly often referred to as a role model, the Advisory Committee regrets that no notable improvements have been made in the area of access to employment with still very low numbers of Roma representatives in formal employment (see also comments on Article 6, paragraph 82 above).

#### *Recommendation*

153. The Advisory Committee recommends that the Finnish authorities make concerted efforts to increase the involvement of Roma representatives in policy-drafting and decision-making, especially on issues that affect them, in order to ensure the effective participation of persons belonging to this minority in public affairs. The Advisory Committee further calls on the Finnish authorities to increase their efforts to promote the participation of Roma, including women, in social and economic life, particularly as regards access to employment, and to undertake targeted measures to increase the chances of Roma to enter the Finnish civil service.

### **Participation of the Russian-speaking community**

#### *Recommendations from the two previous cycles of monitoring*

154. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to devise an improved consultation mechanism for the Russian-speaking population in Finland and to address linguistic obstacles in Russian speakers' access to key public services.

#### *Present situation*

155. The Advisory Committee regrets that there has been no significant progress as regards the participation of Russian speakers and no follow-up to the detailed report of 2002 by the Advisory Board on Ethnic Relations on the situation of the Russian-speaking community. There is still no formal consultation mechanism for this important group that could complement the work being carried out by mechanisms devoted to the Sami and the Roma. The Advisory Committee is, however, pleased to note that some Russian language documentation is now available on key public services such as social insurance.

#### *Recommendation*

156. The Advisory Committee reiterates its recommendation to the Finnish authorities to consider devising a separate consultation mechanism for the Russian-speaking community in order to facilitate a constructive dialogue between the large group of Russian speakers in Finland and the relevant government structures and to ensure the effective participation of

persons belonging to this minority in policy-drafting and decision-making on issues affecting them.

### **Role of the Sami Parliament**

#### *Recommendations from the two cycles of monitoring*

157. In the previous monitoring cycles, the Advisory Committee recommended the development of procedural guidelines on how the “negotiation” obligation, as laid down in Section 9 of the Act on the Sami Parliament, should be implemented and called on the authorities to ensure that negotiations with the Sami Parliament go beyond mere consultation and fully take into account the views of the Sami Parliament when making decisions affecting the Sami population.

#### *Present situation*

158. The Advisory Committee notes with regret that no clarification as to the implementation of the “negotiation” obligation with the Sami Parliament has been developed and that there is still a need for clarification on both sides as to when, how, at what notice, and on whose initiative negotiations ought to take place. The Advisory Committee further notes that the term ‘negotiation’ in itself remains unclear in terms of whether it calls for mere consultation with the Sami Parliament or rather implies the latter’s influence on the actual outcome of the process.

159. In addition, the Advisory Committee gained the impression during its visit that the various Ministries and entities dealing with issues related to the Sami often hold different viewpoints among themselves and consequently may provide inconsistent information to representatives of the Sami Parliament. This situation significantly complicates the position of the latter in the fulfilment of its responsibilities (see also comments on Article 5 above).

160. Despite the above, the Advisory Committee notes that the Sami Parliament has been very efficient in making its views heard, including through close co-operation with the Ombudsman for Minorities. It has also actively commented on a variety of relevant government initiatives, ranging from education and culture to the protection of the environment and biodiversity of Northern Lapland. In this context, the Advisory Committee regrets that the Sami Parliament has not seen an increase in funds for some years, despite a considerable broadening of its tasks and areas of involvement.

#### *Recommendations*

161. The Advisory Committee strongly recommends that the Finnish authorities establish a special governmental structure as a focal point for all issues related to the Sami people (see also comments on Article 5 above) to ensure that the Sami Parliament has one clear partner in dialogue with the vested authority and interest to share all relevant information and promote constructive communication and negotiation on all issues of concern.

162. The Advisory Committee reiterates its recommendation to the Finnish authorities to provide clarification as to what the ‘negotiation obligation’ provided for in Section 9 of the Act of the Sami Parliament entails and to ensure that their negotiations with the Sami Parliament go beyond mere consultation and afford the Sami Parliament the real possibility to influence the outcome on important issues concerning the Sami population in Finland.

163. In addition, the Advisory Committee encourages the Finnish authorities to consider possibilities to increase the funds allocated to the Sami Parliament for its functioning, given that the areas of its involvement have considerably broadened in the last years.

## **General consultative structures**

### *Recommendations from the two previous cycles of monitoring*

164. In the previous monitoring cycles, the Advisory Committee called on the authorities to ensure that representatives of national minorities are enabled to influence adequately the work of the Advisory Board for Ethnic Relations, including by supporting their active contribution to its functioning.

### *Present situation*

165. The Advisory Committee notes that the Advisory Board on Ethnic Relations continues to function at national as well as regional level and welcomes the fact that national minorities as well as immigrant communities such as the Somali League in Finland are active members of the Board. At the same time, however, the Advisory Committee is concerned that the wide membership of ETNO, which includes employee and employer organisations, municipalities and regional authorities, all relevant ministries, and political parties, does not effectively represent the interests of national minorities. This situation is particularly worrying since national minority organisations such as FARO, the Federation of Russian-speaking Organisations in Finland, still lack other channels to consult the Government on issues of interest to them.

166. The Advisory Committee further notes the numerous institutions and entities dealing to varying degrees with issues of concern to minorities, such as the national and regional Advisory Boards, the Ombudsman for Minorities, different Ministries, ministerial and inter-ministerial working groups on issues related to minorities, etc. Despite this variety, none of the entities, with the notable exception of the Sami Parliament, directly represent the voice of the minorities themselves.

### *Recommendation*

167. The Advisory Committee strongly recommends that the Finnish authorities reorganise their consultation mechanisms for minorities in a way that ensures that representatives of national minorities have clearly designated channels for consultation and are granted sufficient influence within these consultation mechanisms in order to enable their effective participation in decision-making processes affecting them.

## **Minorities' access to Parliament**

### *Recommendations from the two previous cycles of monitoring*

168. In the previous monitoring cycles, the Advisory Committee encouraged Finland to consider how to improve access of persons belonging to national minorities to the Parliament's decision-making processes, possibly by establishing regular channels of communication between minority representatives and the relevant Committees of Parliament.

### *Present situation*

169. The Advisory Committee notes that, apart from the Swedish-speaking Finns, who continue to be represented in Parliament, persons belonging to numerically-smaller minorities remain without seats and without particular measures to facilitate their access to Parliament. While unofficial channels open to parliamentarians or working group reports may help raise certain issues of concern to Parliament, there is still no regular channel of communication between minority representatives and the Finnish Parliament.

*Recommendation*

170. The Advisory Committee reiterates its previous recommendation to consider seriously all appropriate options to improve access of the numerically-smaller minorities to Parliament and its relevant Committees.

**Article 16 of the Framework Convention**

**Changes in administrative borders**

*Recommendations from the two previous cycles of monitoring*

171. In the previous monitoring cycles, the Advisory Committee called on the authorities to ensure that the linguistic composition of the population of administrative units as well as the possibilities of persons belonging to minorities to take part in the decision-making processes and access relevant services are taken into account in the planning and implementation of reforms affecting administrative borders.

*Present situation*

172. The Advisory Committee notes the recent endeavours in the framework of the Regional Administrative Reform (ALKU) to economise and mainstream administration which has led to the creation of larger municipalities and, thereby, to a decrease in the number of bilingual municipalities. While welcoming the intervention of the Constitutional Committee as well as the Chancellor of Justice who requested that a linguistic assessment be made before the bilingual municipality of Karleby (Kokkola) be assigned to the unilingual Oulu State Administrative District in order to protect the linguistic rights of its citizens, it regrets that this reform was apparently planned and set into motion without prior consultation and without sufficiently taking the language rights of persons belonging to national minorities into account (see also comments on Article 10 above).

173. In addition, the Advisory Committee warns that the ongoing efforts to reduce the number of administrative units by creating fewer and larger ones, may also have a negative impact on the already limited provision of public services in the Sami languages within the Sami Homeland.

*Recommendations*

174. The Advisory Committee urges the Finnish authorities to ensure that the linguistic rights of its citizens are duly taken into account when planning and implementing administrative as well as local government reforms, which is also a constitutional obligation under Section 122 of the Finnish Constitution. Given the overall decrease in access to public services in Swedish, particular attention must be paid to avoid any measures that could further weaken the availability of services in the Swedish language.

175. Equally, the Advisory Committee urges the Finnish authorities to ensure that the linguistic rights of the Sami are fully taken into account when devising changes to the administration system in northern Finland.

## **Article 18 of the Framework Convention**

### **Nordic Sami Convention**

#### *Recommendations from the two previous cycles of monitoring*

176. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to pursue regional co-operation on Sami issues, including by completing the work on a Nordic Sami Convention providing strong guarantees for the protection of the Sami as an indigenous people.

#### *Present situation*

177. The Advisory Committee notes that preparations regarding the draft Nordic Sami Convention have now been completed by the Finnish authorities but understands that issues of constitutionality of some provisions of the Convention are still being debated. Negotiations among the Nordic countries should resume when outstanding issues have also been settled in the neighbouring countries.

#### *Recommendation*

178. The Advisory Committee encourages the Finnish authorities to continue their engagement in the process of regional co-operation and further support the adoption of a Nordic Sami Convention which provides a common definition for the Sami people and effective guarantees for their protection as an indigenous people.

### III. CONCLUSIONS

179. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Finland.

#### **Positive developments following two cycles of monitoring**

180. Finland has maintained its constructive attitude towards the Framework Convention and its monitoring system, and has followed an overall inclusive and pragmatic approach with regards to the personal scope of application. The differentiation between the so-called Old Russians and other Russian-speaking groups has ceased in practice.

181. The Finnish Government has launched several legislative as well as institutional reform initiatives aiming at strengthening the protection against discrimination and creating a single Ombudsman Office covering all areas of discrimination, except gender, with the mandate to identify and combat more effectively cases of multiple discrimination. An 'Equality Committee' has been set up under the Ministry of Justice to review Finnish equality legislation and make it more consistently applicable to all sectors of life. In addition, the State authorities have also been engaged in supporting municipalities in fulfilling the requirement of drawing up individual local 'equality plans' to ensure that equal opportunities are encouraged at local level.

182. A working group under the Ministry of Social Affairs and Health has developed a proposal for a *National Policy on Roma*, which, when adopted, will constitute the first nationwide policy programme to promote the social inclusion and equal treatment of the Roma in different spheres of life. Representatives of Roma communities throughout Finland, through the national and regional Advisory Boards for Roma Affairs, were involved in the preparatory and drafting stages leading to the proposal which contains important recommendations in a number of areas and focuses in particular on education activities for Roma young people as well as adults.

183. A Sami Cultural Centre is currently being built in Inari and is expected to be opened in 2012. Considerable funds have also been made available for the establishment of a Youth Council within the Sami Parliament which is expected to take up its functions shortly. In addition, the Government has decided to launch a comprehensive revitalisation programme of the Sami languages which is urgently needed to prevent in particular the smaller languages, Inari and Skolt Sami, from disappearing.

184. Finland has launched considerable efforts to promote further the integration of persons belonging to minorities into society, including through the development of municipal 'integration plans'. A website has been created by the Ministry of the Interior where citizens may leave indications concerning racist or hate crimes detected on the Internet which has proven to be a frequently used mechanism in the fight against racism and the use of discriminatory language against minorities on the Internet.

185. Finland continues to provide funds for minority language media as well as education. Special funds have been made available to increase the number of minority language classes available to Sami children outside the Sami Homeland. A number of 'language nests' have been created as an unofficial opportunity for the Roma community as well as the Sami living outside the Sami Homeland to speak and develop their language at all ages.

### **Issues of concern following two cycles of monitoring**

186. No progress has been made towards finding a solution to the dispute regarding the land rights of the Sami people and general perceptions of the issue remain fundamentally different between the various parties involved. It is of deep concern that negotiations appear blocked without any clear platform for their continuation, as the preparatory body intended to be set up between the Ministry of Agriculture and Forestry and representatives of the Sami Parliament has not yet been established. This deadlock seems at least partially prompted by the lack of a coherent government position towards issues related to the Sami and by the diverging views adopted by different Ministries.

187. While the Finnish Government's efforts to enhance the legislative and institutional framework in the field of non-discrimination are commendable, these must be developed in close consultation with representatives of minorities in order to ensure that the concerns and views of these groups are duly taken into account. There are some doubts as to whether the reform, particularly as regards the creation of a single Ombudsman Office covering all areas of discrimination except gender, may undermine the established activities of the Ombudsman for Minorities which, in the view of minority representatives, has been quite successful in promoting their interests.

188. There are continued reports of the insufficient follow-up of racist crimes by the police and prosecution services and there is a lack of progress regarding the recruitment of more minority representatives into the police force. Incidents of racism and xenophobia continue to be reported, particularly via the Internet. Children belonging to certain minorities still face bullying in schools as some resistance against the increasing diversity in Finnish society persists.

189. There are continued and serious shortcomings as regards the implementation of the Language Act and the Sami Language Act as too few public officials have the adequate language skills to allow Swedish speakers outside the Swedish language area and Sami in the Sami Homeland to use their languages in official contacts with local administrative authorities. This is of particular concern as regards the judiciary and health services. The overall situation is especially serious with regard to the smaller Sami languages of Skolt and Inari Sami which need urgent and sustained attention to prevent their complete disappearance from Finnish public life.

190. In order to achieve an enhancement of Swedish and Sami language skills among civil servants, relevant language education methods must be employed and due attention paid also to teacher training. The minority language classes which are currently available for Sami children living outside the Sami Homeland (2 hours a week) are insufficient to promote the Sami language skills of 70 % of the Sami children. The proposed Sami languages revitalisation programme has not yet been adopted and adequate funds have not yet been allocated. All available options should further be considered to increase minority language teaching to the sizeable Russian-speaking population, as well as to the Roma, the majority of whom speak, reportedly, only very limited Romani.

191. The availability of the minority language media is still insufficient, particularly as regards the Sami, Russian and Romani language print media. The new 'selective press subsidies' system is commendable but insufficient as it covers only weekly publications and presupposes the substantial investment of 40 % of self-owned capital which is particularly difficult for the numerically-smaller minorities.

192. There has been no progress as regards minority participation in the allocation of cultural support for minority organisations and their activities. Minority representatives continue to be excluded from the decision-making process.

193. Finland has developed a multitude of institutions and entities dealing with minority concerns, including a variety of consultation mechanisms. However, none of these, with the exception of the Sami Parliament, clearly represents the voice of the minorities themselves. National minorities must be granted sufficient influence within these mechanisms in order to enable them to participate effectively in decision-making processes affecting them. In addition, the Russian-speaking community still lacks a separate consultation mechanism that could facilitate an ongoing and constructive dialogue between this fast growing group and the relevant government structures.

194. Finland has continued its efforts to address shortcomings in the participation of Roma in social and economic life, notably in the area of education. However, no notable improvements have been made in the area of formal employment where the Roma, as well as other minorities, are still greatly under-represented.

### **Recommendations**

195. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

#### **Issues for immediate action<sup>25</sup>**

- **Take rapid measures to unblock the current stalemate and re-establish a constructive dialogue with the Sami Parliament to bring a solution to the legal uncertainty over land rights in the Sami Homeland;**
- **Take appropriate measures, in consultation with the Sami Parliament, to prevent the further disappearance of the Sami languages from public life through adequate funding and the effective implementation of the Sami revitalisation programme, and invest in relevant educational measures in order to ensure that the Sami have improved access to public services in the Sami languages;**
- **Take appropriate measures to ensure that the various consultation structures and mechanisms for persons belonging to national minorities are complemented and reorganised to provide clear communication channels and improve possibilities for representatives, including those of numerically-smaller minorities, to have a real impact on the decision-making process.**

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<sup>25</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.



**Further recommendations<sup>26</sup>**

- **Consult actively minority representatives concerning the ongoing reform initiatives in the field of non-discrimination in order to ensure that their views are appropriately taken into account; pay due attention to the implementation and monitoring of existing safeguards against discrimination;**
- **Adopt the proposed *National Policy on Roma* and provide adequate funding for its realisation; ensure that Roma representatives are effectively involved at all stages of its implementation and monitoring process;**
- **Improve possibilities for national minority representatives to take part in decisions regarding the allocation of support for cultural projects and activities;**
- **Further strengthen efforts to counter persistent racism and xenophobia, particularly on the Internet, and ensure that persons belonging to minorities are involved in the design and implementation of integration strategies and plans;**
- **Provide broader support to the minority media, particularly the Russian and Sami media, to ensure an adequate presence of these minority languages in the print and broadcasting media;**
- **Take appropriate measures to ensure that Swedish speakers are provided with access to public services in their language, in conformity with the legal provisions in force, and pay due attention to linguistic rights at all stages of the ongoing administrative reform process; ensure that the Finnish education system provides sufficient Swedish language learning opportunities in order to maintain and increase the number of civil servants with Swedish language skills;**
- **Devise a specific structure within government tasked to liaise with the Sami Parliament on all issues of concern and to coordinate the development of clear government positions on questions relevant to the Sami people;**
- **Take appropriate measures, in particular as regards higher education, vocational training and adjustment of relevant recruitment practices, in order to increase the number of persons belonging to national minorities in formal employment, including the civil service.**

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<sup>26</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.