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

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### **Second Opinion on Finland adopted on 2 March 2006**

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#### **EXECUTIVE SUMMARY**

Finland has taken various commendable measures to implement the Framework Convention. Important developments include the adoption of language laws - covering the Swedish and Sami languages - the implementation of which is now an important challenge.

The development of anti-discrimination legislation and the establishment of the Office of the Ombudsman for Minorities are also significant steps. However, despite these measures, persons belonging to minorities still face incidents of discrimination and manifestations of intolerance in various fields.

Important new channels have been established to support minority participation, including permanent regional advisory boards for Roma affairs. However, current structures do not adequately take account of the needs of the Russian-speaking population.

Disputes over the ownership and use of land in the Sami Homeland need to be tackled with vigour, and the authorities' obligation to negotiate with the Sami Parliament should be carefully observed.

Valuable initiatives in support of minority language media need to be developed further, and minority language education should be expanded.

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

**SECOND OPINION ON FINLAND**

1. The Advisory Committee adopted the present Opinion on 2 March 2006 in 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 second State Report (hereinafter the State Report), received on 9 December 2004, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Helsinki and Inari from 26-29 September 2005.
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 first cycle of monitoring of the Framework Convention, contained in the Advisory Committee's first Opinion on Finland, adopted on 22 September 2000 and in the Committee of Ministers' corresponding Resolution, adopted on 31 October 2001.
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.

## **I. MAIN FINDINGS**

### **Monitoring process**

6. Finland has pursued a constructive approach to the monitoring process under the Framework Convention. It agreed to early publication of the first Opinion of the Advisory Committee and the results of the first cycle of monitoring were introduced to the authorities and civil society representatives at a follow-up meeting in Helsinki on 1 February 2002. This was the first such follow-up seminar organised and the commendable practice of organising such sessions has since been followed by a majority of State Parties.

7. The Advisory Committee welcomes the awareness-raising efforts launched to inform the authorities and others concerned about the content of the Committee of Ministers' Resolution on Finland and the fact that the Resolution was translated into Finnish, Swedish and North Sami. The Committee regrets, however, that the more detailed comments of the Advisory Committee have not always been included in such initiatives. For example, the first Opinion of the Advisory Committee has still not been translated into these languages.

8. In the preparation of the second State Report, the authorities followed an inclusive approach. The authorities consulted a range of non-governmental organisations and representatives of national minorities both at a meeting devoted to this topic and in writing. The fact that a number of their concerns, including critical observations, were included in the final text contributed to the quality of the report.

### **General legislative and institutional framework**

9. Since the first monitoring cycle of the Framework Convention, Finland has developed further its legislative framework pertaining to the implementation of the Framework Convention, notably through such positive steps as the adoption of the new Language Act and the Sami Language Act in 2003. Another important development was the establishment of the Office of the Ombudsman of Minorities, which has already proved to be an important tool for addressing concerns of Roma and other national minorities. Further important normative initiatives are underway, such as the drafting of a Nordic Sami Convention.

### **Discrimination and inter-ethnic relations**

10. Finland has enhanced its legal and institutional mechanisms aimed at combatting discrimination, and a range of commendable initiatives have been launched to improve integration and to accommodate the increased diversity of Finnish society. There are, however, still various shortcomings and practical problems in this regard, including persisting incidents of discrimination of Roma and persons belonging to other minorities in various spheres, including in their access to services.

11. Despite a range of initiatives to improve inter-ethnic dialogue, there are signs of negative attitudes amongst segments of the majority population towards minorities. For example, internet discussions often reflect hostile attitudes towards certain minorities and there are disconcerting reports about manifestations of intolerance by pupils in Finnish schools, including towards Russian-speaking children.

### **Sami culture**

12. There is, in general, a growing recognition of the importance of the Sami culture in Finland, and a number of important legislative and practical initiatives have been launched to support Sami languages and other elements of Sami identity. At the same time, disputes over the ownership and use of land in the Sami Homeland have become increasingly acute since this issue was highlighted in the first monitoring cycle of the Framework Convention, and the continuous delays in finding solutions to the outstanding issues have also had a negative impact on the societal atmosphere in the areas concerned.

### **Media**

13. There are some positive examples of public support for minority media in Finland, including comprehensive Sami Radio broadcasting within the Sami Homeland. Such practices merit being expanded further. Furthermore, the current public support scheme should be reviewed with a view to ensuring the development of minority print media, including in the Sami and Russian languages.

### **Language legislation**

14. The new Language Act and the Sami Language Act provide a good basis for the use of the Swedish and Sami languages in contacts with authorities. Implementation of the said legislation needs, however, to be supported and monitored with vigour so that capacity problems and any other outstanding issues can be addressed, in particular in the judiciary and other key areas.

### **Education**

15. Important steps have been taken to strengthen Sami language education, but there remains the need to make such education more widely accessible, including outside the Sami Homeland.

16. The availability of instruction in Russian remains limited in the educational system and a more comprehensive development plan is needed in this area.

17. Research into the status of Roma in the educational system has produced valuable proposals on how to address persistent problems in this area, including the presence of a large proportion of Roma in special education and the limited scope of Roma language education. These proposals should be followed up through coordinated measures.

### **Participation structures**

18. Finland has developed an advanced system of bodies that are aimed at contributing to the effective participation of persons belonging to national minorities, and laudable efforts have been made, for example, to ensure participation of Roma in decision-making. It is, however, regrettable that the proposals to develop consultative arrangements for the Russian-speaking population have not been endorsed by the authorities.

19. The Sami Parliament's role in the allocation of cultural support is very positive, but there is a need to give a stronger voice also to other minorities in the allocation of cultural support for the initiatives by and for the respective minorities. Furthermore, there are concerns that, while

the Sami Parliament is frequently consulted, its views are not always given adequate weight in certain areas of decision-making.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

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

##### *Findings of the first cycle*

20. In its first Opinion, the Advisory Committee concluded that the authorities should examine, in consultation with those concerned, the advisability of maintaining the distinction between “Old Russians” (considered by the authorities to be covered by the Framework Convention) and other Russians in the consideration of the applicability of the Framework Convention.

21. The Advisory Committee noted that there are different views amongst the Swedish-speaking Finns as to whether they should be considered to be covered by the Framework Convention, while the authorities have viewed them as *de facto* covered.

22. The Advisory Committee also concluded that the Finnish-speaking population in the Province of Åland could be given the possibility to rely on the protection provided by the Framework Convention as far as the issues concerned are within the competence of the Province. It also noted that the inclusion of other groups mentioned in the first State Report in the application of the Framework Convention, on an article-by-article-basis, could also be considered.

##### *Present situation*

#### a) Positive developments

23. Following the publication of the first monitoring results under the Framework Convention, certain new initiatives were launched to examine the situation and status of the Russian-speaking population in Finland. These included an important report on the questions concerning the Russian-speaking population, issued in 2002, by an *ad hoc* working group set up by the Advisory Board for Ethnic Relations. According to the authors of the report, the Russian-speaking population constitutes a specific national minority group on the basis of its language, religion and culture, and the working group stressed the importance of an official recognition of the existence of Finland’s Russian-speaking population.

24. Whereas the main representative body of the Swedish-speaking Finns (the Swedish Assembly of Finland) has not informed the Advisory Committee of any changes in its position, according to which the Framework Convention should not be applied to Swedish Finns, there are new civil society initiatives that are actively seeking to use the potential of the Framework Convention for the benefit of the Swedish-speaking Finns.

25. As regards the Finnish-speaking population living in the province of Åland, the Advisory Committee notes that the question is not addressed in detail in the second State Report, but the Committee welcomes the opportunity it had to discuss also the situation of these persons in its dialogue with representatives of Åland during the country visit.

b) Outstanding issues

26. The state report and other information obtained by the authorities suggest that the authorities' position on the scope of the Framework Convention still reflects the distinction between "Old Russians" and other Russian-speakers, although the State Report openly mentions the criticism expressed by certain minority representatives towards this approach. Together with other proposals made by the above-mentioned *ad hoc* working group, it appears that the findings on the recognition of the Russian-speaking population have received only scant follow-up within the official structures (see also related comments under Article 15). The Advisory Committee acknowledges that the Russian-speakers are not a homogenous group, but it recalls that diversity is also a feature of other groups that the government considers to be covered by the Framework Convention, including the Roma, and that the principle of self-identification of the persons concerned should be a guiding principle when considering the matter.

27. At the same time, there are additional groups whose representatives have expressed interest in receiving the protection of the Framework Convention. These include the Karelians, some of whom consider that the specific linguistic and other elements of their cultural identity should be addressed in this context, and even some Kvens have argued that they should be recognised as a specific group in Finland. Another issue that merits further reflection is the specific identity of Ingrians. While originally a Finnish-speaking group, most Ingrians, having spent their lives in the Russian Federation before moving to Finland, have now Russian as their mother tongue, which affects also their self-identification in Finland. There are also other issues that are likely to emerge as the linguistic and ethnic diversity of Finland increases further. One of these issues is the situation of the Estonians, who are already now one of the largest immigrant groups in Finland, with, generally speaking, relatively positive experiences of integration.

*Recommendations*

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

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

**Article 4 of the Framework Convention**

**Anti-discrimination legislation and its implementation**

*Findings of the first cycle*

30. In its first Opinion, the Advisory Committee recognised the existence of legislative guarantees against discrimination, but expressed concerns about problems in their implementation, including *de facto* discrimination in the provision of services.



*Present situation*

## a) Positive developments

31. Finland has continued to develop its anti-discrimination legislation, and both legislative and practical measures have been taken to transpose the EU Racial Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC). The new Anti-Discrimination Act (21/2004) and the launching of the work of the Ombudsman for Minorities and of the Discrimination Board are particularly important initiatives that have strengthened the legislative tools and mechanisms available to victims of discrimination and others concerned. Valuable awareness-raising activities have also been carried out in this domain.

## b) Outstanding issues

32. The Advisory Committee notes that the European Commission has initiated infringement procedures against Finland concerning the lack of transposition of the Racial Equality Directive and the Employment Equality Directive in the Province of Åland. New measures are, however, being taken to address these issues in Åland: new provincial anti-discrimination legislation entered into force in December 2005, and the Ombudsperson against discrimination is expected to take her office in March 2006.

33. The Advisory Committee welcomes the fact that the Anti-Discrimination Act requires that central and local authorities draw up plans for the fostering of equality in their spheres of activity, but there appears to be no structured system to monitor the quality and the implementation of such plans in practice.

34. As regards practice, cases of discrimination continue to be reported for example in the provision of services in shops to Roma as well as in restaurants, where Russians and Roma have in some cases been denied access on the basis of their ethnicity. In this respect, the Advisory Committee notes that Roma women wearing their traditional costume are especially vulnerable to such practices.

35. The Advisory Committee is particularly concerned about reports according to which manifestations of racism and name-calling by pupils towards children with Russian background have become increasingly common in Finnish schools. Racist attitudes in schools were also highlighted in a valuable study, issued by the Advisory Board for Ethnic Relations in 2004, on how the schools in the capital region tackle increasing diversity.

*Recommendations*

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

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

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

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

### *Findings of the first cycle*

39. In its first Opinion, the Advisory Committee concluded that, despite special measures to promote equality, the socio-economic differences between the majority population and the Roma remained considerable.

### *Present situation*

#### a) Positive developments

40. Finland has continued to pay particular attention to the situation of Roma in various fields, including through the work of the national and regional Advisory Boards on Roma Affairs.

41. Furthermore, the Ombudsman for Minorities has been active in addressing the problems faced by persons belonging to this national minority, including in the field of housing, and an increasing number of Roma are turning to this institution with their concerns. The work of the Ombudsman for Minorities has in certain cases prompted more coordinated action at the local level. This was the case, for example, in relation to housing concerns of Roma in northern Finland.

#### b) Outstanding issues

42. The discrimination experienced by certain Roma continues to hamper efforts to ensure full and effective equality. Despite steps taken by the central authorities, the Ombudsman for Minorities and various other actors, Roma continue to experience discrimination in their access to housing, and, for example, the prevention of discrimination in the selection of tenants of apartments granted on social grounds requires constant attention.

43. In addition to housing and education (on the latter question, see comments under Article 12), one key area of concern is the situation of Roma in the labour market. The authorities openly admit that discrimination exists in the labour market, and the Ombudsman for Minorities and the Ministry of Labour have launched important projects to alleviate such problems. However, lack of statistical data makes it difficult to monitor the situation in this sphere, identify underlying problems and propose remedies.

### *Recommendations*

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

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

### **Sami definition**

### *Findings of the first cycle*

45. In its First Opinion, the Advisory Committee noted with concern the difficulties in defining the term Sami and the tension that this question had caused in northern Finland.

*Present situation*

## a) Positive developments

46. The elections of the Sami Parliament in 2003, which were carried out in accordance with the 1999 interpretation by the Supreme Administrative Court of the Sami Parliament Act's definition of the term Sami, containing both objective and subjective criteria, prompted less controversy and complaints than the previous elections.

## b) Outstanding issues

47. Debate on the definition of the term Sami continues and the Sami Parliament has expressed its preference for a more language-based definition.

*Recommendations*

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

**Land rights and land use in the Sami Homeland***Findings of the first cycle*

49. In its first Opinion, the Advisory Committee stressed that, given the importance of reindeer herding, fishing and hunting to the Sami as an indigenous people, the issue of land rights in the Sami Homeland is of central relevance to the protection of Sami culture and their identity. The Advisory Committee therefore expressed the wish that the existing dispute over land rights be resolved as expeditiously as possible and in a manner that would contribute to the protection of the culture of the Sami without interfering with the rights of the non-Sami population. The Advisory Committee stressed that, in the meantime, the practices relating to the use of the land at issue should be carried out in a manner that does not threaten the maintenance or development of Sami culture.

*Present situation*

## a) Positive developments

50. The need to resolve the issue of land rights in the Sami Homeland is widely recognised, and this has been underlined at the highest political level, including by the President of the Republic.

51. As regards the administration of land in the Sami Homeland, the Advisory Committee stresses the importance of the provision contained in Article 4 of the new Act on Forest Administration (1378/2004), according to which the use and protection of land administered by the State Forest Administration (*Metsähallitus*) must be reconciled with the protection of Sami culture in the Sami Homeland and carried out in accordance with legislation on reindeer husbandry.

## b) Outstanding issues

52. Despite a range of initiatives, there has been no tangible progress towards a solution to the disputes over land rights questions, which appear to have only increased since the first

monitoring cycle. The latest attempts of the authorities to address the issue, including the launching of a study concerning the settlement and land use history of Lapland, have been criticized by Sami representatives. Whereas the Government considers that the said study could be a key tool in finding a balanced solution, the Sami Parliament leadership argues that their concerns have not been taken into account in the preparation of the study and in the selection of the research team. Given this background, it is likely to be difficult to find a common ground on the basis of the research results, the publication of which has been repeatedly delayed.

53. The Advisory Committee considers that finding a solution will require a high level political commitment and involvement and that, as a first step, there is a need to seek a common agreement on the modalities of the process that could eventually lead to such a solution. The Advisory Committee is of the opinion that the support of the Sami Parliament for the modalities and for the eventual outcome of the process is instrumental, but the Committee is aware that there are also other persons whose legitimate land right claims need to be taken into account in this context.

54. The Advisory Committee further stresses that the prevailing legal uncertainty surrounding this issue is harmful to inter-ethnic relations in the areas concerned, and thereby negatively affects the implementation of Article 6 of the Framework Convention.

55. As the above mentioned disputes over land rights continue, the situation as regards current land-use has become increasingly contested, notably as regards the logging and other activities of the State Forest Administration (*Metsähallitus*) in certain forests located in the Sami Homeland. The Advisory Committee is particularly concerned about reports that these activities are in some cases carried out without adequate attention being paid to the maintenance and development of reindeer herding or other aspects of Sami culture, and in a manner that does not sufficiently accommodate the views of the Sami Parliament (see also related comments under Article 15). While acknowledging the importance of forestry to the economy of the municipalities in the Sami Homeland and while being aware that also some Sami are employed in this sector, the Advisory Committee stresses that there is a clear obligation to pursue logging and other related economic activities in a manner that protects the right of the Sami, as an indigenous people, to develop reindeer herding and other elements of their culture. In this context, the Advisory Committee notes with regret that the specific status of Sami as the only constitutionally recognised indigenous people of Finland seems not to be fully comprehended throughout the State Forest Administration staff.

#### *Recommendations*

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

## **Support for cultural initiatives**

### *Findings of the first cycle*

57. In its first Opinion, the Advisory Committee commended the fact that the Sami Parliament had the right to decide on the use of the budget allocation for the promotion of Sami culture and the activities of Sami organisations and it stressed that this should not result in the reduction of the total sum that is made available for this purpose.

### *Present situation*

#### a) Positive developments

58. The Sami Parliament has continued to be in charge of the allocation of the said budgetary funds, and it appears that the sum allocated for the said purpose, having decreased in its real value over the years, has recently been slightly increased, totalling EUR 205 000 in 2005. This coincides with a marked increase in the interest and visibility of music and other elements of Sami culture in Finland.

59. The budgetary allocation for the cultural activities and organisations of other minorities - provided to projects that promote multiculturalism and combat against racism -- has also been increased as from 2005, after several years of stagnation.

#### b) Outstanding issues

60. The above-mentioned increased visibility of Sami culture is important for the Sami people in general, but it is particularly essential to Skolt Sami, whose language is still on the verge of disappearing and requires concerted efforts to survive.

61. The Sami Parliament and a number of other stakeholders have proposed the establishment of a Sami Cultural Centre in Ivalo, which would house the Sami Parliament and various cultural activities. The central authorities have agreed to support the development of the said proposal, but so far there have been no concrete decisions on the funding and other key aspects of the proposal to make it a reality.

62. As regards other minorities, the allocation of support for their organisations is the responsibility of the Ministry of Education, and representatives of the minorities concerned have no direct role in the relevant decision-making.

### *Recommendations*

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

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

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

### **Integration efforts**

#### *Present situation*

65. Finland has taken a number of important steps to accommodate the increased diversity of the country. The Advisory Committee welcomes the steps taken to improve integration of persons belonging to minorities, including by the Association of Finnish Local and Regional Authorities. In this connection, the Advisory Committee stresses the importance of making adequate free-of-charge teaching of the national languages available to the persons who have arrived in Finland recently, including for adults.

66. The Advisory Committee notes also that the implementation of the new Citizenship Act, which entered into force on 1 June 2003, has contributed to integration efforts notably through increased acceptance and application of dual citizenship. It is important to ensure that the national language proficiency requirements contained in the said law are implemented so that they do not lead to undue obstacles in the citizenship process.

#### *Recommendation*

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

### **Ethnically motivated crime**

#### *Findings of the first cycle*

68. In its first Opinion, the Advisory Committee noted that discrimination prohibited under the Penal Code continues, and urged Finland to step up efforts to combat this, including in terms of investigation and prosecution of incidents.

#### *Present situation*

##### a) Positive developments

69. Amendments introduced to the Penal Code in 2004 increased the sanctions imposed for crimes motivated by ethnicity, and the Ministry of Interior has commissioned annual studies on developments in reported racist crime.

70. The involvement of the Prosecutor General's Office, following non-prosecution decisions at the district level in cases concerning alleged discrimination of Roma, has in certain instances resulted in improved processing of such cases.

##### b) Outstanding issues

71. Recent studies suggest that there has been a slight increase in the number of alleged cases of racist crime brought to the attention of the police (with 558 cases reported in 2004, the most common alleged racist crime being assault). The Advisory Committee takes note of the argument that this trend may, partially, reflect an increased readiness to report such crime,

although it is a widely held view that a large proportion of such crime still goes unreported despite some commendable awareness raising initiatives launched to encourage such reporting.

72. Regrettably, there seems to be no systematic collection of reliable statistical data on the prosecutions and convictions concerning such cases, which makes it difficult to examine the situation in detail.

#### *Recommendations*

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

### **Attitudes within the police**

#### *Findings of the first cycle*

74. In its first Opinion, the Advisory Committee regretted that negative attitudes towards certain minority groups were relatively common amongst police officers and it called for further efforts to promote tolerance among the police.

#### *Present situation*

##### a) Positive developments

75. The Advisory Committee has been informed about certain initiatives to promote tolerance amongst the police, and it notes that new instructions on increasing tolerance, combating racism and investigating racially motivated crime are being developed. Certain positive initiatives have been launched at the local level to improve dialogue between the police and minorities, for example, in the city of Vantaa.

76. The police authorities have also acknowledged the need to encourage recruitment of staff belonging to minorities and this goal has been considered, for example, in the context of reviewing the entrance test of the police academy. The concrete results achieved have, however, been modest.

##### b) Outstanding issues

77. The Advisory Committee notes that there is still a need to strengthen confidence between the police and national minorities. For example, representatives of certain minorities are concerned that manifestations of intolerance, racism or even violence that they experience are not always handled with adequate vigour by the police. At the same time, violent crime committed by persons belonging to minorities often receives wide attention.

78. The important efforts to recruit minority police officers have been complicated *inter alia* by the difficulties that many persons belonging to minorities experience in meeting language proficiency requirements concerning the two national languages.

#### *Recommendations*

79. The police and representatives of national minorities should pursue a deeper dialogue on the issues of common concern, including at the local level, and the police should ensure that all

manifestations of intolerance are adequately dealt with. The authorities should also consider how to lower the obstacles that language proficiency requirements constitute in efforts to train and recruit police officers with a minority background.

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

#### *Present situation*

80. The Advisory Committee has been informed that in certain Finnish prisons, the Roma inmates, fearing hostility and violence from the side of certain other inmates, have sought segregation for their own protection and, as a result, reside in separate quarters. The Advisory Committee is concerned that, in addition to the general problem of intimidation and violence among prisoners in certain Finnish prisons, noted, *inter alia*, by the Council of Europe's Committee for the Prevention of Torture (CPT),<sup>1</sup> the situation may in some cases also reflect racist attitudes amongst other prisoners. The resulting situation of the Roma concerned is aggravated by the general shortcomings noted in the conditions of segregated prisoners in certain prisons, with lack of activities and reduced out-of-cell time. The Advisory Committee welcomes the fact that this issue has been examined in depth, *inter alia*, by the Parliamentary Ombudsman, the Advisory Board for Roma Affairs and by the Criminal Sanctions Agency, whose specific report on the status of Roma inmates, issued in 2003, contains a number of valuable recommendations that merit being pursued further.

#### *Recommendations*

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

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

#### *Findings of the first cycle*

82. In its first Opinion, the Advisory Committee regretted reports according to which a number of media outlets issue defamatory reports about minorities, strengthening the prevailing negative stereotypes, and it called for further support for journalists' training and other similar efforts that address this issue, while fully respecting freedom of expression.

#### *Present situation*

##### a) Positive developments

83. A number of mainstream media have shown increased interest in the coverage of minority issues, and there has been further reflection on how to cover these issues in a balanced manner.

84. The Act on the Exercise of Freedom of Expression in Mass Media (460/2003) contains new tools to tackle racist materials on the Internet. Bearing in mind that there has in the past

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<sup>1</sup> See Report to the Finnish Government on the visit to Finland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 17 September 2003 (CPT/Inf(2004)20)



been criticism of the limited action by law-enforcement bodies in this domain, the Advisory Committee welcomes the fact that the Office of the Prosecutor General sees this, according to the state report, as a key responsibility. The Finnish Ministry of Education has organised seminars concerning racism on the Internet, seeking to raise awareness among internet operators and others concerned about the issue.

b) Outstanding issues

85. The Advisory Committee is concerned that the progress in terms of reporting on minority issues has not spread throughout the Finnish media, and a number of media still report in a manner that may risk undermining mutual respect between the majority and minorities. For example, the Advisory Committee has been informed that terminology that is today widely considered derogatory appears occasionally in some Finnish media in relation to certain minorities.

86. In addition, the Advisory Committee notes that the Internet, including a number of moderated discussion sites, is regularly used to spread negative stereotypes of certain minorities and also to post racist materials. Such problems are particularly prevalent in relation to certain non-traditional minorities of Finland, such as the Somalis, but they also extend to traditional minority groups, and, for example, internet discussions on Swedish-speaking Finns in a number of cases reflect intolerant attitudes and views. While fully appreciating the role of the Internet as an open forum for discussion and debate, the Advisory Committee is concerned that the commitment to the principles of Article 6 of the Framework Convention, shown by the central authorities, have not fully penetrated into Finnish society at large.

*Recommendations*

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

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

**Article 8 of the Framework Convention**

**Status of religious communities**

*Findings of the first cycle*

89. In its first Opinion, the Advisory Committee noted certain differences that exist in the treatment of religious communities. Stressing the need to pay particular attention to the right to equality before the law and equal protection of the law, the Advisory Committee concluded that this issue merits being reviewed, including in the drafting of the new legislation guaranteeing freedom of religion.

*Present situation*

a) Positive developments

90. A new Freedom of Religion Act (453/2003) and an Act on the Funeral Administration (457/2003) seek to address a number of concerns expressed by persons who do not belong to the two Churches with special status in Finland (Evangelical Lutheran and the Orthodox Church of Finland), including difficulties experienced in finding burial sites at a non-discriminatory cost.

b) Outstanding issues

91. The above-mentioned legislation did not amend the basic structure of privileged public financing of the Evangelical Lutheran Church and the Orthodox Church, which includes, *inter alia*, allocation of a share of corporate tax. The Advisory Committee recognises that public financing for religious communities is legitimate, *inter alia*, to support the implementation of their public interest activities, as long as it is carried out in a non-discriminatory manner. At the same time, the Advisory Committee considers that the current support scheme designed for the two Churches, which depends on the tax collection carried out by the state and which does not envisage systematic support for other religious communities, does not fully accommodate the current situation as regards religious diversity in Finland. Therefore, the on-going process, initiated by the Government, of reviewing the present system, or aspects thereof, merits being pursued further.

*Recommendations*

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

### **Circumcision of boys**

*Present situation*

93. The Advisory Committee notes that there has been a wide debate in Finland on the circumcision of boys, including as to whether it can be performed in the public health care facilities and whether there is a need to adopt specific legislation on the issue. The Advisory Committee notes that the outcome of the debate is likely to affect the right of persons belonging to certain national minorities, notably the Jews and the Tatars, to practice their religion. At the same time, the Committee agrees that certain conditions on the practice of circumcision of boys can be legitimately imposed by law in the interest of the health of children as long as they are proportionate in relation to this aim.

*Recommendations*

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

### **Article 9 of the Framework Convention**

#### **Minority language media**

*Findings of the first cycle*

95. In its first Opinion, the Advisory Committee noted with approval the status of the Swedish language in the media and the role of the Sami in the electronic media and expressed

the hope that the situation in the field of print media for the Sami would also improve. It also recommended that Finland consider ways in which it could further support the media of the Russian-speaking population and Russian-language programming in the mainstream media.

*Present situation*

a) Positive developments

96. The important work of Sami Radio has been developing further since the first cycle of monitoring. The radio programmes in the three Sami languages spoken in Finland are a key tool to promote the Sami identity. The Advisory Committee also welcomes the fact that Sami language TV news programmes are, as from 2005, accessible throughout Finland. Moreover, the amended Article 6 (635/2005) of the Law on Public Service Broadcasting Company (YLE), which envisages that the Board of Directors of YLE consults the Sami Parliament before submitting its biannual report to Parliament, is a positive step, although it falls significantly short of the proposals made by the Sami Parliament and others to ensure Sami representation in the YLE structures.

97. The Advisory Committee welcomes the broadcasting of the Russian language daily news programme by YLE.

b) Outstanding issues

98. Despite the fact that a large proportion of the Sami live outside the Sami Homeland, the Sami radio broadcasting does not reach beyond northern Lapland. Another shortcoming that has been highlighted by Sami representatives is the limited availability of programmes for Sami children, which is an area where potential for regional co-operation has not been fully exploited by YLE (see also related comments under Article 18). While YLE has continued the positive practice of Roma radio broadcasts, it has been pointed out by the Advisory Board of Roma Affairs that the weekly 12-minute time slot is not sufficient to meet the demand in this sphere.

99. There have been no significant developments as regards Sami print media, and there is still no newspaper available in the Sami language. As regards the Russian language print media, the Advisory Committee notes that the newspaper *Spektr* has become an increasingly important source of information for the Russian language population in Finland, and it therefore regrets that the state's financial support for the said publication, after increasing between 2000 and 2003, has recently been reduced.

*Recommendations*

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

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

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

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

#### *Findings of the first cycle*

102. In its first Opinion, the Advisory Committee recognised the extensive normative protection enjoyed by the Swedish language but it noted that there have been problems in the implementation of the relevant norms, for example, in criminal proceedings.

#### *Present situation*

##### a) Positive developments

103. The Advisory Committee welcomes the new Language Act, which entered into force on 1 January 2004 and aims to protect the principle of equality of the Finnish and Swedish languages. Section 5 of the Act contains the same basic rule as the previous language legislation, providing that a municipality is designated bilingual if its population includes both Finnish and Swedish speakers and the minority comprises at least eight percent of the population or at least 3,000 persons. Furthermore, the legislation makes it possible also for those municipalities that do not meet the aforementioned thresholds to become bilingual. The Language Act was drafted with significant input from Swedish-speaking Finns, and it clarified certain aspects of legislation in this sphere and consolidated the normative protection of the Swedish language. The Advisory Committee also welcomes the fact that the Act contains obligations not only for state and municipal authorities but also for public enterprises and for private actors charged with public administrative tasks.

104. In practice, the Swedish language has a strong position in a number of those municipalities where it is the mother tongue of a significant proportion (in several municipalities a majority) of the population.

105. The establishment of the Advisory Board on Language Issues in 2004 -- which monitors the implementation of the language legislation and prepares governmental reports for the Parliament in this field -- is an important initiative, which can help to ensure improved implementation of language legislation.

##### b) Outstanding issues

106. The far-reaching legal protection of the Swedish language has proved challenging to implement in certain areas and a number of shortcomings have been reported in practice. For example, the Swedish language capacity within the judiciary continues to be a problem in a number of courts, and the reports received by the Advisory Committee suggest that the use of the Swedish language in court proceedings has often resulted in average delays that are significantly longer than those experienced in the corresponding Finnish proceedings. Another important matter brought to the attention of the Advisory Committee is the need to ensure that laymen taking part in court proceedings conducted in Swedish have the necessary linguistic skills. Other sectors where shortcomings in the implementation have been reported in certain localities include health care services and police.

107. The Advisory Committee has also been informed about challenges that the EU membership of Finland has produced for the constitutionally guaranteed use of the Swedish language in contacts between the authorities of Åland and the central authorities of Finland.

Correspondence with the EU is often not available in Swedish, which means that rapid consideration of, and commenting on, such dossiers often makes it necessary for the authorities of Åland to consult the documentation in Finnish, which appears problematic from the point of view of the provisions of the Autonomy Act of Åland.

*Recommendations*

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

**Sami language legislation**

*Findings of the first cycle*

109. In its first Opinion, the Advisory Committee welcomed the legal guarantees for the use of Sami languages before various authorities and agencies in the Sami Homeland and called for measures to address the reported problems relating to the implementation of the legislation at issue.

*Present situation*

a) Positive developments

110. The legal protection of the Sami language in the municipalities of the Sami Homeland was strengthened further with the adoption of the new Sami Language Act in 2003.

b) Outstanding issues

111. The use of Sami languages continued to be relatively rare in contacts with municipal authorities located in the Sami Homeland. This is particularly evident as regards the use of the Skolt and Inari Sami languages, but the more common North Sami language is also used relatively rarely in such contacts. The situation is no doubt partially due to the limited budgetary means made available to support the implementation of the new Act, but it appears that a key problem is finding the translators and other personnel with adequate Sami skills. Furthermore, there appears to be a certain reluctance amongst some Sami to use their language in such contacts, as this may cause inconveniences and delays.

*Recommendations*

112. The Advisory Committee calls on the authorities to ensure that adequate, and appropriately allocated, means are made available to implement the new Sami Language Act, including support for in-service and other language training and education 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 possibilities offered by this new legislation.

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

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

#### *Findings of the first cycle*

113. In its first Opinion, the Advisory Committee called on the authorities to ensure that textbooks, and the educational system in general, provide adequate information on minorities, including on their culture and language.

#### a) Positive developments

114. The Advisory Committee welcomes the fact that the National Core Curricula for Basic Education, adopted in 2004, in addition to containing sections on minority-specific education, underlines, albeit only in a very general fashion, the need to take into account national minorities of Finland. The Advisory Committee welcomes the fact that the Ombudsman for Minorities has paid attention to the portrayal of minorities in the educational system.

#### b) Outstanding issues

115. The information received by the Advisory Committee suggests that the information on national minorities contained in textbooks continues to be inadequate, both in terms of volume and content, and teachers' knowledge of these issues is also often limited. The evaluation of the situation is, however, complicated by the fact that the high degree of decentralisation in educational matters limits the capacity of the central authorities to monitor the situation, for example, as regards the content of local curricula and of textbooks. (See also comments under Article 4 regarding reported problems faced by Russian students in Finnish schools).

#### *Recommendations*

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

### **Roma in education**

#### *Findings of the first cycle*

117. In its first Opinion, the Advisory Committee drew attention to the reports that a relatively high proportion of Roma children are placed in special and adapted educational groups within the public school system and it urged the authorities to consider alternative measures enabling children to stay in the regular classes. It also regretted the fact that the support of the Roma language and culture was not adequately reflected in day-care. Furthermore, the Advisory Committee called for more efforts in the field of teacher training to address problems in the availability of Roma language classes.

#### a) Positive developments

118. The situation of Roma in the basic educational system has received significant attention following the adoption of the first Opinion of the Advisory Committee, including in a comprehensive survey on the status of Roma children's basic education published by the National Board of Education in 2004.

## b) Outstanding issues

119. The above-mentioned survey confirms that Roma continue to face serious problems in the educational system. According to the survey, based on the situation in 2000-2001, 50 percent of Roma children received some form of special education (whereas 20 percent of the overall population received such education), and the drop out rate amongst Roma, in particular Roma girls, was also markedly higher than amongst pupils in general. The study also noted a range of other shortcomings that contribute to the marginalisation of Roma children in the educational system and highlighted the fact that it is rare for Roma to take part in pre-school education.

120. The limited availability of Roma teachers has continued to hamper the development of the teaching of the Roma language. Currently such teaching is available in only a small proportion of schools with Roma pupils (see related comments under Article 14).

*Recommendations*

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

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

122. Teaching of Swedish as the other national language is widely available in Finland, and it is a compulsory subject in comprehensive schools and upper secondary schools for Finnish-speaking pupils. However, as from 2004, Swedish is no longer a compulsory subject in the matriculation examination. It is important to ensure that the said change and other pertinent developments do not have negative consequences for Swedish language teaching for the Finnish-speaking population, bearing in mind also that the Swedish-language skills amongst the Finnish-speaking population are an important factor in ensuring proper implementation of language legislation. The Advisory Committee notes in this connection that the authorities in Sweden recently decided to provide support for the promotion of the Swedish language in Finnish schools.

*Recommendations*

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

**Article 14 of the Framework Convention****Russian language education***Findings of the first cycle*

124. In its first Opinion, the Advisory Committee stressed that the Russian-language schools, in which a majority of pupils are currently native Finnish-speakers, should be designed in a manner that also caters to the needs of the pupils who speak Russian as their mother tongue.

*Present situation*

a) Positive developments

125. The Finnish authorities recognise the need to develop Russian language teaching. In addition to the continuous support given to the two schools in Finland with a substantial amount of instruction in Russian, promising internet projects, notably the “Setka” project launched in 2002, have been introduced to support Russian language teaching in Finland. There appears to have been some progress also in terms of expanding Russian language pre-schools.

b) Outstanding issues

126. The availability of Russian language education designed for native speakers remains limited in the public educational system. The main language of instruction of the above-mentioned two schools is Finnish, although these schools also offer a number of hours of instruction in Russian.

127. Outside these two schools, native Russian speakers in primary education can study Russian only up to two hours per week, which -- while valuable in cases where the quality of teaching is good -- is not enough to ensure adequate education in pupils’ mother tongue. The Advisory Committee recalls that firm skills in their mother tongue are likely to contribute also to the Russians pupils’ capacity to acquire good language skills in the national languages of Finland and that the demand for Russian language mother tongue education is likely to increase further, bearing in mind that the number of native Russian-speakers residing in Finland has continued to increase in recent years.

*Recommendations*

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

**Roma language education**

*Findings of the first cycle*

129. In its first Opinion, the Advisory Committee welcomed the introduction of Roma language teaching but concluded that additional ways to extend such teaching should be considered.

*Present situation*

a) Positive developments

130. The Advisory Committee welcomes the above-mentioned survey (see above paragraph 118), which provided new information on the obstacles faced in the development of Roma language teaching and contained a range of recommendations that would contribute to the extension of such teaching.

b) Outstanding issues

131. There has been no major progress in terms of expanding the scope of Roma language teaching, and only a small proportion of Roma pupils receive such teaching. The survey on the



status of Roma children's basic education provides important data on the lack of teachers, limited availability of textbooks and other problems that explain this state of affairs.

*Recommendations*

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

**Sami language teaching**

*Findings of the first cycle*

133. In its first Opinion, the Advisory Committee commended the availability of instruction in Sami languages in the Sami Homeland and expressed the hope that the existing legislative possibility to organise day care in Sami languages will be utilised at the local level insofar as there is sufficient demand.

*Present situation*

a) Positive developments

134. Finland has taken a number of steps to develop further the instruction in and of Sami languages in the municipalities located in the Sami Homeland, including by lowering from five to three the number of pupils required to form a group receiving state subsidies for Sami language studies. Pre-school education in the Sami language has also been developed since the first reporting cycle.

b) Outstanding issues

135. Despite various initiatives launched, Sami language education continues to suffer from lack of educational materials and of teachers. These shortcomings are particularly noticeable with regard to the smaller Sami languages. Furthermore, a majority of the young Sami fall outside the scope of the expanded Sami language education, as they live in Helsinki and other municipalities outside the Sami Homeland where there are very few opportunities to obtain Sami language education.

136. The Advisory Committee would also like to highlight one shortcoming that undermines the development of Sami pre-school initiatives in the Sami Homeland. According to the information received by the Advisory Committee, in some cases only those children who have Sami as their mother tongue in the population registry have been given access to Sami language pre-school education, and some children have been denied access to such education on this basis. The Advisory Committee is concerned that this approach may constitute an obstacle to further promotion of Sami languages. The Advisory Committee recalls that, although many Sami are *de facto* bilingual, individuals are allowed to choose only one language as their mother tongue for the purposes of the population registry, which further dictates against using such registry entries as a criterion for access to Sami pre-schools.

*Recommendations*

137. Finland should pursue further the development of the Sami language education, including outside the Sami Homeland.

138. Access to Sami language pre-school education should not be connected to the content of mother tongue entry in the population registry.

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

#### *Findings of the first cycle*

139. In its first Opinion, the Advisory Committee noted that in the province of Åland, the language of instruction in all schools maintained or subsidised through public funds is Swedish. While recognising the specific constitutional status of the province, the Advisory Committee considered that it would be useful to examine to what extent the current situation meets the demands of the Finnish-speaking population of the province.

#### *Present situation*

##### a) Positive developments

140. The Advisory Committee welcomes the fact that the authorities of the province of Åland have given thought to the educational situation of the Finnish-speaking population in the province and that they were prepared to have a dialogue on this and other issues with the representatives of the Advisory Committee.

##### b) Outstanding issues

141. There have been calls by a number of parents for the introduction of a certain amount of instruction in the Finnish language in schools and pre-schools in Åland, but these proposals have not been supported by the authorities of Åland. According to the authorities of the province, the current situation -- which includes the possibility to study Finnish as the second “foreign” (*främmande*) language from the fifth grade and the availability of certain remedial education in which Finnish can also be used -- reflects the special status of Åland as a monolingual province. At the same time, the authorities note that the present legislation does not exclude the introduction of private educational initiatives in Finnish as long as no public funds are used for this purpose.

#### *Recommendations*

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

### **Article 15 of the Framework Convention**

#### **Roma participation**

#### *Findings of the first cycle*

143. In its first Opinion, the Advisory Committee noted with concern the shortcomings that remain as concerns the effective participation of the Roma in social and economic life and the negative impact of these shortcomings on the social and economic living-conditions of this minority in general and Roma women in particular.

*Present situation*

## a) Positive developments

144. The Advisory Committee finds that Finland has continued to encourage improved participation of Roma at various levels. New initiatives in this area range from the permanent regional advisory boards for Roma affairs, established in 2004, to the Finnish proposal of establishing a European Roma and Travellers Forum, affiliated with the Council of Europe, which was inaugurated in Strasbourg in 2005.

## b) Outstanding issues

145. Despite various initiatives, there are still considerable shortcomings in the participation of Roma in social and economic life. In many cases problems are augmented by discriminatory attitudes amongst the population at large (see related comments under Article 4 and 6). In many areas, the evaluation is complicated by the lack of reliable statistical data on the situation and it appears that inter-linkages between various areas of concern are not always easy to detect as sectoral initiatives are pursued by various areas and levels of administration.

*Recommendations*

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

**Participation of Russian-speakers***Findings of the first cycle*

147. In its first Opinion, the Advisory Committee encouraged Finland to consider the establishment of a specific consultative body for the issues concerning the Russian-speaking population in Finland.

*Present situation*

## a) Positive developments

148. The Advisory Committee welcomes the fact that an *ad hoc* working group set up by the Advisory Board for Ethnic Relations drew up a detailed report on the situation of the Russian-speakers in Finland in 2002. The report contains a range of valuable recommendations, including a proposal to set up a specific consultative body devoted to the issues of the Russian-speaking population. The Advisory Committee welcomes also other initiatives launched by the said Board to advance minority protection.

## b) Outstanding issues

149. The Advisory Committee regrets that the authorities have not supported the proposal for a consultation mechanism, which would complement the work already carried out by mechanisms devoted to the Sami and Roma. Representatives of the Russian-speaking minority have indicated to the Advisory Committee that the existing consultation mechanisms are not adequate to address their concerns, and they point out in this connection that the various specific findings of the above-mentioned *ad hoc* working group have not received sufficient attention by the authorities and others concerned. This concern appears justified, including in the light of the

information received from representatives of the Advisory Board for Ethnic Relations that the Board has no plans to follow up on the said report of the *ad hoc* working group.

150. The Advisory Committee has been informed that those Russian-speakers who have no proficiency in the national languages of Finland encounter specific challenges in their access to social and economic life due to linguistic obstacles, including in public service institutions. In this connection, the lack of a Russian-language version of certain key documentation of the Social Insurance Institution of Finland (KELA) has been highlighted as a particular concern.

*Recommendations*

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

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

**Role of the Sami Parliament**

*Findings of the first cycle*

153. In its first Opinion, the Advisory Committee referred to the disputes over the scope of the authorities' obligation, resulting from Section 9 of the Act on the Sami Parliament, to negotiate with the Sami Parliament and encouraged Finland to consider whether procedural guidelines on the implementation of this obligation could be drafted.

*Present situation*

a) Positive developments

154. The Advisory Committee welcomes the fact that the obligation to consult the Sami Parliament has been inserted in certain sectoral legislation, including in the law on Public Broadcasting Company (see related comments under Article 9)

b) Outstanding issues

155. The central authorities consider that the implementation of the obligation to negotiate has been observed "rather well", and they do not see a need for particular instructions as proposed by the Advisory Committee. The Advisory Committee regrets this conclusion, especially since the representatives of the Sami Parliament, while noting that numerous documents and draft decisions are regularly sent to the Sami Parliament for comments, argue that the current practices rarely reflect the term "negotiation" and that the Parliament has often had only limited, if any, influence on the final outcome.

*Recommendations*

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

### **General consultative structures**

#### *Present situation*

157. The Advisory Committee welcomes the various initiatives that the Advisory Board for Ethnic Relations has carried out to advance minority protection. The mandate and the structure of the Board have recently been reformed, and in the present composition of the Board representatives of minorities and their associations have significantly less seats than was previously the case.

#### *Recommendations*

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

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

#### *Present situation*

159. The Advisory Committee welcomes the fact that the Swedish-speaking Finns have regularly been represented in the Parliament. However, persons belonging to numerically smaller minorities have not been successful in obtaining representation in the Parliament of Finland, and no particular measures are in place in order to facilitate their access. The Advisory Committee notes that there are certain ways to bring minority concerns indirectly to the attention of Parliament, including through the membership of a number of parliamentarians in the Advisory Board for Ethnic Relations and through certain reporting processes.

#### *Recommendations*

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

### **Article 16 of the Framework Convention**

#### **Changes in administrative borders**

#### *Present situation*

161. The Advisory Committee notes that the authorities in Finland are considering mergers of various municipalities and other administrative changes that might have an impact on the proportion of persons belonging to national minorities in the administrative units concerned and thereby affect the fulfilment of State obligations concerning participation under Article 15 of the Framework Convention and other provisions of the Framework Convention.

#### *Recommendations*

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

**Article 18 of the Framework Convention**

**Nordic Sami Convention**

*Present situation*

163. The Advisory Committee welcomes the extensive transfrontier co-operation on Sami issues and the process of preparing a Nordic Convention concerning the rights of the Sami people, a draft of which was completed by an expert group in November 2005.

*Recommendation*

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

### III. CONCLUDING REMARKS

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

#### Positive developments

166. Finland has continued to take various commendable measures to implement the Framework Convention. Important legislative developments include the adoption of the new Language Act and of the Sami Language Act, which contain significant guarantees for the protection and promotion, respectively, of the Swedish and Sami languages.

167. The development of new anti-discrimination legislation, coupled with increased monitoring and awareness-raising in this field, is also to be welcomed. The establishment of the Office of the Ombudsman for Minorities is another significant step that has already contributed to the protection of minorities in Finland. New measures have been taken to promote integration, taking into account the growing diversity of the Finnish society.

168. Finland has expanded further its consultative structures designed to address concerns of national minorities, including by setting up permanent regional advisory boards for Roma affairs. Valuable initiatives have also been started to address the specific challenges faced by the Russian-speaking population in Finland.

169. There is a growing recognition of the importance of various aspects of the Sami culture in Finland and welcome steps have been taken to strengthen Sami language education in the Sami Homeland. New important developments concerning Sami are under way, including the drafting of a Nordic Sami Convention.

170. Radio programmes in minority languages, while limited in their scope, have become important tools in the promotion and protection of minority cultures.

#### Issues of concern

171. A range of initiatives have been launched to improve inter-ethnic dialogue, but there are still signs of negative attitudes amongst segments of the majority population towards minorities, including disconcerting reports about manifestations of intolerance in Finnish schools as well as on Internet.

172. Disputes over the ownership and use of land in the Sami Homeland have become increasingly acute as the delays in finding solutions to the open issues have continued.

173. The authorities' efforts to support minority language print media, including in the Sami languages, have limited scope and do not sufficiently meet the needs expressed. There also remains a need to develop further the minority language public service broadcasting in order to accommodate the existing demand, *inter alia*, for children's programmes in the Sami languages.

174. There are capacity problems and other shortcomings in the implementation of the new language laws covering Swedish and Sami in certain key sectors such as the judiciary. Russian-speakers report linguistic obstacles affecting their access to social services.

175. Despite some positive initiatives, the availability of education in Russian is limited. This is also the case as regards Sami language education outside the Sami Homeland. For Roma pupils, the limited scope of Roma language education is coupled with other problems, such as their disproportionate presence in special education.

176. The present participation and consultation arrangements on minority issues need to be developed further, for example, as regards the allocation of cultural support for minority organisations. Proposals to introduce a specific consultation structure for the Russian-speaking population have not been endorsed by the authorities. The Sami Parliament, while frequently consulted, is not satisfied with the way the authorities implement the negotiation obligation.

177. Despite improved legislative guarantees against discrimination, there are still various shortcomings and practical problems in this domain, including persisting incidents of discrimination of Roma and persons belonging to other minorities in various spheres, including in the provision of services.

178. A number of questions that have been raised concerning the personal scope of application of the Framework Convention in Finland would benefit from increased dialogue between the authorities and representatives of the groups concerned.

### **Recommendations**

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:

- Address shortcomings encountered in the implementation of the new language laws, which pertain to the Swedish and Sami languages. Take into account the language situation of the Russian-speakers in the provision of public services.
- Take rapid measures to address disputes over the ownership and use of land in the Sami Homeland, through negotiation with the Sami Parliament and others concerned.
- Encourage further development of minority language media and review the current subsidy system with a view to ensuring that it takes into account the specific situation of minority language print media.
- Expand the availability of minority language education -- including Russian, Roma as well as the Sami languages outside the Sami Homeland -- and step up efforts to address various problems faced by Roma in the educational system.
- Improve further the participation and consultation arrangements on minority issues, including with regard to the Russian-speaking population.
- Improve minority participation in the allocation of cultural support for minority organisations.
- Ensure that the authorities' legal obligation to negotiate with the Sami Parliament is strictly honoured in the relevant questions.
- Reinforce action against incidents of discrimination and manifestations of intolerance, including in schools, and counter these phenomena with the tools available.



- Further the dialogue on the personal scope of application of the Framework Convention with those concerned.