
Resolution CM/ResCMN(2020)1 on the implementation of the Framework Convention for the Protection of National Minorities by Finland

*(Adopted by the Committee of Ministers on 12 February 2020
at the 1367th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”),

Having regard to Resolution CM/Res(2019)49 on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting applicable rule;¹

Having regard to the instrument of ratification deposited by Finland on 3 October 1997;

Recalling that the Government of Finland transmitted its State report in respect of the fifth monitoring cycle under the Framework Convention on 1 February 2019;

Having examined the Advisory Committee's fifth opinion on Finland adopted on 27 June 2019, as well as the written comments of the Finnish authorities, received on 17 October 2019;

Adopts the following conclusions in respect of Finland:

The authorities are invited to take account of the observations and recommendations contained in Sections I and II of the Advisory Committee's fifth opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action:

1. increase and consolidate the resources of law enforcement agencies dealing with hate crime and provide the necessary training in order to effectively prevent and combat hate crime and reduce handling times of complaints. As regards the funding of activities that promote tolerance and intercultural dialogue, move from a project-based to a more structural and sustainable approach;
2. develop, together with the Sámi, a commonly recognised system for registration on the electoral roll that strikes an adequate balance between the interest of the community in preserving its structures of self-governance on the one hand, and the principle of free self-identification on the other. This process should be inclusive and strive to reach an agreement on criteria for registration on the electoral roll, on an appeals mechanism on the interpretation of these criteria, and on a longer time frame for decision making on applications;
3. significantly strengthen the participatory rights of the Sámi Parliament in legislation and practice, *inter alia* by equipping the Sámi Parliament with the necessary resources and providing training to the officials concerned at national and local levels on the correct implementation of the “obligation to negotiate”. While the amendment to the Act on the Sámi Parliament should have priority, the authorities should ensure effective participation as a matter of urgency even while the Act remains unamended;

¹ On 17 September 1997, the Committee of Ministers adopted decision CM/Del/Dec(97)601/4.5, which provides: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

4. safeguard the societal consensus on Finnish-Swedish bilingualism through stepping up awareness-raising, underpinned by an explicit commitment at the highest political level. Without prejudice to their constitutional obligations, the Finnish authorities should engage in an open dialogue with the Swedish speakers about their priorities to ensure that commitments made regarding public services in the Swedish language are realistic, effective, matched with adequate resources, and regularly monitored.

Further recommendations:²

5. maintain a flexible and open approach to the scope of application of the Framework Convention and formalise dialogue with representatives of Karelians, with a view to strengthening their protection in domestic legislation;

6. streamline the fragmented system of equality bodies in close consultation with representatives of national minorities. In particular, the authorities should extend the mandates of the Non-Discrimination Ombudsman and the National Non-Discrimination and Equality Tribunal to the area of employment, grant the latter the right to award compensation and provide the Non-Discrimination Ombudsman with adequate resources to fulfil its mandate;

7. ensure, in close consultation with the Sámi, that decisions on the use of traditional Sámi land do not negatively affect the possibility for the Sámi to maintain and develop their culture in that area. To secure Sámi cultural and institutional autonomy, the authorities should continue to seek consensus on a reform of the relevant legislation, the ratification of ILO Indigenous and Tribal People Convention No. 169, and the Nordic Sámi Convention;

8. ensure that in practice Swedish speakers have access to health care and social welfare services in their first language. Efforts should be made in particular to combat any intersectional discrimination against Swedish-speaking children, the elderly, and persons with disabilities using such services. The authorities should closely monitor and, if necessary, undertake action regarding the implementation of Swedish speakers' linguistic rights in the amalgamated district courts;

9. clarify, in close consultation with the Sámi, the statutory rights as regards the provision of Sámi-language health care and social welfare services in the Sámi homeland and define attainable and measurable objectives. Sufficient budgetary resources should be made available so that these objectives can be met. Furthermore, the authorities should assess the need for and, if it is established, consider supporting the provision of certain services in the Sámi languages outside the homeland;

10. consolidate the support for Sámi language teaching, paying particular attention to language nests, distance education, and teacher training. Furthermore, the authorities should increase their efforts to revitalise the Romani and Karelian languages through actively promoting first language teaching of these languages in schools;

11. strengthen the Advisory Board for Ethnic Relations (ETNO) in close consultation with representatives of all minorities. The authorities should in particular increase the share of minority representatives, ensure the transparency of the membership selection process, increase budgetary and human resources, and consider formalising ETNO's status in law.

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.