

**Resolution CM/ResCMN(2012)3
on the implementation of the Framework Convention for the Protection of National Minorities
by Finland**

*(Adopted by the Committee of Ministers on 1 February 2012
at the 1132nd 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 Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

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

Recalling that the Government of Finland transmitted its state report in respect of the third monitoring cycle under the Framework Convention on 17 February 2010;

Having examined the Advisory Committee's third opinion adopted on 14 October 2010, as well as the written comments of the Government of Finland received on 13 April 2011;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Finland:

a) Positive developments

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.

The Finnish Government has launched several legislative as well as institutional reform initiatives aiming at strengthening the protection against discrimination and creating an overall Ombudsman Office covering all areas of discrimination, except gender, with the mandate to identify and combat more effectively cases of multiple discrimination. The Equality Committee, tasked by the Ministry of Justice to review the Finnish equality legislation and to make a proposal for new non-discrimination legislation, submitted its final report "Proposal for a new Equal Treatment Act and related legislation" in December 2009. 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, and the Finnish Action Plan for Monitoring of Discrimination 2010-2013 has been adopted by the Discrimination Monitoring Group.

The National Policy on Roma, which was adopted in 2009, constitutes 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.

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "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".

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. The government programme of June 2011 specifically states the aim of developing the Sami culture and rights of Sami in a comprehensive manner, and also contains the intention to ratify the ILO Convention No. 169.

Finland has made 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 police 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.

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 Homeland to speak and develop their language at all ages.

b) Issues of concern

Limited 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.

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 one 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.

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.

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 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.

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 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.

Despite some progress, 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.

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.

Finland has developed a multitude of institutions and entities dealing with minority concerns, including a variety of consultation mechanisms. However, none of these mechanisms, 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.

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.

2. Adopts the following recommendations in respect of Finland:

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 action²

- in view of the government's intention to ratify ILO Convention No. 169, 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;
- continue taking resolute 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.

Further recommendations³

- 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;
- provide adequate funding for the implementation of the National Policy on Roma and ensure that Roma representatives are effectively involved at all stages of its implementation and monitoring processes;
- 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;

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

³ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- provide further 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 co-ordinate 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.

3. Invites the Government of Finland, in accordance with Resolution Res(97)10:

- a. to continue the dialogue in progress with the Advisory Committee;
- b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.