



COUNCIL CONSEIL
OF EUROPE DE L'EUROPE

16 February 1999

ACFC/SR(1999)003

**REPORT SUBMITTED BY FINLAND
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

TABLE OF CONTENTS

List of Appendices

PART I

PART II

Article I

Article 3

Article 4

Article 5

Article 6

Article 7

Article 8

Article 9

Article 10

Article 11

Article 12

Article 13

Article 14

Article 15

Article 16

Article 17

Article 18

* * *

CORRIGENDUM

Please note that there is an error in the last paragraph of the section entitled "promotion of conditions of national minorities" (p. 12) of the initial state report of Finland under the Framework Convention for the Protection of National Minorities. The second sentence of the paragraph should read as follows:

"In accordance with the cultural autonomy of the Sami people, the Ministry of Education transmits this allocation to the Sami Parliament which decides on its use."

* * *

THE REPORT OF FINLAND ON THE APPLICATION OF THE FRAMEWORK CONVENTION ON THE PROTECTION OF NATIONAL MINORITIES

On 10 November 1994 the Committee of Ministers of the Council of Europe adopted the Framework Convention for the Protection of National Minorities (hereinafter the Convention). The Convention entered into force on 1 February 1998¹. The number of States that have signed the Convention is 37, of which 24 have ratified it.

The Framework Convention is the first legally binding multilateral instrument ever devoted to the protection of national minorities. It is also the first international convention that brings the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities into force at the regional level.

The Framework Convention contains programme-type provisions on how the member States shall protect their national minorities. The principles included in the Convention have to be implemented through national legislation and appropriate governmental policies or by concluding bi- or multilateral treaties.

The evaluation of the adequacy of the implementation of this Framework Convention by the Parties is carried out by the Committee of Ministers, assisted by an Advisory Committee. The Parties are required to file a report containing full information on legislative and other measures taken to give effect to the principles of the Convention. The Advisory Committee examines the State reports which will be made public by the Council of Europe upon receipt from the State Party, and provides an opinion on the measures taken by that Party. Having received the opinion of the Advisory Committee, the Committee of Ministers makes the final decisions concerning the adequacy of the measures taken by the State Party. The opinion of the Advisory Committee will as a rule be made public together with the conclusions of the Committee of Ministers. The Advisory Committee consists of 18 members who serve in their individual capacity.

This is the on how the provisions contained in the Convention have been implemented in Finland. The report has been drafted at the Ministry for Foreign Affairs on the basis of opinions given by different ministries and authorities. The following organisations representing

¹ [Finnish Treaty Series] SopS 1-2/1998 and [Government Bill] HE 107/1997 vp.

minorities have been asked to give their opinions on matters dealt with in the report: the Swedish Assembly, the Sami Parliament, the Advisory Board on Roma Affairs, the Finnish Islamic Congregation, the Jewish Community and a representative of the Old Russians. The Sami Parliament, the Finnish Islamic Congregation and the Old Russians have given written opinions. The opinion of the Advisory Board on Roma Affairs was included in the opinion of the Ministry for Social Affairs and Health.

When ratifying the Convention Finland did not define what was meant by "national minorities" in Finland. In practice, Finland has included in reports submitted to UN treaty bodies information on the Sami, the Roma, the Jews, the Tatars, Old Russians and Swedish-speaking Finns.

List of Appendices

- The combined 13th and 14th periodic report of the Government of Finland on the International Convention on the Elimination of All Forms of Racial Discrimination

- Fundamental Rights in the Constitution of Finland, Publications of the Ministry for Foreign Affairs 6/1998

- Raavo Lounela: The Role of the Advisory Board on Roma Affairs in Finnish Administration (14 October 1997)

- Decision in Principle by the Council of State on measures for Promoting Tolerance and Combating Racism (6.2.1997)

- Legislation

Act on the Sami Parliament (974/1995)

Act on the Freedom of Religion (267/1922)

Associations Act (503/1989)

Act on the Freedom of the Press (1/1919)

Names Act (694/1985)

Language Act (148/1922)

Decree on the Implementation of the Language Act (311/1922)

Act on the Use of the Sami Language before Authorities (516/1991)

Legislation concerning Radio and Television Operations 9.10.1998

Act on the Autonomy of Åland (I 144/1991)

Constitutional Laws of Finland (Oy EDITA AB, Helsinki 1996)

- Statistics

Population according to language by region at the end of 1997

Population by language at the end of the year in 1990-1997

Municipalities by official language and population by language at the end of 1997

Population by religious affiliation and sex at the end of the year in 1980-1997

Gross Domestic Product, 1980-1997

National income and national disposable income, 1994-1997

Source: Statistical Yearbook of Finland 1998 Volume 93 (new series)

Foreigner residing permanently in Finland - largest groups

Source: the Population Register Centre.

PART I

Answers to the questions asked in the outline for State reports

1. Recent statements on Government policy concerning national minorities

The Minister for Foreign Affairs, Mrs Tarja Halonen, submitted on 11 November 1998 to the Foreign Affairs Committee of Parliament a report concerning human rights in the Finnish foreign policy². According to the report the Government has emphasised the rights of women, children, minorities and indigenous peoples, and Finland especially aims at improving the implementation of the rights of these groups. This is carried out by enacting new provisions on human rights and by ensuring the practical implementation of existing provisions.

2. Status of international law

International law and international conventions are not directly applicable in Finland. International conventions are usually incorporated either by Act of Parliament or by Decree. Thereafter the conventions are applicable as national law.

However, implementation may also be done by harmonising domestic law with the convention in question. For example the provisions on fundamental rights in the Constitution Act were amended in 1995 to improve the system of fundamental rights so that it would be in harmony with international human rights standards. In this respect the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms were the most important conventions.

A third method of implementing international conventions is to insert special clauses in national legislation, explicitly referring to an international convention. In some cases an international convention can even be given precedence over the application of national law.

3. Form of Government

Finland is a republic. The President is elected every six years. The one-chamber Parliament has 200 members and is elected every four years.

4. Summary overview of the history

Finland was part of the Swedish realm from 1100 until 1809. In 1809 Finland was declared a semi-autonomous Grand Duchy within the Russian Empire. On 6 December 1917 Finland was declared independent.

5. Demography

The population is approximately 5.147.349 persons (31.12.1997). GDP per capita and income per capita are shown in the appendices.

6. Minority-in-minority situations

It can be said that the Finnish-speaking people living in the Province of Åland and the Inari Sami and the Skolt Sami constitute minorities within a minority. In Åland there are some 1.200 Finnish-speaking people, which is less than 5 % of the population in Åland. Whereas there are in total some 6.400 Samis living in Finland, both Inari Sami and Skolt Sami are spoken by some 200 people, respectively.

² Human Rights in the Finnish Foreign Policy, see <http://virtual.finland.fi>

PART II

Article I

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

Finland co-operates with the following international organisations with regard to national minorities: the United Nations, Council of Europe, Council of the Baltic Sea States, OSCE, ILO, UNESCO. Finland is a Member State of the European Union.

Finland has ratified the following international instruments relevant to the protection of national minorities:

ICCPR, International Covenant on Civil and Political Rights
 ICESCR, International Covenant on Economic, Social and Cultural Rights
 CERD, Convention for the Elimination of all forms of Racial Discrimination
 CRC, Convention of the Rights of the Child
 CEDAW, Convention Eliminating All kinds of Discrimination Against Women
 European Framework Convention for the Protection of National Minorities
 European Charter for the Protection of Regional or Minority Languages
 European Convention for the Protection of Human Rights and Fundamental Freedoms
 European Social Charter
 Protocol No 3 to the Act of Accession to the European Union

For bilateral treaties, see Article 18.

As an answer to the question asked in the outline for State reports

According to the Finnish Constitution Act all persons shall be equal before the law. According to section 16³ of the Constitution Act everyone shall have the right to have his affairs considered appropriately and without undue delay by a lawfully competent court of justice or other public authority as well as the right to have a decision concerning his rights and obligations reviewed by a court of justice or other independent judicial organ.

Article 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

³ See « Fundamental Rights in the Constitution of Finland », where the provisions on the fundamental rights in the Finnish Constitution are explained.

Legislation

The concept "national minority" is not used in Finnish law. Section 14⁴, subsection 3 of the Constitution Act of Finland guarantees the right of different "groups" to maintain and develop their own languages and cultures. The Constitution Act does not more closely define these "groups". According to the Government Bill (HE 309/1993 vp) the "groups" referred to in the Constitution Act include the Sami people, the Roma and mainly national and ethnic minorities, such as the Jews and the Tatars. The relevant explanatory note reads as follows:

"On the one hand the proposal is not limited to traditional minorities in Finland. On the other hand the groups referred to in [section 14, subsection 3] cannot include groups that only temporarily reside in Finland, but a certain stability and permanency is required from the group to be covered by it. [...] The provision would not only guarantee the language rights of minorities but would extend the protection to minority cultures. [...] Together with section 160, subsection I the provision would impose an obligation upon the Government to allow and support the development of the languages and cultures of the groups referred to in it. The provision also provides a constitutional basis for developing the living conditions of those groups with full respect for their cultural traditions."⁵

When Finland ratified the framework Convention, it did not provide a list of national minorities falling within the scope of the Convention. The basic idea was that it is not for the Government to define those minorities, because the existence of minorities does not depend on a declaration by the Government but on the factual situation in the country. In practice it has been considered that the framework Convention would cover the Sami people, the Roma, the Jews, the Tatars, the so-called Old Russians and *de facto* also the Swedish-speaking Finns.

As regards the Finnish legislation, however, definitions of minorities can be found in the Act on the Sami Parliament, the Act on the Use of the Sami Language before Authorities⁶, the Skolt Act (253/1995) and in the Act on the improvement of living conditions of the Roma population (713/1975) which was in force from 1976 to 1981.

Minorities

The *Swedish speaking Finns* are the largest minority in Finland (293.691 persons on 31.12.1997, or 5,71 % of the population). The Swedish-speaking Finns are a language minority. Most of them live in the southern, south-eastern and eastern coasts and on the Aland islands.

The *Sami* are an indigenous people. Most of the Samis, some 4.000 persons, live in the Sami Homeland in northern Lapland and about 2.400 of them live in other parts of the country.

The *Roma* live in all parts of Finland, although most of them live in the biggest cities in southern Finland. There are about 10.000 Romas in Finland. The Roma have been living in Finland for about 500 years.

The *Jewish* community in Finland consists of about 1.300 persons. Most of them live in Helsinki, Turku and Tampere. There is no exact information on when the first Jews arrived in Finland, but in 1850 the number of Jews was about 200.

⁴ See [Fundamental Rights in the Constitution of Finland » pages 29-30.

⁵ [Government Bill] HE 309/1993 vp. Page 65.

⁶ The Act on the Sami Parliament and the Act on the use of the Sami Language before Authorities are annexed to this report.

The *Tatars* are a Turkish-related Islamic minority. The predecessors of this group immigrated to Finland between 1870 and 1920. There are some 900 Tatars living in Finland, mostly in the capital district.

The Old Russians are descendants of Russian immigrants who moved to Finland in the late 19th century and early 20th century. It is difficult to estimate the size of this community, because during the last decades the number of Russian-speaking people has increased remarkably as a result of the growing immigration. At this moment there are some 20.000 Russian-speaking persons living in Finland, of which some 5.000 are Old Russians.

The Finnish personal data protection legislation does not allow registration of data indicating race or ethnic origin. Therefore for example the number of Roma can only be estimated. The prohibition is nevertheless not absolute. It is possible to collect such data for the population register on conditions provided by Act of Parliament or Decree. There are separate provisions on the publicity of confidential information⁷.

Other minority groups

The number of foreigners residing in Finland is indicated in a table attached to the report. At the end of 1997/ beginning of 1998 there were 80.600 foreigners in Finland. The four biggest groups were the Russians (14.316), the Estonians (9.689), the Swedes (7.507) and the Somalis (5.238).⁸

One specific group in this context is the Ingrian Finns, returnees from the former Soviet Union, who are descendants of people who moved to Ingria, ceded to Sweden as a result of the Stolbova peace in 1617 (today part of the Russian Federation). Roughly 20.000 Ingrian Finns have moved to Finland between 1990 and 1997.

Collection of demographic data

The government agency responsible for the collection of demographic data is the Population Register Centre. The following data concerning Finnish citizens are inserted in the population register: ID code, name, address and municipality of residence, parents, children and spouse, nationality and the language and the profession which the citizen himself has given. Statistics Finland elaborates statistics for example on the basis of nationality, language and country of birth. These statistics are based on information given by the Population Register Centre. No statistical data are collected nor exist on ethnic minorities, such as the Roma.⁹

Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this

⁷ See page 13

⁸ See the statistics showing Foreigners residing permanently in Finland.

⁹ See the statistics showing Population by language at end-year 1997. Also see the homepage www.stat.fi

respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3. *The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.*

Legislation

According to section 5, subsection 1 of the Finnish Constitution Act "all persons shall be equal before the law". Subsection 2 prohibits discrimination. According to section 16 of the Constitution everyone shall have the right to have his affairs considered appropriately and without undue delay by a lawfully competent court of justice or other public authority as well as the right to have a decision concerning his rights and obligations reviewed by a court of justice or other independent judicial organ. According to section 16a the public authorities shall secure the implementation of fundamental rights and of international human rights.¹⁰

The Constitution Act provides that the Chancellor of Justice and the Parliamentary Ombudsman shall oversee that authorities and officials comply with the law (sections 46 and 49). Furthermore, they shall supervise the implementation of fundamental rights and thus also the rights of minorities.

In Finland's 13th and 14th periodic report to the International Convention on the Elimination of All Forms of Racial Discrimination the provisions prohibiting discrimination have been described. In this context reference is made to that report as regards the provisions in Chapter 11 of the Penal Code on genocide and the preparation of genocide (sections 6 and 7), ethnic agitation (section 8), discrimination (section 9) and discrimination at work under Chapter 47, section 3.¹¹

Measures taken to promote equality

For the promotion of equality special housing measures have been taken in respect of certain population groups, for example to provide housing for the Roma. Under the Act on the improvement of the living conditions of the Roma population (7113/1975), apartments both on the basis of ownership and leasing contracts were provided between 1976 and 1981 for the Roma. The aim of the Skolt Act (253/1995) is to promote the living conditions and possibilities of making a living of the Skolt population and in the Skolt area, *inter alia* by means of State subsidies.

According to protocol No 3 to the Act of Accession to the EU, notwithstanding the provisions of the EC Treaty, exclusive rights to reindeer husbandry within traditional Sami areas may be granted to the Sami people.

According to section 52a in the Parliamentary Act the Sami shall be heard in a matter of special consequence to them, referring especially to the legislative process.

Discrimination

In principle it can be considered that the Finnish legislation provides adequate legal protection against discrimination (section 5 of the Constitution Act of Finland and section 9 of the Penal Code). However, in practice the protection afforded by law is not always sufficient. Especially

¹⁰ See « Fundamental Rights in the Constitution of Finland », pages 15ff and 34-38.

¹¹ See pages 7-11 in the 13th and 14th report of the Government of Finland to the International Convention on the Elimination of All Forms of Racial Discrimination.

the Roma have faced discrimination in every-day life. Police statistics indicate that most of the offences of racist discrimination are committed against Romas despite the fact that the number of foreign citizens residing in Finland is eight times as high as the number of Roma.

On 1 October 1998 the Ministry of Labour set up a steering group for a national system to be established for the monitoring of racism and discrimination based on ethnic origin. The steering group shall co-ordinate national measures which are required under the communication issued by the Commission of the European Communities on 25 March 1998, and shall prepare a national plan of action. The monitoring will cover discrimination against new immigrant groups as well as against traditional ethnic minorities in different sectors of society.

As regards measures taken for the prevention of discrimination, reference is made to the information given under Article 6.

Article 5

1. *The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*

2. *Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

This article corresponds to section 14 of the Constitution Act.

According to section 14, subsection 1 the "national languages" of Finland shall be Finnish and Swedish. Finnish and Swedish are thus to be considered as official languages referred to in the framework Convention. Section 36 in the Act on the Autonomy of Åland, the official language of Åland shall be Swedish.

Subsection 2 provides that the right of everyone to use his own language, whether Finnish or Swedish, as a party in proceedings before a court of law or other authority, and to obtain documents from them in that language, shall be guaranteed by Act of Parliament. Public authorities shall take care to provide for the educational, cultural and social needs of the Finnish-speaking and the Swedish-speaking populations of the country according to similar principles. The Language Act¹² contains provisions on the use of Finnish and Swedish before authorities.

Under subsection 3 the Sami as an indigenous people shall have the right to maintain and develop their own language and culture. Provisions governing the right of the Sami to use the Sami language before public authorities shall be prescribed by Act of Parliament. This is prescribed in the Act on the use of the Sami Language before the Authorities.

Under subsection 3 also the Roma and other groups shall have the right to maintain and develop their own language and culture.

¹² The Language Act is annexed to this report.

Section 9 of the Constitution Act¹³ guarantees the right to freedom of religion and conscience for everyone. Finnish law does not explicitly make provision for a State church, but special legislation has been enacted on the relationship between the State and the biggest churches - the Finnish Evangelic Lutheran Church and the Orthodox Church.

A more detailed description on the legislation concerning religious belief is given under Article 8 in this report.

Promotion of the conditions of national minorities

Funds have been reserved in the Government budget for the promotion of cultural activities and publications of groups representing minority cultures and for combating racism. In 1998 the sum reserved for the purpose was FIM 2.000.000.

The Ministry of Education provides support for groups representing minority cultures and for non-governmental work against racism in accordance with the following principles:

Groups representing minority cultures for which financial support can be granted include ethnic and linguistic minorities as well as immigrants, refugees and asylum seekers. Support is given to these groups for preserving their own cultures and identities. The groups themselves have the right to choose the appropriate means for this.

The rights and obligations of cultural minority groups are similar to those at any other groups or persons benefiting from financial support by the Government. The purpose of financial support is to improve the integration of cultural minority groups with society and create possibilities for using public cultural services and benefits.

Financial support can be given for maintaining a language, financing events which promote cultural traditions, communication within the group itself, personal artistic and other cultural activities, improving cultural interaction between the minority cultures and the majority population, providing information on minority issues and combating racism and xenophobia.

The Government budget contains a separate allocation for the promotion of the Sami culture and the activities of Sami organisations. In accordance with the cultural autonomy of the Sami people, the Ministry of Justice transmits this allocation to the Sami Parliament which decides on its use. In 1998 the allocation was FIM 1.000.000.

Integration policy

There is no specific policy for the integration of national minorities in Finland. There is a Government Programme on Immigration and Refugee Policy (adopted by Government Resolution on 16 October 1997), which concerns returnees, refugees and asylum seekers. A Government Bill (HE 66/1998) for an Act on the integration of returnees and reception of asylum seekers is under discussion in Parliament. The aim is to bring the Act into force on 1 March 1999.

However, the following observations can be made in respect of the Roma and the Sami.

As mentioned under Article 3, a definition of a Sami is included in section 3 of the Act on the Sami Parliament. According to that section a Sami means a person who considers himself a

¹³ See « Fundamental Rights in the Constitution of Finland », 23-24.

Sami provided 1) that he himself or at least one of his parents or grandparents has learnt Sami as his first language; or 2) that he is a descendent of a person who has been entered in a land, taxation or population register as a mountain, forest or fishing Lapp; or 3) that at least one of his parents has or could have been registered as an elector for an election to the Sami Parliament or the Sami Thing.

The definition of a Sami contained in the Act on the Sami Thing was extended during parliamentary consideration of the Act. The extended definition of a Sami has proved to be problematic and has created tension among population groups in northern Finland. The Sami Parliament, the Sami Council, the Advisory Board for Sami Affairs and the Provincial Government of Lapland among others demand that the definition be restricted. According to them the definition should either be exclusively based on knowledge of the Sami language or be restricted in the way provided for in the Government Bill. Apart from those who opposed to the - cultural autonomy of the Sami people when it was being planned, also the municipalities of Enontekiö and Inari are in favour of preserving the existing definition.

Following a report mandated by the Ministry of Justice, the Ministry decided in January 1997 to take measures to relink the Sami identity with knowledge of the Sami language. The intention was to submit a Government Bill on the matter to Parliament at the beginning of 1998. However, for the time being the project has been given up because no unanimity was reached on taking further measures.

The Sami Parliament is of the opinion that the composition of the Parliament based on the existing definition does not guarantee the implementation of the rights of the Sami. The Sami Parliament has expressed its concern over the fact that in the following election even such persons that are not Samis could be entitled to vote. The Ministry of Justice will nevertheless monitor the preparation and carrying out of the election and will decide on the need at any measures on the basis of experience gained.

As regards the relationship of the definition of a Sami to the personal data protection legislation, the following can be noted in addition to information given on page 8. An electoral list is drafted in order to guarantee the right of social participation of the Sami. A reform of personal data protection and publicity legislation is under discussion in Parliament. The question of the relationship of the electoral list to this legislation has not been resolved yet.

Under the existing legislation most of the forests in the Sami Homeland are owned by the State. The Sami have questioned the titles of the State to the land. The unsettled dispute has for example been an obstacle for instance for the ratification of the ILO Convention No 169 in Finland. The Assistant Chancellor of Justice has in his decision of 10 December 1998 advised the Ministry of Justice to take appropriate and adequate measures for assessing the need to amend the legislation.

In addition to the above-mentioned information reference is made to the 13th and 14th reports submitted to Committee on the Elimination of Racial Discrimination where account is given of the legislative measures related to the Act on the Sami Parliament (pages 25 to 29).

The socio-economic differences between the Roma and the majority of the population are still considerable. Problems relating to housing, unemployment and low level of education, social problems and resulting social exclusion are common among the Roma. The Ministry for Social Affairs and Health has designated two rapporteurs to draft a report on the present Government

policy concerning the Roma and to give proposals for developing it. The objective is to make an extensive overview of the situation of the Roma population and special needs of the Roma culture and to review the relevant legislation especially in the fields of social affairs and education. Proposals for developing the Roma policy would be given on the basis of the report. The aim is to complete the report by 31 May 1999.

Article 6

- 1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*
- 2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*

Under this Article reference is made to the 13th and 14th report submitted to the Committee on Racial Discrimination. The report includes e.g. a description of bodies monitoring discrimination. The Ministerial Group on Good Ethnic Relations and the Government Resolution on Measures for Promoting Tolerance and Combating Racism¹⁴ and a Resolution for a Government Programme on Migration and Refugee Policy. Furthermore the following advisory boards and commissions are described in that report: the Advisory Board for Refugee and Migration Affairs (nowadays called the Advisory Board for Ethnic Relations), the Advisory Board for Sami Affairs, the Advisory Board for Roma Affairs, the Commission against Racism, Xenophobia, Anti-Semitism and Intolerance and the Commission for Migration and Refugee Policy.¹⁵

The Ministry of Labour has a co-ordinating role in the integration of immigrants, in the promotion of good ethnic relations and in the work against racism and discrimination.

Advisory Board for Ethnic Relations

The new Decree concerning the Advisory Board for Refugee and Migration Affairs entered into force on 1 March 1998. By the amendment made to the Decree the name of the Advisory Board was changed into the Advisory Board for Ethnic Relations. Compared with the earlier body the new Advisory Board has new duties relating to ethnic relations and prevention of racism.

By the change of name the Government wishes to emphasise the ever increasing significance of prevention of racism and of good ethnic relations in the immigration and refugee policy. Instead of one member and one substitute member, half of the members of the new Advisory Board represent immigrants and other ethnic communities. The communities themselves have elected their members and substitute members. The former Advisory Board aimed at increasing the participation of immigrants and traditional minorities by designating persons representing these groups as members of different sections of the Advisory Board. The new composition of the Advisory Board makes it possible to improve interaction between the Ministries and their subordinate authorities, different parties of the municipal labour markets, religious communities,

¹⁴ An English translation is annexed to the report.

¹⁵ See pages 11-19 in the 13th and 14th report of the Government of Finland on the International Convention on the Elimination of All Forms of Racial Discrimination.

non-governmental organisations, immigrants and traditional minorities. With reference to this report it should be mentioned that the Tatars and the Jews are represented in the Advisory Board. In addition the Sami people and the Roma are represented in the section for cultural diversity of the Advisory Board.

Other measures

The Ministry of Labour has contributed to the monitoring of racism and discrimination based on ethnic origin, by launching and financing studies concerning 1) discrimination at work, 2) attitudes of the majority of the population and 3) attitudes of labour authorities towards ethnic groups. The aim is to examine the attitudes of public officials working with immigrants and minorities (such as the police, public officials working at employment agencies, teachers and social welfare officials). The Ministry of Labour elaborates each year a working life barometer which illustrates among other things discrimination at work.

In the training of judicial authorities attention is paid to the promotion of tolerance and prevention of racism. Such issues are regularly touched upon in the framing of judges and prison personnel. Guest lectures have been given to prison personnel by persons representing different cultures, such as the Roma and immigrants.

The Ministry of the Interior issued on 30 June 1997 instructions on the increasing of tolerance and prevention of racism among the police. Thereafter the police have been trained for example to deal with discrimination offences. On 13 March 1997 the Ministry of the Interior issued instructions on the registration of offences which are based on racist motives. At present there are no reliable statistics available on discrimination, hostile attitudes or violence against persons belonging to national minorities. The police register does not indicate whether the person in question belongs to a national minority. However, the possibilities of indicating the background of victims has been under consideration.

The Prosecutor General issued on 24 February 1998 instructions placing district prosecutors under an obligation to notify to the Office of the Prosecutor General such offences that have significant effects on society. Such offences include for example offences with political or racist motives. In 1998 ten notifications were made. Most of them concerned offences against persons of foreign origin. In two cases a restaurant owner was suspected of a discrimination offence, having prohibited the entry of Romas in the restaurant.¹⁶ In connection with inspections to be made in 1999 by the Office of the Prosecutor General, attention will be paid to compliance by district prosecuting authorities with the above mentioned instructions.

Relations between different minorities

The European Bureau for Lesser Used Languages (EBLUL) within the European Union is represented also in Finland. The Swedish Assembly of Finland (Svenska Finlands Folkting), the Sami Parliament, the Finnish Roma, the Russian-speaking population and the Tatars in Finland are represented in the Finnish Commission of the Bureau "FIBLUL".

Articles 7 to 9

Articles 7 to 9 correspond to articles 9 to 11 in the European Convention for Human Rights, and have their counterparts in sections 9,10 and 10a of the Finnish Constitution Act. These rights belong to everyone residing in Finland irrespective of nationality.¹⁷

¹⁶ For more case-law, see pages 74-75 in the 13th and 14th report of the Government of Finland on the International Convention on the Elimination of All Forms of Racial Discrimination.

¹⁷ See « Fundamental Rights in the Constitution of Finland » pages 23-27.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

According to section 10a of the Constitution Act, everyone shall have the right, without obtaining permission, to arrange meetings and demonstrations and to participate therein. Furthermore, everyone has the right to freedom of association with others. The right to freedom of association includes the right to found an association, to belong or not to belong to an association and to participate in the activities of an association. The right to form, join and participate in the activities of trade unions and the right to organise for the protection of other interests is also guaranteed in this section. More detailed provisions on the exercise of the right to freedom of assembly and the right to freedom of association are prescribed by Acts of Parliament.¹⁸ The Government Bill (HE 145/1998 vp) for a new Act on the freedom of assembly, which would contain *inter alia* the provisions of the existing Meetings Act (6/1907), is under discussion in Parliament. The new Act on the freedom of assembly would place the Government under an obligation to guarantee and promote the freedom of assembly in accordance with the case law of the European Court of Human Rights. The Court has considered that States must promote the possibilities of using the freedom of assembly by affording protection against outside interference.

Labour legislation contains separate provisions on the freedom of assembly. The employer and an employee shall not prevent one another from belonging to or joining a lawful association or participating in the activities of such an association. Violation of the right of employees to the freedom of assembly is punishable.

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Section 9 of the Constitution Act provides that everyone shall have the right to freedom of religion and conscience. The right to freedom of religion and conscience includes the right to profess and practise a religion, the right to express a conviction and the right to belong or not to belong to a religious community. However, this does not mean that the freedom of religion and conscience could be used as an excuse for any practice contrary to human rights and dignity or otherwise in breach with the legal system. Section 83 of the Constitution Act provides that new religious communities may be founded, in the manner prescribed by Act of Parliament.

The Freedom of Religion Act¹⁹ concerns all religious communities the aim of which is to practise religion in public and which have been duly registered. Under the Freedom of Religion Act it is allowed to profess and practise a religion both in public and in private as long as law is

¹⁸ The Associations Act is annexed to this report.

¹⁹ The Freedom of Religion Act is annexed to this report.

not infringed and it is morally acceptable. The Evangelic Lutheran Church and the Orthodox Church have a different legal status from other religious communities in that their status is provided for in specific legislation: the Church Act (1054/1993) and the Orthodox Church Act (521/1969).

Other religious communities in Finland are given an official status after they have been duly registered as provided in Chapter 2 of the Freedom of Religion Act. At present there are 45 registered religious communities in Finland. In addition there are ideological religious organisations registered in the associations register of the National Board of Patents and Registration (for example the Pentecostal Church).²⁰

The Government set up a committee on 1 October 1998 for the purpose of drafting a proposal for new legislation on the freedom of religion. One aim of the reform is to update the existing legislation, by taking into account internationalisation and the cultural diversity existing in the country.

Financing

The Evangelic Lutheran Church and the Orthodox Church receive 2 % of the proceeds of community tax. In addition the members of these churches pay income-based church tax which is collected in connection with municipal income tax. Registered religious communities do not get public financing automatically on the basis of their status.

Article 9

- 1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.**
- 2. Paragraph 1 shall not prevent P attics from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**
- 3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that per sons belonging to national minorities are granted the possibility of creating and using their own media.**
- 4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

According to section 10 of the Constitution Act, everyone shall have the right to freedom of expression. More precise provisions on the exercise of the right to freedom of expression are

²⁰ See the statistics showing the population by religious affiliation.

prescribed by Act of Parliament. According to section 1 of the Act on the Freedom of the Press²¹, "every Finnish citizen shall have the right to publish printed writings, without the public authorities being allowed to set any obstacles to this in advance, as long as the provisions of this Act are observed."

The Ministry of Transport and Communications is responsible for radio and TV broadcasting in Finland. Radio and television broadcasting is subject to licensing. When granting licenses, the promotion of freedom of speech, the diversity of programmes and the needs of special groups of the public are especially taken into consideration.

The Ministry of Transport and Communications prepared the new legislation on radio and TV operations which entered into force on 1 January 1999. As part of the reform, section 7 of the Act on the Finnish Broadcasting Corporation Ltd, was amended. The duty to treat the Finnish and the Swedish-speaking citizens equally and to produce services in the Sami language, was amended so that now services are to be produced also in the Roma language and sign language.²²

Media in practice

There are specific TV programmes for the Swedish-speaking population, (covering some 9% of the productions of two different state-owned TV channels)²³, and two nation-wide radio channels in addition to local radio stations. Part of TV programmes are subtitled in Swedish. There are also several newspapers and magazines published in Swedish in Finland.

The Sami people have their own radio channel (Sami Radio)²⁴ working in their home area and broadcasting programmes for some 40 hours a week. There is also a text TV in the Sami language.

The Roma have three aliarterly papers, two of which are published by a national Roma association and one by the National Board of Education. All these papers are published in Finnish and they contain some articles in the Roma language. Once a week there is a news broadcast in the Roma language through a nation-wide radio network.

The Finnish Broadcast Corporation also broadcasts news in Russian.

Article 10

1. *The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*

2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.*

²¹ The Act on the Freedom of the Press is annexed to this report.

²² See Act on the Amendment of the Act on the Finnish Broadcasting Company Ltd.

²³ See the homepage www.yle.fi

²⁴ See the homepage www.yle.fi/samiradio

3. *The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language if necessary -with the free assistance of an interpreter.*

Constitutional provisions

The right of minorities to use their own language and the authorities' duty to ensure the implementation of this right have been given account of under Article 3.²⁵

Aland

As has been mentioned above, the Province of Aland is completely Swedish-speaking. However, according to section 37 of the Act on the Autonomy of Aland, Finnish citizens have the right to use Finnish before a court and with other State officials in Aland.

The European Charter for the protection of regional or minority languages

When ratifying the European Charter for the protection of regional or minority languages Finland declared that it will apply 65 of the provisions under part III of the charter to the Swedish and 59 to the Sami language. Furthermore, Finland declared that it undertakes to apply, *mutatis mutandis*, the principles listed in part 11 of the Charter to the Roma language and other non-territorial languages. Finland will give its first report with regard to the implementation of the Charter by 1 March 1999.

Legislation

The right to use the national languages, Finnish and Swedish, on equal standing in accordance with the Constitution Act is implemented through the Language Act and the Act on the Language Qualifications of Public Officials (14/1922). The Act on the Autonomy of Aland provides *inter alia* for the official status of Swedish and the right of domicile in Aland.

The Act on the Use of the Sami Language before Authorities makes it possible to use the language in the Sami Homeland and before authorities and agencies referred to in law (sections 1 to 3). The Sami people have the right to use the Sami language before authorities both orally and in written and to receive a reply in the same language. The Act also concerns signs and public announcements (sections 6 to 13).

The Decree on the Implementation of the Language Act requires that interpretation be arranged if a party to the matter is not able to use Finnish or Swedish, in a criminal matter initiated by a public prosecutor (section 6). According to section 37 of the Pre-trial Investigation Act (449/1987) an investigative authority shall be responsible for arranging interpretation when the person being interrogated is not able to use a language which normally is under the Language Act used before that authority.

According to section 25 of the Administrative Procedure Act (589/1996), a public authority shall arrange for interpretation and translation *inter alia* when a party to a matter, which can be initiated by the public authority, is not able to use the language which in accordance with the Language Act is used before that authority. The Administrative Judicial Procedure Act (586/1996) contains a corresponding provision (section 77).

²⁵ See page 7.

The Patient Rights Act (785/1992) provides that the native language of the patient, his individual needs and culture shall be taken into account in his care and treatment, as far as possible (section 3).

There have, however, been problems in practice, partly because of deficient language skills of public officials and partly because of prejudices towards minorities and misunderstandings. Thus it is possible that correspondence between different authorities and Swedish-speaking municipalities only takes place in Finnish.

A more detailed description of the implementation of the above-mentioned Acts will be included in the first report of Finland concerning the implementation of the European Charter for Regional or Minority Languages.

Special measures

The Parliamentary Ombudsman on his own initiative investigated language issues related to criminal proceedings. This investigation was based on a newspaper article published on 9 September 1996, according to which the Swedish-speaking Finns have had difficulties in using their own language in criminal proceedings. After the investigation the Parliamentary Ombudsman made a proposal on 24 April 1998 to the Government for measures to be taken in order to improve the status of the Swedish language in criminal proceedings. On account of the proposal a working group was set up on 7 January 1999, where the judiciary, prosecuting authorities, the Ministry of Justice and the Swedish Assembly are represented. The working group should finish its work by 31 December 1999.

It has been considered that the Act on the Use of the Sami Language before Authorities does not sufficiently ensure the preservation of the Sami language as a living language, because in practice the use of the Sami Language is often based on interpretation and translation. A working group has been set up by the Ministry of Justice for improving the language rights of the Sami people. The working group shall draft a proposal for amending the Act on the Use of the Sami Language before Authorities, and to give account of needs for amending other legislation regulating the Sami Language. The working group should finish its work by 31 March 1999.

A Roma language board was established in connection with the Finnish Research Centre for Domestic Languages on 1 June 1997, to study and develop the Roma language and to provide advice in the use of the Roma language. However, no permanent official has been appointed for this purpose.²⁶

Article 11

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

²⁶ See the Finnish Research Centre's for Domestic Languages homepage at www.domlang.fi

2. *The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.*

3. *In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.*

Names Act

The Names Act²⁷ does not in any way prevent the use of surnames and first names in a minority language.

Under the provisions of the Names Act, change of surnames as well as of first names is allowed. However, an improper name cannot be taken (sections 11 and 32 b). The change of names could take place either through marriage (Chapter 3), announcement (section 32 c) or application (sections 15 and 32 d). An application for a change of surnames shall be submitted to the County Government. Forenames can be changed by written announcement to the Population Register. No-one shall be forced to change his or her names at any time. The Names Act also includes provisions on protected names and symbols (sections 12 and 13) and general impediments for the approval of a forename (section 32 b).

Signs

The Finnish legislation does not in any way prohibit signs, inscriptions or other information of a private nature as referred to under section 2 of this Article to be displayed in public in a minority language.

Local names

Under Finnish law official notifications to be given by the State, municipalities or autonomous district authorities to the public shall in monolingual administrative districts be written in its official language (Finnish or Swedish) and in bilingual districts in both official languages. The municipalities in Finland are either Finnish or Swedish-speaking or bilingual. In the Sami Homeland signs shall also be written in the Sami language.

Under the Language Act a municipality shall be considered bilingual if more than 8 % of the population speaks the other official language of the country. However, all the municipalities where at least 3.000 inhabitants speak the other official language shall be considered bilingual. Every ten years the Government shall determine which municipalities are monolingual and which are bilingual. At present there are 389 Finnish-speaking, 5 Swedish-speaking and 42 bilingual municipalities. In addition all the 16 municipalities in Åland are Swedish-speaking.²⁸

Public announcements include *inter alia* road and street signs, official decisions, notifications and information signs emanating from public authorities. These announcements are written either in one language or two languages (Finnish and Swedish or Finnish and Sami) depending

²⁷ The Names Act is annexed to this report.

²⁸ See the statistics showing municipalities by official language 31.12.1997.

on the linguistic situation in the municipality. For example in the Sami Homeland road signs are written in three different Sami languages in addition to Finnish.

Article 12

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*
- 2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

Training of teachers

Swedish-speaking Finns

Separate training is arranged for Swedish-speaking teachers in Finland. The number of Swedish-speaking teachers - both primary school teachers and secondary and upper secondary school teachers - taken in the training programmes was increased in the autumn of 1998. The aim is that also the number of Swedish-speaking students in the training programmes of preparatory school teachers and of special pedagogy will be increased in the same way between 1999 and 2000.

The Sami

There are quotas for students speaking the Sami language in the training of primary school teachers. These quotas are placed in the Universities of Oulu and Lapland. The yearly number of applicants has been 10 to 12, of which 0 to 5 have been taken in. As regards teachers of secondary and upper secondary schools, the Ministry of Education had a study made in 1997 on the situation and need of teachers. The Ministry has set up a working group to draft a proposal for the practical arrangements concerning the training of teachers speaking the Sami language. Some Samis are studying in a teachers' training college in Kautokeino, Norway, where the teaching takes place in the Sami language, to graduate as primary school teachers.

The Roma

There is a training unit for the Roma in connection with the National Board of Education. This training unit has as its duty to develop and carry out the education of Romas. The aim is that the Roma will have equal opportunities to education with the rest of the population.

The education of Roma children has improved every year. However, even when the number of Roma children getting further education has increased, they continue with their studies less often than other children. It has been estimated that less than half of Roma children continue their studies after secondary school, whereas the corresponding figure among the majority of the population is some 93 %.

A working group set up by the National Board of Education has drafted an extensive report to the Ministry of Education, concerning the status of the Roma language and culture at different school levels. The report also suggested that a quota for the training of primary school teachers speaking the Roma language could be established. The Ministry of Education has also accepted

the training programme and the advanced training programme of Roma culture instructors as programmes referred to in the 1997 Act on Vocational Training Programmes. There are no possibilities for studying the Roma language at the university level.

The university training of teachers includes no special arrangements for other minority groups.

The Advisory Board for Roma Affairs has pointed out that in the light of statistics there is considerably less research on the Roma and their culture than on the Swedish-speaking minority, the Sami, returnees from the former Soviet Union or refugees, and that the knowledge of Roma culture among the majority of the population is deficient. One reason for this is that the teaching materials at schools contain very little information on the traditional minorities.

Quotas

Finnish universities have quotas for students speaking Swedish or Sami for ensuring students belonging to these minorities have access to university. There are quotas for example in the fields of law, medicine and teachers' training in *i.e.* the Universities of Helsinki, Oulu and Lapland.

Article 13

- 1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.***
- 2. The exercise of this right shall not entail any financial obligation for the Parties.***

Under Finnish law the Government may grant a permission for an association or foundation to arrange comprehensive or upper secondary school education. It is required that the applicant has the necessary professional and economic ability for arranging the education. For example the Jewish School in Helsinki has been granted such a permission.

Article 14

- 1. The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.***
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.***
- 3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.***

According to section 13 of the Constitution Act, everyone shall have the right to primary education free of charge.²⁹ According to the Comprehensive School Act (628/1998) "a municipality with both Finnish and Swedish-speaking inhabitants is under a duty to arrange comprehensive school education separately for both language groups".

According to section 10 of the Comprehensive School Act, the education takes place either in Finnish or Swedish. The education may also be given in the Sami language, Roma language or sign language. Part of the education may also be given in some other language. The education of pupils who live in the Sami Homeland and can speak the Sami language shall mainly be given in the Sami language.

According to section 12 of the Comprehensive School Act Finnish, Swedish or Sami may be taught as mother tongue, depending on the language of education of the pupil. Also the Roma language, sign language or some other native language may be taught as mother tongue in accordance with the choice of the custodian of the pupil. Sections 6 and 8 of the Upper Secondary School Act contain corresponding provisions.

Main part of the education given in the Sami language takes place in North Sami and some of it in Skolt Sami. All the three Sami languages have been taught as mother tongue. North Sami and Inari Sami have also been used as the language of education in upper secondary schools. It is also possible to study Sami as an optional language.

Under the Matriculation Exam Decree, exams are arranged in the Finnish, Swedish and Sami. Mother tongue exams have been arranged both in North Sami and Inari Sami.

In order to ensure that education is given in the Sami language and that the Sami language is taught in the Sami Homeland, financing legislation has been amended so that the State will pay the costs of education in comprehensive schools, upper secondary schools and in vocational education as from 1 January 1999.

The above-mentioned section 12 of the Comprehensive School Act does not place the municipalities under an obligation to arrange teaching of the Roma language. The education of pupils speaking the Roma language or a foreign language is at present given on the basis of a decision of the Ministry of Education (248/1995), concerning the grounds for State subsidies for complementary education. The State pays 86% of the costs of such teaching of the mother tongue. Thus, the municipalities should have economic possibilities for arranging the education, although it usually depends on the economic planning in the municipality in question. In practice municipalities often, invoke economic problems as a reason for not providing education.

In 1998 there were some 220 pupils participating in the teaching of the Roma language in eight municipalities when there were in total 1500 to 1700 Roma children at school age.

Children's day care

The Children's Day Care Act (36/1973) specifically provides that day care may also be given in the Sami language (apart from Finnish and Swedish). Day care in the Sami language is not an established practice yet.

²⁹ See « Fundamental Rights in the Constitution of Finland », pages 28-29.

An amendment to the Children's Day Care Decree entered into force on 1 January 1995, adding *inter alia* the supporting of the Roma language and culture in co-operation with persons representing that culture as one of the educational objectives defined in the Children's Day Care Act. In practice municipalities have not taken measures as a result of the amendment and nor has it improved co-operation between the Roma and day care centres. Not much information on the Roma culture or on co-operation with the Roma has been provided in the training of the personnel of day care centres. It has been estimated that the number of Roma children in day care or preparatory school is relatively small compared to other children.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

The Swedish-speaking Finns

It can be noted that Swedish-speaking Finns participate in cultural, social and economic life on equal standing with the majority of the population.

The Samis

Section 52 a in the Parliament Act states that Sams shall be heard in a matter of special consequence to them, as further provided in the Procedure of Parliament. Section 16 in the Procedure of Parliament states that when considering a legislative proposal or another matter which especially concerns the Sami, a committee shall, unless specific reasons otherwise warrant, give the representatives of the Sami an opportunity to be heard.³⁰ In practice, representatives of the Sami Parliament are heard in these cases.

Furthermore, under section 56 of the Skolt Act (256/1995) State and municipal authorities shall give the Skolt Sami an opportunity to be heard in important matters concerning the means of living and conditions of the Skolt Sami.

The Samis as an indigenous people are guaranteed cultural autonomy according to Section 51a in the Constitution Act. Further provisions on the cultural autonomy are contained in the Act on the Sami Parliament. The purpose of the Act is to guarantee the Sami as an indigenous people cultural autonomy in respect to their language and culture (Section 1). In matters pertaining to its tasks, the Sami Parliament represents the Sami in national and international connections (Section 6). The authorities shall negotiate with the Sami Parliament in all far-reaching and important measures which may directly and in a specific way affect the status of the Sami as an indigenous people and which concern matters in the Sami Homeland as referred to in the Act (Section 9).

The Supreme Administrative Court, by its decision 15.5.1996 T 1447, quashed the decisions of the Ministry of Trade and Industry concerning eighteen claims to mines on the grounds that the Ministry had not, before making the decisions, examined the effects of the claims on reindeer keeping among the Sami population, and referred the matter back to the Ministry for reconsideration. The Ministry of Trade and Industry reconsidered the claim documents and requested a written opinion from the Sami Parliament on 1 December 1997. The Sami

³⁰ See « Constitutional Laws of Finland », pages 49 and 75.

Parliament gave its opinion on 19 February 1998. A new decision was made on 30 April 1998, and instructions to be followed when claims to names are made in the Sami reindeer keeping areas were attached to the claim documents. These instructions were negotiated with the representatives of the Sami Parliament.

At present there are 22 appeals concerning claims to mines in the Sami Homeland under consideration before the Supreme Administrative Court.

The Roma

When legislation has been prepared and discussed in the parliamentary committees, the opinions of the Roma population have more and more been taken into account. The hearing has taken place in different ways, but in most cases through the Advisory Board for Roma Affairs.

Political representation

There are no specific minority parties in Finland. Politically active persons representing a minority group are members of different parties to which they choose to belong.

Nor are there seats reserved for minorities in Parliament, with the exception of the one seat of the member of Parliament representing Åland. The existing electoral system does not make a full political participation of small ethnic and other groups possible, because it is in practice difficult for persons representing such groups to be elected. Thus for example the Sami people do not have their own member of Parliament, and nor has a person representing the Roma ever been elected to Parliament. There are nearly twenty Swedish-speaking Finns among the members of Parliament.

At the local level it is possible for persons representing small groups to be elected. The Sami, the Roma, the Tatars and the Swedish-speaking Finns have representatives in town councils.

Autonomy

As has been mentioned above, the Province of Åland is autonomous and the Sami have cultural autonomy within their homelands. According to section 3 of the Act on the Autonomy of Åland the Åland Legislative Assembly shall represent the people of Åland. The administration of Åland is vested in the government of Åland. The Legislative Assembly shall enact legislation for Åland (Acts of Åland) (section 17).

Advisory Boards

There is an Advisory Board for Sami Affairs subordinate to the Ministry of Justice, having as its duty the co-ordination and preparation of matters concerning the Sami people. The Advisory Board for Roma Affairs is subordinate to the Ministry of Social Affairs and Health, and is responsible for monitoring the development of possibilities for social participation and of living conditions of the Roma population, for taking initiatives and promoting the status of the Roma language and culture.

The interests and the status of the Swedish-speaking Finns and the Swedish language are monitored by the Swedish Assembly.

As an answer to the question asked in the Outline for Statereports Foreigners' right to vote

Any 18-year old Finnish citizen has the right to vote in presidential and parliamentary elections. According to section 11, subsection 2 of the Constitution Act, "every Finnish citizen and every alien residing permanently in Finland shall have the right to vote in local elections and in local

referenda in the manner prescribed by Act of Parliament, provided that he has reached the age of eighteen years(...)". Citizens of Member States of the European Union as well as citizens of Norway and Iceland have the right to vote in local elections on the same conditions as Finnish citizens, while other foreign citizens are expected to have resided permanently in Finland for two years before getting the right to vote.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Section 50, subsection 3 and section 51, subsection 2 in the Constitution Act provide that "In any arrangement of the boundaries of administrative districts, care shall be taken that, where circumstances permit, the districts are monolingual, either Finnish-speaking or Swedish-speaking, or that their linguistic minorities are as small as possible".

Article 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

The provisions on the fundamental rights contained in Chapter II of the Constitution Act cover the rights under this Article. For example, the freedom of assembly and association relates to both national and international organisations.

Article 18

1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

Finland and Russia have concluded an Agreement on the Foundations of Relations between the Republic of Finland and the Russian Federation. According to Article 10 of the Agreement, "the Parties shall give their support to the preservation of the identity of Finns and Finno-Ugric peoples and nationalities in Russia and, correspondingly in Finland, the identity of persons

originating in Russia." Finland and Russia have also concluded an Agreement on co-operation in the field of culture, education and research, containing a corresponding provision in Article 4.

The Nordic Countries have concluded agreements on co-operation in the field of culture, on co-operation between local authorities and on the right of citizens of a Nordic Country to use his own language in other Nordic Countries.

..*