

# **FOLLOW-UP SEMINAR ON THE IMPLEMENTATION BY FINLAND OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

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## **Introduction – engaging in dialogue**

I am particularly pleased to be back in Finland and honoured that I can participate in this seminar. The seminar is an excellent occasion to continue a dialogue, the beginning of which goes back to the early days of 1997, with the ratification, by the Finland, of the Framework Convention; a dialogue that has been developed throughout the first cycle of reporting and is now continuing during the second cycle. The willingness of the Government in having this seminar today is a proof that the dialogue is continuing and will continue in the future.

It is already a ten year dialogue – a good time for commemoration! – and for recalling the main steps of this on-going exercise, the main aim of which is the guarantee of the protection of the rights of persons belonging to national minorities within a context of tolerance and understanding among all communities living in the country, a purpose that the State engaged itself in ratifying the Convention.

The first report was presented by the Government in February 1999 and was followed by the Opinion of the Advisory Committee on the Framework Convention in September 2000. The State submitted its Comments on the Opinion in July 2000 and that was followed by the Committee of Ministers' Resolution in October 2000. A follow-up Seminar took place in February 2002 and, in this regard, it may be interesting to recall that Finland was pioneer in this step of the dialogue that is now followed by other countries.

The second cycle of reporting was initiated with the submission by Finland of its second report in December 2004. A visit to the country by a group of three representatives of the Advisory Committee took place in September 2005 – I was honoured to be one of them – during which we met with representatives of the Government and local authorities and also with representatives of national minorities, both in the capital and in the Sami Homeland. The Government report and the assessment of the visit, as well as the various contributions received from different parties involved, were the basis for the Opinion of the Committee adopted in March 2006. The Opinion was followed by Comments by the Government in July 2006 and by the Committee of Ministers' Resolution in January of this year.

The description of the process itself shows that the dialogue has been intense and I would like, on behalf of the Advisory Committee, to congratulate Finland, both the representatives of the Government and of the national minorities, for the efforts taken and the engagement shown all along this process.

The seminar that we are having today is a visible proof of the interest of the Government, on one side, and of the Advisory Committee, on the other, to continue this interchange, the ultimate aim of which is an enhanced application of the Framework Convention in the interest of all, both the majority population and the minority communities.

Reporting is not an end in itself, as we all know. It is a privileged occasion to look closely into the situation, to review progress in the implementation of commitments, to identify problems that may persist or new problems that may have arisen, to plan future policies where needed. It is a process to be undertaken with the participation of all stakeholders and interested parties; a process in which the Advisory Committee is both an interlocutor and a facilitator for the dialogue of all involved. At least we hope it is so!

It is in this frame of mind that I would like to look into the Opinion of the Advisory Committee and to highlight the main issues raised - both successes and persisting gaps – issues that were later taken up in the Resolution adopted by the Committee of Ministers.

### **The Opinion - highlighting some issues**

The first question taken up in the Opinion of the Advisory Committee is the **constructive approach** pursued by Finland in this process from the very beginning, both in regard to the early publication of the first Opinion and also as regards the inclusive process for the elaboration of the second report, bringing into it some views of civil society organisations, a fact that is to be commended.

Quite a number of developments are registered in the second report, which the Opinion acknowledges and that I am glad to point out, always noting that that some negative features still persist.

First of all, from the point of view of the **legislative framework**, I would like to refer the adoption of the new Language Act, which gives important additional legal guarantees also for the use of the Swedish language and of the Sami Language Act, which strengthens the protection of Sami Languages. I would also refer the Anti-Discrimination Act of 2004, transposing EU Directives, which aims at the protection against discriminatory practices, both direct and indirect, and which requires the adoption of equality plans at various levels and the establishment of monitoring mechanisms to assess their implementation. I would still refer to the 2004 amendments to the Penal Code, creating new sanctions in regard to ethnically motivated crimes.

All of these are very positive measures that have to be regularly monitored and still fully implemented. As a matter of fact, laws are one thing and practice is another and the Advisory Committee expressed its concern in regard to shortcomings and reported incidents of discrimination and intolerance against persons belonging to minorities, particularly Roma, including in their access to services, in regard to housing and education, as well as participation in the labour market. While recognizing the efforts already deployed by the authorities and the programmes addressing their needs, Roma people still experience specific forms of discrimination that must be further addressed.

Also worrying seems to be the existence of some manifestations of racism and intolerance, in particular in the Internet against some ethnic minorities, as well as in schools against children of minority background, including of the Russia-speaking community. Responses to this particular situation require the involvement of all parties concerned, namely teachers, parents, authorities, etc., in order that further negative developments may be prevented. In this regard, we must stress that education for human rights and for mutual understanding and respect of one another from the early age of schooling is the key for the peaceful and harmonious societies, that we all desire for our European countries.

A second aspect where positive developments may be acknowledged regards the **institutional framework**, the mechanisms and bodies created to ensure compliance with the laws and to further the improvement of the situation of national minorities where needed. The establishment of the Ombudsman for Minorities in 2001 and of the Discrimination Board in 2004 have already yielded important results, as regards increased monitoring and enhanced awareness and visibility given to minority issues in Finnish society. A visibility and an awareness that are particularly necessary in all societies that experience increased diversity, as is the case of Finland, as well as many other countries in a more and more globalized world.

Also worthy of attention is the range of **consultative structures**, the various Advisory Boards – on ethnic relations, language issues, Sami affairs, Roma affairs - that exist in the Finnish system to address concerns of national minorities, to further their participation in public affairs and to search for solutions and responses to such concerns.

This effort to ensure effective participation in the solution of problems experienced by specific groups is not always an easy one; for example, the unsolved disputes that persist in regard to land rights in the Sami Homeland are a proof of the difficulties that must be fully addressed in consultation with all those concerned, not only to solve the specific problems involved, but also to safeguard a spirit of mutual understanding that is inevitably harmed by long-term disputes.

Other concerns of the **Sami minority** have been taken up, namely as regards the use of language, the strengthening of Sami language education and the growing recognition of the value of the Sami culture and its manifestations.

Another area where developments must be acknowledged regards **media**, including radio programmes that, while still limited in scope, are important tools in the promotion and protection of minority languages and cultures and merit to be developed further.

However, in spite of the many positive developments and of the growing visibility of minority issues, there are **concerns that remain** and the Resolution of the Committee of Ministers based on the Opinion of the Advisory Committee points them out. I have already mentioned some, particularly in regard to the inter-ethnic dialogue between communities, where manifestations of intolerance persist in some sectors of Finnish society. They are, certainly, a **sign of the gap** that has not yet been fully transposed between legal and institutional progress and effective monitoring and implementation of norms and plans. A gap also between principles and attitudes that must be progressively overcome.

The gap between positive commitment and everyday practice is also felt in the **implementation of the provisions of the Language Acts** and in the difficulties encountered in their effective application in contacts with authorities and in certain key sectors, such as the judiciary and the police. Lack of teachers and of interpreters, deficiencies in language proficiency are amongst explanations put forward for such situation and they need to be addressed to ensure that the difficulties experienced by the Sami and Swedish speakers are addressed. Moreover, there is a need to make sure that linguistic obstacles do not undermine access of Russian speakers to key public services.

The question of **minority language use and of minority issues in media**, particularly print media, still needs further attention from the authorities, including Sami and Russian languages, to better respond to the needs and interests of these communities. Further minority language public service broadcasting also seems to be necessary, including children's programmes. On the other hand, further awareness-raising must also be pursued in regard to the negative stereotyping that may still prevail in regard to minorities in the media in general.

The issue of language rights and language use is closely related to **minority education**, an area where, in spite of the steps that have already been taken, there is still a lot to be achieved. As mentioned in the Opinion and further emphasised in the Resolution, there is still a limited availability of education in Russian, as well as in Sami languages, in particular outside the Sami Homeland. Still in regard to education, another group requiring more focused attention is the Roma community, that still experiences difficulties in the educational system, both as regards Romani language use, still very limited, and also other difficulties expressed particularly in their disproportional presence in special education.

I will mention one more aspect where further action must be pursued. It regards the **participation** of persons belonging to national minorities in all aspects of public affairs, particularly those affecting them, as stated in article 15 of the Convention. In spite of the extensive range of consultative bodies already mentioned and the laudable efforts developed in this regard, this participation must still be ensured for all minority groups, including the Russian-speaking population that does not yet enjoy the similar possibilities as some other national minorities. The Opinion of the Advisory Committee also encourages the Parliament of Finland to consider enhancing channels of communication with minorities.

The final aspect I will touch upon regards the **personal scope of application** of the Convention, an aspect that still raises some controversial questions, that are still likely to increase with the increasing ethnic diversity. When the Convention was ratified, there was an open attitude of the Finnish authorities to extend its protection *de facto* beyond the groups formally acknowledged and termed as national minorities. A number of aspects in this connection were raised by different groups, namely concerning the distinction established between old Russians and new Russians; the dissenting opinions within the groups of Swedish-speaking Finns as well as the Finnish speaking population in Åland islands; the coming forward of other groups like the Karelians and others showing interest in the protection provided by the Convention, etc. On these issues, the Advisory Committee is not aiming to impose any rigid solutions, but our main goal is to encourage dialogue between the government and the groups concerned, and I am

therefore please to note that amongst the participants of today's seminars we have a number of representatives from such groups.

Many other aspects, both positive and less positive, are included in the Opinion. I tried only to highlight those that are probably the most significant ones. All of them constituted the basis for the Committee of Ministers' Resolution, where very clear recommendations are put forward, aiming at an integral and comprehensive application of the Framework Convention for the Protection of National Minorities.

### **The Recommendations**

I will briefly point them out, as they may be a good basis for our discussion and for further implementation of the Convention. They concern and recommend:

- in regard to language, the need to address the shortcomings in the implementation of the new laws pertaining to Swedish and Sami and the consideration of the situation of Russian-speakers in the provision of public services
- in regard to the disputes in Sami Homeland on ownership and use of land, the negotiation with the Sami Parliament and others concerned, to overcome the present state of affairs as soon as possible
- in regard to media, the further development of minority language media and the reviewing of the current subsidy system to ensure that it takes into account the specific situation of minority language print media
- in regard to education and, specifically, minority language education – namely Russian, Roma and Sami outside the Sami Homeland – the expansion of the availability of these languages and the consideration of the specific problems faced by Roma in the educational system
- in regard to current consultation arrangements on minority issues, the improvement of the participation in the existing structures, including with regard to the Russian-speaking community
- still concerning participation, the improvement of such participation in the allocation of cultural support for minority organisations
- and the strict fulfilment of the legal obligation to negotiate with the Sami Parliament in the relevant questions pertaining to its competences

The Resolution includes two final recommendations that regard two fundamental aspects for future developments: on the one hand, the reinforcement of actions against incidents of discrimination and acts of intolerance, necessary to guarantee a peaceful and diversely rich society and, on the other, the issue of the personal scope of application of the Convention, which might be further discussed with those concerned, aiming at an enhanced degree of protection of all minority groups.

### **The dialogue must continue**

Of course, I have not taken up all the issues raised in the Opinion of the Advisory Committee, but the Opinion is, certainly, known by all of you and many other aspects can be raised in our discussion. I have only tried to highlight some of the most significant issues reflected in the Resolution; further issues can, certainly, be explored in our forthcoming discussion during the course of the day.

A discussion that is necessary for all of us – the Government, the national minorities, the majority too, and also the Advisory Committee - in order that the Framework Convention for the Protection of National Minorities may become a powerful, effective and living instrument in Finnish society for the sake of all its members.

This is my wish. Let us have a fruitful and interesting discussion today, that may point to those aspects that are essential for a better future of tomorrow !

RTS