



Fourth Opinion on Finland - adopted on 24 February 2016
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Summary

Finland continues to ensure the protection of the rights of persons belonging to national minorities through the strengthening of the legal framework and institutional structure devoted to the protection of human rights and non-discrimination, as well as through several programmes. Progress has been accomplished with respect to cultural autonomy of the Sámi people and revival of the Sámi languages in education, culture and the media. However, the constructive dialogue engaged with the Sámi on the legal framework defining their autonomy and access to rights, in particular land and water rights and use, has not yielded concrete results yet. Awareness is growing of the deteriorating situation of the Swedish language in Finnish society and the insufficient implementation of the existing legal guarantees to achieve a sustainably bilingual Finland. The 2012 Strategy for the National Languages of Finland has set out in clear terms the objective to improve the knowledge of the Swedish language, as well as its presence and visibility in the education system, the public sector, the labour force and the population at large and this objective must now be implemented. With the help of adequate funding, the National Action Policy for Roma has improved the position of Roma in society, in particular as regards access to preschool and basic education and the revival of the Romani language. Nonetheless, Roma are still facing discrimination in all walks of life and in particular in employment.

In the context of migration flows, Finnish society is also experiencing increasing interethnic intolerance, an increase in instances of racial discrimination and a more pronounced polarisation. This climate impacts also on national minorities which experience growing hate speech in the social media and in the political arena. There is also a perceived gap between the legal and policy frameworks and their implementation as regards the protection of the rights of persons belonging to national minorities. In a context of strained resources and increasing needs in terms of fulfilling existing legal requirements or responding to new expectations, the government needs to strike a fair balance between budget cuts and provision of resources to ensure greater equality and compliance with existing national and international obligations.

Recommendations for immediate action:

- Engage in a constructive and high-level dialogue with the Sámi people, possibly in a government-led platform, to ensure that the interests of all parties are adequately addressed both in national legislation and through the ratification of the ILO Convention No. 169 on Indigenous and Tribal Peoples; strengthen the knowledge of the Sámi languages, maintain and develop the cultural identities of the Sámi in the Homeland while targeting also Sámi living outside the Homeland;
- Intensify efforts to adopt and implement the Action Plan related to the 2012 Strategy for the National Languages of Finland in order to guarantee that the knowledge, visibility and presence of the Swedish language is maintained in education, in the administration, in the labour force and in the public at large;
- Defuse the climate of increasing interethnic prejudice and tension by stepping up efforts to combat all forms of intolerance, racism, xenophobia and hate speech, in particular in social media; promptly condemn all instances of racism and ethnic hostility in public discourse; raise public awareness of the legal remedies available against hate crime and hate speech; strengthen the role of law enforcement and the judiciary to detect and sanction hate speech and hate-motivated offences; raise the level of recruitment of persons belonging to minorities in the police.

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I. Key findings

Monitoring process

1. This fourth cycle Opinion on the implementation of the Framework Convention by Finland was adopted in accordance with Article 26(1) of the Framework Convention and Rule 23 of Resolution (97)10 of the Committee of Ministers. The findings are based on information contained in the fourth [State Report](#), submitted by the authorities on 27 January 2015, other written sources and on information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Helsinki and Inari from 5 to 9 October 2015.

2. The Advisory Committee welcomes the authorities' overall constructive and co-operative approach towards the monitoring process and the remarkable assistance provided by them before, during and after the visit. The third cycle Opinion was published on the Ministry of Foreign Affairs website along with the government's comments. The Resolution of the Committee of Ministers (2012)3 was published in English, Finnish, North Sámi and Swedish, and widely distributed among a large number of institutional and civil society stakeholders along with a note encouraging further distribution. The fourth State Report was submitted with some delay and it contains comprehensive and valuable information. Representatives of national minorities and civil society were consulted during its preparation.

General overview of the present situation

3. Finland continues to ensure protection of the rights of persons belonging to national minorities through the strengthening of the legal framework and institutional structure devoted to the protection of human rights and non-discrimination as well as through programmes. Although the constructive dialogue engaged in with the Sámi on the legal framework aiming at defining their autonomy and access to rights, in particular land and water rights and use, has not achieved concrete results as yet, progress has been accomplished with respect to cultural autonomy and revival of the Sámi languages in education, culture and the media. Awareness is growing of the deteriorating situation of the Swedish language in Finnish society and the insufficient implementation of the existing legal guarantees to achieve a sustainably bilingual Finland. The 2012 Strategy for the National Languages of Finland has set out in clear terms the objective to improve knowledge of the Swedish language, its presence and visibility in the education system, the public sector and the population at large, and this must now be implemented.

4. The National Action Policy for Roma, when adequately funded, improved the position of Roma in society, in particular as regards access to preschool and basic education and reinforced the revival of the Romani language particularly in schools. Nonetheless, Roma are still facing discrimination in all walks of life and especially in employment. Moreover, Finnish society is also experiencing increasing interethnic intolerance, an increase in instances of racial discrimination, particularly on the Internet and a more pronounced polarisation. While a likely consequence of the unprecedented migration flow, this climate impacts also on national minorities with hate speech more present in social media and in the political arena. There is also a perceived gap between the legal and policy frameworks and their implementation as

regards the protection of the rights of persons belonging to national minorities. In a context of strained resources and increasing needs in terms of fulfilling the existing legal requirements or responding to new expectations, the government needs to strike a fair balance between budget cuts and provision of resources to ensure greater equality and compliance with existing national and international obligations.

Assessment of measures taken to implement the recommendations for immediate action from the third cycle

5. A significant and constructive dialogue had begun with the Sámi Parliament to find legal and policy solutions to all pending issues. The government committed to clarifying the legislation relating to land rights and use, and ratifying ILO Convention No. 169 on Indigenous and Tribal Peoples provided that a common understanding on the definition of the Sámi people was reached. The government and the Sámi Parliament agreed on draft legislation, but the legal and political process concerning the Sámi autonomy, land rights, and the ILO Convention ratification came to a halt in the Parliament in 2015 for political reasons. Although the government decided to keep the legislative process open as regards the ratification of the ILO Convention, the situation is quite tense and uncertain, and it risks again a stalemate unless all parties concerned strive to re-launch a constructive and high-level dialogue including all the Sámi people.

6. The Action Plan for the revival of the Sámi languages by 2025 outlines measures to ensure the survival at national level of the three endangered Sámi languages (North, Inari and Skolt Sámi). Early day care and basic education (creation of language nests for children, slight increase in the number of students) progressed in the Sámi Homeland¹ with the support of public funds. Broadcasting and online media services also developed substantially. However, access to welfare and health services in the Sámi languages remains unsatisfactory and efforts are needed to improve language proficiency of personnel. Efforts must also be carried out to increase the availability of qualified teachers and teaching material. Sámi residing outside the Homeland still face specific challenges in particular as regards access to education in Sámi languages.

7. National minorities continue to be represented and contribute to the political decision-making process through advisory boards, *inter alia* the Advisory Board for Ethnic Relations (ETNO) and the Advisory Board for Roma Affairs and, as regards Sámi, also via the Sámi Parliament. Not all minority groups are equally represented in these mechanisms and no new advisory board targeting specific groups, such as the Russian-speaking population, is envisaged by the government. At municipal level, consultative organs have been established on integration- and migration-related issues, on multiculturalism and on Roma affairs.

¹ The Sámi Homeland covers the following municipalities: Enontekiö, Inari, Utsjoki, as well as the area of the reindeer owners' association of Lapland in Sodankylä.

Assessment of measures taken to implement the further recommendations from the third cycle

8. Non-discrimination legislation has undergone significant changes between 2010 and 2015 with potentially positive outcomes for national minorities. The revised Non-Discrimination Act (1325/2014) extended the obligation to promote equality also to education providers, educational institutes and employers, which are all required to draw up plans to promote equality. The mandate of the new Non-Discrimination Ombudsman has also been extended to cover all grounds of discrimination and not only discrimination against persons belonging to minorities as was the case in the past. This may have a negative impact on its previous role as a well-trusted institution among persons belonging to minorities themselves unless it is adequately supported.

9. There is a growing awareness that the existing language legislation is not effectively implemented and overall, the linguistic rights of the Swedish-speaking population are deteriorating in education, access to welfare and health services and in public administration in general. The measures outlined in the 2012 Strategy for the National Languages of Finland will be transposed and elaborated upon in an Action Plan with the aim of ensuring that Finland continues to be a viable bilingual country, which will need to be supported by political will as well as by adequate human and financial resources.

10. The evaluation of the 2009 National Policy on Roma, carried out in 2013, indicated that remarkable progress had been accomplished in particular as regards access to preschool and basic education, teaching of the Romani language and awareness and co-ordination on Roma issues at national and local levels. Roma access to upper secondary and higher education, adult education and employment remain particularly challenging, however, one of the reasons being the widespread discrimination Roma still experience. The positive outcomes achieved in certain sectors are primarily due to the consultation and involvement of Roma in decision making at both national and municipal levels, as well as to available funding. Yet the lack of clear financial perspectives to continue implementing the policy risks jeopardising past and future achievements.

II. Article-by-article findings

Article 3 of the Framework Convention

Personal scope of application

Present situation

11. Finland continues to follow a flexible and open approach to the application of the Framework Convention to persons belonging to groups such as Sámi, Roma, Tatars, Jews, Russian- and Karelian-speaking population,² as well as Swedish speakers, who are considered a *de facto* linguistic minority.³ The Advisory Committee welcomes the inclusion of Karelian speakers among the minorities addressed in the State Report, as well as the interaction between group representatives and the authorities, and the positive steps accomplished so far in support of education, press and the media in Karelian (see Article 9 and 14). Nonetheless, the Advisory Committee was also informed during its visit to Finland of concerns by Karelian representatives that their expectations with respect to enhanced legal guarantees for the enjoyment of their minority rights,⁴ as well as financial support for the revitalisation of their language and culture, have not yet materialised (see also Article 5).

12. The Advisory Committee notes also an increasing number of Estonians present in Finland. During its visit it was informed by Estonian organisations that, similarly to other linguistic minority groups, individuals encounter challenges as regards protecting their language and culture. In their view, although the government is becoming aware of these challenges, no steps have been taken so far to provide them with some form of access to minority rights and support. In this perspective, the Advisory Committee recalls the right to free self-identification guaranteed by Article 3.1 of the Framework Convention as well to the general openness and flexibility of this instrument which entails that the applicability of minority rights needs to reflect the evolution of modern societies.

13. The Swedish Assembly of Finland (hereinafter called *Folktinget*)⁵ reiterated that, even if Swedish-speakers are not a national minority under the Constitution, they can only benefit from a flexible application of the relevant provisions of the Framework Convention because of the perceived worsening situation of the Swedish language within Finnish society. Finally, the Åland authorities confirmed their commitment to guarantee Finnish speakers linguistic rights in

² As from 2009 Karelian was included as a minority language with regards to the scope of the European Charter for Regional or Minority Languages.

³ According to the State Report, at the end of 2013, the number of people speaking a foreign language as their first language totalled 289,068 (i.e. 5.3% of the population), while 4,869,362 persons speak Finnish (89.3%), 290,910 persons Swedish (5.3%), and 1,930 persons Sámi (0.04%). Among those speaking their first language, Russian speakers are the majority (66,379 persons), followed by Estonian speakers (42,936 persons), Somali speakers (15,789 persons), English speakers (15,570 persons), and Arabic speakers (13,170 persons).

⁴ Section 17 of the Finnish Constitution on the "Right to one's language and culture" recognises explicitly Finnish and Swedish as equal official languages and that "The Sámi, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture". Karelians fall under "other groups", hence the request that additional legal guarantees, e.g. a Language Act has been adopted also for Karelian speakers.

⁵ The Swedish Assembly of Finland is an organisation with the statutory task of safeguarding the Swedish language and the interests of the Swedish-speaking population in Finland.

education and in other contexts, under the 2013 Autonomy Act. The Advisory Committee had no echo of any specific concern regarding difficulties in access to those rights expressed by Finnish speakers themselves.

Recommendation

14. The Advisory Committee encourages the authorities to advance their engagement with Karelian speakers and to address their requests as regards the enjoyment of minority rights, as well as to continue their flexible and inclusive approach and engage in dialogue with minority linguistic groups, including Estonian speakers, to the extent to which they express their interest to be protected under the Framework Convention.

The Sámi

Present situation

15. The Advisory Committee notes that a Government Bill (HE 167/2014) amending the Act on the Sámi Parliament (974/1995) and aimed to strengthen Sámi institutional and cultural autonomy was withdrawn in spring 2015. This Bill also dealt with the criteria defining who belongs to the Sámi people for the purpose of registration in the voters' list. The draft provision on these criteria provoked a heated debate in Parliament and contributed to the withdrawal of the draft law in its entirety. These criteria should have been amended with the agreement of the Sámi Parliament, to put an emphasis on the acquisition by individuals of the Sámi culture in the community and its maintenance.⁶ In connection with the October 2015 elections of the Sámi Parliament, the Supreme Administrative Court was called to intervene on the issue of the criteria in respect of registration in the voters' list.⁷ The Sámi Parliament reacted strongly to this decision which was held to infringe the right to self-determination of the Sámi people and the enjoyment of their rights and, in their view, carried the risk of opening up the Sámi community to individuals who did not fulfil the criteria for belonging to the Sámi.⁸

⁶ A new criterion should have been added to the three existing criteria provided by the legislation in force used to legally define who belongs to the Sámi minority, that is that "(i) he himself or at least one of his parents or grandparents has learnt Sámi as his first language; (ii) being a descendant of a person entered in a land, taxation, or population register as a mountain, forest, or fishing Lapp; and (iii) that at least one of his parents has or could have been registered as an elector for an election to the Sámi Delegation or the Sámi Parliament", See Article 3 of the 1995 Act on the Sámi Parliament. The Sámi Parliament has always objected to the use of second criteria due to controversies regarding its historical backdrop and has demanded since the establishment of the Sámi Parliament of Finland that the definition should be changed to be based solely on language. Some interlocutors of the Advisory Committee also indicated that the 1995 criteria were the result of a compromise.

⁷ In a series of decisions rendered on 30 September 2015 (KHO:2015:145; KHO:2015:146; KHO:2015:147; and KHO:2015:148, for a summary www.kho.fi/fi/index/ajankohtaista/tiedotteet/2008.html), the Supreme Administrative Court recognised 93 out of 182 applicants as entitled to be registered in the Sámi electoral roll (in 2011, however, the number of accepted applications was just four). This decision appears to build upon a 'holistic' approach opted by the Court already in 2011 when considering the fulfilment of the criteria provided by the legislation in force and, in particular self-identification and reliance on the inscription on the registers which later was contested by the Sámi representatives. The Act on the Sámi Parliament gives at first the competence to accept new registration to the organs of the Sámi Parliament itself and provides for the possibility of appealing to the Supreme Administrative Court as a last resort in case of disagreement.

⁸ The Sámi Parliament introduced a complaint before the UN Human Rights Committee (UNHRC) for violation of certain provisions of the UN Covenant on Civil and Political Rights. The complaint is pending before the UNHRC and interim measures to prevent the appointment of the members of the new Sámi Parliament once the results of the elections were declared definitive were refused by the UNHRC. The Finnish Government is due to submit arguments in the spring of 2016. The Sámi Parliamentary Council, which is the co-operational body for the Sámi

The Sámi Parliament Board hence decided to accept the demands to rectify the decision to confirm the election results and to rerun the elections according to Article 40 of the Sámi Parliament Act⁹ but its decision was appealed against before the Supreme Administrative Court and rejected by the latter as unlawful.¹⁰

16. The Advisory Committee recalls in this context that the right to self-identification contained in Article 3 is a cornerstone provision of the Framework Convention and that the Advisory Committee has always refrained from interpreting objective criteria provided by legislation or other means. The Advisory Committee is primarily concerned with access to and enjoyment of minority rights by persons who identify with a minority. While member states have a margin of appreciation in determining how to approach the question of right holders in compliance with national and international obligations,¹¹ they shall seek flexible solutions that are not arbitrary and can accommodate all segments of a minority and prevent unjustified exclusion of persons belonging to the minority.

Recommendation

17. The Advisory Committee urges the authorities to engage in a constructive and high-level dialogue with all segments of the Sámi people who wish to benefit from protection under the Framework Convention, possibly in a government-led platform, to ensure that the interests of all parties are adequately addressed and that the rights contained in the Framework Convention are not arbitrarily withheld from individuals who should benefit from them.

Census

Present situation

18. The Advisory Committee welcomes the fact that, according to 2013 national legislation, the different Sámi languages can be registered as mother tongue in the Population Information System, i.e. South Sámi, Inari Sámi, Kildin Sámi, Skolt Sámi, Lule Sámi or North Sámi. However, it also notes with concern that the population registry continues to allow only for one entry with regard to a person's mother tongue. At the same time as parents register the name of

parliaments in Finland, Norway and Sweden and includes Russian Sámi organisations, released a statement in September 2015 supporting the position of the Finnish Sámi Parliament and highlighting that as part of the right to self-determination, the right to determine the membership of one's own group is fundamental (see www.sametinget.se/94355).

⁹ Section 40.5 of the Sámi Parliament Act provides for the repetition of the elections if the results of the elections cannot be rectified.

¹⁰ By accepting the demands for rectification, the Board of the Sámi Parliament ignored the rulings by which the Supreme Administrative Court had accepted, in September 2015, the 93 persons as entitled to vote. In its decision 61/2016 of 13 January 2016, the Supreme Administrative Court held that the Board of the Sámi Parliament had no competence to consider a matter that the Supreme Administrative Court had already adjudicated.

¹¹ Particularly relevant from the perspective of international obligations is the 2012 opinion of the UN Committee on the Elimination of Racial Discrimination (CERD) which emphasised what was Finland's obligation to respect the right of the Sámi to self-determination in connection with the 2011 Finnish Supreme Administrative Court's decision, which was held not to give sufficient weight to the Sámi people's rights. The Concluding Observations read: "[...] The Committee recommends that, in defining who is eligible to vote for Members of the Sámi Parliament, the State party accord due weight to the right of the Sámi people to self-determination concerning their status within Finland, to determine their own membership, and not to be subjected to forced assimilation"; in CERD/C/FIN/CO/20-22, Concluding observations of the Committee on the Elimination of All Forms of Racial Discrimination, C. Concerns and Recommendations, Situation of the Sámi. This argument has been used by the Sámi Parliament in its complaint currently pending before the UNHRC.

their new-born child, they must also indicate the child's mother tongue. That language is retained in the system unless it is changed upon a separate application. This single choice, according to the government, is historically justified by the need of municipalities to be able to plan services in both official languages (Finnish and Swedish). The Advisory Committee understands that, while the government acknowledges the increasing linguistic pluralism of Finnish society, no change is likely to occur in the near future. The Advisory Committee recalls that any question relating to ethnic and linguistic background should be optional and open-ended in line with relevant international recommendations relating to population registries and census exercises.¹² In particular, multiple entries for language affiliations should be allowed.

Recommendation

19. The Advisory Committee calls on the authorities to ensure the principle of free self-identification as laid down in Article 3 of the Framework Convention, by facilitating the expression of multiple identity and language affiliations into population registries in order to reflect better each individual's choice.

Article 4 of the Framework Convention

Legal and institutional framework for the promotion of equality of persons belonging to national minorities

Present situation

20. The legal and institutional structure pertaining to human rights and in particular non-discrimination has undergone significant changes between 2010 and 2015, which have rationalised and strengthened the government's commitment to protect and enhance human rights, including with respect to persons belonging to minorities. The legal centrepieces relevant in this context are the Non-Discrimination Act (1325/2014), the Act on the Non-Discrimination Ombudsman (1326/2014) and the Act on the National Non-Discrimination and Equality Tribunal of Finland (1327/2014), which all entered into force on 1 January 2015.¹³ The Non-Discrimination Act covers now all grounds of discrimination and applies to all public and private activities, excluding private life, family life and the practice of religion. The obligation to promote equality is expanded to cover not only public authorities, but also education providers, educational institutes and employers. These are required to draw up plans to promote equality – in the case of employers if they have at least 30 employees. Interlocutors of the Advisory Committee highlighted that the fact that the action plans have now become compulsory should help with their elaboration and implementation which, so far, had neither been systematic nor effective. However, they observe that the government should monitor them thoroughly.

21. As a result of the reform, the Ombudsman for Minorities was replaced by a Non-Discrimination Ombudsman who now supervises compliance with the Non-Discrimination Act

¹² See Recommendations for 2010 Censuses of Population and Housing by the United Nations Economic Commission for Europe and the Statistical Office of the European Communities (Eurostat), www.unece.org/stats/publications/CES_2010_Census_Recommendations_English.pdf.

¹³ See respectively, www.finlex.fi/en/laki/kaannokset/2014/en20141325.pdf, www.finlex.fi/fi/laki/ajantasa/2014/20141326; www.finlex.fi/fi/laki/ajantasa/2014/20141327.

with regard to all grounds of discrimination with the exception of employment. It is under the Non-Discrimination Ombudsman's authority to receive complaints from citizens and, if founded, to make recommendations, provide conciliation on a voluntary basis, transmit the case to the National Discrimination and Equality Tribunal or bring it to court, although not in its name.¹⁴

22. Even if it operates now under the Ministry of Justice and is supported by the annual government budget, the Non-Discrimination Ombudsman is an independent and autonomous authority which reports directly to Parliament and is free to appoint its staff.¹⁵ According to interlocutors of the Advisory Committee, the institution is trusted and viewed as independent by civil society including national minority representatives. However, the expansion of the Ombudsman's mandate was feared to put at risk the previous leadership of the institution with respect to minorities' protection. The Non-Discrimination Ombudsman informed the Advisory Committee that for the time being, although diminished, complaints related to ethnicity are still the main component of its workload in particular concerning discrimination against Roma in all venues of life and the expectation is that they will increase again due to the current immigration wave. The Advisory Committee notes with appreciation the Non-Discrimination Ombudsman's awareness of the implications of the new mandate on its previous role towards minorities. The Office of the Ombudsman indicated its intention to offset them through a prioritisation strategy and the reorganisation of its working methods (more adequate gathering of data, focus on cases which may have a multiplier effect, awareness-raising campaign about the new structure, etc.).

23. The reform also replaced the National Discrimination Tribunal of Finland with a new National Discrimination and Equality Tribunal which is also entrusted with supervising compliance with the Non-Discrimination Act. The Non-Discrimination Ombudsman or an association promoting non-discrimination may submit a case to the Tribunal for consideration free of charge with the consent and on behalf of the person being discriminated against.¹⁶ The Advisory Committee welcomes the new institution and its competences as well as the connection between the Non-Discrimination Ombudsman and the Tribunal.¹⁷ However, it also observes that the latter still cannot order any compensation to be paid.¹⁸ Moreover, some interlocutors consider too little is done to make the Tribunal known. Observers also consider its composition problematic because it includes the private sector employers' association (EK) and the Confederation of Finnish Industries (ESK) while being in charge, for example, of supervising compliance with the Non-Discrimination Act of the equality plans by employers.

24. Finally, during the reference period, Finland established the Human Rights Centre which, along with the Human Rights Delegation (a body whose members broadly represent the

¹⁴ According to the Office of the Ombudsman in a typical year, the majority of cases is solved through conciliation, around 10 through mediation, 5 are transmitted to the Tribunal and a few end up in court. One of the main reasons why recourse to court is limited is because the losing party is liable for legal costs.

¹⁵ See also the Report on Finland by the Commissioner for Human Rights of the Council of Europe, 2012, para.34.

¹⁶ However, the parties concerned are liable for any other legal costs.

¹⁷ The Tribunal may confirm a conciliation settlement between the parties; may prohibit continued or repeated discrimination or victimisation and impose a conditional fine to enforce compliance with its injunctions and order payment of such a fine. Finally, it may oblige the party concerned to take measures within a reasonable period of time in order to fulfil the obligations under the Non-Discrimination Act.

¹⁸ See also ECRI report on Finland, 2013, para. 38.

Finnish human rights actors) and the Office of the Parliamentary Ombudsman forms the national human rights institution complying with the Paris Principles. The Centre, which is functionally autonomous and independent, was established because promotion of human rights was deemed to require better co-ordination and co-operation as well as more resources.¹⁹ The Advisory Committee also acknowledges the fundamental role played by the Parliamentary Ombudsman to protect human rights in general and in particular regarding the Sámi and the Roma. Finally, a network of human rights contact persons in all ministries has been made permanent.

Recommendations

25. The Advisory Committee encourages the Non-Discrimination Ombudsman to ensure that the protection of minority rights remains high on its priorities and to make full use of the new institutional framework in connection with the other reformed institutions to ensure the continued, effective protection of these rights within its broader mandate.

26. It further calls on the authorities to provide adequate political and financial support to the Non-Discrimination Ombudsman Office to enable it to pursue effectively its well-established role of protecting minorities and to fulfil its broader mandate, including by ensuring coverage of the legal costs for liable parties, as well as to promote awareness of the new National Discrimination and Equality Tribunal.

Measures to promote the full and effective equality of persons belonging to national minorities

Present situation

27. Relevant implementation steps for the overall protection of human rights were taken in the period 2010-2015 resulting in the adoption of the first National Action Plan on Fundamental and Human Rights for 2012-2013,²⁰ as well as in other strategies and action plans concerning national languages, Sámi languages and the Roma. The Advisory Committee welcomes the elaboration of the First National Action Plan on Fundamental and Human Rights which covered protection against discrimination, equality and promotion of participatory rights for persons belonging to minorities as well as the enhancing of good ethnic relations and the combating of racism. The Advisory Committee understands that the second Action Plan which is currently under preparation is expected to focus on less numerous and more precisely defined priorities as well as to be better co-ordinated with the budgetary process as compared to the first.²¹ Measures to promote effective equality and access to rights for persons belonging to national minorities, such as anti-discrimination counselling training by the then Ombudsman for Minorities and the Good Relations project have also been implemented.

28. While the Advisory Committee will consider in detail some of these measures and the language strategies under Articles 10, 12, 14 and 15, several of its interlocutors underlined that

¹⁹ Parliamentary Ombudsman Act 197/2002, amendment 20.5.2011/535. Resources seem not to have followed through; see also Human Rights Commissioner Report, para. 26.

²⁰ www.urn.fi/URN:ISBN:978-952-259-195-1.

²¹ According to the evaluation of the first Action Plan carried out by the University of Tampere, the Action Plan was criticised because of the lack of priorities and the fragmented nature of the large number of projects, www.oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1396253612431/Files/OMSO_19_2014_Perus-ja_ihmioikeustointaoh_82_s.pdf. See also comment in the Human Rights Commissioner report.

the main and general concern with these implementation documents was their implementation. Although well prepared through an inclusive process, often the action plans and strategies do not develop their full potential and fail to achieve the desired objectives due to the lack of human and/or financial resources. While acknowledging that the government is responsible for allocating resources in the most appropriate way taking into account any given circumstance, the Advisory Committee believes that it is important to assess carefully the impact of such decisions on persons belonging to minority communities, especially if disadvantaged, so as to avoid jeopardising progress already achieved and the trust built.

29. Although according to the evaluation of the 2009 National Policy on Roma, carried out in 2013,²² progress was accomplished in particular as regards basic education, teaching, awareness and co-ordination on Roma issues at national and local levels, Roma employment and adult education, as well as housing, nevertheless they remain particularly challenging largely because of the discrimination Roma experience in all these areas.²³ The Advisory Committee observes that authorities and minority representatives agreed that positive results were achieved in certain sectors such as education because of the consultation and involvement of Roma in decision making at both national and municipal levels, on the top of specific funding being available. NGOs' commitment and participation in implementing the Policy was also important to make it known and used by the beneficiaries through projects and initiatives developed by those who have an understanding of the issues and needs on the ground.

30. Nonetheless, the Advisory Committee gained the impression that it was common opinion that the shortcomings in the implementation of the first National Action Plan stemmed from the fact that there was no overall budget line dedicated to it, and that the funding was rather provided by discretionary government transfers (e.g. Ministry of Education), or the EU (e.g. the European Structural and Investment Funds).²⁴ The Advisory Committee understands that currently, no specific resources have been earmarked for continuing the implementation of the Plan, apart from the exception of the education budgetary line and, potentially, EU funding. Additionally, implementation at local level is hampered not only by scarce resources, but also because of the uncertainty over the repartition of tasks within municipalities is unclear.

31. The Advisory Committee also notes with concern that, as acknowledged by the authorities and the minority organisations themselves, discrimination is still widespread. Youth and adults struggle to find their role in society because of lack of education, discrimination in access to the labour market and also, because of the growing community self-awareness that certain traditional customs make societal participation more difficult, especially for women.²⁵ Finally, the Roma Advisory Board also alerted the Advisory Committee of the worrying

²² Guidance and monitoring of the implementation of the Roma policy programme – working group report. Reports and memorandums of the Ministry of Social Affairs and Health 2013:48. The working group in charge of the monitoring was composed of 24 members, half of whom have Roma background. In addition, all relevant ministries participated in the monitoring.

²³ See also ECRI Report on Finland, para.65.

²⁴ According to the report prepared by the Ministry of Social Affairs and Health for the European Commission in 2015, out of the 147 measures foreseen in the National Action Plan, organised in six key areas, 43 have been implemented, 63 are not yet completed and 41 have not been implemented.

²⁵ Ministry of Social Affairs and Health, Reports and Memorandums 2013:33.

development of discrimination against non-Finnish Roma, who moved to the country in the last decades. As they often are EU citizens, they do not fall under the migrant integration policy and their subsistence needs are taken care of at a day care centre in Helsinki, but on a precarious basis.

Recommendations

32. The Advisory Committee encourages the authorities to give priority and allocate resources for the implementation of measures already envisaged in national action plans and strategies, looking for synergies to minimise expenses. It also calls on them to ensure that, in the second Human Rights National Action Plan, minority rights will continue to be among the priorities.

33. As regards Roma, it calls on the authorities to earmark resources to continue implementing the National Action Plan, focusing in particular on adult education and tackling discrimination over access to the labour market.

Collection of equality data

34. The Advisory Committee is aware that there are no disaggregated data available on the number, age structure or socio-economic status of persons belonging to minorities in Finland. This is mainly due to the fact that as the population in Finland is not registered on ethnic grounds, no relevant statistical data exist. Ad hoc thematic reports and surveys have been carried out in recent years by different ministries. In particular, as regards the Roma population, several studies have been carried out to gather a deeper knowledge of the discrimination they face in all areas of life²⁶ and this knowledge guides policies and a multitude of projects. They span from non-discrimination campaigns to a specific Roma portal²⁷ to improve awareness among the majority population, from cultural initiatives targeting youth, to housing, dialogue with Roma civil society and projects targeting rehabilitation of Roma women in prisons.²⁸ In 2012-2014, the Finnish League of Human Rights led a successful project (Co-operation as a source) which targeted Roma communities and NGOs to raise their awareness of what constitutes discrimination and provide guidance on how to tackle it.

35. Nonetheless, the Advisory Committee considers that the regular gathering of reliable and disaggregated equality data related to the number and situation of persons belonging to national minorities allows for a deeper understanding of the specific challenges faced by members of the various groups, as well as the adoption and implementation of effective minority protection and equality promotion policies.

Recommendation

36. The Advisory Committee invites the authorities to collect disaggregated equality data on the situation of persons belonging to minorities, including by carrying out thematic reports

²⁶ Among others, in a 2014 report, 68.7% of the respondents reported experiencing a considerable amount of discrimination in all areas of life. See *Different in the daily life - a report on Roma experiences of discrimination*, www.syrjinta.fi/documents/10181/10850/54366_romanitutkimus_tiivistelma_eng_final.pdf/555a7857-41b2-48f2-848b-224c5a32f665.

²⁷ www.romani.fi.

²⁸ Since 2010, the NGO *Romano Missio Ry* has provided Romani women with a criminal background with support under two projects, *Time for Change* and *Women's Turn*, with encouraging results.

and surveys, as a means to adopting and implementing effective minority protection and equality promotion policies.

Article 5 of the Framework Convention

Support for the preservation and development of national minority identities and cultures

Present situation

The Sámi

37. The Advisory Committee acknowledges that, during the reporting period, an extensive and constructive dialogue had begun with the Sámi Parliament to find legal and policy solutions to the most relevant pending issues concerning the Sámi. In its 2010-2015 programme, the government committed to strengthening the cultural and institutional autonomy of the Sámi people, clarifying the legislation relating to land use, and ratifying the ILO Convention No. 169 on Indigenous and Tribal Peoples, provided that a common understanding on the definition of Sámi people was reached. The Advisory Committee notes that significant progress was achieved on some issues (see comments under Articles 10 and 14 for the language revitalisation process), in agreement with the Sámi Parliament, but the legal and political process concerning Sámi autonomy through the amendment of the Sámi Parliament Act (see comments under Article 3), access to land and water rights and use, and the ILO Convention ratification came to a halt in Parliament in 2015. The Advisory Committee also notes that there is no comprehensive policy addressing Sámi rights outside the Homeland.

38. Two government Bills, one concerning the ratification of ILO Convention No. 169 on Indigenous and Tribal Peoples (HE 264/2014), and one proposing amendments to the Finnish Forest and Park Service Act respectively, aimed at bringing a solution to the long-time pending issues of access to land and water rights relevant to the Sámi people. The Bill on the ratification of ILO Convention No. 169, which is still pending, contains a Declaration, agreed with the Sámi Parliament, which clarifies the question of land rights and use in the Homeland for the purpose of the application of Article 14 of the ILO Convention in Finland, taking into consideration that 90% of the territory in the Homeland is state owned. The Advisory Committee commends the understanding between the government and the Sámi Parliament, which provides that the government will not interfere with the rights to own, possess, or use the lands and waters in the Sámi Homeland, but it will guarantee the Sámi people's right to effectively participate in decision making as regards the planning and use of state-owned land and water areas in order to safeguard their rights as an indigenous people. Similar wording had been introduced in an earlier draft of the Finnish Forest and Park Service Act, but it has been subsequently deleted in a new version submitted to Parliament on 3 December 2015 (HE 132/2015).

39. The Advisory Committee appreciates that the government decided not to withdraw Bill HE 264/2014, but instead commissioned a study on the definition of indigenous people and their land rights. In the Advisory Committee's view, the "reflection time" provided by the decision to carry out these studies can be beneficial to the renewal of the dialogue, with a possibility to look into new legal and political solutions for land-related issues, and appreciates from this perspective the recent visit of the Ministry of Justice to Inari to meet with the Sámi Parliament representatives.

40. Land use is also regulated by other pieces of legislation adopted during the period of reference, such as the Water Act (587/2011) and the Mining Act (621/2011), which guarantee the right of the Sámi to be involved, via consultation and appeal procedures, in the management of land and water areas. These acts include a “prohibition of regression” clause, which aims at preventing projects impairing considerably on Sámi livelihoods, a clause which Sámi interlocutors did not consider to have improved protection of their interests. Nonetheless, interlocutors informed the Advisory Committee that, in practice, good co-operation has been established with the *Metsähallitus*, the state agency managing state-owned lands, *inter alia* within the Sámi Homeland. All stakeholders are involved in a dialogue for a co-operative use of state land and water areas and voluntary principles, developed on the basis of the so-called *Akwé:Kon* guidelines²⁹ are implemented to secure the involvement of the Sámi in the preparation of projects and plans, the assessment of their impact and in the related decision-making process.

41. Notwithstanding this positive practice of engaging the Sámi people, the Advisory Committee observes that Sámi interlocutors still deem new legislation necessary to consolidate it. This is why the Advisory Committee finds particularly regretful that the provisions included in the earlier draft Finnish Forest and Park Service Act (Acts 587 and 621/2011), which were similar to those contained in the Bill on the ratification of ILO Convention No.169, had been deleted from the most recent version of the draft legislation on Forest and Park Service (HE 132/2015).³⁰ It also highlights the fact that the limited opportunities the Sámi have to take part in the decision-making process relating to their traditional livelihoods is contrary to Article 19 of the UN Declaration of the Rights of Indigenous Peoples which Finland has endorsed.³¹ The Advisory Committee gathered the impression during its visit that the current situation is quite tense and risks ending in a stalemate unless all parties concerned strive to keep a constructive dialogue going.

42. Sámi cultural autonomy is guaranteed by the Constitution and the legislation in force and the Advisory Committee appreciates the government commitment in 2014, to strengthen this objective by pursuing the Action Plan for the revival of the Sámi languages by 2025³² (see Article 10). The government also continues to support the Sámi Cultural Centre Sajos in Inari, opened in 2012, and the new creative production arising from the Sámi tradition.³³ Alongside access to the general subsidies, the Sámi Parliament receives a special annual appropriation for enhancing Sámi languages and culture and it is responsible for its allocation. The Advisory Committee notes that a portion of this appropriation was earmarked by the government for artistic and cultural activities at Sajos which plays the role of a cultural hub for the minority besides being the headquarters of the Sámi Parliament and other Sámi

²⁹ The *Akwé:Kon* guidelines derive from the UN Convention on Biodiversity, Article 8(j), which deals with matters concerning indigenous people in relation to biodiversity.

³⁰ See in this sense also the Declaration of the UN Special rapporteur on the rights of indigenous people V. Tauli-Corpuz of 17 December 2015, who expressed deep concern at the lack of consultation and the reduced protection to the Sámi indigenous people in the current draft of the law, at www.unsr.vtaulicorpuz.org/site/.

³¹ www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx.

³² Action plan for reviving the Sámi language; the Ministry of Education and Culture working group memorandums and reports 2012:7, www.minedu.fi/export/sites/default/OPM/Julkaisut/2012/liitteet/tr07.pdf?lang=fi.

³³ Cultural policy strategy 2020, Publications of the Ministry of Education and Culture 2009:12, www.minedu.fi/export/sites/default/OPM/Julkaisut/2009/liitteet/opm12.pdf?lang=fi.

institutions. It also notes that discussions are ongoing for the opening of a Skolt Sámi languages and cultural centre in Sevettijärvi.

Recommendation

43. In view of the importance that access to land and water rights and use represent for the Sámi people to preserve their identity and culture, the Advisory Committee urges the authorities to continue showing commitment to a dialogue in solving this issue both in national legislation and through the ratification of the ILO Convention No. 169 on Indigenous and Tribal Peoples.

Other minority groups

44. The Advisory Committee welcomes the continued support given by the Ministry of Education and Culture through discretionary grants to cultural activities organised by national minorities. They are accessible to Roma, Tatars, Russians, Karelian speakers, and Sámi for projects targeted at preserving language and culture.³⁴ The National Policy on Roma has provided the framework to launch activities for the revival of the Romani language through the financial support of the Ministry of Education and Culture (see Article 10). Several initiatives are taken at local level to support and enhance living arts and cultural activities for Roma youth as a tool for societal integration. A Russian library and the Cultura Foundation, aimed at supporting the linguistic and cultural identity of Russian speakers, have been established. Finally, support to cultural activities to revitalise the Karelian language, as well as for the standardisation of its written form, have been launched. The Advisory Committee notes that authorities are considering developing the cultural policy not only in terms of access, but also pluralism.³⁵ The latter entails the enhancement of the participation of minorities in the decision-making process. The Advisory Committee recalls that it considers essential that persons belonging to national minorities have an effective opportunity to participate in the decision-making process surrounding the allocation of funds geared towards cultural initiatives. Such participation is considered essential for the preservation of minorities' cultural identity.

Recommendation

45. The Advisory Committee calls on the authorities to ensure the continued support for cultural activities of all minorities and the improvement of procedures so that representatives of the national minorities participate in the decision making on the allocation of grants.

Article 6 of the Framework Convention

Tolerance and inter-cultural dialogue

Present situation

46. The Advisory Committee welcomes the broad efforts undertaken during the reporting period by the authorities at central and local levels to promote interethnic tolerance and openness in society through legislative and policy measures addressing national minorities and

³⁴ They amounted to 612,000 euros in 2014.

³⁵ Accessibility of art and culture, Final report: The Ministry of Education and Culture working group memorandums and reports 2014:15, www.minedu.fi/OPM/Julkaisut/2014/Taiteen_ja_kulttuurin_saavutettavuus.html?lang=fi.

migrants. The authorities' answer to the increasing diversity in society includes the adoption in 2010 of the Act on the Promotion of Immigrants (1386/2010) and in June 2012 of the first national Programme for the Integration of Immigrants 2012-2015. The Advisory Board for Ethnic Relations (ETNO) was extensively involved in the preparation of the programme, which is now implemented by specific bodies at local level involving the migrants themselves. Anti-racism awareness programmes and campaigns were also carried out to foster tolerance and respect of diversity.

47. The Advisory Committee also appreciates the authorities' reaction to increasing manifestations of racial discrimination and anti-immigrant rhetoric on the Internet, which both targeted established national minorities, such as the Sámi, Roma, and Russians, as well as migrant groups such as the Somali and other communities. The Somali felt particularly targeted not only in their daily life, but also as regards their educational and employment achievements where they experienced strong prejudice.³⁶ Part of the response included introducing Internet monitoring mechanisms, soliciting citizens' participation, and the increased presence of police in the social media. Statements carrying anti-immigrant rhetoric and hate speech made by several populist politicians ended up in judicial proceedings, which provided the occasion to the judiciary to define better the demarcation line between freedom of expression and hate speech.³⁷

48. The Advisory Committee notes with serious concern that, notwithstanding the measures mentioned above, the overall climate as regards interethnic tolerance has recently deteriorated in Finland and the society has become more polarised on this issue. In the context of recent migration flows,³⁸ racism and anti-immigrant rhetoric increased in the social media and in the political arena. The Advisory Committee considers that any racist discourse by politicians and public figures must be immediately and strongly condemned by senior government officials to ensure that a clear message is sent to the public that this is not acceptable. In this context, it observes that, while politicians appeared to react slowly to previous episodes of racist hostility by some fellow politicians,³⁹ the government and local

³⁶ In order to bring attention to this situation, a Somali NGO distributed information on integration achievements by Somali Youth in the labour market, online as well as a printed publication, to raise public awareness and dispel prejudice.

³⁷ In a 2012 ruling, the Supreme Court ordered a Finns Party MP to pay a fine for his anti-Islamic blog posts dating back to 2008 in which he likened Islam to paedophilia and stated that Somalis are predisposed to stealing and living off welfare. The Supreme Court qualified the statement as inciting hatred against an ethnic group and clarified hate speech does not fall under the protection afforded by the freedom of speech (KKO:2012:58, R2010/1101). In a 2011 decision, the Court of Appeal of Kouvola upheld a district court decision to fine a far-right politician for inciting ethnic hatred with his comment that "if a Muslim girl would die it was a good matter since it would be one less woman giving birth to a member of that religious group" (KouHO:2012:9, R10/1164).

³⁸ According to official statistics, at the end of October 2015, the number of applications from asylum-seekers for that year reached 24,910. By comparison in 2013 they amounted to 3,238, see www.stats.fi.

³⁹ The leadership of the Finns Party was criticised before the summer 2015 for the lack of reaction towards members of the party expressing racist comments or acting in extremist ways. In one of the most relevant cases in July 2015 an MP called on his followers to "fight until the end for our homeland and one true Finnish nation" against the "nightmare called multiculturalism", www.yle.fi/uutiset/immonen_on_puhuttanut_aiemminkin_yle_kokosi_kohut_yhteen/8182201. The MP's comments were not publicly disavowed by the party leadership and only after sometime he asked and was granted a 2-month leave from his parliamentary duties. He took up his full role of MP beginning of November 2015.

authorities reacted swiftly to recent incidents⁴⁰ condemning them firmly and reaffirming that Finland is an open and tolerant country where there is no place for hate and racist speech, and where applicable, the perpetrators are prosecuted.

49. The Advisory Committee regrets that interethnic prejudice and tension, and hate speech have become more visible in political discourse and social media which included national minorities, such as Sámi, Roma, and Russians.⁴¹ Sámi interlocutors noted they experienced growing pressure in the social media, including within the Sámi people, and from certain quarters of the political class on the occasion of the Parliamentary debates and the 2015 Sámi Parliament elections.⁴² Also, representatives of Swedish speakers indicated a worsening climate on the Internet and in the political arena, prone to undermine anything which is Swedish in Finland.⁴³ Finally, several of the Advisory Committee interlocutors resent the mobilisation of the government and public empathy towards the new migrants as compared to the support traditionally received by national minorities.

50. Since the promotion of societal integration and respect for diversity is one of the objectives of the Framework Convention, the Advisory Committee understands the government plans to proactively enhance respect and appreciation for diversity by being more strategic in the provision of information to the public through nationwide campaigns and empowering civil society as the information provider. It also welcomes the signature of the Charter of European Parties for a Non-Racist Society by all parties in the new Parliament.⁴⁴ Through this initiative by the Finnish League for Human Rights, the Non-Discrimination Ombudsman and the Advisory Board for Ethnic Relations, the political parties commit to defend basic human rights, to reject all forms of racist violence and incitement to racial hatred. Nonetheless, the Advisory Committee was also informed by some interlocutors, such as ETNO, that certain mechanisms put in place by the authorities, such as police monitoring of hate speech online, are only partially effective due to the minimal resources allocated to them. Legislation is also argued to lag behind different forms on hate manifested through the Internet.

51. The Advisory Committee observes that prejudice and ethnic diversity continue also to be at the origin of bullying of children and adolescents, in particular at schools. Data gathered by the government show that children being called "names" is a relatively common experience

⁴⁰ On 24 September 2015 in the town of Lahti a group of asylum-seekers were confronted by protesters hurling fireworks and stones at them and carrying Finnish flags, including by one person dressed in the distinctive robes of the white supremacist Ku Klux Klan movement. A few days later, in the same place, the statue of the football star Jari Litmanen was dressed in white sheets in an apparent attempt to resemble the garb of white supremacist group the Ku Klux Klan.

⁴¹ See also HR Commissioner Report, p. 11 and ECRI Report, p. 28 and ff., mentioned above.

⁴² In October 2015, a MP, previously Lapland mayor expressed the following opinion on the Sámi Parliament: "The most important thing now is to recognize that our entire indigenous policy has failed. We have created a discriminatory and human rights trampling monster that always just seems to continue its march".

⁴³ Nonetheless, the direct threats to the Swedish Assembly of Finland office have not been repeated since 2012. The 2012 National Strategy for Languages reported the hardening and negative attitudes, especially in the social media, on bilingualism.

⁴⁴ www.oikeusministerio.fi/en/index/currentissues/tiedotteet/2015/11/eduskuntapuolueetsitoutuvattoimimaanrasismiavastaa.html.

for 65% of them with immigrant background,⁴⁵ in particular for Roma children.⁴⁶ The authorities have reacted with targeted projects in schools, such as the *KiVa Koulu* anti-bullying programme, and each school has an anti-bullying plan. However, they are also aware that observance of human rights shall become an objective in the education and training environment, as well as in national and local curricula. The Human Rights Delegation recommended enhancing human rights education and training, including for teachers.⁴⁷ The new curricula to enter into force in 2016 are held better to reflect this need and have now to be properly implemented.

Recommendations

52. The authorities are encouraged to defuse the increasing climate of interethnic prejudice and tension by stepping up efforts to combat all forms of intolerance, racism, xenophobia and hate speech, in particular in social media, through appropriate measures that target the entire population such as awareness-raising and tailored information campaigns, strengthening the provision of advisory services on hate speech, and enhancing human rights education at school, including to tackle bullying.

53. The Advisory Committee invites the authorities to continue to condemn systematically and promptly all instances of racism and ethnic hostility in public discourse, particularly in the political arena, targeting particularly persons belonging to national minorities.

Protection from hate crime

Present situation

54. The Advisory Committee welcomes the 2011 amendment of the Criminal Code which provides additional powers to prosecutors and police to intervene in racist and hate crimes. Public display or dissemination of opinions or other messages that threaten, slander, or insult any group on the grounds of race, skin colour, national or ethnic origin, religion or conviction, are now punishable and constitute aggravating circumstances in other bias-related crimes. In 2011, Finland also ratified the Additional Protocol of the Council of Europe Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

55. According to the annual Report on Racist Crimes published by the police, in 2014 the police filed 822 reports (1.3% decrease in comparison with 2013) of which the majority (678 reports or 82.5%) related to racist incidents.⁴⁸ These acts were carried out mainly outside against members of an ethnic or national minority, most frequently against the Somali.

⁴⁵ *Kuka ei kuulu joukkoon? Lasten ja nuorten kokema syrjintä Suomessa* [Who does not fit in? discrimination experienced by children and adolescents in Finland; Publication of the Ministry of the Interior 36/2010], www.intermin.fi/julkaisu/362010?docID=24923.

⁴⁶ Ombudsman for Children, *Enemmän samanlaisia kuin erilaisia* [Similar rather than different - The welfare of Roma children and adolescents and the realisation of their rights in Finland], Reports of the Office of the Ombudsman for Children, 2009:2.

⁴⁷ Human Rights Education in Finland, Report by the Human Rights Centre, 2014, http://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/b637cfb51289a062c4b5b1ed189d2fd6/1464070559/application/pdf/438341/HR%20education%20in%20FIN_en.pdf.

⁴⁸ Report on Racist Crimes 2014 by the police, www.theseus.fi/bitstream/handle/10024/98789/Katsauksia_8_valmis.pdf?sequence=1.

According to the authorities, hate crimes on the Internet represent about 10% of the total. The Advisory Committee notes that overall, the authorities and civil society actors concur that data gathering has been improved and the police is better trained on human rights, racist crimes and multiculturalism in particular in initial training to detect and follow up on hate crimes. Nonetheless, it observes that there is also awareness by the authorities that the limited number of cases prosecuted so far under the criminal provisions is the result, on the one hand, of the difficulty to ascertain the applicability of the criminal code provisions and, on the other hand, the phenomenon of under-reporting. If awareness measures as regards the scope of the new provisions are under consideration, the fact that hate-related behaviour often occurs on the Internet makes it difficult for it to reach a threshold to apply the criminal code. As a consequence, the authorities seem to consider that a perceived leniency of the legislation affects the rate of reporting along with a sense of mistrust in the police from the part of individuals belonging to minorities.

56. The Advisory Committee appreciates the government's efforts to further improve training, including by starting a hate crime-related training as from 2017. It also acknowledges the dialogue engaged between the National Police Board and minorities⁴⁹ and welcomes plans for increasing the recruitment of persons belonging to minorities in the police as a measure to improve trust. It is concerned nonetheless, that opinions were expressed by some police officers that diversity within law enforcement was certainly important but not currently a number one priority as a result of cuts in resources and funding.⁵⁰ Minorities also shared with the Advisory Committee during its visit that it is often among longer serving police officers that a certain reticence with reporting is perceived and where training would be most appropriate. ETNO also indicated that more focus on the scope of the criminal provision when training the judiciary would be useful.

Recommendation

57. The Advisory Committee encourages the authorities to intensify their efforts to raise public awareness of the legal remedies available against hate crime to further improve training of law enforcement agents to detect, investigate and sanction hate speech and hate-motivated offences, and to enhance trust of persons belonging to minorities in the police and judicial systems for reporting and bringing cases to justice, including via increasing the presence of persons belonging to minorities in the police.

Article 9 of the Framework Convention

Access to and presence in the media

Present situation

58. The Decree on Press Subsidies (538/2011) provides yearly support to print and online media in minority languages (Sámi, Romani, Russian, and Karelian since 2013).⁵¹ The Advisory Committee welcomes that support for publication of annexes and online magazines in connection with magazines published in Finnish or Swedish has been extended to the Karelian

⁴⁹ This occurs in the platform for co-operation between ethnic minority communities and the police, where all national minorities and other NGOs representing ethnic groups are represented.

⁵⁰ YLE, 2/12/2014. On recruitment see also ECRI Report on Finland, para. 179.

⁵¹ In 2014 and 2015, subsidies amounted to 500,000 euros per year.

language, as it is already the case for the Sámi languages in the newspaper *Lapin Kansa* since 2012. A Swedish language news service, newspapers and magazines, Russian-language magazines, and now also Karelian-language online publications are available.⁵² The Advisory Committee regrets, however, that in spite of this variety, there are currently no significant Romani-language publications and no application for subsidies has been received from this minority. While, as from 2016, disbursing of grants will become the task of the Ministry of Education and Culture in an effort to simplify the entry point for minorities, the Advisory Committee noted that there was a lack of awareness among the Roma population concerning the funds available.

59. The Finnish Broadcasting Service, YLE, provides radio and television services in minority languages. Coverage in Sámi has developed positively during the reference period through the launch of the national, weekday five-minute news broadcast by *YLE Sapmi* in the three Sámi languages, the revival of Sámi radio, and the development of Internet services and of children's programmes. Wide diffusion of these services has been eased by the use of mobile technologies and the digitalisation process. The Advisory Committee was informed by *YLE Sapmi* that the services are widely followed and appreciated by the Sámi community and that additional funding would be necessary to develop them further.⁵³ However, it also understood that the increased visibility of Sámi languages' broadcasting led to negative reactions from within and outside the Sámi community, in particular in the social media. Sámi representatives perceived some of these comments as hate speech, namely those in connection with the coverage of the last Sámi Parliament elections. Without a clear stance from the authorities towards these acts, the progress achieved so far as regards Sámi minority visibility would be at risk of being jeopardised.

60. YLE televised news services exist in Russian (*YLE Novosti*) and Russian language films and programmes have been increased over the last few years. Radio broadcasting services exist since 1999, and several printed media are also available. Radio broadcasting has recently been launched in Karelian on a weekly basis (*YLE Uudizet karjalakse*). Roma representatives complained to the Advisory Committee that YLE did not develop further any new television and radio broadcasting services in the Romani language along with the 15-year-old, weekly 15-minute radio broadcast (*Romano Miritis*), which moreover is not under the coverage of the newsroom but rather the culture and lifestyle section. The Advisory Committee recalls the importance of a common and pluralist media space that is shared among all groups to promote a sense of inclusion in which minority voices are present.

61. There is also a shared impression among minority organisations that mainstream media featured information according to patterns conducive to the stereotyping of persons belonging to minorities, such as attitudes towards the employment by Russians and Roma. The Advisory Committee recalls the importance for the media to portray minorities as an integral part of society emphasising an inclusive rather than an exclusive perspective.

Recommendation

62. The Advisory Committee encourages the authorities to enhance their support for both traditional and online print and broadcast media by Roma and in the Romani language; to raise

⁵² See State Report for a detailed list, para. 371.

⁵³ Public funding amounted so far to 1.3 million euros.

awareness on the availability of this support; and continue to ensure that quality programmes are effectively available in the public service broadcasting at central and regional level in all minority languages.

Article 10 of the Framework Convention

Use of languages at local level

Present situation

Swedish speakers

63. The Advisory Committee welcomes the 2012 Strategy for the National Languages of Finland,⁵⁴ which aims to ensure Finland continues to be a “viable bilingual Finnish-Swedish country”. The rationale for the Strategy was the authorities’ acknowledgment that, while still sufficient, the legislation in force (Article 17 of the Constitution⁵⁵ and the 2003 Language Act) has not been adequately implemented. The Advisory Committee notes with deep concern that this is confirmed by the 2013 report on the application of language legislation.⁵⁶ The 2012 Strategy provides for short- and long-term objectives revolving around maintaining and improving language knowledge, skills, and culture of and in both languages in education, the public sector, and for the population at large⁵⁷ (see also Article 12). The *Folktinget* also alerted the Advisory Committee of the overall deteriorating situation as regards the linguistic rights of the Swedish-speaking population and this notwithstanding the strong legal guarantees in place. *Folktinget* pointed in particular to the fact that the 2013 government report, like the previous ones, underlines similar deficiencies in implementation, but that not enough has been done concretely to redress the situation.

64. The Advisory Committee notes with regret that the situation is unsatisfactory in particular as regards access to social welfare and health-care services in Swedish and that the state administration functions increasingly in Finnish only. The Strategy provided a set of tools that municipalities were encouraged to apply relating to the use of both languages in communication, publications, public procurement, and recruitment procedures. The Advisory Committee, however, understands that while more attention has been paid to linguistic rights in guidelines, this has not really been implemented in practice yet.⁵⁸ The *Folktinget* also

⁵⁴ Strategy for the National Languages of Finland, Prime Minister’s Office Publications 7/2012, www.oikeusministerio.fi/material/attachments/om/toiminta/perusoikeudetjademokratia/6F3CYgZBf/Kansalliskielistrategia_engl.pdf.

⁵⁵ Section 17 of the Finnish Constitution reads: “Right to one’s language and culture - The national languages of Finland are Finnish and Swedish. The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities and to receive official documents in that language, shall be guaranteed by an Act. The public authorities shall provide for the cultural and societal needs of the Finnish- and Swedish-speaking populations of the country on an equal basis...”.

⁵⁶ The government submits to Parliament every fourth year a report assessing the implementation of the language provisions. The Ministry of Justice prepares the report in collaboration with the Advisory Board on Language Affairs, while consulting widely various authorities and organisations, www.oikeusministerio.fi/material/attachments/om/julkaisut/6K2MUGLwd/language-legislation-2013.pdf.

⁵⁷ Long-term measures cover culture, education (developing language immersion, increasing the number of second national language teaching, extending it to vocational training, etc.), provisions of services, language skill of public sector workers and health providers, p.24. For short-term measures see Article 10 and 12.

⁵⁸ Practical tools of the national language strategy for municipalities and municipal federations, www.kunnat.net/fi/tietopankit/uutisia/2014/Sivut/2014-04-kielistrategia.aspx.

confirmed that the most serious concern, as expressed in the numerous complaints it receives, is scattered access at municipal level to social welfare and health-care services, day care services, state enterprises' services provided in the Swedish language. The shortcoming in this municipal obligation to municipalities is considered to be the consequence of the lack of staff with adequate language proficiency, which is also linked to the decreasing presence of Swedish in education (see Article 14). Finally, widespread concern was expressed about the Public Social Welfare and Health care Service Structure Reform, the so-called SOTE, which will inevitably impact on linguistic rights (see Article 16).

65. The Advisory Committee understands that, if adequately funded, the 2012 Strategy is considered by stakeholders as a useful tool to strengthen the equal presence of Swedish and Finnish in education and access to services, and that its implementation will be further ensured by an Action Plan under elaboration.⁵⁹ It considers nonetheless worrying that no specific funds seem to have been earmarked for this purpose.

66. The Åland authorities pointed out, in particular, that training for Åland law enforcement authorities and access to up-to-date information on pharmaceuticals (*Pharmafennica*) in Swedish remains problematic. While basic training for Åland police is available in Swedish, the Advisory Committee was informed that further training as regards investigation and use of force is scanty, thereby putting police in the archipelagos lagging behind their mainland counterparts. Similarly, although the majority of doctors are Swedish-speaking, up-to-date information on pharmaceuticals is available only in Finnish.

Recommendations

67. The Advisory Committee urges the authorities to ensure that the Action Plan to implement the 2012 Strategy for the National Languages of Finland is swiftly adopted to enhance the effective implementation of the language-related legislation, encouraging in particular language skills and recruitment efforts. Proficiency in the Swedish language is to be considered an advantage for the recruitment of public servants in relevant municipalities, so as to reverse the negative trend affecting Swedish and guaranteeing a viable bilingualism including with respect to access to social welfare and health-care services. Adequate funding should be earmarked for this purpose so as to guarantee the Swedish language maintains its visibility and presence in the public domain.

68. The Advisory Committee encourages the authorities to ensure that adequate training for law enforcement personnel and updated information on pharmaceuticals are available in Swedish in Åland.

Use of minority languages at local level

69. In 2014, the government decided to pursue the Action Plan for the revival of the Sámi languages by 2025,⁶⁰ which outlines measures to ensure the survival at national level of the three endangered Sámi languages: North, Inari, and Skolt Sámi. The Action Plan lays emphasis

⁵⁹ The 2016 budget proposal mentions the Action Plan and the Ministry of Justice has recently appointed a working group charged with elaborating it.

⁶⁰ Action plan for reviving the Sámi languages: The Ministry of Education and Culture working group memorandums and reports 2012:7, www.minedu.fi/export/sites/default/OPM/Julkaisut/2012/liitteet/tr07.pdf?lang=fi.

on language education starting from child day care in language nests,⁶¹ and training of qualified teachers (see Article 12 and 14 below). The Advisory Committee welcomes the authorities' initial efforts to implement the Action plan, but it has also been made aware by the Sámi representatives and organisations of the current difficulties to provide funds for continuing the planned activities, as well as of the specific challenges currently faced by Sámi residing outside the Homeland, in particular as regards support by municipalities for education in Sámi languages. While it understands that the government effort is concentrated in the Homeland, as well as the complexity of the situation local authorities are presented with elsewhere due to the small numbers of potential recipients, it also finds it particularly significant that, as acknowledged by the authorities themselves, more than a half of the Sámi population and 70% of children under the age of 10 live outside the Homeland. Hence, the more limited support generates a sentiment of "second-class" status among those Sámi residing elsewhere in the country. The Advisory Committee considers that, in order to guarantee an equal opportunity for individuals belonging to minorities to maintain and develop their cultural identity, specific and supplementary measures may be required for members of a dispersed national minority.

70. The Advisory Committee appreciates that the National Policy on Roma has provided the framework to launch activities for the revival of the Romani language through the financial support of the Ministry of Education and Culture. The implementation of language rights of Roma was the object of a report published in 2014 by the Ministry of Justice.⁶² The government concluded that Constitutional provisions and existing legislation sufficiently protect the linguistic rights of Roma. Rather than a new language act, what is needed is a revival programme to ensure its application in practice.⁶³ From this perspective, the Advisory Committee notes in particular that progress has been accomplished during the reference period. In 2014, there were 14 language nests for Roma of all ages operating in different locations in Finland. Support available to teach the Romani language has increased (see Article 12 and 14). While these measures should lead to positive rippling effects, several interlocutors consider it to be far from sufficient mainly due to the lack of resources for municipalities, the lack of qualified teachers, and sometimes the reticence of families themselves for fear of stigmatisation.

Recommendations

71. The Advisory Committee encourages the authorities to enhance their efforts to implement fully the revival of the Sámi languages Action Plan, in particular taking into consideration the need for additional specific measures targeting dispersed members of the Sámi minority thus enabling them to maintain and develop also their cultural identity.

72. The Advisory Committee also calls upon the authorities to ensure that sufficient resources are earmarked to continue the implementation of measures geared towards maintaining and reviving the Romani language.

⁶¹ Seven "language nests", that is family day-care facilities caring for six children, opened in the Sámi Homeland and one outside in Helsinki, while others are under preparation.

⁶² Ministry of Justice, Reports and Guidelines 11/2014.

⁶³ *Selvitys romanien kielellisten oikeuksien toteutumisesta*. [Report on the protection of the linguistic rights of the Roma]: Ministry of Justice reports and guidelines 11/2014.

Article 11 of the Framework Convention

Use of Sámi forenames and surnames

Present situation

73. The Advisory Committee understands that the IT system currently used by the public administration in Finland still does not allow the typing of all diacritic signs for the Sámi languages. The Population Register Centre indicated that the population registering system is due to be renewed, possibly starting in 2017 or 2018, and when available, the new UNICODE system will allow the registering of Sámi names respecting the language diacritic signs. However, there is no final decision yet. The Advisory Committee also notes that this new system is already available with respect to producing signposts.

Recommendation

74. The Advisory Committee calls on the authorities to take the necessary steps to guarantee the registration of Sámi names respecting the language diacritic signs in public registries, passports, and other public documents without further delay.

Article 12 of the Framework Convention

Equal access to education

Present situation

75. The Advisory Committee notes with concern that the constitutional position of Swedish as a national language in education appears to have become more fragile as a consequence of a series of developments diminishing its actual presence. The 2015 citizens' initiatives against the obligatory teaching of Swedish in Finnish-language schools, as pinpointed by the *Folktinget* and the Advisory Board on Languages, are the latest of these developments. Although the Parliament outvoted them, at the same time it approved a government's investigation on the feasibility of regional linguistic trials where Swedish may be replaced by another language in schools.⁶⁴ Independently from constitutional issues that such an initiative might raise – which are currently checked by the government - the Advisory Committee highlights a discrepancy between the objective of the 2012 Strategy for the National Languages of Finland calling for measures to strengthen education in Swedish and this decision.

76. More importantly, the Advisory Committee understands that teaching of Swedish starts now in an earlier grade than was the case in the past, but it continues to be later than Finnish learning in Swedish-based schools and the overall amount of hours has not changed but is just re-distributed over two years instead of one.⁶⁵ Also, since 2004, the matriculation exam does not require Swedish any longer as a compulsory subject and studies have shown a decline in the number of students opting to take the exam.⁶⁶ Finally, the early immersion education

⁶⁴ The rationale for this proposal, that freedom of choice improves language learning, is opposed by the *Folktinget*, which produces literature to prove the contrary.

⁶⁵ Swedish learning starts in the 6th year while Finnish learning as a second language in the 3rd year of comprehensive school. Moreover, there is currently no opportunity to start studies in the second national language in general or vocational upper secondary education.

⁶⁶ The 2012 Strategy indicates that the knowledge of Swedish at the end of comprehensive education (lower secondary school) is assessed as adequate but not sufficient for studies in upper secondary education and, by

programme aiming at teaching children the second national language from preschool up to the end of basic education has been particularly successful in enhancing the learning of Swedish at an early age. Nonetheless, these programmes were limited in numbers and unlikely to be expanded by municipalities to meet the rising demand of the public. This is also due to a shortage of qualified immersion teachers since the graduate education course launched in 2009 has not been regularly continued. When read in combination, the Advisory Committee gains the impression that all these factors point to the direction of undermining the learning of the language, and that will have a negative repercussion on language skills of future higher education students and the labour force. Such an eventuality was also underlined by several interlocutors. While the 2011-2015 short-term objectives of the 2012 Strategy proposed measures to address these shortcomings, little progress has been accomplished so far.

77. The Advisory Committee welcomes the considerable progress achieved as regards access to basic education of Roma pupils, both boys and girls, in the period 2008-2014, as stated by various interlocutors. Substantial financial support⁶⁷ made it possible in that period to ensure attendance and provide support for basic education of 80% of school-age Roma pupils in 37 municipalities. In 2011, 50% of the Roma pupils in basic education continued in further education, mainly in vocational education. The Advisory Committee notes that interlocutors concurred that positive results are the outcome of several specific measures, such as tackling the causes of absenteeism from school, improving communication with families, tackling bullying based on ethnicity (see also Article 6), helping with homework, providing support personnel in class with Roma background, etc. Progress has also been achieved by enhancing preschool education of Roma children, whose participation increased exponentially in the last ten years to reach almost full coverage of the age cohort,⁶⁸ *inter alia* through efforts to liaise with families to explain the importance of school attendance.

78. Interlocutors of the Advisory Committee indicated that efforts have now shifted, on the one hand, on how to reach the 20% who encounter slight or severe problems or dropout from basic education, and, on the other hand, on how to improve Roma pupils' attendance in upper secondary education and higher education. The Advisory Committee observes that the fact that a large proportion of Roma youth does not attain upper secondary education degrees diminishes their prospects to access the labour market (see also Article 15) where, in addition, they continue to face discriminatory attitudes (see also Article 4). Roma representatives consider consolidating and completing achievements as regards basic education and equal access to upper secondary and higher education as priorities which require continued commitment by the government.

consequence, at university level where positive discrimination measures with respect to mother tongue language are in place for Swedish and Sámi. Moreover, only 60% of all candidates take the matriculation exam in Swedish as the B language that is as the study of the second national language started in lower secondary education. This is due to the limited quantity of hours dedicated to the B language. However, studies in Swedish as second national language A, which implies many more hours is seldom available, whereas it is the contrary for Finnish when chosen as second national language A for students studying Swedish as mother tongue, p.20.

⁶⁷ The Ministry of Education and Culture transferred 2.42 million euros to the local authorities in the period 2008-2014.

⁶⁸ The European Commission Report on the implementation of the EU Framework for National Roma Integration Strategies mentions an increase from 2% to 60% (COM(2014) 209 final - 2.4.2014). Finnish authorities refer to an almost 100% ratio due to the fact that preschool has become compulsory.

Recommendations

79. The Advisory Committee urges the authorities to assess the current Swedish-language teaching system in the light of recent developments and commit to the full implementation of the measures outlined by the 2012 Strategy for the National Languages of Finland through the Action Plan in order to prevent any further decline and to ensure the knowledge of the language of the future labour force and of the population in general.

80. It also calls on the authorities to maintain their commitment to achieve equal opportunities for equal access to education for the Roma, in particular as regards upper secondary and higher education for Roma youth, thereby addressing the root causes of dropout. It calls on them to encourage municipalities to play actively their role, including by allocating them adequate resources, as well as diversifying incentives.

Textbooks and teacher training

Present situation

81. The Advisory Committee learned that a new national curriculum has been adopted and will be launched in 2016. Schools and municipalities are currently working on local curricula and publishers will develop textbooks accordingly. The new curriculum is held to reflect more adequately the presence and role of national minorities in Finland through human rights education. The Advisory Committee, however, understands from interlocutors at municipal level that they contain limited content on Roma history and culture.⁶⁹ It considers it important that curricula provide accurate information on the composition of society and portray positively its ethnic diversity. Considering the high degree of decentralisation in educational matters, it observes the manner in which the new curricula will be implemented at local level so as to ensure the promotion of inter-cultural understanding, knowledge of minorities, and respect for diversity by pupils, is of the utmost importance.

82. The Advisory Committee notes that the situation varies as regards the availability of material in the different minority languages. Production of Sámi material is the responsibility of the Sámi Parliament, which receives public funds for this purpose.⁷⁰ The Advisory Committee understands from its interlocutors that progress has been accomplished, but the scarcity of funds, as well as of authors and translators, affect the production of material, which is lacking in particular for Inari and Skolt Sámi, and with respect to upper secondary, higher and adult education. Although punctual projects allowed some progress, overall the situation appears to be also worrying as regards learning material in Romani, both for the scarcity of resources and the difficulty to find authors.

83. Although there are continued efforts to support university level and continuing training of teachers of minority languages, the Advisory Committee observes with concern that it is the opinion of minority representatives, as well as of the authorities, that overall there is lack of sufficiently qualified teachers. The Advisory Committee understands that for each linguistic group, measures are in place to improve teacher training. In the context of the 2012 Strategy for the National Languages of Finland, language immersion education at university level has

⁶⁹ A 2012 report published by the Finnish League of Human Rights indicated that Roma wished their history and culture to be taught more generally to dispel prejudice.

⁷⁰ These increased from 258,000 to 400,000 euros in 2014.

been introduced for Swedish-speaking teachers to develop their skills. Higher education on Sámi languages and culture, as well as teacher training, is organised at three universities, along with the Sámi Education Institute which develops learning materials, online teaching and other support services. Finally, the shortage of Romani teachers is particularly critical: the courses started at the University of Helsinki on Roma language and culture will, in due time, provide qualified personnel, but meanwhile continuing training is also needed. The Advisory Committee recalls that it is essential, however, that the attainment of quality standards by teachers in minority language schools is regularly monitored by specialised experts who also provide recommendations for necessary teacher training.⁷¹ It is further essential that teachers for all schools are adequately trained to promote respect for different ethnic, cultural and linguistic backgrounds and promote inclusion and dialogue in the classroom and throughout daily school routines, including extracurricular activities.

Recommendations

84. The Advisory Committee calls on the authorities to ensure that, while respecting the decentralisation of education, the newly developed curricula at local level and the textbooks reflect appropriately ethnic diversity and the historical presence of all minorities in Finland. Staff of all schools shall be effectively trained to accommodate diversity in the classroom and promote intercultural respect and understanding in schools.

85. It further encourages them to ensure that a sufficient number of qualified teachers are trained in the different minority languages and, to the extent possible, that appropriate learning material is available.

Article 14 of the Framework Convention

Instruction in and of minority languages

Present situation

86. During the reference period, progress has been achieved in access to basic education in Sámi in the Homeland, fully supported by public funding (Law 2009/1705). The Advisory Committee notes that, overall, students attending school in Sámi up to the matriculation level slightly increased from 554 in 2012-2013 to 613 in 2013-2014, the majority of them studying in North Sámi, at basic education level, and within the Homeland. While all three Sámi languages are still endangered, and in particular Skolt Sámi, the number of students attending basic education increased, particularly that of Inari Sámi. Skolt Sámi students, on the contrary, diminished. Upper secondary school and professional education can also be provided in Sámi, although there is no statutory obligation. The offer is more limited and concentrated in one upper secondary school in Utsjoki and one professional institute in Inari, the Sámi Education Institute (SAKK). The Advisory Committee observes that children's knowledge of the three Sámi languages is expected to produce spillover effects on education attendance through the language nests initiative (day care) which have opened in the Homeland and appreciates the financial effort by the government in this respect.⁷² Sámi representatives, nonetheless, pointed

⁷¹ See also ACFC First Commentary on Education under the Framework Convention, page 33. See also third monitoring cycle report of the Committee of Experts on the Application of the European Charter for Regional or Minority Languages, January 2013, paras. 235 – 237.

⁷² Budgetary support increased from 350,000 euros in 2011 and in 2012 to 500,000 euros in 2013.

out to the Advisory Committee that financial support should be made permanent to keep language learning sustainable.

87. The Advisory Committee is however concerned that access to education in Sámi outside the Homeland is much more limited. Although one language nest started operating in Helsinki and others are planned in other cities, Sámi organisations based outside the Homeland pointed out that the current educational offer is not sufficient to maintain the knowledge of the language, which represents also a prerequisite and an undeniable link to Sámi livelihoods. As is the case with other minority languages, two hours' tuition in Sámi is provided by municipalities when a study group composed of at least two children can be formed (this applies also to Roma, while a minimum of six children is required for Russian-speakers and speakers of other languages). Municipalities receive discretionary government grants to provide such instruction, which applies to national minority languages, as well as first languages spoken by immigrants. The opinion conveyed to the Advisory Committee by minority representatives, and not only for the Sámi, is that often logistical issues, scarce resources for municipalities, and difficulties in recruiting teachers prevent these activities from taking place or being fruitful. The Advisory Committee recalls the benefits of multilingualism to promote tolerance and respect for diversity in society, as well as the importance to ensure equal opportunities to learn one's minority language in parallel to the state language.

88. In the context of the National Roma Policy, teaching of the Romani language has been facilitated in preschool and basic education, as well as in upper secondary education, through discretionary government funding from the National Board of Education compensating municipalities. The number of pupils studying Romani increased up to 2011, when 170 students received Romani-language teaching in 12 municipalities, but dropped to 120 in 2014 (notwithstanding that the number of required students to form a class is just two). Special allocations have also been provided for language nests, which are currently 14 in Finland, to help with reviving the oral language at all ages.⁷³ Since 2012, Romani language and culture is taught at the University of Helsinki and this should bring some positive rippling effects in terms of a future qualified teaching body.

89. The Advisory Committee, however, also understands that the whole process of reviving the Romani language in education and guaranteeing the linguistic rights of persons belonging to the Roma minority face considerable challenges owing to shortcomings such as the number of qualified teachers available, as well as of education material (see also Article 12), combined with persisting discrimination patterns affecting Roma individuals' everyday life. Interlocutors also pointed out that those municipalities, which are ultimately in charge of providing this voluntary instruction, are not always aware of the availability of dedicated resources.

90. The Advisory Committee observes that little progress has been achieved in first language instruction in Russian. Interlocutors pointed at difficulties such as logistic arrangements for classes due to a scattered population and the minimum number of students required starting a class (six pupils) as major obstacles. Instruction in Karelian was launched in 2012 in Joensuu. From a general perspective, the Advisory Committee points in this regard to

⁷³ For the period 2011-2014, 286,000 euros were disbursed.

the substantial research suggesting the benefits of first language learning in schools for broader academic achievement in life including the proficient learning of second languages.⁷⁴

Recommendations

91. The Advisory Committee encourages the authorities to continue supporting effective access to education in Sámi languages in the Homeland, and to develop additional opportunities in the rest of the country's territory, such as in the capital and other cities, where Sámi children are present in substantial numbers and if there is sufficient demand. To this purpose, particular attention should be paid to enhancing the role of and financial support to municipalities, including developing alternative ways of teaching.

92. The Advisory Committee encourages the authorities to continue their efforts towards maintaining and reviving the Romani language, including through making municipalities more aware of the availability of funds as well as providing alternative incentives to enhance their offer in all minority languages.

Article 15 of the Framework Convention

Participation in public life, decision-making processes and public administration

Present situation

93. National minorities continue to be represented and contribute to the political decision-making process through advisory boards and, as regards Sámi, also via the Sámi Parliament. The Advisory Board for Ethnic Relations (ETNO) was widely consulted by the various ministries on legislation and policy making relevant to minorities (e.g. integration, education, and language issues) both at national and at regional board level. This helped to increase its legitimacy. ETNO's current priorities are reducing discrimination and raising employment for persons belonging to minorities. ETNO considers that it will be a challenge to keep the balance in the future between national minorities and new groups, in particular migrants. It is also of the opinion that the government does not envisage the establishment of any new advisory board targeting specific groups. The Advisory Committee notes that the Russian community is represented in ETNO⁷⁵ but not in the Advisory Language Board, while the Karelian speakers are not present in any structure. Estonians are also represented in ETNO.⁷⁶ The Advisory Board for Roma Affairs, half of which is composed of Roma representatives, as well as its regional offices, also reported to the Advisory Committee a good level of co-operation with central and local authorities.

94. At municipal level, consultative organs have been established on integration- and migration-related issues, on multiculturalism and on Roma affairs. A national languages network of Finnish municipalities has been established to foster inter-municipal co-operation with respect to the implementation of the language legislation.

⁷⁴ See also ACFC Third Thematic Commentary on Language Rights, para. 39.

⁷⁵ FARO, the Federation of the Russian-speaking organisations, is the only NGO member of ETNO, although its leadership admits it represents between 8-10% of the Russian speakers present in Finland.

⁷⁶ The organisation representing Estonian speakers is *Tuglas-seura ry*.

95. The Advisory Committee strongly regrets that the Government Bill on the Sámi Parliament Act (HE 167/2014) which, *inter alia*, amended the notion of “negotiation obligation” of Article 9 in order to enhance the involvement of the Sámi Parliament into decision making beyond mere consultation, was dropped. While it acknowledges that, during the period under consideration, there was a good level of co-operation between the government and the Sámi representatives, it also reckons that political circumstances have prevented amendment of the legislation. This leads in practice to a situation where the Sámi Parliament is still not in the position of influencing effectively the outcome of the decision-making process when important issues of concern for the Sámi people are at stake.

96. Due to the fact that gathering data on ethnic affiliation is not allowed by law, there is no precise indication of national minorities’ presence in elected bodies and in public administration, either at central or local levels. The Advisory Committee reiterates its view that political participation of minority representatives in relevant decision-making processes is crucial for their interests to be heard. It also highlights that recruitment of persons belonging to minorities into public administration, law enforcement and the judiciary should be promoted as a means to better respond to their needs, such as with regard to the use of their language, and to attest to the government’s openness towards the diversity present in society. Enhanced presence in the police ranks may have a positive impact on the willingness of persons belonging to national minorities to address law enforcement when they require assistance (see also Article 6).

Recommendations

97. The Advisory Committee reiterates its call on the authorities to ensure that the composition of the existing consultation mechanisms (ETNO, Advisory Language Board) is adjusted so as to include all minorities, in particular the Russian, Karelian, and Estonian communities, so as to guarantee an effective and inclusive channel of communication, consultation and influence on the decision-making process. It also encourages the resumption of dialogue with the Sámi minority for the purpose of strengthening their participation by amending accordingly the current legislation.

98. It also urges them to enhance opportunities for persons belonging to national minorities to participate in public affairs, including through measures that facilitate their engagement in broader political processes and mainstream political parties. Similarly, their recruitment into public service, in particular the police at central and local levels, should be promoted in order to send a clear message that diversity is valued in Finnish society.

Effective participation in socio-economic life

Present situation

99. The existing legal framework regulating Sámi cultural autonomy covers the provision of social and health services in the Sámi languages in the Homeland and annual appropriations are dedicated to this issue.⁷⁷ Resources are used to recruit Sámi-speaking employees, to produce or purchase services in Sámi, with particular emphasis on early childhood and elderly care. The Advisory Committee notes nonetheless that the provision of social and health

⁷⁷ This amounted to 480,000 euros in 2014.

services in Sámi is considered not to be sufficient by the Sami people,⁷⁸ and that further efforts are necessary to increase the number of bilingual personnel and language training. It considers also particularly relevant that the Public Social Welfare and Health Care Service Structure Reform (SOTE) pays attention to the geographical reorganisation of services by municipalities to continue guaranteeing the linguistic rights of the Sámi population in the Homeland. The dispersion of the Sámi population in the territory also plays a role when it comes to the provision of social services, not only in the Homeland but also outside.

100. The Advisory Committee is deeply concerned that access to employment remains very difficult for persons belonging to minority groups as a consequence of prejudice and discriminatory attitudes in the labour market.⁷⁹ The Advisory Board on Roma Affairs highlighted in particular that, contrary to the progress achieved in education, discrimination against Roma in employment is of considerable concern and higher than any other group. Prejudice is such that even when Roma have the necessary qualifications and employment is available, they are discriminated against. Russians are reportedly also widely discriminated against when trying to access jobs, in particular as a consequence of their names on applications where their ethnic origin is visible.⁸⁰ Estonians also encounter certain difficulties to accede to employment and are discriminated against as regards social conditions and salaries. A government campaign targeting employers and trying to reduce discrimination in working life for disadvantaged young people (*Asenne meininki* – It's all about attitude) has been launched. Equality in working life is also promoted through the network of employers who have signed the Finnish Diversity Charter, a non-binding instrument striving for diversity in recruitment and management, including on the ground of ethnic origin.⁸¹

101. The Advisory Committee acknowledges these efforts as well as the equality action plans that each enterprise is called to develop on the basis of the Non-Discrimination Act, as tools to improve equality for national minorities in the labour market. However, it was informed by interlocutors that, on the one hand, they do not target Roma in particular and, on the other hand, follow-up on the implementation of all these initiatives is necessary for them to be effective. In this context, the Advisory Committee considers that the limitation of the mandate of the Non-Discrimination Ombudsman as far as employment is concerned is unfortunate considering the trust-building role it has had towards minorities in the past.⁸²

102. Roma in Finland live in standard housing together with the rest of the population all around the country. Authorities and Roma representatives concurred that they face housing issues which are rather the consequence of cumulating socio-economic factors determining high vulnerability (income, unemployment, etc.) coupled with an alleged discriminatory attitude by certain municipalities when allocating social housing and the private sector.⁸³

⁷⁸ A study was carried out by the University of Lapland with public funds, *Saamelaisten hyvä elämä ja hyvinvointipalvelut*. [Good life and welfare services for the Sámi], www.doria.fi/handle/10024/92140.

⁷⁹ Ministry for Employment and the Economy report Discrimination on the Finnish labour market, www.tem.fi/index.phtml?C=98158&l=en&s=2086&xmid=4798.

⁸⁰ See also ECRI Report, para 127.

⁸¹ www.fibsry.fi/fi/english/themes/diversity-charter-finland.

⁸² The majority of complaints held by the former Ombudsman for Minorities concerned Roma discrimination as regards social issues, employment, education, access to public spaces, etc.

⁸³ According to the report published by the Ombudsman for Minorities in April 2014, *Different in the daily life - a report on Roma experiences of discrimination*, 48.5% of Roma respondents experienced discrimination based on ethnic origin in 2013 when applying for a rental apartment funded with state subsidies. The number grows to

Several awareness-raising measures (printed material, seminars, conciliation process with municipalities) have been launched to help Roma people to deal with housing issues. The Advisory Committee was informed that housing remains highly problematic for the small component of the Roma population who are citizens of other EU countries and, as such, fall through the system. As regards access to social and health services, the Advisory Committee learned it is not a priority issue for the Roma population whose vehicular language has been Finnish for a long time.

103. The Advisory Committee understands that access to social and health services in the Russian language has improved in particular as regards doctors and family and youth services. In particular, the 2015 reform of social welfare has drawn a distinction between social and child welfare which should help municipalities in dealing with child-raising issues in a multicultural context. However, it was also informed by Russian-speaking representatives that services targeted at people with disabilities are lacking and provided only by non-profit organisations.

Recommendations

104. The Advisory Committee calls on the authorities to intensify their efforts to ensure that a sufficient number of municipal employees are adequately trained and able to respond to requests in Sámi languages, in particular with respect to access to social and health services.

105. It also reiterates its call on the authorities to make a stronger commitment in human and financial resources to implement the National Roma Policy with respect to employment, including of women, as well as to increase efforts to reduce discrimination towards Roma and any other minority groups with respect to access to the labour market. It also invites the authorities to consider the extension of the Non-Discrimination Ombudsman's mandate to include employment issues.

Article 16 of the Framework Convention

Changes in administrative borders

Present situation

106. The Advisory Committee notes that several administrative reforms have recently been put in place (Local Government Act) or are in the making in Finland (the Public Social Welfare and Health Care Service Structure Reform, so-called SOTE and regional and central administration reforms). It understands that language assessments are carried out in these circumstances on the basis of guidelines compiled by the Ministry of Justice in order to offset detrimental effects for access to services in minority languages. While the SOTE reform is still in the making, the Advisory Committee notes with deep concern that other reforms implemented with the objective of clustering smaller entities into larger ones made it necessary for certain Swedish-only municipalities to switch from the status of monolingual to a bilingual municipality in order to continue receiving financial support to ensure education in the other official language. While acknowledging the necessity of reforming the public sector, including for

54.7% when trying to rent or purchase an apartment on the private rental market, www.syrjinta.fi/documents/10181/10850/54366_romanitutkimus_tiiivistelma_eng_final.pdf/555a7857-41b2-48f2-848b-224c5a32f665.

financial reasons, it highlights the importance of paying heightened attention to minorities' linguistic rights in any reform process as well as to the need not to put undue burden on municipalities as a result.

Recommendation

107. The Advisory Committee urges the authorities to ensure that the administrative reform of Public Social Welfare and Health Care Service Structure currently under preparation, as well as any other reform, is an inclusive process which takes into account actual linguistic diversity and respects the linguistic rights of minorities.

Article 18 of the Framework Convention

Bilateral agreements

Present situation

108. The Advisory Committee notes with appreciation that negotiations on the Nordic Sámi Convention were ongoing during the period of reference. It also appreciates the further development of co-operation among Nordic countries which may have a positive impact on the protection of the rights of persons belonging to national minorities such as the provision of health services for the Sámi population purchased from Norwegian providers.

Recommendation

109. The Advisory Committee encourages the authorities to pursue their efforts with a view to concluding the negotiations on the Nordic Sámi Convention in order that the protection of the indigenous rights of the Sámi population is improved from a regional perspective.

III. Conclusions

110. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Finland.

111. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion.⁸⁴ In particular, they should take the following measures to improve further the implementation of the Framework Convention.

Recommendations for immediate action⁸⁵

- Engage in a constructive and high-level dialogue with the Sámi people, possibly in a government-led platform, to ensure that the interests of all parties are adequately addressed both in national legislation and through the ratification of the ILO Convention No. 169 on Indigenous and Tribal Peoples; strengthen the knowledge of the Sámi languages, maintain and develop the cultural identities of the Sámi in the Homeland while targeting also Sámi living outside of the Homeland;
- Intensify efforts to adopt and implement the Action Plan related to the 2012 Strategy for the National Languages of Finland in order to guarantee that the knowledge, visibility and presence of the Swedish language is maintained in education, in the administration, in the labour force and in the public at large;
- Defuse the climate of increasing interethnic prejudice and tension by stepping up efforts to combat all forms of intolerance, racism, xenophobia and hate speech, in particular in social media; promptly condemn all instances of racism and ethnic hostility in public discourse; raise public awareness of the legal remedies available against hate crime and hate speech; strengthen the role of law enforcement and the judiciary to detect and sanction hate speech and hate-motivated offences; raise the level of recruitment of persons belonging to minorities in the police.

Further recommendations⁸⁶

- Facilitate the expression of multiple identity and language affiliations into population registries; collect disaggregated equality data as a means of adopting and implementing effective minority protection and equality promotion policies; take the necessary steps to guarantee the registration of Sámi names respecting the language diacritic signs in public registries, passports and other public documents;

⁸⁴ A link to the Opinion is to be inserted in the draft resolution before submission to the GR-H.

⁸⁵ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

⁸⁶ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- Provide adequate political and financial support to the Office of the Non-Discrimination Ombudsman to enable it to effectively pursue its well-established role of protecting minorities within its broader mandate;
- Earmark resources to continue implementing the National Roma Action Plan; foster equal opportunities for access to education for the Roma, in particular as regards equal access to upper secondary and higher education by providing incentives to municipalities; focus on adult education and employment including by reducing discrimination in access to the labour market;
- Intensify efforts to ensure that access to social welfare and health services in the first language is adequately available, in particular in Swedish and Sámi, and that any administrative reforms guarantee the linguistic rights of persons belonging to minorities;
- Continue to support effective access to education in the Sámi languages in the Homeland, and develop additional opportunities in the rest of the country's territory where Sámi children are present in substantial numbers and if there is sufficient demand;
- Ensure that, while respecting the decentralisation of education, the newly developed curricula at local level and the textbooks reflect appropriately ethnic diversity and the historical presence of all minorities in Finland; ensure that teachers are effectively trained in accommodating diversity and promoting intercultural respect in the classroom;
- Provide for an effective and inclusive channel of communication, consultation and influence on the decision-making process by all minority groups, in particular Russian and Karelian speakers, within the existing consultation mechanisms; engage in dialogue with minority linguistic groups, including Estonian speakers to the extent to which they express their interest to be protected under the Framework Convention;
- Enhance the opportunities for persons belonging to national minorities to participate in public affairs as well as for their recruitment into public service, in particular law enforcement and the judiciary at central and local levels so as to send a clear message that diversity is valued in Finnish society; strive to eliminate discrimination in the labour market against persons belonging to the Russian minority.