



## SIXTH OPINION ON FINLAND



### ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

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1. Finland continues to be characterised by its commitment to social welfare, ensuring equal access to human rights with a strong focus on gender equality, which also benefits persons affiliating with minorities. The country's robust legal and policy framework is underpinned by the protection of minority rights, including language rights, and provides generous support for expression and promotion of minority cultures and languages. The flexible and open approach to the application of the Framework Convention by Finland is also commendable, offering the possibility of a wider enjoyment of the rights enshrined in the Framework Convention by persons affiliating with different national minorities.

2. During the reporting period, however, the overall climate of mutual respect and understanding in the country noticeably worsened, and was further aggravated by political rhetoric that normalises hate speech, including against ethnic, linguistic, and religious minorities. The divisive lines in society have become more pronounced, manifested in instances of racial discrimination, hate crimes and growing hatred on social media, undermining social cohesion, which the Advisory Committee notes with great concern. Despite high-level government pledges to address these worrying trends, numerous legislative changes, with regard to migration-related issues, have fostered an environment conducive to the rise of such public discourse. Such negative statements by certain prominent political figures are particularly detrimental for inter-ethnic relations. Decisive measures to promote intercultural dialogue and a spirit of tolerance and mutual respect among the public are therefore urgently needed. Effectively combating all forms of hatred and hate speech is essential to achieve this.

3. The Russian Federation's war of aggression against Ukraine and its different consequences, such as the Finnish Eastern land-border closure and the rise of national security discourse, has had a profound impact on social and political dynamics. This has also contributed to the general societal climate, and signalled a paradigm shift in policymaking. The Advisory Committee regrets the concerns expressed by Russian-speaking persons living in Finland, who pointed to a deterioration in the enjoyment of their minority rights on several fronts in the wake of the Russian Federation's war of aggression against Ukraine. While the Advisory Committee fully recognises Finland's legitimate national security concerns arising from this aggression, it is concerned about the restrictions in access to minority rights as protected under the Framework Convention, which seem to have generated feelings of marginalisation and exclusion among various segments of Finnish society.

4. The ongoing drastic cuts in the state budget introduced by the new government programme in 2023 have raised concerns about the impact of these cuts and accompanying measures on fundamental rights, including the potential adverse and disproportionate effects on persons affiliating with national minorities. The Advisory Committee is highly alarmed about the impact of these measures on the full and equal access to minority rights and essential services, particularly in relation to healthcare and social welfare services and the promotion of minority cultures and languages. In this respect, it underlines the heightened responsibility on the authorities at all levels to assess the equality impact of their actions and to find a fair balance between budget cuts and the allocation of resources that is consistent with both national and international human rights obligations.

### Swedish-speaking Finns (Swedish-speakers)

5. Despite the constitutional principle of bilingualism and solid legal safeguards for the language rights of Swedish-speakers, practical implementation remains inadequate, resulting in unequal access to rights and services, particularly in education, employment, healthcare and social welfare. Recent developments, such as the increasing use of digital services in public administration and in particular the recent structural reform of healthcare and social services that led to the establishment of "wellbeing services counties", add to the challenges posed by the already declining use of Swedish in society and the shortage of Swedish-speaking professionals in various sectors. The 2021 Strategy for the National Languages of Finland has set out in clear terms the objective of addressing these issues while preventing the narrowing of the areas of use of "the national languages". Effective implementation of this strategy is required.

### Sami

6. The long-standing dispute on the registration on the electoral roll to the Sami Parliament has remained unresolved. A new Government Bill with a view to amending the Act on the Sami Parliament is currently pending before the Parliament. However, there is no full consensus on the amendment proposals among all segments of the Sami people. Continued efforts will be required to facilitate a constructive dialogue within the Sami community, bringing together representatives of the Sami majority within the Sami Parliament and those in the minority situations and achieving a fair balance between the interests of the community on the one hand and the principle of free self-identification on the other. The perception of exclusion by some Sami is detrimental for them and for the community as a whole.

In this respect, the Advisory Committee considers that the ongoing truth and reconciliation process, which it strongly welcomes but recommends it is carried out in an inclusive way by involving different segments of the Sami people, could play a crucial role in assessing this issue in a broader and more inclusive perspective.

7. The resources allocated to support Sami cultures, languages and education are praiseworthy. While the revitalisation of the Sami languages through Sami language nests and distance learning have yielded positive results, these initiatives are mostly project-based and lack sustainability. Furthermore, a lack of high-quality educational materials in the Sami languages and the shortage of teachers in these languages remain important problems, as they do also for persons affiliating with other national minorities, ultimately leading to a shortage of professionals who know these languages.

8. The Advisory Committee is deeply concerned about continued instances where the Sami have not had sufficient influence over decisions that could adversely impact their ability to preserve and develop their cultures and identities, including their traditional ways of life. This is closely linked to the how the "obligation to negotiate" entails (i.e. no prior and informed consent is required and there is no veto power vested in the Sami parliament) and how it is implemented as well as the non-inclusion of different Sami views and interests in the Sami Parliament. It is of the utmost importance that the Sami are effectively involved in all relevant decisions and that their diverse interests and needs are considered.

### Roma

9. Notwithstanding some progress in recent years, such as in early childhood education and the revival of Romani language, Roma continue to face discrimination in all areas of life, particularly in access to higher education and employment, and there are persistent reports of ethnic profiling against them. The largely sporadic and inadequate educational materials about Roma, evident also in the case of persons affiliating with other minorities, contributes to entrenched stereotypes against this community. In this context, it is noteworthy that the elimination of discrimination by tackling antigypsyism has been included in the latest policy framework for Roma - the National Roma Policy 2023-2030 - which also has a strong intersectional approach. However, the effective implementation of this comprehensive policy is at high risk due to the lack of a dedicated state budget.

### Russian-speaking population

10. Russian-speaking individuals have reported declining trends, especially in the teaching of minority languages and support for cultural activities. Additionally, there has been a significant increase in discrimination and hate crimes against the Russian-speakers, as evidenced by complaints lodged before the Non-Discrimination Ombudsman and the annual hate crime reports from the police. Despite comprehensive anti-discrimination legislation and well-established institutional frameworks, awareness of these provisions and avenues among persons affiliating with national minorities, including Russian-speakers, remains low. This situation underscores the need for greater efforts to raise awareness about the available remedies and support structures for those facing discrimination within minority communities.

### Karelians and persons affiliating with other communities

11. While the Karelian representatives reiterated their wish for a greater legal recognition of the Karelian minority, persons affiliating with this community have continued to receive support for promotion of their culture and identity, particularly through Karelian language revival projects. Despite general praise for the availability of minority language education, its limited provision and organisation have not consistently met the linguistic needs of persons affiliating with national minorities, including Russian-, Karelian- and Estonian-speaking population. Therefore, it is essential to implement measures that promote the availability of such education and ensure that the demand for it is accurately and regularly assessed. Finally, although the Finnish Public Broadcasting Service, *Yle*, continues to provide media content and services in minority languages, many interlocutors of the Advisory Committee have called for increased quality, inclusive and critical media content, especially in Russian.

### Equality data, gender equality and other intersectional aspects of minority protection

12. Finland emphasises the importance of gender equality and the rights of children and youth. Nevertheless, intersectional issues continue to negatively affect access to full enjoyment of rights by persons affiliating with minority communities. Providing for statutory definitions of intersectional and multiple discrimination in the anti-discrimination legal framework would help to render intersecting forms of discrimination such as against Sami or Roma women or elderly Swedish-speaking people more visible, while also making it possible to identify specific barriers hampering their access to rights and services. Strengthening the systematic collection of comprehensive gender-disaggregated equality data on persons belonging to national minorities is key to ensuring impactful policy-making for these persons and the measurability of actions taken.



## PRIORITY RECOMMENDATIONS

13. The Advisory Committee proposes that the Committee of Ministers make the following recommendations with respect to the implementation of the Framework Convention by Finland.

14. The authorities should take the following priority measures to improve further the implementation of the Framework Convention, along with the implementation of all recommendations contained in this Opinion:

### Priority recommendations

- 1) The Advisory Committee urges the authorities to carry out a comprehensive and independent assessment of the impact of the budget cuts implemented as part of the currently ongoing austerity measures on persons affiliating with national minorities (see para. 67, Article 4).
- 2) The Advisory Committee urges the authorities, in close consultation with all segments of the Sami, to ensure that decisions at all levels concerning the traditional use of land do not adversely affect the ability of the Sami to preserve and develop their cultures, languages and identities, including their traditional ways of life. The authorities should complete their preparation for the ratification of the ILO No. 169 concerning Indigenous and Tribal Peoples (see para. 90, Article 5).
- 3) The Advisory Committee urges the authorities to enhance their efforts to promote trust, mutual respect, and understanding towards persons affiliating with all minorities. In this context, the authorities should refrain from and promptly and unequivocally condemn all incidents of hate speech, in particular by political leaders, and foster intercultural dialogue and a spirit of tolerance and mutual respect among the public (see para. 105, Article 6).
- 4) The Advisory Committee calls on the authorities to create conditions for an inclusive dialogue with all segments of the Sami community with a view to reaching a shared understanding on the prolonged debate regarding the registration to the electoral roll of the Sami Parliament. In addition, the authorities should assess, in close consultation with all segments of Sami community, the experiences of the truth and reconciliation process with a view to its possible expansion beyond 2025 (see para. 40, Article 3).
- 5) The Advisory Committee calls on the authorities to ensure continuous and earmarked baseline funding for the effective implementation of national Roma inclusion policies with a view to addressing discrimination and inequalities faced by persons affiliating with the Roma minority in a sustainable way (see para. 73, see Article 4).
- 6) The Advisory Committee calls on the authorities to establish the Sami Psychosocial Support Unit, *Uvja*, which is being provided in the context of the work of the Truth and Reconciliation Commission concerning the Sami People, as a possibly permanent structure with adequate financial and human resources once an impact assessment of its work has been carried out and the present mandate of the commission has been completed (see para. 91, Article 5).
- 7) The Advisory Committee calls on the authorities to continue to take action to ensure an effective prohibition of ethnic profiling and to provide more targeted training for police officers and private security staff on the matter (see para. 123, Article 6).
- 8) The Advisory Committee calls on the authorities to develop and provide educational materials, including digital materials, that accurately and adequately reflect Finland's ethnic and linguistic diversity and avoid stereotypes. All teachers should receive systematic and practical training in human rights, including minority rights, in order to effectively and sustainably promote intercultural education within the school environment (see para. 166, Article 12).
- 9) The Advisory Committee calls on the authorities to effectively promote and ensure the provision of minority language education, including by providing high-quality educational materials, for persons affiliating with national minorities. Support for the teaching of Sami languages across the country should be increased, in particular by ensuring permanent and sufficient funding for language nests for all three Sami languages, and for distance learning, with a view to making them complementary mediums of instruction (see para. 184, Article 14).
- 10) The Advisory Committee calls on the authorities at all levels to enhance the effectiveness of consultation processes, to make them timely, inclusive, and meaningful, and to ensure that persons affiliating with national minorities are systematically consulted and are able to participate effectively in decision-making processes on administrative, policy and legislative matters relevant for the implementation of minority rights (see para. 192, Article 15).

### Other recommendations

15. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee.

### Follow-up to these recommendations

16. The Advisory Committee encourages the authorities to translate and publish the present opinion into the official and minority languages and disseminate its findings and recommendations widely among all stakeholders.

17. Furthermore, the Advisory Committee encourages the authorities to organise a follow-up event after the publication of this sixth-cycle Opinion to discuss and identify ways of implementing the recommendations made in this Opinion.

## MONITORING PROCEDURE

### Follow-up activities and awareness-raising related to the recommendations of the Fifth Opinion of the Advisory Committee

18. No round table to follow up on the recommendations of the Fifth Opinion of the Advisory Committee took place. The Opinion and Committee of Ministers Resolution were translated into Finnish, Swedish and North Sami and published on the website of the Ministry for Foreign Affairs, where the Framework Convention has its dedicated website.<sup>1</sup> The Advisory Committee commends this dedicated website and greatly appreciates the commitment of the authorities to make its recommendations available to all authorities. These documents were also distributed amongst a wide range of state bodies and other stakeholders.<sup>2</sup>

### Preparation of the state report for the sixth cycle

19. The sixth state report was received on 27 March 2023. The Advisory Board on Non-Discrimination, the Advisory Board on Language Affairs, the Advisory Board for Roma Affairs and the Advisory Board for Ethnic Relations which are composed of state authorities and some minority representatives were consulted in its preparation.<sup>3</sup> The Advisory Committee welcomes the gender-related aspects of minority rights which were addressed in the report.

### Country visit and adoption of the Sixth Opinion

20. This sixth-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 25 of Resolution (2019)49 of the Committee of Ministers. The findings are based on information contained in the sixth state report, other written sources, as well as information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Helsinki, Inari and Imatra from 15 to 19 April 2024.

21. The Advisory Committee expresses its gratitude to the authorities for their excellent co-operation before, during and after the visit, and to the other interlocutors it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 17 October 2024, was transmitted to the Finnish authorities on 24 October 2024 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Finnish authorities on 27 January 2025.

\* \* \*

22. A number of articles of the Framework Convention are not covered in the present opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. The Advisory Committee assesses the situation in the light of the circumstances prevailing at the time of monitoring.

<sup>1</sup> See the [dedicated website on FCNM](#) of the Ministry of Foreign Affairs.

<sup>2</sup> See [sixth state report](#), paras. 1-6.

<sup>3</sup> *Ibid.*, para. 6.



## ARTICLE-BY-ARTICLE FINDINGS

**Personal scope of application (Article 3)**

23. The territorial and personal scope of application of the Framework Convention by Finland has remained unchanged. The Finnish authorities continue to follow a flexible and open approach as regards the application of the Framework Convention. The state report and its appendixes provide information about communities that are explicitly mentioned in the Finnish Constitution (Sami, Roma and the Swedish-speaking population),<sup>4</sup> as well as about Tatars, Jews, and the Russian-, Karelian- and Estonian-speaking population.<sup>5</sup>

24. Karelian representatives reiterated their wish for greater legal recognition, through inclusion in the Constitution and a specific law on the Karelian language. While no such legal guarantees have been introduced, it appears that the Karelian minority has become more visible in policy-making, as manifested in the Language Policy Programme adopted in 2022, which contains an explicit reference and targeted measures for them. Dialogue with the Karelian representatives has also been strengthened, as recommended by the Advisory Committee in previous opinions, and they are regularly invited to the consultations organised by the Advisory Board on Language Affairs, where an expert committee on the Karelian language has been set up.

25. The Advisory Committee notes the relatively high number of persons belonging to the Estonian speaking population. During its visit, the Advisory Committee was informed by Estonian organisations that, similar to other minorities, individuals face challenges in protecting their language and culture. In their view, although they can benefit from certain rights under the Framework Convention (see Article 14), most of the available resources do not meet their needs for the preservation and development of their languages, cultures and identities, especially in the light of recent austerity measures, (see Articles 4 and 5). Tatars, on the other hand, expressed their overall satisfaction about the protection afforded to their minority and the level at which they exercise their minority rights.

26. The Advisory Committee reiterates that when examining the scope of application of the Framework Convention, it has consistently encouraged authorities to be inclusive and context specific and to consider on an article-by-article basis which rights should be made available to whom. Such an approach promotes a societal climate of dialogue and understanding, where cultural diversity is viewed as a source of enrichment rather than division.<sup>6</sup> In this context, it welcomes the authorities' continued efforts to maintain the flexible and open approach to the application of the Framework Convention. This approach has also manifested itself in the application of certain aspects of the Framework Convention, on an article-by-article basis, to persons affiliating with immigrant communities, such as Arabs and Somalis,<sup>7</sup> in light of the ever-increasing immigration trends in the country.<sup>8</sup>

**Recommendation**

27. The Advisory Committee strongly encourages the authorities to maintain their flexible and open approach to the scope of application of the Framework Convention and to strengthen the enjoyment of rights afforded by the Framework Convention to the persons affiliating with national minorities.

**Electoral roll to the Sami Parliament (Article 3)**

28. The long-standing dispute over the definition of who is a Sami and who should be included on the electoral roll for the Sami Parliament has continued during the present monitoring period. The Advisory Committee's Fifth Opinion describes in detail the developments and discussions surrounding a proposal

<sup>4</sup> According to Section 17 of [the Constitution of Finland](#), "the national languages of Finland are Finnish and Swedish" and have equal status. However, as only 5.2% of the population are Swedish-speaking Finns (Swedish-speakers), they are identified as a *de facto* linguistic minority, who live mostly in Southern (especially Turku, Helsinki) and Western (Bothnia) coastal areas of Finland, where the prevalence of Swedish is apparent. Section 17 states, furthermore, that the "Sami, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture". Although this constitutional provision explicitly refers to the Sami and Roma communities, it should be noted that it is not a closed list and may well apply to other national and ethnic minorities beyond those traditionally present.

<sup>5</sup> According to the [Appendix 2](#) of the sixth state report, there are approximately 10 000 Sami, 10 000 Roma, 800-900 Tatars and 1 800 persons belonging to the Jewish community. The estimated number of Karelian-speaking population is around 30 000. There were 84 190 persons registered as Russian-speakers and 49 551 persons as Estonian-speakers (data from 2020).

<sup>6</sup> ACFC [Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 7.

<sup>7</sup> See sixth state report, [Appendix 2](#).

<sup>8</sup> Yle (11 September 2024), [Maahanmuutto kasvaa enemmän kuin koskaan – skenaario povaa: kuuden miljoonan raja lähestyy](#) (Immigration is growing more than ever - scenario predicts: the six million mark is approaching).

to reform Section 3 of the Act on the Sami Parliament (974/1995)<sup>9</sup> on the definition of a Sami, together with Section 9 on the “obligation to negotiate” (see Article 15), which failed in 2018.<sup>10</sup>

29. Following this attempt, the Sami Parliament and the government parties set up a new Committee in 2021 to prepare a new proposal, which resulted in the Government Bill (HE 274/2022) in November 2022.<sup>11</sup> While this bill was discussed in various parliamentary committees, it expired at the end of the parliamentary term in April 2023. As the new government took office, a new Government Bill (HE 100/2023)<sup>12</sup> was submitted to the parliament in December 2023 with slight changes compared to its predecessor. The authorities informed the Advisory Committee that, with this bill, they not only aim to safeguard the provisions on the status and rights of the Sami in the Constitution of Finland but also to fulfil Finland’s international human rights obligations, especially the Sami’s right to self-determination as indigenous people, in view of the decisions of the UN Human Rights Committee (HRC)<sup>13</sup> from 2019 and UN Committee on the Elimination of Racial Discrimination (CERD)<sup>14</sup> in 2022. Both decisions concerned cases on a series of the decisions by the Supreme Administrative Court of Finland recognising individuals as entitled to be registered on the Sami electoral roll based on the “overall assessment criteria” after their request for registration was rejected by the Sami Parliament.

30. According to the proposed Government Bill (HE 100/2023), the title “Definition of a Sami” in Section 3 would be replaced by “the right to be entered on the electoral roll”,<sup>15</sup> thus separating the inclusion to the electoral roll from “the constitutional rights otherwise belonging to the Sami as an indigenous people and the development of these rights”, while providing both a subjective criterion (the self-identification of a person as a Sami, as the basis for an individual’s application to be included in the electoral roll) and an objective criterion (for the acceptance of the application). The language criterion, as an objective criterion, would be extended to the fourth generation, i.e. one generation beyond the existing law. It is also proposed to delete the most controversial part of the definition concerning the “Lapp registers”,<sup>16</sup> thus making the objective criterion primarily based on “the knowledge of the Sami as a first language”. Another important introduction in this proposal is the establishment of an independent and autonomous Electoral Roll Appeals Board of the Sami Parliament (The Appeals Board) as the first level of appeal in matters concerning inclusion in and removal from the electoral roll,<sup>17</sup> and the transformation of the appeals procedure, making the Supreme Administrative Court as last resort.<sup>18</sup>

31. The Advisory Committee notes that the proposals in Section 3 have been discussed by many parties, including the authorities, Sami representatives, expert bodies and researchers, without reaching a full consensus. For example, in its opinion<sup>19</sup> on the proposed amendments under discussion, the Non-Discrimination Ombudsman described them as an important contribution to the realisation of the rights of the indigenous Sami people in Finland and considered the removal of the so-called “Lapp registers criterion” from the objective criteria for inclusion on the electoral roll justified and not

<sup>9</sup> [Act on the Sami Parliament \(974/1995\)](#), Section 3, in the current version, reads: “For the purpose of this Act, a Sami means a person who considers himself a Sami, provided: (1) That he himself or at least one of his parents or grandparents has learnt Sami as his first language; (2) That he is a descendent of a person who has been entered in a land, taxation or population register as a mountain, forest or fishing Lapp; or (3) That at least one of his parents has or could have been registered as an elector for an election to the Sami Delegation or the Sami Parliament.”

<sup>10</sup> ACFC [Fifth Opinion on Finland](#), paras. 37-42.

<sup>11</sup> See [sixth state report](#), paras. 39-45. See also Government Bill ([HE 274/2022](#)) (in Finnish).

<sup>12</sup> Based on the additional information provided by the state authorities on 11 April 2024. See also Government Bill ([HE 100/2023](#)) (in Finnish and Swedish).

<sup>13</sup> UN Human Rights Committee (HRC) [CCPR/C/124/D/2668/2015](#) (1 February 2019), Views adopted by the Committee under Article 5 (4) of the Optional Protocol, concerning communication No. 2668/2015 and concerning communication No. 2950/2017. The UN HRC found a violation of Article 25 (*inter alia*, electoral rights), read alone and in conjunction with Article 27 (minority rights), as interpreted in light of Article 1 (self-determination of peoples) of the International Covenant on Civil and Political Rights.

<sup>14</sup> UN Committee on the Elimination of Racial Discrimination (CERD) [CERD/C/106/D/59/2016](#) (14 April 2023), Opinion adopted by the Committee under Article 14 of the Convention, concerning communication No. 59/2016. The UN CERD found a violation of Article 5(c) of the Convention (the right to participate, vote and stand as a candidate in elections) and held that the applicants’ right as Sami indigenous people to determine collectively the composition of the Sami Councils was infringed.

<sup>15</sup> Unofficial translation of the proposal submitted by the authorities. Section 3, in the proposed amended version, reads: *Right to be entered on the electoral roll*: “A person who considers himself or herself Sami has the right to be entered on the electoral roll, provided that: 1) the person himself or herself or at least one of his or her parents, grandparents or great-grandparents has learnt the Sami language as his or her first language; or 2) at least one of his/her parents is or has been registered as a voter in the elections to the Sami Parliament held on or after 1 January 2027. Registration in the electoral roll shall also be subject to the fulfilment of the other requirements for the right to vote laid down in this Act concerning age, nationality and civil status.”

<sup>16</sup> See footnote. 8, Section 3 (2) of the [Act on the Sami Parliament \(974/1995\)](#).

<sup>17</sup> Chapter 5 of the Draft Government Bill (HE 100/2023), which reads, among others as § 41a “The Board of Appeal is appointed by the Government for a term of six years [...] The Board of Appeal shall be established on a proposal from the Sami Parliament”.

<sup>18</sup> The Supreme Administrative Court is the only body competent on appeals on election roll registrations under current law. Chapter 5 of the Draft Government Bill (HE 100/2023), § 41m reads as follows: “The decision of the Appeals Board may be appealed to the Supreme Administrative Court if the Supreme Administrative Court grants leave to appeal.”

<sup>19</sup> Opinion of the Non-Discrimination Ombudsman, [YVV/327/2024](#), 29 February 2024 (in Finnish).

discriminatory. The Deputy Chancellor of Justice does not seem to fully share this view, since “some Sami may have lost their language skills because of forced assimilation practices in the past but nevertheless, may follow the Sami way of life and culture according to an objective external assessment”.<sup>20</sup> On the other hand, whereas the Chancellor of Justice has welcomed the fact that Section 3 of this proposal refers only to the inclusion of Sami on the electoral roll and no longer concerns a definition of Sami, he has also noted that this amendment “does not resolve all the potential legal dilemmas and concerns that the current legal situation entails”, while also pointing out that “the term ‘home language’ [...] might be a better solution on the basis of objective criteria for membership of a community.”<sup>21</sup> Researchers, similarly, pointed to the difficulty on finding a compromise due to various underlying causes of the status quo, including of an economic, personal and political nature.

32. Alongside this process, the legal dispute over individual applications for registration in the Sami Parliament electoral roll continued. Following the Government Bill (HE 100/2023), in March 2024, the Supreme Administrative Court annulled the results of the 2023 elections<sup>22</sup> to the Sami Parliament based on nearly 100 individuals on whom the Sami Parliament’s Electoral Committee had failed to include on the electoral roll, despite a previous ruling confirming their eligibility under the Act on Sami Parliament.<sup>23</sup> This decision led to a stalemate on the new Government Bill, with the Parliament’s Constitutional Committee stating that discussions would not begin until autumn 2024, i.e. only after the new elections of the Sami Parliament in June 2024.<sup>24</sup>

33. During its visit, the Advisory Committee met both with some members of the Sami Parliament, who strongly oppose the above-mentioned decisions of the Supreme Administrative Court and who fully support the pending Government Bill (HE 100/2023), and with Sami representing the views of those who were excluded from the electoral roll by the decision of the Sami Parliament’s Electoral Committee and who have reservations about the latest bill. The Advisory Committee observes that the views of both sides were identical to those communicated to the Advisory Committee during its last monitoring cycle and therefore refers to them also in this Opinion.<sup>25</sup>

34. The Advisory Committee reiterates that the right to free self-identification, as protected in Article 3(1) of the Framework Convention, is of cardinal importance and constitutes the cornerstone of international protection of minority rights.<sup>26</sup> According to the Explanatory Report to the Framework Convention, this does not imply a right for an individual to choose arbitrarily to belong to any national minority. The individual’s subjective choice is inseparably linked to objective criteria relevant to the person’s identity.<sup>27</sup> The Advisory Committee has intentionally refrained from interpreting what such objective criteria may be, as it is clear from the wording of the Explanatory Report that they must only be reviewed vis-à-vis “the individual’s subjective choice”.<sup>28</sup> In the view of the Advisory Committee, a person’s free self-identification may only be questioned in rare cases, such as when it is not based on good faith. Identification with a national minority that is motivated solely by the wish to gain particular advantages or benefits, for instance, may run counter to the principles and purposes of the Framework Convention.<sup>29</sup> The Advisory Committee also recalls that “while language is generally perceived as an essential marker of identity, language competence or lack thereof, as well as the mere use of a language, must not automatically be linked to affiliation with a particular group.”<sup>30</sup> This is even more so

<sup>20</sup> Opinion of the Deputy Chancellor of Justice, [OKV/1502/21/2021](#), 23 July 2021 (in Finnish).

<sup>21</sup> Opinion of the Chancellor of Justice, [OKV/83/22/2023](#), 2 February 2023 (in Finnish). The Chancellor of Justice also underlines that the proposal in question may mean that some of the persons currently entered on the electoral roll on the basis of the current Article 3(2) or their descendants would no longer be entered on the electoral roll and that he “therefore considers it very important that not only the Sami assemblies but also other persons living in the traditional Sami territory and the organisations representing them should be given greater rights to participate in influencing the affairs, nature, culture and economy of the territory.”

<sup>22</sup> Given the relatively small overall electorate and number of seats in the Sami Parliament (21), the decision of the Supreme Administrative Court may have implications on the overall result of the elections. What is more, the descendants of persons admitted to the electoral roll are automatically admitted.

<sup>23</sup> Police also started a pre-trial investigation concerning the Election Committee for not obeying the Supreme Administrative Court rulings. See Poliisi, [Press Release](#), 27 May 2024.

<sup>24</sup> The Advisory Committee understands that there are 22 demands for rectification pending at the Sami Parliament concerning this last election.

<sup>25</sup> ACFC [Fifth Opinion on Finland](#), paras. 43-45.

<sup>26</sup> ACFC [Thematic Commentary No. 4](#), para. 9. See also European Court of Human Rights Grand Chamber judgment in the case of *Molla Sali v. Greece*, application no. [20452/14](#), para. 157, 19 December 2018.

<sup>27</sup> Explanatory Report to the Framework Convention for the Protection of National Minorities, para. 35.

<sup>28</sup> ACFC [Thematic Commentary No. 4](#), para. 10. See also UN CERD (1990), General recommendation VIII concerning the interpretation and application of Article 1, paragraphs 1 and 4 of the Convention.

<sup>29</sup> [ACFC Thematic Commentary No. 4](#), para. 10.

<sup>30</sup> ACFC [Thematic Commentary No. 3](#), The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 16.

in cases where individuals were subjected to forced assimilation and have consequently lost their first language.

35. The Advisory Committee recalls, furthermore, that Article 3(2) of the Framework Convention provides that “the rights flowing from the Framework Convention may be exercised individually or in community with others. This means that the Framework Convention recognises the possibility of joint exercise of those rights and freedoms, which is distinct from the notion of collective rights.”<sup>31</sup> “The diversity within and among national minorities must also be acknowledged and respected in the implementation of all minority rights, regardless of their specific nature.”<sup>32</sup>

36. The Advisory Committee is aware that the rights of the Sami are not only protected by the Framework Convention, but also under international law regarding indigenous peoples. Unlike the Framework Convention, the UN Declaration on the Rights of Indigenous Peoples explicitly refers to collective rights and the right to self-determination.<sup>33</sup> It furthermore states the right of indigenous peoples to determine their own identity or membership in accordance with their customs and traditions, and to both determine the structures and select the membership of their institutions in accordance with their own procedures.<sup>34</sup>

37. As already pointed out in its previous Opinion,<sup>35</sup> the Advisory Committee understands that the situation is highly complicated and multilayered, involving the diversity among the Sami population, along the lines of different language groups (North, Inari and Skolt Sami), settlements (inside and outside the Sami homeland) and livelihoods (reindeer herders and others), as well as their personal histories. Nevertheless, the Advisory Committee notes that all its interlocutors described this long-standing dispute on the electoral roll as very harmful to the Sami community. The public discourse on this issue has also become extremely toxic, with incidents of hate speech in social media (see Article 6), which has had a negative impact on the well-being of the Sami population. In this context, the authorities and many interlocutors expressed the hope that the pending Government Bill (HE 100/2023) would break the deadlock and facilitate progress in strengthening the rights of the indigenous Sami, including the ratification of ILO Convention No. 169 (see Article 5),<sup>36</sup> which seems to be closely linked to an agreement on a reform of the Act on the Sami Parliament.

38. Nevertheless, the Advisory Committee remains concerned about the access to and enjoyment of minority rights by persons identifying with a minority and the full exercise of their individual rights and the prevention of discrimination against them. While the authorities have a margin of appreciation in determining the rights holders in accordance with their national and international human rights obligations, including those under international law regarding indigenous peoples, the Advisory Committee considers that they should seek flexible solutions that encompass all segments of a community, by respecting diversity within it, and that the approach taken should avoid the unjustified exclusion of individuals affiliating with that minority community, including those who or whose ancestors were subject to forced assimilation in the past.

39. In this context, the Advisory Committee acknowledges that registration on the electoral roll does not confer any rights other than the right to vote and to stand as a candidate in elections to the Sami Parliament. However, the latter, as the only representative body of the Sami people, not only has a symbolic value for persons belonging to this community, but also provides a fundamental forum for the protection of their interests in matters of particular concern to them before the authorities through “the obligation to negotiate” (see Article 15). It thus plays a direct role in the exercise of the individual rights of the Sami. This, in practice, makes the inclusion in or exclusion from the electoral roll an important element for the effective enjoyment of these rights, including who has a place in the Truth and Reconciliation Commission for Sami People (see Article 5). The Advisory Committee therefore sees it crucial that the authorities continue their efforts and facilitate a constructive dialogue among the Sami, both with representatives of the Sami majority within the Sami Parliament and those in the minority situations. Achieving a fair balance between the diverse interests of the community on the one hand and the principle of free self-identification on the other is required. In this regard, the Advisory Committee considers that the ongoing truth and reconciliation process (see Article 5) could play a crucial role in assessing this issue in a broader and more inclusive perspective and in helping to build

<sup>31</sup> Explanatory Report to the Framework Convention for the Protection of National Minorities, para. 37.

<sup>32</sup> ACFC [Thematic Commentary No. 4](#), para. 40.

<sup>33</sup> [United Nations Declaration on the Rights of Indigenous Peoples](#), adopted by the UN General Assembly on 13 September 2007, Preamble and Article 3. The Advisory Committee notes that from the point of view of Finnish constitutional law, the Framework Convention was ratified as a legally binding instrument by the Parliament and is a law of the land, unlike the UN Declaration which is not legally binding.

<sup>34</sup> *Ibid.*, Article 18.

<sup>35</sup> ACFC [Fifth Opinion on Finland](#), para. 50.

<sup>36</sup> [ILO Convention No. 169](#) concerning Indigenous and Tribal Peoples.



bridges in a divided community. In order to facilitate this dialogue, new tools could be employed, such as mediation, and the process would need to be fully inclusive from the outset.

### Recommendation

**40. The Advisory Committee calls on the authorities to create conditions for an inclusive dialogue with all segments of the Sami community with a view to reaching a shared understanding on the prolonged debate regarding the registration to the electoral roll of the Sami Parliament.** This dialogue, which should be actively facilitated, should aim to ensure that the diverse interests of the Sami are adequately taken into account, and that the rights contained in the Framework Convention are upheld for everyone entitled to them. **In addition, the authorities should assess, in close consultation with all segments of Sami community, the experiences of the truth and reconciliation process with a view to its possible expansion beyond 2025.**

### Population data (Article 3)

41. There has been no change in the scope of the Finnish Population Information System, which still allows only one entry on the person's first language.<sup>37</sup> While this information is usually registered at birth, it can be changed by a separate application through local registry offices. There are also several datasets used as proxy indicators by public authorities (see Article 4). In 2020, the Ministry of Justice published a report<sup>38</sup> assessing the entering of several languages in the Population Information System, which the Advisory Committee welcomes. The authorities informed the Advisory Committee that the Language Policy Programme adopted in 2022 (see Articles 5 and 14) foresees preparatory work to enter several languages in this system without compromising the language rights of persons concerned. However, this plan, which would allow the expression of multiple affiliations of persons belonging to national minorities, is currently on hold due to lack of funding.

42. As in the fourth and fifth monitoring cycles,<sup>39</sup> the Advisory Committee heard from several minority interlocutors, in particular the Karelians, Sami and Roma, that many of them have not registered their first language in the system, which leads to a misleading picture of the population's diversity. Only the Swedish Assembly of Finland (*Folktinget*) maintained its position on the matter and supported the single-entry model, fearing a possible erosion of boundaries between Finnish and Swedish and the principle of bilingualism and a further reduction in the level of services in Swedish.

43. The Advisory Committee reiterates that the right to free self-identification, as protected in Article 3 of the Framework Convention, also extends to "multiple affiliations", meaning that an individual who affiliates with a particular national minority may "simultaneously affiliate with other minorities or with the majority."<sup>40</sup> It also considers information on first and further languages spoken by the population a fundamental element for devising evidence-based and effective policies to implement the rights enshrined in the Framework Convention. Therefore, the Advisory Committee reiterates its previous calls on the authorities to indicate more than one first language in the Population Information System. This is also important in view of the lack of systematic collection of comprehensive equality data on persons belonging to national minorities (see Article 4), which further complicates the generation of a more accurate reflection of multiple identities and linguistic affiliations in Finnish society. Once this is possible, it is also imperative to raise awareness and promote the multiple-entry model among the minority communities, especially the Karelians and Roma.

### Recommendation

**44. The Advisory Committee encourages the authorities to complete the development of a methodology that allows the entry of more than one first language in the Population Information System without compromising the existing standards and provisions for access to minority language rights.**

### Anti-discrimination legal and institutional framework (Article 4)

<sup>37</sup> There is also a possibility to enter data on "contact language", which can either be Finnish or Swedish and is the language in which a person wishes to be contacted by administrative authorities if the person's first language is none of the two.

<sup>38</sup> Ministry of Justice (2020), [Report on entering several languages in the Population Information System](#).

<sup>39</sup> See ACFC [Fourth Opinion on Finland](#), paras. 18-19; ACFC [Fifth Opinion on Finland](#), paras. 54-60.

<sup>40</sup> ACFC [Thematic Commentary No. 4](#), para. 13.

45. The legal framework on promoting equality and combating discrimination remains covered by, *inter alia*, the Constitution,<sup>41</sup> the Non-Discrimination Act<sup>42</sup> and the Criminal Code.<sup>43</sup> A prohibition on discrimination is also included in sectoral legislation as a general clause. As elaborated in the earlier Opinions of the Advisory Committee,<sup>44</sup> the Non-Discrimination Act prohibits discrimination on the basis of an open-ended list of grounds that include origin, nationality, language and religion, which has since remained unchanged. The protected ground of gender is covered under the Act on Equality between Women and Men<sup>45</sup> (the Equality Act) together with the grounds of gender identity or gender expression.

46. The partial reform of the Non-Discrimination Act of 1 June 2023<sup>46</sup> led to certain amendments. These include the broadening of the definition of harassment to cover harassment of a group of people, the obligation for schools to address harassment and the introduction of the duty to draft equality and non-discrimination plans<sup>47</sup> in early childhood education and care. However, multiple or intersectional discrimination is still not explicitly defined by law.<sup>48</sup>

47. The institutional framework for non-discrimination remains a complex system of supervisory and equality bodies.<sup>49</sup> While the Chancellor of Justice and the Parliamentary Ombudsman are the supreme guardians of the law with similar competences, the latter also serves as the National Human Rights Institution (NHRI) together with the Human Rights Centre and the Human Rights Delegation. In 2022, a legislative reform<sup>50</sup> took place with a view to reducing problems caused by parallel duties between the Parliamentary Ombudsman and the Chancellor of Justice, improving the quality and effectiveness of oversight of legality, and supporting the uniformity and consistency of the decision-making. Since this reform, many tasks related to supervising the implementation of the rights of the individual, including those of persons affiliating with national minorities, have been centralised to the Parliamentary Ombudsman, though the Chancellor of Justice can still oversee these matters when they involve a structural aspect. In complaints submitted to the Parliamentary Ombudsman in recent years during the monitoring cycle, cases concerning minority rights were mainly related to language rights, resulting in 86 decisions in 2021 and 78 in 2022, the majority of which concerned the right to receive services in Swedish<sup>51</sup> (see Article 10). The Chancellor of Justice, on the other hand, issued some opinions on topics of general importance, including amendments to the Sami Parliament Act (see Article 3), as well as certain decisions based on individual complaints.<sup>52</sup> In addition, the Chancellor of Justice retained its role of supervising the decision-making of the Government and the President of the Republic, which may also concern issues related to language or minority rights.<sup>53</sup>

48. The Non-Discrimination Ombudsman, as one of the equality bodies,<sup>54</sup> continues to play a fundamental role in the promotion of equality and non-discrimination of persons affiliating with national minorities in accordance with the Non-Discrimination Act. In addition to issuing reasoned but non-binding opinions on cases of discrimination, it can also refer cases to the National Non-Discrimination and Equality Tribunal which can issue binding decisions. The Advisory Committee welcomes the measures taken with the adoption of the above-mentioned partial reform in 2023, which seems to address several issues highlighted in its Fifth Opinion. For example, the Non-Discrimination Ombudsman now has the power to examine individual cases also in the field of employment. This reform also made it possible for the National Non-Discrimination and Equality Tribunal to recommend the amount of compensation to be paid to victims of discrimination in cases referred to it - except in the

<sup>41</sup> Chapter 2, Section 6 of the [Constitution of Finland](#).

<sup>42</sup> Chapter 3, Section 8 of [the Non-Discrimination Act](#) (1325/2014), as amended in December 2022 ([1192/2022](#), in Finnish). This Act is applicable to all public and private activities, excluding private life, family life and the practice of religion.

<sup>43</sup> Chapter 11, Section 11 and Chapter 47, Section 3 of [the Criminal Code](#) (39/1889).

<sup>44</sup> See ACFC [Fourth Opinion on Finland](#), para. 20; ACFC [Fifth Opinion on Finland](#), para. 61.

<sup>45</sup> The Act on Equality between Women and Men ([the Equality Act](#)) (609/1986, amendments up to 915/2016 included).

<sup>46</sup> European Network of Legal Experts (EELN) (16 December 2022), [Flash Report](#).

<sup>47</sup> The Advisory Committee notes that there are government plans to revoke this duty. See Yle (12 August 2024), [Hallitus haluaa luopua varhaiskasvatuksen yhdenvertaisuussuunnitelmista – päiväkotit pettyi: "Työstä tulee vaikeampaa"](#) (Government wants to scrap equality plans in early childhood education - day nursery disappointed: "Work will be harder").

<sup>48</sup> Despite this legislative gap, case law of the national courts seems to address such forms of discrimination. See (EELN) (2023), [Country report non-discrimination – Finland](#), pp. 8, 17-18.

<sup>49</sup> ACFC [Fifth Opinion on Finland](#), para. 68.

<sup>50</sup> The Act on the division of work between the Chancellor of Justice and the Parliamentary Ombudsman (in force 1 October 2022). See details on the websites of [the Chancellor of Justice](#) and [the Parliamentary Ombudsman](#).

<sup>51</sup> [Eduskunnan oikeusasiamiehen kertomus 2022](#) (Parliamentary Ombudsman Annual Report 2022), p. 265.

<sup>52</sup> For example, [OKV/530/10/2022](#) (31 October 2022, in Finnish) and [OKV/2090/10/2022](#) (27 March 2024, in Finnish).

<sup>53</sup> See [Supervision of the Government and the President of the Republic | Chancellor of Justice \(oikeuskansleri.fi\)](#). Language and minority rights are part of the regular legal review by the Chancellor of Justice of the draft decisions of these institutions.

<sup>54</sup> The competences of the [Non-Discrimination Ombudsman](#) cover all grounds of discrimination except gender, gender identity and gender expression, which remain the task of [the Ombudsman for Equality](#) that monitors the Equality Act.



field of employment where it still has no such competence.<sup>55</sup> This effectively means that compensation for discrimination can only be sought in a district court. Interlocutors of the Advisory Committee stated that issues relating to time limits for compensation, as well as the risks of victims having to pay legal costs, are likely to discourage such claims,<sup>56</sup> thus signifying no progress in relation to compensation claims since the last monitoring period.

49. According to the information received from the Non-Discrimination Ombudsman, there were 1 103 discrimination complaints in 2020, 1 584 in 2021, 1 626 in 2022 and 1 730 in 2023, representing a notable increase in the present monitoring period. Out of a total of 6 043 complaints<sup>57</sup> in these years, 720 were filed on grounds of origin, 637 on nationality, 342 on language and 283 on religion or belief, mostly in the areas of education, social welfare, healthcare and private services. The recent partial reform led to a significant change in the number of employment-related cases, with 372 cases in 2023 ranking first. The Russian Federation's war of aggression against Ukraine has also been reflected in the breakdown of cases since 2022, with over a hundred cases mostly on the denial of private services to Russian citizens or Russian-speaking persons.<sup>58</sup>

50. On average, the Non-Discrimination Ombudsman handled five to 10 discrimination complaints related to Sami per year,<sup>59</sup> primarily in the area of social welfare and healthcare and education, whilst most of the complaints filed by the Roma concerned housing,<sup>60</sup> employment and access to services. The latter includes a case that resulted in a landmark ruling in which the dismissal of Roma women workers wearing traditional dresses was found discriminatory on grounds of ethnic origin and where the domestic Court referred to the constitutional right of the Roma to maintain their culture by using traditional clothing.<sup>61</sup> The Advisory Committee commends the proactive role played by the Non-Discrimination Ombudsman in bringing this case before the district court, while noting that this is a very rare practice,<sup>62</sup> and which helped to address a systemic problem experienced by persons affiliating with the Roma minority as highlighted by several of the Advisory Committee's interlocutors.

51. Despite this elaborate legislation and well-established institutional structures, the Advisory Committee observed that the general awareness of human rights is at a low level,<sup>63</sup> including among the national minority representatives. It particularly notes with concern that the Non-Discrimination Act, especially extensive changes with the 2023 reform, is still not widely known among the general public and that victims of discrimination thus tend to seek remedies through varying and sometimes confusing channels, as also confirmed by other international bodies.<sup>64</sup> Based on the 2021 Fundamental Rights Barometer survey,<sup>65</sup> the Russian-speaking respondents were less aware of the Parliamentary Ombudsman than speakers of other minority languages, while almost all respondents had a rather low level of knowledge about the Non-Discrimination Ombudsman, with the highest awareness being among Swedish-speaking Finns (Swedish-speakers) (63%) and only 33% of the Finnish-speaking population knew this body. In this regard, the Non-Discrimination Ombudsman underlined that their mandate on promotion of equality, including in the field of minority rights, remains very limited, as most of their resources must be devoted to dealing with an increasing number of complaints.

52. The Advisory Committee reiterates that the promotion of full and effective equality in all spheres of life is central to the protection of minority rights. Therefore, the competent authorities, especially those carrying out further outreach and confidence-building measures, such as the Parliamentary Ombudsman and the Non-Discrimination Ombudsman, should be made genuinely visible and proactive in protecting minority rights as an integral part of general human rights. Awareness on the promotion of equality should also be raised among public authorities, in working life, schools and among wider stakeholders who can support the process. Such measures could make the legal and institutional anti-discrimination framework more accessible for persons affiliating with minorities, including those in a

<sup>55</sup> The Finnish Parliament accepted a resolution requiring the government to review the possibility of this body to have authority to investigate and handle employment discrimination – which is expected to be done by the end of 2024.

<sup>56</sup> See EELN Report (2023), [Country report non-discrimination – Finland](#), p. 52.

<sup>57</sup> The grounds of disability or health remained highest among total number of complaints, in 1 059 and 705 cases respectively.

<sup>58</sup> [Yhdenvertaisuusvaltuutetun vuosikertomus 2022](#) (The Non-Discrimination Ombudsman's Annual Report 2022), p. 10.

<sup>59</sup> [Report of the Non-Discrimination Ombudsman to the Parliament 2022](#), p. 67.

<sup>60</sup> [Report of the Non-Discrimination Ombudsman to the Parliament 2022](#), pp. 49-50, 54.

<sup>61</sup> EELN (26 April 2023), [Flash Report: Terminating the work contract because of the use of traditional Roma clothing was discrimination on ground of ethnic origin](#). Pirkanmaa District Court, nos. L 758/2022/458 and L 758/2022/455, 29 March 2023.

<sup>62</sup> Under Section 19 of the Non-Discrimination Act, the Non-Discrimination Ombudsman is empowered to assist persons who have been discriminated against. This power is used very exceptionally and happened only a handful of times in the last two decades. [Yhdenvertaisuusvaltuutetun vuosikertomus 2023](#) (The Non-Discrimination Ombudsman's Annual Report 2023), p.19.

<sup>63</sup> See also Pentikäinen, M. (2024), [Chapter 8](#) - The Impact of the United Nations Human Rights Treaties on the Domestic Level in Finland, in *The Impact of the United Nations Human Rights Treaties on the Domestic Level: Twenty Years On*, p. 485.

<sup>64</sup> UN Human Rights Committee (2021), [Concluding Observations on Finland](#), CCPR/C/FIN/CO/7, para. 12.

<sup>65</sup> Nenonen, T., Kivelä, J., Ervasti, E., Joronen, M. & Villa, S. (2021) [Perusoikeusbarometri..](#) Ministry of Justice, Reports and guidelines 2021:17. Helsinki: Ministry of Justice, pp. 8-9. See also sixth state report, [Appendix 2](#), p. 37. According to the [Special Eurobarometer in 2023](#), 69% of Finnish respondents thought that antidiscrimination measures in the country were effective, compared with 84% on average in the EU.

vulnerable situation who are reluctant to approach these bodies or lack information about available remedies.

53. The Advisory Committee also reiterates that full and effective equality of persons belonging to national minorities as enshrined in Article 4 of the Framework Convention requires a functioning anti-discrimination framework with institutions that have competencies to effectively support victims in achieving legal remedy. The Advisory Committee regrets that, despite the praiseworthy reforms which have led to a better alignment of legislation and more focused tasks for the relevant institutions, the anti-discrimination framework still has shortcomings, providing for different remedies for different grounds of discrimination. In the Advisory Committee's view, this fragmented approach weakens the effectiveness of this framework and complicates the enforcement of the prohibition of discrimination. This is most evident in the lack of competence of the National Non-Discrimination and Equality Tribunal in matters relating to employment, where discrimination, particularly against persons affiliating with national minorities, as in the case of the Roma, is more prevalent than in other areas of life.

54. Furthermore, while the Advisory Committee understands that, in the absence of legal provisions, the interpretation by national courts at times afforded a certain level of protection against multiple and intersectional discrimination, it is concerned that such interpretation may vary among different courts. It is therefore essential that explicit provisions are in place to provide a clear legal framework, which would ensure the proper identification of such situations and coherent practice by courts,<sup>66</sup> as well as the development of targeted measures for those more at risk of such forms of discrimination, in particular minority women.<sup>67</sup>

### Recommendations

55. The Advisory Committee strongly encourages the authorities to increase their efforts in raising awareness on the remedies and support structures available in cases of discrimination by public and private bodies, in particular among persons affiliating with national minorities most exposed to discrimination. The Non-Discrimination Ombudsman should also be provided with additional resources to effectively perform its promotion of equality mandate.

56. The Advisory Committee strongly encourages the authorities to strengthen equality and anti-discrimination legislation, in particular by providing for statutory definitions of multiple and intersectional discrimination, and by extending the mandate of the National Non-Discrimination and Equality Tribunal to the area of employment, as well as entrusting it to decide on compensation.

### Equality data (Article 4)

57. The collection of personal data relating to ethnicity is prohibited according to Finland's privacy laws.<sup>68</sup> Statistics Finland collects personal data pursuant to EU statistical legislation, which can be used, for example, to assess the socio-economic status, employment and educational attainment of different population groups, and carries out systematic surveys. Data from the social and health sectors can be obtained in aggregated form from different registers under the Secondary Data Protection Act.<sup>69</sup> The Finnish Institute for Health and Welfare (THL), which has extensive registers on the health, well-being, education and services of the population, also collects some data on different grounds of discrimination, for example in school health surveys carried out every two years.

58. Several other initiatives have also been taken to provide a better overall picture of discriminatory patterns in society, mostly through investing in quantitative and qualitative research, as well as other projects, such as the development of the navigator tool to assist in searching and compiling data on discrimination on the portal of Ministry of Justice.<sup>70</sup> In addition, first national indicators on fundamental and human rights were published on a dedicated website in March 2024,<sup>71</sup> which the Advisory Committee notes as a promising practice. This indicator data can, where possible, be disaggregated by

<sup>66</sup> Reportedly, in cases of multiple discrimination, often the focus of the analysis is based on one protected ground and if this ground is gender, the case is likely to be dealt with only from the perspective of the Equality Act whereas intersectional discrimination remains unidentified. See, Nieminen, K, *et al.* (2020), [Aidosti yhdenvertaiset Yhdenvertaisuuslain arviointi](#) (Genuinely equal- Evaluation of the Equality Act), p. 150. The Advisory Committee was told that this also adversely affects the detection of and addressing sexist hate speech cases under the Non-Discrimination Act (as a form of "harassment").

<sup>67</sup> See ACFC [Thematic Commentary No. 4](#), para. 66, and the [Glossary on the Gender Matters website](#) of the Council of Europe.

<sup>68</sup> Data on ethnicity are not included in administrative registers but analysed based on person's country of birth and mother tongue.

<sup>69</sup> Under this Act, the registration authorities covered by the Act may be requested to provide health and social services data contained in their registers. For example, data from social services and the population register can be combined to assess access to services and diagnoses of people with disabilities.

<sup>70</sup> See [www.discriminationdata.fi](#), as part of an EU-funded project titled "Know Equality (2021-2022)".

<sup>71</sup> [Perus- ja ihmisoikeusindikaattorit | Perusoikeusseuranta](#).

minority affiliations for issues where disaggregated data is available, such as age, gender and “mother tongue”, and cover a wide range of aspects of life, including language rights and access to health care.

59. The Advisory Committee reiterates the importance of regularly collected, reliable and disaggregated equality data so as to ensure that authorities base their equality promotion policy instruments on data related to the actual situation and access to minority rights by persons affiliating with national minorities, and in particular persons in most disadvantaged situations.<sup>72</sup>

60. Whilst the Advisory Committee welcomes the fact that increasing efforts are made to collect equality data through different venues, it observes that this data is scattered across different datasets which may not provide a comprehensive picture of discrimination experienced by individuals affiliating with different communities, particularly on the grounds of language (see Article 3), religion and ethnicity. The National Action Plan on Fundamental and Human Rights 2020–2023 also emphasised the need for human rights-based data collection, particularly among minorities, to monitor human rights and identify structural inequalities,<sup>73</sup> which has been underlined by other international bodies as well.<sup>74</sup> A study published by the Ministry of Justice in 2023 to explore ways of developing such data collection recommended, amongst others, the collection of data on grounds of discrimination for those whose experiences of discrimination cannot be analysed using register-based data,<sup>75</sup> such as data on ethnicity. In this context, the Advisory Committee notes the exchanges it had with several interlocutors on how the lack of accurate data on persons affiliating with national minorities, for example Sami or Roma, immensely affects the quality of any strategic framework on these persons and how the availability of such data is key to ensuring evidence-based policy making and the measurability of the actions taken.

61. The Advisory Committee reaffirms that reliable information about the ethnic composition of the population is an essential condition for designing and implementing effective policies and measures to protect minority rights, for helping to preserve and assert minority identities, as well as for addressing diverse needs and interests of persons affiliating with minorities, including intersectional aspects such as based on gender. In the same vein, the Advisory Committee cannot but repeat that the regular gathering of reliable and disaggregated equality data related to the number and situation of persons affiliating with national minorities allows for a deeper understanding of the specific challenges they face. Such relevant data can be gathered through research carried out by or in co-operation with persons affiliating with the Sami, Roma and other national minorities, and should meet human rights and data protection standards, notably the principles of informed consent, anonymity and the purposes of processing.<sup>76</sup> While it takes positive note of the above-mentioned steps, the Advisory Committee considers that the capacity for systematic collection of comprehensive equality data on persons affiliating with national minorities needs to be improved and the use of such data among relevant bodies increased. In this respect, the Advisory Committee also stresses the important role equality bodies<sup>77</sup> might play.

### Recommendation

62. The Advisory Committee strongly encourages the authorities to continue their efforts in developing, in co-operation with minority representatives and civil society more broadly as well as equality bodies, adequate methods to collect data disaggregated by ethnicity and gender on the situation of persons belonging to different national minorities, while respecting international data protection obligations and the principle of voluntary and free self-identification.

### Equal access to rights (Article 4)

63. Following the parliamentary elections in April 2023, the new government adopted a programme<sup>78</sup> to reduce its public spending, foreseeing severe austerity measures in the state budget, which are ongoing in late 2024. This has resulted in a number of legislative reforms in a relatively short period of

<sup>72</sup> See ACFC [Thematic Commentary No. 4](#), para. 66.

<sup>73</sup> See [sixth state report](#), paras. 7-8 and [Appendix 1](#), p. 26.

<sup>74</sup> UN Human Rights Committee (2021), [Concluding Observations on Finland, CCPR/C/FIN/CO/7](#), pp. 6-7.

<sup>75</sup> [Lainsäädännölliset ja eettiset reunaehdot ihmisoikeusperustaiselle tiedonkeruulle](#) (Legislative and Ethical Framework Conditions for Human Rights-Based Data Collection) (2023), Ministry of Justice Publications, pp. 113-117.

<sup>76</sup> See ACFC [Thematic Commentary No. 4](#), paras. 18 and 66.

<sup>77</sup> See the Explanatory Memorandum of the [ECRI's General Policy Recommendation No. 2 revised](#) on equality bodies to combat racism and intolerance at national level, paras. 54, 59, 112, 117; [EU Council Directive \(2024/1499\)](#), Article 16.

<sup>78</sup> The plan is to strengthen general finances by six billion euros during the parliamentary term 2023–2027. Finnish Government (2023), [A strong and committed Finland](#): Programme of Prime Minister Petteri Orpo's Government 20 June 2023, p. 11.

time and on a wide range of policy areas, including social welfare.<sup>79</sup> These reforms have had various impacts on specific benefits such as those related to sick leave and basic unemployment benefits, childcare and housing allowances, study grants and reception allowances. The other austerity measures have also had an immediate effect in other budget lines, including those for municipalities and wellbeing services counties, the exact impact of which was not fully known by or clear to many of the authorities and interlocutors that met the Advisory Committee during its visit (see Article 10).

64. Several important actors as well as civil society organisations<sup>80</sup> have expressed concern about the negative impact of these legislative changes on fundamental and human rights, in particular the right to social security. They have criticised the lack of sufficient evaluation, although the government programme commits to implementing these measures “in a way that acknowledges the situation of the most vulnerable groups”.<sup>81</sup> Expressing similar concerns, the Chancellor of Justice also called for an impact assessment of such reform proposals and highlighted several risks of cuts in social benefits.<sup>82</sup>

65. The Advisory Committee received extensive feedback on the severe budget cuts, which raised deep concern among its interlocutors. The lack of a comprehensive assessment of the impact of these measures on persons affiliating with minorities and the policy areas that directly affect them was a recurring point of discussion. The representatives of Swedish-speakers and Sami emphasised the potential consequences of these measures, particularly those stemming from the Healthcare and Social Services Reform, on their access to rights (see Article 10). These budget cuts also appear to significantly affect effective implementation of co-operation agreements between bilingual wellbeing counties. As these instances serve as indicative examples of an emerging trend, the Advisory Committee is deeply worried about the adverse consequences of these budget cuts extending to other facets of life, such as promotion of minority cultures (see Article 5) and minority language education (see Article 14).

66. The Advisory Committee reiterates that Article 4(2) of the Framework Convention entails positive obligations on states parties by legally obliging them to “adopt, where necessary, all adequate measures” with a view to creating full and effective equality between persons belonging to a national minority and those belonging to the majority. In the Advisory Committee’s view, this obligation includes a heightened responsibility on states parties to plan their actions to promote equality and to assess the equality impact of their actions. With due respect to the economic policy discretion and the austerity measures that the government has applied, the Advisory Committee underlines that reforms adopted and subsequent budget cuts have already adversely affected a number of measures for persons affiliating with national minorities, and their equal access to rights, such as access to healthcare and social welfare services (see Article 10). The Advisory Committee regrets to note the apparent lack of comprehensive impact assessment<sup>83</sup> and meaningful public consultation by the authorities, including with representatives of national minorities.

### Recommendation

**67. The Advisory Committee urges the authorities to carry out a comprehensive and independent assessment of the impact of the budget cuts implemented as part of the currently ongoing austerity measures on persons affiliating with national minorities.** This assessment should focus on policy areas that significantly affect them, such as access to health care, social welfare services and education.

### Promotion of effective equality for Roma (Article 4)

68. The policy framework for Roma is set out in the National Roma Policy 2023–2030 (ROMPO3).<sup>84</sup> ROMPO3 is based on the EU Roma strategic framework for equality, inclusion and participation and

<sup>79</sup> These include the freezing of the rate of social security benefits at their 2023 level for the period 2024–2027. For a general overview of these proposals on legislation and policy measures, see EU FRA European Union (EU), Agency for Fundamental Rights (FRA) (2023), Franet National Contribution to the Fundamental Rights Report 2024, [Finland](#), pp. 8–16.

<sup>80</sup> Finnish League for Human Rights, ‘[Järjestöt: Olemme syvästi huolissamme köyhyyttä lisäävästä politiikasta](#)’ (*Organisations: we are deeply concerned about policies that increase poverty*), press release, 20 December 2023.

<sup>81</sup> Finnish Government (2023), [A strong and committed Finland](#): Programme of Prime Minister Petteri Orpo’s Government 20 June 2023, p. 12.

<sup>82</sup> Opinion of the Chancellor of Justice, [OKV/1739/21/2023](#), 19 September 2023 (in Finnish). See also UN Committee on the Rights of the Child (2023), [Concluding observations on Finland](#), [CRC/C/FIN/CO/5-6](#), para. 35(a).

<sup>83</sup> The Advisory Committee notes with interest the adoption of ‘[the Guidelines for Impact Assessment in Law Drafting](#)’ in 2022 by the Ministry of Justice to help law drafters plan impact assessments, identify and assess different types of impacts, such as fundamental and human rights impacts, and, where necessary, seek further information. The Advisory Committee does not have information on the extent to which these guidelines are used in practice in the legislative process.

<sup>84</sup> [National Roma Policy for 2023–2030 \(ROMPO3\)](#) This Policy was preceded with ROMPO 1 (2009–2017) and ROMPO 2 (2018–2022) programmes. ROMPO2 had a focus on “societal integration” of Roma and their linguistic, cultural and social rights.



contains 71 lines of action in several areas, including education, employment, health and housing, as well as in Romani language and Romani culture and arts. The drafting process, launched in 2021, was carried out by four thematic working groups,<sup>85</sup> representing Roma organisations and other key stakeholders, such as the National Advisory Board on Romani Affairs (RONK) (see Article 15), the Finnish National Agency for Education and the Finnish Institute for Health and Welfare (THL). The evaluation report,<sup>86</sup> as well as the civil society monitoring report<sup>87</sup> of the previous strategy document ROMPO2 (2018-2022), and numerous studies conducted during this period, also informed the discussions on this new document. Roma interlocutors expressed their satisfaction with the participatory process during the development of this latest strategy.

69. According to the authorities, Roma in Finland continue to face widespread discrimination,<sup>88</sup> most prominently in the labour market, and experience inequalities in other areas of life, despite their equal access to benefits that is characterised by an extensive social protection system in the country. This is often explained with reference to various root causes, including implicit bias and antigypsyism. In the Fundamental Rights Barometer published by the Ministry of Justice in 2021, the highest level of negative attitudes towards minorities was reported against the Roma, at 53%.<sup>89</sup> In this respect, the Advisory Committee welcomes the introduction in the ROMPO3 of the elimination of discrimination by tackling antigypsyism as a cross-cutting objective, which was also one of the highlighted shortcomings in the ROMPO2.<sup>90</sup> The mainstreaming of equality in the implementation of policy measures is of paramount importance in the realisation of the fundamental rights of Roma (see Article 6). The Advisory Committee therefore considers that the shift towards assessing the situation of the Roma not solely as a social issue but also as an equality issue is a step in the right direction. The strong emphasis given to the intersectional approach in the ROMPO3 is also noteworthy, which offers a good base to develop measures tailored to the different needs of the Roma population, taking account of its diversity according to age<sup>91</sup> and gender.

70. Roma representatives, while generally commending the efforts made by the authorities and the inclusive dialogue with them, highlighted a number of key issues affecting Roma, particularly in the areas of preservation of culture and language (see Article 5), education (see Article 12) and socio-economic participation (see Article 15). The Advisory Committee notes that there are still challenges that require immediate attention for any further action to achieve progress. These include insufficient implementation of Roma policies at local and regional levels and a need for a more efficient monitoring of and reporting on the implementation of measures at these levels. Despite the local implementation plans (so-called MAARO plans), which were designed to support municipalities in implementing the national Roma policy as of 2019, yielding positive results,<sup>92</sup> the number of municipalities that adopted these plans remained very low.<sup>93</sup> Similarly, local Roma working groups, which maintain interaction between the Roma population and the various administrative branches of municipalities and wellbeing services counties, are not yet fully established across the country.<sup>94</sup>

71. As was the case in ROMPO2, ROMPO3 also lacks earmarked funding in the state budget for its administration, which was raised as the main concern by the Roma interlocutors of the Advisory Committee. By far the largest share of the budget spent on Roma inclusion measures either stems from EU funds or state-aid authority, the Funding Centre for Social Welfare and Health Organisations (STEA). Only a small number of Roma organisations (seven to nine out of 37) apply for yearly funding for their project-based activities from STEA. Following the launch of ROMPO3 in 2024, seven Roma organisations received such funds.<sup>95</sup> According to interlocutors, the project-based approach leads to a high level of uncertainty and renders the sustainability of the strategy difficult.

<sup>85</sup> Reportedly, 105 persons attended these working groups. EU FRA (2023), *Franet National Contribution to the Fundamental Rights Report 2023*, [Finland](#), p. 18.

<sup>86</sup> Stenroos, M. (2023) [National Roma Policy 2018–2022, Steering and monitoring of implementation](#), Ministry of Social Affairs and Health. See also [sixth state report](#), para. 75.

<sup>87</sup> Roma Civil Monitor (2023), [Civil society monitoring report: Lessons learnt from implementation of the National Roma Policy 2018-2022 in Finland](#).

<sup>88</sup> See [National Roma Policy for 2023–2030 \(ROMPO3\)](#), p. 22.

<sup>89</sup> Nenonen, T., *et al.*, (2021). [Perusoikeusbarometri](#), p. 38.

<sup>90</sup> Roma Civil Monitor (2023), pp.7,17; EU Commission (2023), *Assessment report of the Member States' national Roma strategic frameworks*, Commission Staff Working Document, (COM(2023) 7 final), [Country fiches](#), p. 53.

<sup>91</sup> The lifecycle model is used in the ROMPO3, that is based on the following age-groups: children, young people, families and working-age population, and ageing Roma population.

<sup>92</sup> Stenroos, M. (2023), pp.19-21. See also [sixth state report](#), paras. 73-76.

<sup>93</sup> Reportedly, there were few municipalities, such as the cities of Oulu, Kajaani and Kitee, that implemented MAARO programmes. In a survey sent to 320 municipalities (which received a 18% response rate), only 4% of the respondent municipalities had prepared a MAARO programme whereas 79% of them did not have it. See Stenroos, M. (2023), p. 19.

<sup>94</sup> In 2022, only 16 of the 309 municipalities had such working groups in place.

<sup>95</sup> Based on the additional information provided by state authorities on 11 April 2024, these organisations received €2 million for their activities. The yearly funding from ranged between €1 million to €2 million, also during ROMPO2.

72. Against this background, the Advisory Committee considers that the high dependence on project-based EU funding and absence of investment from the state budget is hampering access to full and effective equality for Roma. For instance, several measures targeted at the specific circumstances of Roma, such as those on education (see Article 12), are likely to be contingent on the availability of regular state support, which may have a long-term negative impact on the full implementation of these measures. The Advisory Committee also emphasises the crucial role municipalities play in ensuring the inclusion of communities as being the key actors at the forefront and in identifying the gaps in addressing the exact needs in these communities. Further steps are needed to establish effective channels of co-operation between central authorities and regional and local authorities in order to reduce overlaps in roles and responsibilities and create synergies between these actors, while increasing the efficiency of the implementation of ROMPO3 at all levels.

### Recommendation

**73. The Advisory Committee calls on the authorities to ensure continuous and earmarked baseline funding for the effective implementation of national Roma inclusion policies with a view to addressing discrimination and inequalities faced by persons affiliating with the Roma minority in a sustainable way.** The authorities should also support and strengthen co-ordination of the implementation of national Roma inclusion policies at all levels, ensuring full and effective participation of all stakeholders, including representatives of the Roma minority. In this respect, particular attention should be paid to ensuring the effective participation of minority women.

### Preservation and promotion of minority cultures and languages (Article 5)

74. The authorities continued to support the Karelian language and culture as recommended in the Fifth Opinion.<sup>96</sup> Since 2021, the Ministry of Education and Culture has granted funds to the University of Eastern Finland to implement a Karelian language revival project,<sup>97</sup> through which learning materials and content in Karelian for online and social media use were created. The project focuses on Karelian vocabulary development and fostering collaboration among Karelian speakers and organisations. Activities have included conversation clubs and study circles conducted in Karelian. A network for Karelian language instructors in liberal adult education was also formed, and core Karelian language studies are accessible through the Open University at the University of Eastern Finland. Karelian interlocutors expressed satisfaction with these efforts but also stressed that the measures in place remain sporadic. They also stressed that it is important for them, especially for Karelian youth, that the authorities take a more proactive approach to better support the Karelian minority, its language and culture and to ensure its acceptance as an integral part of Finland.

75. According to the state report, an important step in preserving and promoting minority cultures and languages was the adoption of the Language Policy Programme in 2022.<sup>98</sup> This programme, the first of its kind, with a special focus on children and young people, aims to protect, revitalise, support and strengthen Finland's minority languages, in particular the Sami, Romani and Karelian languages, while ensuring the intergenerational transmission of languages in the future. In 2023, the Ministry of Education and Culture granted the Institute for the Languages of Finland (*Kotus*) separate funding to implement this programme, by which a language policy expert was recruited to support this process.

76. Cultural institutions also promote minority cultures and identities through project-based grants. Since 2023, the Finnish Cultural Foundation has been supporting the revival of Finnish Kalo (a Sinti-based variant of the Romani language) and Romani arts and culture with a million € grant that will run until 2030,<sup>99</sup> within the framework of the Programme for the Revival of the Romani Language (see Article 14). The Arts Promotion Centre (*Taite*) supports the inclusion of cultural minorities and intercultural dialogue.<sup>100</sup> In recent years, Finland's national inventory of intangible cultural heritage, hosted by the Finnish Heritage Agency,<sup>101</sup> has further developed with a stronger engagement of national minorities in identifying and listing their living traditions. This has resulted in the addition of some Roma and Karelian traditions to the list.

77. Interlocutors from the Russian minority expressed regret at the termination of support for their activities following the Russian Federation's war of aggression against Ukraine. For example, in October

<sup>96</sup> ACFC [Fifth Opinion on Finland](#), para. 83. See details of the measures taken in [sixth state report](#), paras. 71-72.

<sup>97</sup> The [project](#) was initially foreseen for 2021-2022. Further funding amounted to €300 000 was made available until 2024.

<sup>98</sup> See [sixth state report](#), para. 70.

<sup>99</sup> Finnish Cultural Foundation (2022), [One million euros to support Romani language and culture](#)

<sup>100</sup> The Ministry of Education and Culture allocated €683 000 in funding to Taite in 2023.

<sup>101</sup> See [Finland's national inventory of intangible cultural heritage UNESCO webpage](#).



2023, the state funding of the Finland-Russia Society<sup>102</sup> was stopped completely (see Article 6). More generally, Roma civil society organisations informed the Advisory Committee of the difficulties they face in complying with the administrative steps to apply for state funding through grants for cultural activities. Other interlocutors, including those from the Estonian speaking population, are worried about cuts in the already insufficient funding, as part of the ongoing austerity measures (see Article 4). They reported that a bilingual magazine (Finnish-Estonian), previously published five times a year by one civil society organisation, could only be produced four times in 2024 due to these budget cuts. In this regard, the Advisory Committee emphasises the impact of the austerity measures on the activities of civil society organisations, which potentially pose challenges to their work and the realisation of certain rights and benefits for persons affiliating with national minorities. It is important to recognise that these organisations play a crucial role in supporting and providing services to these individuals, often through project-based initiatives or through the regular financial state support they receive for their activities. The Advisory Committee therefore believes that it is vital to closely consider the potential consequences of these measures on the valuable work carried out by civil society organisations and on ensuring effective access to minority rights.

78. The Advisory Committee reiterates that “the creation of suitable conditions for persons belonging to minority groups to preserve and develop their cultures and to assert their respective identities is considered essential for an integrated society”.<sup>103</sup> While it is often the cultural associations that are the recipients of funds, the Advisory Committee considers that “all national minority representatives, including those not formally linked with such associations or those representing different views, must be consulted and provided with effective opportunities to obtain funding for the preservation of their identities and cultures”.<sup>104</sup>

79. The Advisory Committee welcomes the efforts and the availability of support schemes for promotion and preservation of national minority cultures and languages. Nevertheless, project-based grants, which make funding available mainly on the basis of competition between projects, does not always allow all the communities and persons affiliating with them to have access to funds and to run their cultural activities on a regular and stable basis. Moreover, it observes that the ability of persons affiliating with national minorities to express their needs and interests is influenced by their institutional connections and the demands of applying for such grants. Additionally, the unpredictability of available funding, exacerbated by ongoing budget cuts and political developments, is likely to have a negative impact on their capacity to plan and prioritise their activities effectively.

### Recommendation

80. The Advisory Committee strongly encourages the authorities to continue promoting the conditions necessary for persons affiliating with national minorities to preserve and develop their cultures, in particular by increasing sustainable financial support and by ensuring that their views, interests and needs are effectively taken into account in all planning and decision-making concerning funding schemes.

### Preservation and promotion of Sami cultures and languages and their traditional use of land (Article 5)

81. The authorities have continued to invest resources in the preservation and promotion of the Sami cultures and languages, notably through the revitalisation of the Sami Languages (see Article 14) and various cultural and heritage projects implemented mainly by the Sami Parliament.<sup>105</sup> These include, among others, the repatriation of the Sami collection, which has around 2 200 cultural objects, from the National Museum of Finland to the Sami Museum *Siida* in 2021 and the removal of the Holy Place of Worship of Ukonsaari, situated in Lake Inari in Lapland, from the National World Heritage Tentative List due to the negative impact of increased tourism at the request of the Sami Parliament the same year.

82. The Advisory Committee notes that following negotiations between the government and the Sami Parliament, the Truth and Reconciliation Commission concerning the Sami People was established in 2021. Its mandate is to identify and assess historical and current discrimination, including the assimilation policy of the state and violations of rights; to find out how these affect the Sami communities

<sup>102</sup> Reportedly, the Minister of Science and Culture announced this cut as “There is no justification for continuing to support a friendship association with a state waging a brutal war of aggression”, *Yle News* (12 October 2023), [Finnish government to end Finland-Russia Society funding; Finland-Russian Society \(FRS\)](#), which is a member of the Advisory Board on Ethnic Relations (ETNO), has 5 000 members including 100 local organisations across the country and promotes Russian language, participates in ethnic minority networks - Alternative report on the implementation of Framework Convention for the Protection of National Minorities by Finland for the sixth monitoring cycle, 2024.

<sup>103</sup> ACFC [Thematic Commentary No. 3](#), para. 25.

<sup>104</sup> ACFC [Thematic Commentary No. 4](#), para. 67.

<sup>105</sup> In 2024, the budget appropriation to the Sami Parliament for promoting the Sami arts and culture was €522 000.

in the current situation; to propose ways to promote links between the Sami and the state of Finland and among the Sami; and to raise awareness about the Sami as the indigenous people of Finland. It is also mandated to ensure that “the state of Finland will bear responsibility for its actions and, together with the Sami Parliament, the Skolt Village Assembly and other Sami operators, will work to strengthen the realisation of the rights of the Sami people.”<sup>106</sup>

83. There are five members in the Commission: two were appointed by the government, two by the Sami Parliament and one by the Skolt Village Assembly. Problems mainly related to disagreement over the composition of the Commission - which some interlocutors claimed did not adequately reflect the diversity within the Sami community - meant that its work was delayed, resulting in the extension of its mandate until the end of 2025. The Advisory Committee understands that this disagreement is akin to one on the registration to the electoral roll for the Sami Parliament (see Article 3). Some interlocutors shared concerns that their views would not be sufficiently considered during the truth and reconciliation process.

84. Both the state authorities and representatives of the Sami Parliament expressed satisfaction with the launch of the truth and reconciliation process and highlighted the important work of the Sami Psychosocial Support Unit, *Uvja*, which was established as part of this process and to which its mandate is linked. This unit offers countrywide psychosocial assistance in the Sami languages, in a culturally appropriate manner, to individuals in need of support related to testimonies before the commission or other psychosocial issues and has been praised by all interlocutors of the Advisory Committee. Funded by the Office of the Prime Minister, it operates under the Lapland Wellbeing Services County. There are strong calls by the Advisory Committee’s interlocutors for its transformation into a permanent structure, possibly within the Ministry of Health and Welfare, as well as by the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.<sup>107</sup>

85. Representatives of the Sami Parliament have raised the issue of their traditional fishing rights in the Teno River (for salmon). Certain restrictions, mainly due to the threat to sustainable fish stocks posed by climate change, have been imposed since 2017 in accordance with the bilateral treaty between Finland and Norway, which was followed by a total ban in 2021 (to be reviewed annually).<sup>108</sup> These restrictions have led to three separate cases in which Sami individuals have been prosecuted for their continued fishing activities. The Finnish courts have acquitted all the defendants. In two precedent-setting cases decided by the Supreme Court of Finland in 2022, the court ruled – *inter alia* – that “such fishing is part of constitutionally guaranteed cultural rights of the Sami”.<sup>109</sup> Following these judgements, in March 2023, a new Act (no. 342/2023) was adopted on the prohibition of salmon fishing in the Teno water body. The Sami are deeply concerned about the impact of this legislation, as traditional fishing is an integral part of their culture and heritage and the livelihood of many Sami. While fully recognising the legitimate environmental concerns, they are also troubled by the intergenerational impact of this measure, as Sami children would no longer have the opportunity to learn traditional salmon fishing even though there are some exceptions to this ban.<sup>110</sup> The Advisory Committee was informed that a negotiation process for a compensation procedure was underway to address the loss of income resulting from this ban. However, it is not aware of any conclusion to this process. Other than this, the Sami Parliament also reported on instances concerning mining being one of the negative examples of consultation with the authorities (see Article 15) – although they underlined their generally positive relationship.

86. More generally, Sami representatives expressed dissatisfaction with the lack of a holistic approach to assessing the wider impacts of the growing number of projects (mining, logging and wind farms for green economy) in the Sami homeland, which are constantly expanding at the expense of the Sami traditional livelihoods. Concerns have also been raised about reindeer husbandry (which is already affected by climate change and wind farms), with subsidies to the sector favouring sedentary reindeer husbandry rather than the traditional nomadic reindeer husbandry system used by the Sami reindeer herders.<sup>111</sup>

87. The Advisory Committee welcomes the launching of the truth and reconciliation process and considers it a positive step towards establishing dialogue with the Sami and reinforcing mutual trust

<sup>106</sup> See [sixth state report](#), para. 150. See also [Truth and Reconciliation Commission concerning the Sami people](#).

<sup>107</sup> UN Human Rights Council (2024), Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence following his visit to Finland and Sweden, A/HRC/57/50/Add.3, 22 July 2024, paras. 10, 27.

<sup>108</sup> Treaty concerning fishing in the River Teno System, 2017, No. 42/2017.

<sup>109</sup> Supreme Court of Finland, KKO 2022-26 and KKO 2022-25. Third judgement was given by the Lapland District Court No. 22/130324, 12 August 2022 in which the Court also referred to the intergenerational nature of indigenous peoples’ rights.

<sup>110</sup> Pursuant to Section 40 of the Law amending the Act on the implementation and application of the legal provisions of the Agreement with Norway on fishing in the Teno River, adopted in 2024, there are exceptions that allow fishing for educational and/or cultural purposes. (Available [in Finnish](#)) However, according to Sami interlocutors, the way this works in practice is very limited and does not meet the needs of the transmission of Sami traditional knowledge and cultural practice.

<sup>111</sup> Based on the submission provided by the Finnish Reindeer Sami Association to the Advisory Committee on 16 May 2024.

while increasing knowledge among the general population about the historical experiences of the Sami and the injustices they have suffered, as well as their present-day situation. While the Advisory Committee supports the establishment of the Truth and Reconciliation Commission concerning the Sami People, it is concerned about the representativeness and diversity of the views taken into account in the composition of the commission, which could ultimately affect the success of this process and how its outcomes are received by all segments of the Sami community. In the Advisory Committee's view, this process could provide a valuable opportunity to openly discuss long-standing issues regarding Sami, such as the pending reform on the Act on the Sami Parliament, and rebuild trust and promote dialogue, including among the Sami people (see Article 3). The Advisory Committee finally commends the work of the Sami Psychosocial Support Unit, and strongly supports the extension of its mandate beyond the work of this commission, especially in view of the lack of mental health services in the Sami languages and the very positive feedback shared by the Sami regarding the work of the unit so far (see also Article 10).

88. The Advisory Committee reaffirms the primacy of the authorities' role in creating the conditions necessary for, in this case, indigenous people to protect and promote their cultures and identities. It reaffirms that the use of land in the Sami homeland is of vital importance for the protection of the cultures, identities and traditional ways of life of the Sami as an indigenous people, and that land traditionally used by them should be given particular and effective protection. In the Advisory Committee's view, the ratification of the ILO Convention No. 169 concerning Indigenous and Tribal Peoples would be a positive step in this direction (see Article 3). Furthermore, the Sami should be closely and effectively involved in any decision-making affecting the use of land in areas traditionally inhabited by them (see also Article 15).<sup>112</sup> In this respect, it remains crucial to give due consideration to the different needs and interests within the Sami community.

89. The Advisory Committee is concerned by some past instances where it appears that persons belonging to the Sami people have not had a substantial influence over decisions taken which may, ultimately, negatively affect the conditions necessary for them to maintain and develop their cultures and to preserve the essential elements of their identities. The Advisory Committee considers that all decisions affecting the Sami have to be made with their effective participation and that the authorities need to address the economic, social, cultural and other consequences of climate change and the potential negative effects of the transition to the green economy for the Sami people, in particular reindeer herders. This could ensure the reconciliation between the imperatives of ecological sustainability and the sustainability of the Sami cultures, including their traditional use of land.

### Recommendations

**90. The Advisory Committee urges the authorities, in close consultation with all segments of the Sami, to ensure that decisions at all levels concerning the traditional use of land do not adversely affect the ability of the Sami to preserve and develop their cultures, languages and identities, including their traditional ways of life. The authorities should complete their preparation for the ratification of the ILO No. 169 concerning Indigenous and Tribal Peoples.**

**91. The Advisory Committee calls on the authorities to establish the Sami Psychosocial Support Unit, *Uvja*, which is being provided in the context of the work of the Truth and Reconciliation Commission concerning the Sami People, as a possibly permanent structure with adequate financial and human resources once an impact assessment of its work has been carried out and the present mandate of the commission has been completed.**

### Promotion of intercultural dialogue, mutual respect and understanding (Article 6)

92. Throughout the present monitoring period, the authorities have taken a wide range of measures to foster intercultural dialogue and promote mutual respect and understanding in society, following a primary policy document, namely the Equal Finland Action Plan for Combating Racism and Promoting Good Relations between Population Groups (Equal Finland Action Plan)<sup>113</sup> as well as other policy documents concerning national languages, Sami languages and Romani. The Equal Finland Action Plan, which outlines eight key objectives,<sup>114</sup> is mainly divided into two strands of action: those that directly promote interaction between population groups (so-called "special good relations policies") and

<sup>112</sup> ACFC [Thematic Commentary No. 2](#), The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, para. 53.

<sup>113</sup> See [sixth state report](#), paras. 11-14. See also [Equal Finland Action Plan for Combating Racism and Promoting Good Relations between Population Groups; National Action Plan on Fundamental and Human Rights 2020–2023](#)

<sup>114</sup> These include dismantling structural inequalities in society, promoting non-discrimination in employment, strengthening the authorities' equality competence, raising awareness of racism and its various forms, developing research and data collection.

those that combat racism and discrimination and promote the inclusion and equality of persons affiliating with minorities and the realisation of these rights. The Action Plan's approach focuses in particular on promoting "integration of immigrants",<sup>115</sup> equality planning, the skills of local authorities, minority employment, the fight against hate crime, channels for inclusion and empowerment, and the fight against segregation. This action plan was implemented in different branches of government between 2021 and 2023 and monitored and evaluated by a working group.<sup>116</sup>

93. The focus of the Equal Finland Action Plan was on group-specific equality, and mostly dedicated to traditional minorities such as Sami and Roma, and inclusion policies, but specific good relations policies were less prominent and were available in isolated forms, which mostly concerned security policy.<sup>117</sup> While there were still some measures on fostering intercultural dialogue and diversity, such as through the creation of a compass tool for arts and cultural institutions, the overall number of activities that directly promote interaction between communities and persons affiliating with them have remained limited.

94. Despite these measures, both the authorities and interlocutors of the Advisory Committee have expressed their deep concerns over the deterioration of the general climate of tolerance and dialogue in the country. According to many of them, public discourse has become less inclusive and political speech has taken on divisive and hostile overtones particularly against refugees and migrants, ethnic and religious minorities, including persons of African descent, Sami, Muslims, Roma as well as Russian-speakers. In the 2023 parliamentary election, the Finns Party, which has openly expressed its "anti-immigration agenda"<sup>118</sup> gained 20% of the votes and became a coalition partner in the government. After numerous reports of past racist statements by members of this party became public,<sup>119</sup> the government adopted, in August 2023, a statement including 23 specific lines of action to promote equality, gender equality and non-discrimination,<sup>120</sup> which also pertain to persons affiliating with national minorities. In June 2024, the Non-Discrimination Ombudsman raised her concern that racism and hate speech threaten to become normalised in politics, with far-reaching consequences for society as a whole.<sup>121</sup> Interlocutors of the Advisory Committee pointed out that, although there are some good examples, the counter speech in politics has not always taken place swiftly.

95. The Advisory Committee's interlocutors were near-unanimous in their observation on the profound impact of the Russian Federation's war of aggression against Ukraine since February 2022 on the enjoyment of minority rights in Finland in general, not only for the persons who affiliate with the Russian minority. Interlocutors from the Russian minority shared their perception that the discourse about their minority is increasingly framed in a context of national security and that they are viewed by some authorities and the population at large as potentially disloyal to the state and as a security problem, although, according to many of the Advisory Committee's interlocutors, there is no basis for this view. These perceptions were most apparent when Finnish-Russian dual citizenship was questioned as a sign of possible disloyalty by several members of the parliament.<sup>122</sup>

96. An extensive survey carried out by the Finnish Cultural Foundation showed that almost one fifth of the Russian-speaking population living in Finland believed that Russia's aggression against Ukraine was justified.<sup>123</sup> While this number was found to be surprisingly high, the researchers underlined the negative impact of the scarcely available media content in Russian (see Article 9), which leads many Russian-speakers in Finland, especially elderly people and those with limited language skills, to

<sup>115</sup> The Action Plan has an explicit objective of promoting good inter-group relations as part of [the reform of the Act on the Promotion of Immigrant Integration](#) (Integration Act). This Act, which will enter into force in 2025 with the transferring the overall responsibility for integration services to municipalities, includes the promotion of good inter-group relations.

<sup>116</sup> The working group, which also prepared the Action Plan, included the representatives from all ministries, the Prime Minister's Office, the Association of Finnish Municipalities, the Sami Parliament, the Advisory Board for Ethnic Relations, the Advisory Board on Romani Affairs, the Swedish Assembly of Finland, the Human Rights Centre and the Non-Discrimination Ombudsman.

<sup>117</sup> External evaluation report of the Equal Finland Action Plan (2024) (available in [Finnish](#) and in [English](#)) has been prepared under the European Commission (EU) / Council of Europe (CoE) Joint Project on "[Building an inclusive integration approach in Finland](#)". pp. 17 and 19. Out of eight objectives, only two of them were directly related to the special good relations policies.

<sup>118</sup> Yle News (10 May 2024), [Court dismisses Finns Party's case over 'anti-immigrant' election adverts](#).

<sup>119</sup> Yle News (30 June 2023), [Junnilla resigns after week-long row over far-right links](#); Yle News (11 July 2023), [Purra apologises for "stupid social media comments made 15 years ago"](#).

<sup>120</sup> The Finnish Government (31 August 2023), [Press Release](#); see also [the full statement](#). Interlocutors told to the Advisory Committee that this statement felt more like the result of the pressure generated by the public outcry over these incidents. In November 2023, a [governmental project group was set up](#) to oversee the implementation of this statement by March 2027.

<sup>121</sup> The Non-Discrimination Ombudsman (5 June 2024), [Yhdenvertaisuusvaltuutetun vuosikertomus: Rasismien ja vihapuheiden yleistymisen politiikassa on huolehduttava ilmiö | Yhdenvertaisuusvaltuutettu](#) (Ombudsman's annual report: The rise of racism and hate speech in politics is a worrying phenomenon).

<sup>122</sup> See Yle News (5 December 2023), [Some MPs want to prohibit dual Finnish-Russian citizenship](#).

<sup>123</sup> Yle (29 September 2022), [Liki viidennes Suomessa asuvista venäjänkielisistä pitää Venäjän sotatoimia Ukrainassa oikeutettuna](#) (Almost a fifth of Russian-speakers living in Finland think Russia's military actions in Ukraine are justified).



interpret news through Russian propaganda media.<sup>124</sup> Interlocutors from the Russian-speaking population also perceived certain political decisions taken since 2022 as reactions to this aggression. These include, for instance, the discontinuation of Russian classes in Turku, the discussions on the closure of the Finnish-Russian schools in three cities (Imatra, Joensuu and Lappeenranta) in Eastern Finland (see Article 14) and the sudden cut in the state funding of the Finland-Russia Society (see Article 5), which gave some individuals the impression they were being punished for the illegitimate and illegal actions of a foreign state. The Advisory Committee observed that these developments have generated sentiments of marginalisation, exclusion and fear among the Russian-speaking population within the Finnish society.

97. The Advisory Committee also notes that a series of measures, including the indefinite closure of the Finnish Eastern border with the Russian Federation (see Articles 17 and 18) by the decision of the Government,<sup>125</sup> and numerous legislative changes,<sup>126</sup> including the “Act on Temporary Measures to Combat Instrumentalised Migration”<sup>127</sup> but also those to tighten integration measures,<sup>128</sup> seem to have created a stigmatising rhetoric against migrants in the public and political discourse. These legislative developments have been highly criticised by several national<sup>129</sup> and international<sup>130</sup> human rights actors on account of the violation of the applicable international human rights norms.

98. In terms of statistics on social distance, the Advisory Committee takes note of a 2021 survey which found that between 38% to 53% of Finns were uncomfortable with having a Roma, Somali, Muslim or an asylum seeker living next door.<sup>131</sup> The 2023 EU Special Barometer on perceptions of discrimination against different population groups in Finland suggest that after being Roma (65%), the most common grounds for discrimination are skin colour (61%) and ethnic origin (60%).<sup>132</sup> According to the Advisory Committee’s interlocutors, antigypsyism remains prevalent in the country (see Article 4). Russian-speakers expressed to the Advisory Committee the visible increase in their exposure to discrimination<sup>133</sup> on the basis of language in public spaces compared to before 2022, as also seen in the hate crime cases reported to the police. They stressed that this is also the case for other speakers of Slavic languages, including Ukrainians, since these are often conflated with Russian.

99. Swedish-speakers have informed the Advisory Committee that negative attitudes towards Finnish-Swedish bilingualism have persisted and intensified in the media, social media and national politics.<sup>134</sup> There have been reports of hate speech targeting Swedish-speakers, particularly in online platforms, where they are labelled as disloyal<sup>135</sup> to Finland. According to the 2020 Language Barometer published by the Ministry of Justice, 56% of Finnish-speakers stated that they had never encountered prejudice or harassment based on their language, whereas this percentage was only 31% for Swedish-speakers. Additionally, it was emphasised that there is a lack of integration measures in Swedish, which was reported to also have a negative impact on integration services in the Åland Islands, particularly considering that a reception centre was opened in 2022 (see Article 10). This is perceived by Swedish-speakers as contradicting the constitutional principle of bilingualism.

100. Sami representatives informed the Advisory Committee about the patterns of negative attitudes in mainstream society, which are mostly sparked or triggered by specific developments, such as the discussions on the amendments to the Act on the Sami Parliament<sup>136</sup> (see Articles 3 and 15), and that

<sup>124</sup> Yle (15 February 2024), [Osa toistaa Putinin propagandaa – näin somessa puhutaan rajasulusta](#) (Some people repeat Putin's propaganda - this is how they talk about the border fusion on social media).

<sup>125</sup> Ministry of the Interior of Finland (4 April 2024), [Press Release](#).

<sup>126</sup> These changes were mostly in the Aliens Act, the Border Guard Act and the Citizenship Act. See the assessment of the UN Committee against Torture, Concluding Observations on Finland, CAT/C/FIN/8, 10 May 2024; See [the Finnish Government](#).

<sup>127</sup> The Finnish Government (16 July 2024), [Press Release](#).

<sup>128</sup> Mostly in the Act on the Promotion of Immigrant Integration. See The Finnish Government (13 June 2024), [Press Release](#).

<sup>129</sup> See *inter alia*, The Non-Discrimination Ombudsman (25 March 2024), [Lausunto luonnoksesta hallituksen esitykseksi laiksi väliaikaisista toimenpiteistä välineellistetyn maahantulon torjumiseksi](#) (Opinion on the draft Government Bill for an Act on Temporary Measures to Combat Instrumentalised Immigration) and [Press Release](#) (24 November 2023).

<sup>130</sup> See, *inter alia*, UNHCR (25 March 2024), [Observations on the proposal to enact a law on temporary measures](#); Council of Europe Commissioner for Human Rights (11 June 2024), [Letter to Finnish authorities](#).

<sup>131</sup> See [Syrjintä Suomessa 2020-2023](#) (Discrimination in Finland 2020-2023), p. 17.

<sup>132</sup> See [Special Eurobarometer in 2023](#). A 2023 FRA Survey “[Being Black in the EU](#)” found that Finland has the highest incidence (43%) of racist harassment and violence against Persons of African Descent of all the countries surveyed.

<sup>133</sup> See also [sixth state report](#), paras. 32-33.

<sup>134</sup> See also sixth state report, [Appendix 2](#), p. 75.

<sup>135</sup> Based on the alternative report submitted by the Finnish Human Rights Centre on the implementation of Framework Convention for the Protection of National Minorities by Finland for the sixth monitoring cycle (2024).

<sup>136</sup> Junka-Aikio, L (2022), “Toxic Speech, Political Self-Indigenization and the Ethics and Politics of Critique”, in Valkonen, S. *et al.* (eds.), *The Sami World*, London/Routledge.

vary considerably between the Sami homeland and other parts of Finland.<sup>137</sup> More than half of the Sami respondents to a survey<sup>138</sup> on the extent of hate speech and harassment experienced by different minority communities in 2022 had experienced such incidents, with two-thirds of them believing that it had affected their mental health (see Article 15). These often included belittling and stereotyping and were most prevalent on social media.

101. The Advisory Committee notes that Article 6 of the Framework Convention calls for deliberate efforts to foster a climate of mutual respect, understanding and co-operation among all persons in society, where persons affiliating with national minorities are recognised as a valued integral part of a diverse society, and reiterates that it is also essential “that all segments of society, majorities and minorities alike, are addressed in order for integration strategies to effectively facilitate the formation of societal structures where diversity and respect for difference are acknowledged and encouraged as normal, through recognition, mutual accommodation and active engagement on all sides.”<sup>139</sup>

102. The Advisory Committee is deeply worried by a general deterioration of the climate of mutual respect and equal acceptance in the Finnish society. While acknowledging the multitude of initiatives taken by the authorities to counter this tendency, the Advisory Committee regrets that nearly all minority interlocutors underscore the negative impact of the public’s limited knowledge about the national minorities, minority rights and the specific needs and interests of persons affiliating with national minorities. In this respect, the Advisory Committee reiterates that the way minority rights are protected is a reflection of the degree of knowledge about and appreciation for minorities and persons affiliating with them, as well as for cultures in general, among the majority population. Awareness-raising among the majority population about the national minorities and diverse individuals affiliating with them is therefore of utmost importance and requires constant efforts in education, culture and the media. Inclusive public discourse, particularly in politics, plays a crucial role in supporting this process.

103. The Advisory Committee regrets that the rise of hatred and anti-immigrant sentiments in Finnish society has adversely impacted the management of diversity through minority rights as an integral part of human rights. These trends have been further exacerbated by the heightened security threat to Finland arising from the Russian Federation’s aggression against Ukraine. Whilst the Advisory Committee fully acknowledges the legitimacy of Finland’s national security concerns and the necessity to take appropriate measures, it is concerned that, overall, these societal developments have a negative impact on social cohesion and contribute to the polarisation of society by “normalising” hostility towards migrants and also towards persons affiliating with the Russian minority, which could be reinforced and exploited by some politicians to populist ends. This risks damaging the overall climate of understanding and mutual respect and may have spill-over effects for persons affiliating with this and all other national minorities. In this connection, the Advisory Committee is particularly concerned about the ongoing challenging circumstances the Russian-speakers face and considers that concrete efforts and measures are required from the authorities to address the concerns of persons affiliating with the Russian minority in Finland, including their right to maintain contacts with their family members across the border (see Articles 17 and 18).

104. The Advisory Committee also emphasises that hate speech affects and threatens society as a whole. The use of discriminatory and offensive language by politicians ultimately weakens the state and its institutions. Politicians should continuously strive to promote cohesion, tolerance and coexistence based on mutual respect and understanding and any hate discourse by politicians and other 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. The Advisory Committee emphasises that mainstream political parties must refrain from and counter divisive and hostile discourse effectively; ignoring it or moving their own discourse closer to the rhetoric of exclusion allows intolerance to become increasingly the norm. This has severe negative effects on societal integration at large.

## Recommendations

**105. The Advisory Committee urges the authorities to enhance their efforts to promote trust, mutual respect, and understanding towards persons affiliating with all minorities. This includes**

<sup>137</sup> Ibid. According to Sami Barometer 2021, one half in the homeland and two thirds in other parts of Finland have experienced discrimination, prejudice and harassment when speaking Sami. See also [sixth state report](#), para. 37.

<sup>138</sup> Target groups of the survey included Roma, Sami, immigrants, foreign-language speakers, persons racialised due to skin colour or presumed ethnic origin, Swedish-speaking Finns and persons belonging to religious minorities. See [sixth state report](#), para. 25 and Jauhola, L., Siltala, J. & Nieminen, K. (2022), “Hoping for a Concrete Intervention”: Follow-up survey on hate speech and harassment and their effects on different minority groups. ([“Että puututtaisiin konkreettisesti”: Seurantaselvitys vihapuheesta ja häirinnästä ja niiden vaikutuksista eri vähemmistöryhmiin](#)), Ministry of Justice, p. 139.

<sup>139</sup> ACFC [Thematic Commentary No. 4](#), para. 54.



disseminating inclusive information to the general public about the significance of intercultural dialogue and the unique contributions of minority communities and persons affiliating with them as integral parts of Finnish society. **In this context, the authorities should refrain from and promptly and unequivocally condemn all incidents of hate speech, in particular by political leaders, and foster intercultural dialogue and a spirit of tolerance and mutual respect among the public.**

#### Protection from hostility and violence (Article 6)

106. The criminal legislation pertaining to hate speech and hate crime has remained largely unchanged.<sup>140</sup> When hate speech does not meet the criminal threshold, the provisions of the Non-Discrimination Act, such as the prohibition of harassment, can also be applied.<sup>141</sup> The Advisory Committee regrets to note that, despite its recommendation in its Fifth Opinion, the ground of language is included neither in the list of protected grounds in the Criminal Code's provision on "agitation against a population group"<sup>142</sup> nor in its list of aggravating circumstances. Although the authorities indicated that this ground could be referred to in the context of the open-ended list, the Advisory Committee considers that an explicit inclusion of this ground in these provisions would contribute to legal clarity. Furthermore, it also recalls that the absence of this ground in the legislation may potentially risk overlooking a significant part of hate speech or hate crime targeted at persons speaking minority languages, including those for whom language is the core of their distinct minority identity such as speakers of Swedish or Russian. The Advisory Committee therefore reiterates its recommendation.

107. On a related note, the Advisory Committee welcomes the introduction of gender as a ground in the Criminal Code on aggravating circumstances in 2023. This change may improve the handling of situations of multiple and intersectional discrimination, such as those related to sexist hate speech experienced by minority women, such as Sami and Roma women. The Advisory Committee highlights in particular the risks of hate speech targeting women on the basis of their gender, often combined with other characteristics, such as a minority affiliation, and encourages the authorities to draw inspiration from the relevant Council of Europe recommendations that offer guidance on combating hate speech and hate crime.<sup>143</sup>

108. The annual reports of the Police University College, which publishes hate crimes reported to the police, indicate a gradual increase in the number of cases. In 2021, 1 026 reports were recorded, indicating a 20% increase compared to 2020. This number increased further by 21% in 2022, reaching 1 245 cases. Of these 1 245 cases, the most common motive was ethnic or national origin (74.7%), followed by religion (9.7%).<sup>144</sup> These mainly involved verbal abuse, threats, physical assault and damage to property and also included incidents occurring online.

109. The 2022 Annual Report revealed a significant shift in the demographics of hate crime victims compared to previous years. According to this report, Ukrainians and Russians were the most targeted and frequent victims of hate crimes.<sup>145</sup> Furthermore, 11% of hate crimes were committed against a Roma person, while Muslims<sup>146</sup> were the most affected in terms of religion or belief.

110. Several studies and surveys, including a recent one published in 2024, suggest that the majority of people who identify as Jewish feel that antisemitism has increased in Finland in recent years.<sup>147</sup> However, a large proportion of antisemitic incidents, like hate crimes in general, go unreported: only 8% of the people who had experienced discrimination had reported their case to the police or a supervisory authority, according to this survey. In 2022, the police recorded 10 reports of hate crime against Jewish people, compared to 17 in 2021.<sup>148</sup>

<sup>140</sup> ACFC [Fifth Opinion on Finland](#), para. 94; [ECRI's Fifth Report on Finland](#), paras. 24-25. The Advisory Committee notes that in 2021, the EU Commission lodged [infringement proceedings](#) against Finland on account of incorrectly transposing hate speech inciting to violence and failing to criminalise hate speech when addressed to individual members of a group defined by reference to "race", colour, religion, descent or national or ethnic origin. These proceedings are still pending.

<sup>141</sup> According to the Non-Discrimination Ombudsman, there were 60 cases recorded in 2023, 44 in 2022, 51 in 2021, 34 in 2020 and 51 in 2019 under Section 14 (1) of the Non-Discrimination Act.

<sup>142</sup> Chapter 11, Section 10 and 10 (a) of the Criminal Code.

<sup>143</sup> Recommendation [CM/Rec\(2024\)4](#) of the Committee of Ministers to member States on combating hate crime; Recommendation [CM/Rec\(2022\)161](#) of the Committee of Ministers to member States on combating hate speech and Recommendation [CM/Rec\(2019\)1](#) of the Committee of Ministers to member States on preventing and combating sexism.

<sup>144</sup> Poliisi (Police University College) (26 October 2023), [Growth continues in the number of suspected hate crimes](#); Rauta, J., (2023), [Poliisin tietoon tullut viharikollisuus Suomessa 2022](#) ("Hate crimes reported to the police in Finland in 2022"), p. 19.

<sup>145</sup> Ibid., p. 94 and p. 97. See also Yle News (20 June 2024), [Racist crimes becoming more common](#).

<sup>146</sup> In 2022, [the Supreme Court of Finland](#) found two hateful Youtube videos on Muslims amounted to ethnic agitation.

<sup>147</sup> The Finnish Human Rights Centre (22 May 2024), [Report: Anti-Semitism has risen in Finland over the past five years](#).

<sup>148</sup> Rauta, J (2023), Hate crimes reported to the police in Finland in 2022, p. 97.

111. The authorities informed the Advisory Committee about numerous measures taken at different levels, involving different governmental and non-governmental actors, through the implementation of a large number of projects, where the general priority was on preventing and combating hate speech and hate crimes and the capacity building of relevant law enforcement authorities in particular.<sup>149</sup> These included the activities which fell under the Equal Finland Action Plan (see above). The Advisory Committee notes these capacity-building efforts with satisfaction and welcomes the adoption by the National Police Board (NPB) in December 2023 of new guidelines<sup>150</sup> on the classification of hate crimes. These update the previous guidelines, which had been criticised for not providing sufficient guidance on how to identify and deal with bias-motivated cases. These guidelines are included in training offered by the Police University College and the in-service training sessions of all police units. However, during its visit, the Advisory Committee observed that these guidelines were not yet sufficiently known.

112. The Advisory Committee also notes with interest the special attention given to raising awareness of the need to protect children and young people from hostility and violence. The project “Facts against Hate”, for instance, aimed to increase the capabilities of youngsters in recognising hate speech, including online. The Advisory Committee commends such initiatives, especially in light of a recent survey<sup>151</sup> carried out by the Ombudsman for Children on the well-being of Roma children in 2022 which found that almost half of the pupils have experienced bullying, discrimination and racism.<sup>152</sup> The Advisory Committee underlines that bullying on ethnic, racial, religious or linguistic grounds negatively impacts not only the integration of society as a whole, but also educational outcomes for national minority pupils and students and should be effectively tackled<sup>153</sup> (see Article 12).

113. Despite all these positive steps, many of the Advisory Committee's interlocutors expressed the view that activities lack overall co-ordination and are often limited to project-based initiatives, which makes it difficult to assess the overall impact of measures in reducing incidents of hate speech and hate crime. Furthermore, the effectiveness of the policy measures has not been checked against the experiences of the target groups, such as persons affiliating with the Roma and Sami communities. The minority interlocutors had not mentioned any such initiative either. The Advisory Committee underlines that understanding the extent to which these measures have been reflected in the experiences of persons affiliating with national minorities is of paramount importance for any further action tailored to their specific needs and interests. The authorities informed the Advisory Committee that work has started on the draft Government Action plan for combating racism and promoting equality, which will provide a roadmap for the implementation of the government's equality statement from August 2023 (see above).

114. The Advisory Committee welcomes the steps taken by the authorities in strengthening their commitment to prevent and combat acts of hostility and violence, including online hate speech, especially through the development of a new action plan. Nevertheless, the Advisory Committee notes that further measures are needed to ensure a more comprehensive and holistic approach to tackle these phenomena in practice, including by seeking effective consultation with persons affiliating with national minorities. The Advisory Committee also notes that any future action has to be supported by success indicators to measure their impact and ensure structural and sustainable funding.

115. The Advisory Committee also emphasises that it is an obligation of states parties to undertake appropriate measures to protect persons who may be subject to threats or acts of hostility or violence as a result of their ethnic, cultural, linguistic or religious identities and affiliations. States have the obligation to take all necessary preventive measures, as well as to ensure that cases of alleged hate crime and criminal hate speech are effectively investigated. This requires the proper identification and recording of such incidents by the law enforcement authorities. The Advisory Committee believes that further efforts are needed to promote the establishment of clear standards in the handling of hate crimes. This could be possible, for example, if the 2023 guidelines became part of everyday police practice.<sup>154</sup>

<sup>149</sup> See [sixth state report](#), paras. 16-24 and 26-31.

<sup>150</sup> Based on the additional information provided by state authorities on 11 April 2024. See [the 2023 Guidelines](#) (in Finnish).

<sup>151</sup> Henttonen, E. and Kareinen, J. (2023), [Kukaan ei synny vihaamaan”: Nuorten dialogit rasismista ja syrjinnästä](#) (No one is born to hate.” Young people's dialogues on racism and discrimination), Ministry of Justice Publications.

<sup>152</sup> Weckström, E., Kekkonen K. & Kekkonen, O. (2023), The well-being of Roma children and the realisation of their rights, Publications of the Ombudsman for Children in Finland, p. 51. See also [the results](#) of the survey (Roosa survey) on Roma conducted by the Finnish Institute for Health and Welfare (THL) (8 December 2023).

<sup>153</sup> ACFC [Thematic Commentary No. 1 \(2024\)](#) on education under the Framework Convention for the Protection of National minorities, adopted on 31 May 2024, revising and replacing Thematic Commentary No. 1 (2006), para. 24.

<sup>154</sup> According to the 2023 Annual Report of the Finnish Police, the number of hate crimes increased 30 % compared to 2022. This increase is also attributed to the new guidelines which seem to improve the identification of such acts of violence. See Helsingin Sanomat (10 October 2024), [Epäiltyjä viha-rikoksia ennätys-määrä viime vuonna – rasististen tekojen uhreissa korostuivat Somali-länsäläiset](#) (Record number of suspected hate crimes last year - Somali nationals were the main victims of racist acts)

## Recommendations

116. The Advisory Committee strongly encourages the authorities to promptly adopt the Government Action plan for combating racism and promoting equality and develop targeted measures for minority communities and persons affiliating with them, in consultation with their representatives, and to effectively protect them from hate speech and hate crime. This action plan should include measurable indicators to evaluate the outcomes of its implementation and be allocated sustainable funding.

117. The Advisory Committee strongly encourages the authorities to enhance the capacity of law enforcement authorities in effectively identifying and addressing hate speech and hate crime by providing more targeted and practical training on the 2023 National Police Guidelines on the classification of hate crimes with a view to fully implementing them in practice.

## Law enforcement and respect for human rights (Article 6)

118. In exchanges with the Advisory Committee, the authorities reported on efforts made to build trust and improve co-operation between some national minority representatives, including the Roma, and law enforcement. In 2021 and 2022, the Ministry of Justice organised training for police on non-discrimination and ethnic profiling to strengthen the trust of ethnic and religious minorities towards public authorities. Training was conducted in all 11 local police departments with 152 participants.<sup>155</sup>

119. For persons affiliating with the Roma minority, the authorities reported that the prevention of ethnic profiling has been explicitly introduced as a separate line of action in the National Roma Policy 2023–2030 (ROMPO3) (see Article 4). The Advisory Committee commends this development. As part of the Strategy on Preventive Police Work 2019–2023, a report on the collaboration between the police and Roma was also published in 2021, and is currently used as a teaching material in police training.<sup>156</sup> In 2024, the Non-Discrimination Ombudsman issued recommendations to the Helsinki Police Department for follow-up measures regarding the crime prevention and information gathering operation targeting Roma in 2013–2015 (so-called *Kuri1*) that was found to be discriminatory in 2021. Among others, the Non-Discrimination Ombudsman reiterated to the National Police Board the importance of ensuring that the prohibition of ethnic profiling is fully understood by all police departments.<sup>157</sup>

120. Regarding the relations of other communities and persons affiliating with them with the police, while there are no specific measures in other policy documents, on 8 September 2022, the Supreme Administrative Court issued a precedent decision which considered that a stop-and-search action by the Helsinki Police on two Black women constituted ethnic profiling and therefore was direct discrimination on the basis of ethnic origin as prohibited under the Non-Discrimination Act.<sup>158</sup>

121. Despite the growing emphasis on combating ethnic profiling and the increase in police training, many of the Advisory Committee's interlocutors expressed the view that such profiling practices, although prohibited by law, remain widespread and that there is a general lack of diversity in the police force, in spite of various initiatives to address this.<sup>159</sup> Particular emphasis was placed on the role of the private security sector, which is subject to the oversight of the National Police Board under the Private Security Sector Act (1085/2015) and to ethnic profiling committed by them. The Advisory Committee's interlocutors from a number of national minorities, such as the Tatars, mentioned that they often have to recourse to the services of the private security companies in their daily conduct of activities. Religious communities, such as Jews and Muslims, also use such services, including for protection of their premises and for ensuring security of participants at their events. In the light of these concerns, the Advisory Committee notes with satisfaction the establishment by the Ministry of the Interior of a working group to evaluate private security services in 2023, which resulted in a report with several recommendations.<sup>160</sup> Concurring with the study, the Non-Discrimination Ombudsman stressed the need for training on equality, non-discrimination and ethnic profiling among private security staff.<sup>161</sup>

<sup>155</sup> EU FRA (2023), Franet National Contribution to the Fundamental Rights Report 2023, [Finland](#), p. 15.

<sup>156</sup> National Police Board (poliisihallitus/polisstyrelsen) (2021), 'Police to enhance preventive work with Roma', [Press release](#).

<sup>157</sup> The Non-Discrimination Ombudsman (14 May 2024), [Press release](#) on the Recommendations to the Helsinki Police Department regarding discriminatory *Kuri1* operation against the Roma, (See [recommendations in full](#)). The National Police Board carried out an investigation on this case and in 2023 found that there were indications of ethnic profiling.

<sup>158</sup> EELN (30 September 2022), [Flash report: Supreme Administrative Court precedent on police ethnic profiling as racial discrimination](#) (Decision no. [KHO:2022:106](#), 8 September 2022).

<sup>159</sup> Based on the information provided by the authorities, among others, in 2020–2021, the Police University College implemented a project to recruit people from ethnic and other diverse backgrounds for police studies while the National Police Board approved an action plan to promote diverse recruitment in 2021.

<sup>160</sup> Ministry of the Interior (2023), Final Report of the Working Group on Education, Training, Guidance and Supervision in the Private Security Sector (available [in Finnish](#)).

<sup>161</sup> [Yhdenvertaisuusvaltuutetun vuosikertomus 2023](#) (The Non-Discrimination Ombudsman's Annual Report 2023), pp. 22–23.

122. The Advisory Committee underlines that beyond the individual harm caused to persons subjected to ethnic profiling, such practices tend to stigmatise the groups of persons targeted in the eyes of the general public, generate feelings of humiliation, injustice and resentment amongst these communities, and undermine trust in the police. Crucially, persons affiliating with national minorities who lack confidence in the police due to such practices will be particularly reluctant to turn to the latter in cases where they have been victims of hostility and violence, meaning that such crimes may go unpunished. In the Advisory Committee's view, targeted, continuous and mandatory training of all staff, including those individuals employed in the private sector, on prevention of ethnic profiling based on international standards<sup>162</sup> is an essential preventive measure. Further initiatives to increase diversity in the police force could also yield positive results in building solid trust between the police and communities, especially given the lack of visibility of national minorities in the police force.

### Recommendation

**123. The Advisory Committee calls on the authorities to continue to take action to ensure an effective prohibition of ethnic profiling and to provide more targeted training for police officers and private security staff on the matter.** On the basis of a comprehensive evaluation of existing measures, further action should be taken to enhance closer co-operation and institutionalise a continuous dialogue between the police and persons affiliating with all national minorities, as well as to deter under-reporting. Diversity in the police force should also be improved through increased recruitment of persons affiliating with national minorities.

### Minority language media (Article 9)

124. The legal framework<sup>163</sup> for funding printed and online media in minority languages has not changed and annual subsidies are available to support such media in Karelian, Romani, Sami and Swedish. This support scheme, which applies to all four minority languages, has an annual budget of €500 000, which has remained the same since 2008. According to the information provided by the state authorities, the only applications received for these subsidies in 2022 were from Swedish-speakers while the Advisory Committee notes that other persons affiliating with minorities have also received support in 2024.<sup>164</sup> Other minority language speakers, such as the Sami, have pointed to the cumbersome application process and the restrictions on funding linked to the number of readers, which limits the use of these funds among numerically smaller minorities. That was the reason why the Inari Sami newspaper had to abandon its printed version and had to go online only.<sup>165</sup>

125. The Finnish Public Broadcasting Service, *Yle*, continues to provide media content and services, in addition to the Finnish and Swedish, in three Sami languages (North, Inari and Skolt Sami), in Romani, Karelian and Russian languages, as well as in other languages.<sup>166</sup> According to YLE's website, media content is also produced in English and Ukrainian. Furthermore, the authorities informed the Advisory Committee that *Yle* plans to offer news and current affairs content in Arabic and Somali.

126. The Swedish-language branch of the public broadcaster, *Yle Svenska*, offers a wide range of content in radio, television and online for the Swedish-speaking population, reaching 88% of them in 2023. The programming hours in Swedish,<sup>167</sup> which include those in *Yle's* digital platform, *Yle Areena*, demonstrated a consistent trend in the monitoring period, serve also as a window for the Finnish-speaking audience to the Swedish-speaking population of Finland.<sup>168</sup>

127. The Sami language branch of *Yle*, *Yle Sápmi*, has gradually increased its television hours in all Sami languages since 2019<sup>169</sup> and broadcasted approximately eight and a half hours of Sami programming daily on radio.<sup>170</sup> While content in North Sami dominates, the less-spoken Inari and Skolt Sami languages are also heard almost daily.<sup>171</sup> *Yle Areena*, where its content can be accessed also

<sup>162</sup> See UN CERD [General Recommendation No. 36](#) on preventing and combating racial profiling by law enforcement officials.

<sup>163</sup> The Government Decree on Press Subsidies (538/2011), see further in ACFC [Fourth Opinion on Finland](#), para. 58.

<sup>164</sup> Vähemmistökielisen sanomalehdistön tuki vuonna 2024 (Support for minority language newspapers in 2024). See Government decision (26 September 2024, available in [Finnish](#)).

<sup>165</sup> See the [Sixth Evaluation Report on Finland](#) adopted by the Committee of Experts of the European Charter for Regional or Minority Languages (COMEX) on 7 March 2024, para. 71.

<sup>166</sup> See [YLE's website](#).

<sup>167</sup> For radio, which includes two national radio channels and five regional radio channels, these figures were 17 271 hours in 2020, 17 713 in 2021, 17 596 in 2022 and 17 309 in 2023. For television, it was 2 384 hours in 2020, 2 146 in 2021, 2 028 in 2022 and 2 387 in 2023 (Based on the additional information provided by the state authorities on 11 April 2024).

<sup>168</sup> For example, since 2022, there is a new TV show "[Livet – berättelser från Svenskfinland](#)" showcasing the everyday life, experiences and life stories of people from across Swedish-speaking Finland.

<sup>169</sup> 147 in 2019, 178 in 2021, 221 in 2022 and 229 in 2023 (Based on the additional information provided by the state authorities on 11 April 2024).

<sup>170</sup> Based on the additional information provided by the state authorities on 11 April 2024, the breakdown of annual hours in total were 2 069 in 2020, 1 972 in 2021, 2 185 in 2022 and 1 883 in 2023.

<sup>171</sup> See [the sixth periodic report of Finland](#) presented to the COMEX on 19 May 2023, para. 259. For an extensive overview of the media in Sami languages, see this Report.



from outside the Sami homeland, has had a positive impact on accessing Sami language content both for young Sami and older generations, which has helped to increase the production of such content. The Advisory Committee is pleased to note the launch of the world's first news podcast in Skolt Sami in November 2022, which is also a notable development for the preservation and promotion of this endangered minority language.

128. Despite these positive trends, the Advisory Committee was informed by the Sami community that the budget for the *Yle Sápmi* has not been increased for 20 years and additional funding would be necessary to develop more material, particularly for covering the everyday life of the Sami so that their daily issues, languages and cultures become better known to the wider population in Finland. Such awareness-raising about Sami life is all the more important given that general media coverage of this community is often limited to sensitive issues, such as Sami Parliament elections, which tend to attract negative reactions from within and outside this community.

129. The provision of Karelian language continued in the form of radio news, which was limited to a total of three hours in the last three years. Persons from the Karelian speaking population regretted that the public media offer in their language has not been gradually expanded, as recommended by the Advisory Committee,<sup>172</sup> nor has the coverage of Karelian culture, language or history increased. The presence of Romani in the media has also not progressed and continues to be provided by *Yle* through a weekly radio programme (*Romano Miritis*).<sup>173</sup> Romani remains absent from public television, despite a legal obligation to provide programming in the language. However, the Advisory Committee notes with interest the recent efforts to develop Romani language offerings on *Yle*'s website in co-operation with the Roma.<sup>174</sup>

130. Although the airtime of Russian-language television programmes on *Yle*<sup>175</sup> has remained stable and *Yle*'s Russian language news website, *Yle Novosti*, is operational, the presence of Russian in the Finnish media has declined since the start of the Russian Federation's war of aggression against Ukraine, with some private online news portals becoming inactive. Research<sup>176</sup> suggests the versatility and transnational nature of media consumption by the Russian-speaking population in Finland. The Advisory Committee's interlocutors noted that although some Russian TV channels that used to be available on Finnish broadcasters' streaming services are now excluded from their media packages, certain segments of the Russian-speaking population still continue to follow the propagandist Russian media through various means. A survey of Russian-speakers in Finland found that trust in the Finnish media is low, and that *Yle Novosti*'s news production, which is broadcast outside primetime, "is considered sparse, alien in style and official-like".<sup>177</sup> Individuals affiliating with the Russian minority mentioned that there is therefore a need for quality, inclusive and critical media content that is domestically produced and targeted at the Russian-speaking population, and that positive media coverage of Russian-speakers could also bolster their feeling of safety and sense of being an integral part of the Finnish society.

131. Minority interlocutors highlighted insufficient presence of persons affiliating with national minorities in mainstream media staff. The Advisory Committee understands that *Yle* has a diversity strategy, in particular through the internal diversity network established in 2022 which has a training programme (News School)<sup>178</sup> that has resulted in the training as well as the recruitment of journalists including "with immigrant backgrounds" in 2023.<sup>179</sup>

132. The Advisory Committee reiterates that "the possibility to receive and impart information in a language one can fully understand and communicate in is a precondition for equal and effective participation in public, economic, social, and cultural life. [...] The presence of minority languages in public media further strengthens social cohesion, as it reflects an overall inclusive policy towards minorities".<sup>180</sup> "In order for public service broadcasting to reflect the cultural and linguistic diversity

<sup>172</sup> ACFC [Fifth Opinion on Finland](#), paras. 117, 121 and 123.

<sup>173</sup> Based on the additional information provided by the state authorities on 11 April 2024, with a total of 13 hours in 2020, 2021, 2022 and 12 hours in 2023.

<sup>174</sup> [Yle's Year 2023](#).

<sup>175</sup> *Yle Novosti*'s TV news is broadcast daily at 4.50 pm on *Yle TV1* and can be seen at any time worldwide via [Yle Areena](#) (28 hours in 2020 and 2021 and 29 hours in 2022 and 2023, according to the additional information provided by the state authorities on 11 April 2024).

<sup>176</sup> Davydova-Minguet, O., Sotkasiira, T., Oivo, T. & Riiheläinen, J. (2019). Mediated Mobility and Mobile Media: Transnational Media Use Among Russian-speakers in Finland. *Journal of Finnish studies*, 22(1 and 2), pp. 265-282.

<sup>177</sup> *Cultura-säätiö* (2024), [Russian speakers in Finland, 2022 Survey](#) (English translation), p. 19.

<sup>178</sup> Based on the additional information provided by the state authorities on 11 April 2024. See also European University Institute (EUI), Centre for Media Pluralism and Media Freedom (2024), *Monitoring Media Pluralism in the Digital Era*, Finland, p. 29.

<sup>179</sup> Based on the additional information provided by the state authorities on 11 April 2024.

<sup>180</sup> ACFC [Thematic Commentary No. 3](#), para. 40.

existing within society, it must guarantee an adequate presence of persons belonging to national minorities and their languages [...]. This entails granting support to the media and programmes for, by, and about national minorities in minority and majority languages, as well as in bi- or multi-lingual formats.”<sup>181</sup> Furthermore, the Advisory Committee stresses that “it is important for the formation of an open and pluralist media environment that issues of concern to minority communities and individuals affiliating with them generally are given weight in the broader public media debate and that persons belonging to such minorities are portrayed as integral members of society”.<sup>182</sup>

133. In this respect, the Advisory Committee welcomes the fact that the public broadcaster Yle has continued to provide media content in Swedish, three Sami languages, Romani, Karelian and Russian languages, including through the increased use of digital applications and technologies. However, apart from Yle's coverage, there seems to be almost no private media content in minority languages other than Swedish.<sup>183</sup> Based on an assessment of the level of demand by the representatives of national minorities, support both to public broadcasting and to private media outlets should be increased to give persons affiliating with national minorities the possibility to be provided with content tailored to their informational, cultural and linguistic needs and interests. In this context, the Advisory Committee emphasises that efforts should be taken to produce quality media content that is attractive to wider audiences, and to ensure that this content is broadcast at convenient times and freely available on demand.<sup>184</sup> The level of demand for such content would need to be established in close consultation with persons affiliating with national minorities. The Advisory Committee also considers that there is a need for increasing the level of high-quality and independently and domestically produced media content in the Russian language, especially given the risks of propagating potentially inappropriate media coverage consumed by certain segments of the Russian-speaking population (see Article 6). Lastly, it is important to raise awareness of and sensitivity to the specific needs and concerns of persons affiliating with different communities in society and their inclusion among media professionals. Active involvement of minority journalists in the development and conduct of both mainstream and minority language programmes also need to be supported.

### Recommendations

134. The Advisory Committee strongly encourages the authorities to increase the support for the production of quality domestic media content in minority languages, including Russian, in public broadcasting, in close co-operation with and participation of persons affiliating with national minorities.

135. The Advisory Committee encourages the authorities, without encroaching on media independence, to evaluate the extent of reporting about the national minorities and individuals affiliating with them by public broadcasters and to take action accordingly, with a view to increasing general awareness of them as an integral part of Finnish society.

### Use of minority languages in contacts with the administration (Article 10)

136. The Advisory Committee had previously noted the comprehensive legal framework guaranteeing the use of Swedish in contact with the authorities, in judicial proceedings, and in the provision of public services, in accordance with its constitutional status as one of the two “national languages”.<sup>185</sup> The Government Strategy for the National Languages of Finland was adopted in 2021 and aims among others to ensure the functionality and availability of services in Swedish while preventing the narrowing of the areas of use of “the national languages”.<sup>186</sup>

137. The 2021 Government Report on the Application of Language Legislation identified several shortcomings in the implementation of language rights for persons affiliating with minorities.<sup>187</sup> For Swedish-speakers, it pointed out that poor planning, inadequate Swedish language skills among staff and a lack of awareness of legal obligations to provide bilingual services are key reasons for different levels of satisfaction with provision of services in Swedish and in Finnish. Additionally, two societal factors were noted by interlocutors: the perception that Swedish-speaking Finns' ability to speak Finnish reduces the necessity for bilingual services, and the dominance of English as a preferred choice of

<sup>181</sup> Ibid., para. 41.

<sup>182</sup> ACFC [Thematic Commentary No. 4](#), para. 63.

<sup>183</sup> EUI, Centre for Media Pluralism and Media Freedom (2024), *Monitoring Media Pluralism in the Digital Era*, Finland, p. 29.

<sup>184</sup> See ACFC [Thematic Commentary No. 3](#), para. 41.

<sup>185</sup> ACFC [Fifth Opinion on Finland](#), para. 128. See also sixth state report, [Appendix 2](#), pp. 42-43.

<sup>186</sup> See [Strategy for the National Languages of Finland](#) (2021, in Swedish and Finnish). This Strategy is guided by three guidelines: 1) Right to services in one's own language, 2) Safeguarding the status of the national languages, and 3) Living bilingualism. The strategy also aims to promote the integration of immigrants in both national languages.

<sup>187</sup> See sixth state report, [Appendix 2](#). The report has a particular focus on the issues of digitalisation, education, police and rescue services and in emergency response centre activities.



foreign language in education, which impacts the public use of Finnish as well as Swedish by Swedish-speaking Finns.

138. The 2020 reform of local administration in Finland led to the merger of some administrative units, resulting in seven bilingual counties with 33 bilingual municipalities (out of 309 municipalities in total),<sup>188</sup> not including the Åland Islands.<sup>189</sup> Concerns from the Swedish Assembly of Finland have included the reduced use of Swedish in courts, as also highlighted by a 2022 Ministry of Justice report that noted a decline in cases handled in Swedish and challenges in recruiting Swedish-speaking staff. According to several interlocutors, the recruitment of Swedish-speaking staff in public administration such as in courts, faces significant challenges due to language proficiency requirements (See Article 15).

139. The authorities also pointed to large differences in the level of satisfaction between the Finnish- and Swedish-speaking population with police and emergency response services. Despite efforts by the Police University College in the areas of admission and support for practical training in bilingual units, the authorities, including the authorities of the Åland Islands, have confirmed<sup>190</sup> the imminent need for further and specialised training and education in Swedish for the police, with particular attention being paid to the simultaneous publication of regulations and instructions in both languages.

140. Increased digitalisation in public administration following the entry into force of the Digital Services Act in 2019 has led to complaints from Swedish-speakers about the lack of accessible digital services, including chat bots, lack of translations or incomplete links in Swedish. In 2022 and 2023, about one-third of complaints to the Swedish Assembly of Finland were related to these issues. The Parliamentary Ombudsman also dealt with these issues on several occasions and held that the quality of the services should be consistent irrespective of the language used.<sup>191</sup>

141. The Åland Islands authorities also expressed similar concerns over digitalisation, in particular the fact that the website of the electronic case management system (UMA) of the Finnish Immigration Service (*Migri*) is only available in Finnish.<sup>192</sup> The Advisory Committee found this surprising. According to the Åland Islands authorities,<sup>193</sup> after the opening of a reception centre in 2022, various entities in the Åland Islands, including municipalities and the police, are unable to fulfill their immigration-related mandates due to the lack of the UMA system in Swedish. The Deputy Chancellor of Justice has also found this situation to be unlawful and asked in June 2024 for it to be rectified.<sup>194</sup> The Åland Islands authorities have also reported that the situation criticised already in the Fourth Opinion<sup>195</sup> regarding the lack of Swedish translations of up-to-date information on medicines (Pharmaca Fennica and Good Medical Practice) has still not been remedied.

142. Issues experienced by the Swedish-speaking population in practice seem to be largely shared by the Sami despite their right to use the Sami languages with the authorities in offices located in the Sami homeland.<sup>196</sup> The Sami Parliament is of the opinion that the language rights of the Sami are very poorly implemented in digital services,<sup>197</sup> in particular due to the fact that the functionality of digital systems does not support the special characters of the Sami languages (see Article 11), although some forms and information are available in Sami languages, especially on the police website. However, the police still experience difficulties in recruiting Sami-speaking staff and providing interpretation services.

<sup>188</sup> The threshold for becoming a bilingual municipality is that 8% of the population or 3 000 persons speak a minority language. A municipality that does not meet the minimum requirements for a bilingual municipality may apply for voluntary bilingual status based on a proposal by the municipal council.

<sup>189</sup> The Åland Islands, with their special status, have 16 Swedish-speaking municipalities.

<sup>190</sup> See sixth state report, [Appendix 2](#), p. 103.

<sup>191</sup> See sixth state report, [Appendix 2](#), p. 87. See also the decisions of the Deputy Chancellor of Justice on digital support in Swedish for police and court services: [OKV/1590/21/2021](#) (28 June 2021) and [OKV/1230/70/2020](#), 2 March 2022, (in Finnish).

<sup>192</sup> The Advisory Committee has been informed that work is underway to develop the interface in Swedish.

<sup>193</sup> According to the Act on the Autonomy of Åland, matters concerning foreign affairs, citizenship, legislation on aliens, and civil defence fall under the jurisdiction of Finland and Swedish is the official language of Åland. In Åland Islands authorities' view, that fact that the system is not maintained in Swedish prevents personnel carrying out their duties, which violates the autonomy act.

<sup>194</sup> Decision No. [OKV/894/70/2024-OKV-6](#), 18 June 2024 (in Swedish).

<sup>195</sup> ACFC [Fourth Opinion on Finland](#), paras. 66, 68.

<sup>196</sup> According to the Section 3 of the Act on the Sami language. As the respective provisions of this Act are limited to the municipalities of Enontekiö, Inari, Sodankylä and Utsjoki in Lapland, Sami living outside the Sami homeland (approximately 65% of adults and 75% of children) have no access to health care and social welfare services in their languages, which the Advisory Committee expressed concerns in its Fifth Opinion. See ACFC [Fifth Opinion on Finland](#), paras. 143 and 149. The Advisory Committee however notes that the Act on Organising Healthcare and Social Welfare Services (612/2021) provides for additional possibilities (see Article 10 of this Opinion). Furthermore, the use of Sami languages is also possible outside of the Sami homeland in certain situations, as is the case with the nationwide authorities referred to in the Sami Language Act.

<sup>197</sup> See sixth state report, [Appendix 2](#), p. 88. The report also mentions that Sami is not taken into account in the transition to online services in health care such as electronic patient information, online booking and online self-care programmes.

143. The Advisory Committee recalls that language rights are effective only if they can be fully enjoyed in the public sphere. The authorities therefore have to support and actively encourage measures creating an environment that is conducive to the use of minority languages, including languages spoken by numerically smaller communities and through the allocation of necessary financial and human resources.<sup>198</sup>

144. The Advisory Committee commends the authorities' continuous efforts to monitor the situation of the use of minority languages in contacts with public administration through surveys and research, as well as their openness in acknowledging the discrepancies between the rights granted by law and their actual implementation. In this respect, it welcomes the commitments made with the adoption of the 2021 Strategy for the National Languages of Finland, especially in view of growing problems, such as in the area of digitalisation of public administration, as well as existing ones, such as in education and employment. This Strategy now needs to be implemented effectively with adequate resources and to continue to support the availability of services, especially in digital form. This is particularly important to ensure the visibility and presence of the Swedish language in the public sphere.

### Recommendations

145. The Advisory Committee strongly encourages the authorities to ensure that digital public administration services are available and accessible in both "national languages", as well as in Sami languages and function effectively in accordance with the applicable legal framework.

146. The Advisory Committee reiterates its previous calls on the authorities to ensure that adequate training for police personnel and updated information on pharmaceuticals are available in Swedish in the Åland Islands.

### Use of minority languages in contacts with healthcare and social welfare services (Article 10)

147. Shortcomings in the availability and accessibility of healthcare and social welfare services in Swedish and Sami languages have been a recurring problem in the previous Opinions of the Advisory Committee.<sup>199</sup> The right to receive services in Swedish has been the subject of decisions by the Parliamentary Ombudsman, including one on the right of a child in Helsinki to access social services in Swedish in 2021<sup>200</sup> (see also Article 4). Like the Parliamentary Ombudsman, the Non-Discrimination Ombudsman had seen such cases: in 2023 alone, 34 cases were brought before this body, with one recent case resulting in the City of Turku agreeing to pay compensation for failing to provide disability services in Swedish by phone in 2022.<sup>201</sup>

148. The authorities informed the Advisory Committee that whilst these shortcomings persist, the structural reform of healthcare and social services through the adoption of the Act on Organising Healthcare and Social Welfare Services and the Act on Wellbeing Services Counties, which entered into force on 1 January 2023, aimed at addressing these issues and reducing inequalities. According to this reform, the responsibility for organising these services was transferred from the municipalities and joint municipal authorities to 21 so-called "wellbeing services counties" (*Hyvinvointialue/Välfärdsområdet*) and the City of Helsinki.<sup>202</sup>

149. The new regulations stipulate that health and social welfare services must be provided in Swedish in bilingual wellbeing services counties. This approach is broadly similar to the previous territorial application of the Swedish language. However, for the Sami languages, services must primarily be provided within the Sami homeland. If health or social services cannot be delivered within this area, Sami languages may be used by designated service providers in the newly established Lapland Wellbeing Services County, which covers a wider area than the Sami homeland.<sup>203</sup> During its visit, the Advisory Committee observed a clear satisfaction among its Sami interlocutors with the increased scope of services provided by the Lapland Wellbeing Services County due to this expansion.

150. While it is still premature to assess the overall impact of this reform, interlocutors of the Advisory Committee have shared some immediate impressions. For example, the Swedish Assembly of Finland

<sup>198</sup> ACFC [Thematic Commentary No. 3](#), paras. 51 and 58.

<sup>199</sup> ACFC [Fourth Opinion on Finland](#), paras. 64 and 67; ACFC [Fifth Opinion on Finland](#), paras. 135, 137, 145-146, 148-149.

<sup>200</sup> Parliamentary Ombudsman of Finland, [Summary of the annual report 2021](#), p. 67. In this case, the Ombudsman emphasised that inadequate resources are not a valid reason for not offering a client a service in the language of their choice.

<sup>201</sup> In this case, the Non-Discrimination Ombudsman promoted a settlement, and other than paying compensation amounted to 1 500 euros, the City of Turku committed itself to take appropriate measures to providing Swedish-language services in the future. See the Non-Discrimination Ombudsman, [Press Release](#) (in Finnish), 16 November 2022.

<sup>202</sup> For details on this reform, See [sixth state report](#), paras. 122-126, 139-146 and the [Sixth Evaluation Report on Finland](#) adopted by the COMEX on 7 March 2024, paras. 85-93.

<sup>203</sup> Lapland Wellbeing Services County contains 21 municipalities. See [Lapha.fi](#).

reported on the worsening of the provision of services for Swedish-speaking persons with disabilities.<sup>204</sup> It also underlined the obligation of bilingual wellbeing services counties to conclude *co-operation agreements*,<sup>205</sup> and the prospect that these agreements will not fully meet the needs of Swedish-speakers if these counties do not agree on the services where the Swedish language deficiencies actually exist.<sup>206</sup> In this regard, the authorities informed the Advisory Committee that in 2023, the Ministry of Social Affairs and Health granted a discretionary government grant of €280 000 to South-West Finland Wellbeing Services County, which is in charge of co-ordinating the co-operation agreements of bilingual wellbeing services counties. A study by the Ministry of Justice on the current state of Swedish-speaking services also called for the strengthening of services and better co-ordination between the bilingual wellbeing services counties.<sup>207</sup>

151. Representatives of the Sami people also provided insights on the implementation of the reform and the role of the Lapland Wellbeing Services County, which seem to have yielded some positive results on several lingering issues such as elderly care and culturally sensitive services. Amongst others, a North Sami speaking nursing home was set up in Gáregasnjárga, Utsjoki, which is a first Sami-speaking unit providing for elderly care 24/7 and “village worker”<sup>208</sup> services for elderly Sami people living in remote areas were provided. Nevertheless, the needs of elderly Sami women or LGBTI Sami were highlighted as intersectional issues, while *SamiSoster*<sup>209</sup> expressed concern about the frequent use of interpreters in the provision of some services, which could lead to discomfort in personal and sensitive matters, such as mental health. On the latter point, all interlocutors underlined the enormous positive impact of *Uvja* (see Article 5) for the whole Sami community. Discrepancies in terms of the level of services provided between the Sami languages also persist, which continue to be predominantly in North Sami and much less so in Inari and Skolt Sami.

152. In general, all interlocutors expressed strong concerns about the serious impact of the ongoing budget cuts (see Article 4) on the effective implementation of this important reform of health care and social welfare services. For instance, the Advisory Committee was informed that the Lapland Wellbeing Services County, following the introduction of austerity measures in spring 2024, was compelled to make substantial budget cuts within an extremely tight timeframe. This made it exceedingly challenging to evaluate the impact of these cuts on services offered in Sami languages. Consequently, the expansion of services in Sami languages became nearly impossible, despite the previously noted positive developments. Even relatively inexpensive measures, such as hiring up to five Sami-speaking employees for efficient delivery of services, have not been feasible. In addition to this, a persistent shortage of professional staff who speak minority languages remains a common problem both for Sami- and Swedish-speaking communities. In this respect, the Advisory Committee notes with satisfaction the measures taken by the Lapland Wellbeing Services County, such as sending employees on paid leave to attend a one-year intensive Sami language course.<sup>210</sup>

153. Recalling the Committee of Ministers Recommendation in 2018<sup>211</sup> and the recent findings of the Committee of Experts of the European Charter for Regional or Minority Languages (COMEX),<sup>212</sup> the Advisory Committee encourages maximum implementation of the possibilities provided by law to allow the use of minority languages in contacts with administrative authorities at local level. It is important that

<sup>204</sup> This is reportedly due to the dissolution of a joint municipal authority, Kårkulla samkommun, which was in charge of providing special care to these persons due to the reform. Its services were transferred to the wellbeing services counties.

<sup>205</sup> According to Article 36 of [the Act on Organising Healthcare and Social Welfare Services](#) (in Finnish, excerpts based on unofficial translation into English), “the welfare regions belonging to the same social and health care co-operation area shall conclude a co-operation agreement every council term. The purpose of the co-operation agreement is to ensure the division of labour, co-operation and co-ordination between the welfare regions in the co-operation area [...] The co-operation agreement must promote cost-effectiveness, productivity, quality, client and patient safety, appropriateness, equal access, linguistic rights and the functioning of service chains and service packages. The agreement must also ensure that the entity providing social and health care under the co-operation agreement has sufficient financial and human resources and skills to carry out its tasks”. Article 39 of this Act concerns the co-operation agreement for bilingual welfare areas to ensure the realisation of the linguistic rights of Swedish-speaking people in social welfare and health care.

<sup>206</sup> If the wellbeing services counties do not reach agreement on the content of the co-operation agreement or if the content does not ensure that the language rights of Swedish-speakers, the government may decide on the content of the agreement.

<sup>207</sup> Based on the additional information provided by the authorities on 11 April 2024.

<sup>208</sup> This aims to support elderly people at their home and in their immediate environment. Two village workers were hired in Vuohčču, and another to Gárasávvon, and co-operation have started with Sami Education Institution to train more village workers.

<sup>209</sup> A registered association which promotes rights of the Sami within social and health services. This organisation provided a written submission to the Advisory Committee on 29 May 2024.

<sup>210</sup> In 2024, there were five employees following these courses via the specific funding received from the Ministry of Justice. The Advisory Committee also notes the City of Turku’s practice of granting language allowances to employees who use both Finnish and Swedish in their work and of organising language training during working hours as promising examples.

<sup>211</sup> Recommendation [CM/RecChL\(2018\)5](#) of the Committee of Ministers to member States on the application of the European Charter for Regional or Minority Languages by Finland.

<sup>212</sup> The [Sixth Evaluation Report on Finland](#) adopted by the COMEX on 7 March 2024.

authorities support and actively encourage such measures by creating an environment that is conducive to the use of minority languages, including through the allocation of necessary financial and human resources.<sup>213</sup> The Advisory Committee also reiterates that the promotion of full and effective equality between persons belonging to a national minority and those belonging to the majority may require states parties to adopt special measures that take into account the specific conditions of the persons concerned.<sup>214</sup> In this regard, while acknowledging the necessity of reforming the public sector, including for financial reasons leading to austerity measures, it highlights the importance of paying heightened attention to minority language rights in any reform process. The Advisory Committee also stresses the need to avoid putting undue burden on newly established wellbeing services counties as a result of budget cuts. In addition, positive measures are needed to address the shortage of professionals fluent in minority languages, such as rewarding minority language skills in recruitment procedures and offering training and language courses to those with limited knowledge of minority languages.

### Recommendations

154. The Advisory Committee strongly encourages the authorities to carry out an impact assessment on the recent health care and social welfare services reform on the Swedish-speaking persons and the Sami population and to monitor their full and equal access to these services on a regular basis, in consultation with the representatives of those concerned. The authorities should also take measures to effectively implement the co-operation agreements in the bilingual wellbeing services counties, including by providing additional financial resources where necessary.

155. The Advisory Committee invites the authorities to take further steps to ensure the presence of staff with adequate minority language skills in the provision of health and social services and in the application of a culturally sensitive approach while respecting the diversity within minorities.

### Use of Sami personal names (Article 11)

156. According to the authorities, since 2020, it is possible to register Sami names in the Finnish Population Information System respecting the language diacritic signs.<sup>215</sup> This registration system includes special characters in all three Sami languages (North, Inari and Skolt Sami). However, although these special characters are available to all public administrations, in practice, only the Police Passport Identity Card Register uses them in its information service and customer documents, including its e-services (only in North Sami). Other administrations' data systems have not yet been fully adapted to receive and accept these special characters. The work to synchronise these services with the interface of the Population Information System is underway and expected to be completed by the end of 2024. According to the authorities, some 20 cases of the absence of certain special characters in the Population Information System have been reported,<sup>216</sup> but the Advisory Committee is not aware of any follow-up information on these cases or whether they relate to a particular Sami language.

157. The Advisory Committee reiterates that "the right to use one's personal name in a minority language is a core linguistic right of persons belonging to national minorities, linked closely to personal identity and dignity."<sup>217</sup>

158. The Advisory Committee welcomes the authorities' efforts to enable Sami individuals to obtain passports and other personal documents that accurately indicate their names and surnames in their own languages, while also noting the importance of resolving any outstanding problems with no further delay. It further emphasises the importance of fully respecting the distinct features of all three Sami languages.

### Recommendation

159. The Advisory Committee strongly encourages the authorities to guarantee the registration and the use of Sami names respecting the language diacritic signs in all public documents without further delay.

### Intercultural education and educational materials (Article 12)

160. The 2016 National Core Curriculum for Basic Education has a strong emphasis on human rights, which are taught in a cross-curricular manner. Autonomy of teachers and schools is a fundamental feature of Finland's educational context and the importance of quality and intercultural education is

<sup>213</sup> ACFC [Thematic Commentary No. 3](#), para. 58.

<sup>214</sup> Article 4(2) of the Framework Convention.

<sup>215</sup> See sixth state report, [Appendix 2](#), p. 89. See also recommendation in ACFC [Fifth Opinion on Finland](#), para. 153.

<sup>216</sup> Based on the additional information provided by the state authorities on 11 April 2024.

<sup>217</sup> See ACFC [Thematic Commentary No. 3](#), paras. 61-62.



clearly affirmed as core values in the national core curriculum.<sup>218</sup> However, research<sup>219</sup> suggests that educational materials, especially textbooks, do not fully reflect this curricular framework. Persons affiliating with national minorities, such as the Roma<sup>220</sup> and Karelians, mentioned to the Advisory Committee that their communities are either largely absent or inadequately represented in educational content, which also contributes to the overall lack of knowledge in society in general (see Article 6), and among school professionals and children in particular, about national minorities, their cultures, traditions and historical presence in Finland.

161. A 2020 study on Sami knowledge in Finnish- and Swedish-language learning materials for basic education found that knowledge of the Sami people, languages and cultures is inadequate and the quality of the information varies significantly.<sup>221</sup> The study also identified the existence of stereotypical portrayals of the Sami people, a tendency to reduce the Sami languages and cultures to a single language and culture and a lack of content on their present lives. The Advisory Committee also notes with particular interest the survey carried out by the Office of the Ombudsman for Children among Sami children in 2022, according to which increasing awareness of Sami cultures in schools is perceived to be one of the most important factors for their well-being and a tool to reduce prejudice against them.<sup>222</sup> In this respect, it welcomes initiatives such as the project-based website<sup>223</sup> developed and maintained by the Sami Parliament, which provides information about the Sami to schools. In view of the high demand for the digital learning materials produced by this project, the Sami representatives called for the production of such materials in Finnish and Swedish on a sustainable basis.

162. The authorities informed the Advisory Committee that the Finnish National Agency for Education has continued to provide annual support of around €15 million for staff training and that strengthening linguistic and cultural competences were one of the priorities since 2020. This National Agency has also compiled information and guidance on democracy and human rights education for teachers and schools on their website.<sup>224</sup> The promotion of linguistically and culturally sensitive teaching was ensured through training, mainly by one-off projects, such as the *KuTiMat* and those developed by the Teacher Education Forum of the Ministry of Education and Culture, which produced high-quality teaching and learning materials in several languages.<sup>225</sup>

163. Interlocutors pointed out to the Advisory Committee that these initiatives, while commendable, are unlikely to produce the desired results because teachers are neither systematically prepared to teach about national minorities nor well informed about their rights. In her 2024 report, the UN Special Rapporteur on the Right to Education also highlighted the lack of systematic inclusion of human rights education in teacher-training curricula and stressed that “nation-wide co-ordination of and funding for such education remains fragmented and short-term”.<sup>226</sup>

164. The Advisory Committee reiterates that “curricula and educational materials must aim to value diversity, nurture respect for difference, and seek to develop analytical and critical thinking skills and that they are therefore key to raising awareness of national minorities and persons belonging to them. The absence of national minorities from curricula and educational materials contributes to their “invisibilisation” in public life[...].”<sup>227</sup> The Advisory Committee further underlines that “curricula and educational materials should also take into account the diversity within minority communities [...] with a view to avoiding the perpetuation of negative stereotypes, including those related to gender, myths or falsehoods about national minorities, while combating prejudice, superficial or oversimplified images

<sup>218</sup> The national core curriculum is renewed approximately every 10 years, in broad consultation with all relevant stakeholders. Education providers draw up their own curricula within the framework of this curriculum.

<sup>219</sup> For example, see Mikander, P. (2023), *Racism in Finnish School Textbooks: Developments and Discussions*, in Thrupp, M. et al. (eds.), *Finland's Famous Education System*, Springer, pp. 289-301; Kohvakka, T. (2022), The representation of minorities in the Finnish National Core Curriculum for History, *Multicultural Education Review*, 14(2), pp. 85-100.

<sup>220</sup> While the National Roma Policy 2018-2022 (ROMPO2) included a specific measure to review the content of the sections on Roma in basic and vocational education materials, this has not been implemented. See Stenroos, M. (2023), p. 27. The Advisory Committee notes that the latest Strategy ROMPO3 has dedicated measures on carrying out such a review.

<sup>221</sup> This study was published by the Ministry of Education and Culture. See [the sixth periodic report of Finland](#) presented to the COMEX on 19 May 2023, para. 245.

<sup>222</sup> Elina Weckström, Karri Kekkonen & Outi Kekkonen (2023), *The well-being of Sami children and the realisation of their rights*, Publications of the Office of the Ombudsman for Children in Finland.

<sup>223</sup> See [www.oktavuohta.com](http://www.oktavuohta.com).

<sup>224</sup> [Ihmisoikeus- ja demokratiakasvatus | Opetushallitus](#) (available also in [Swedish](#)).

<sup>225</sup> See [sixth state report](#), paras. 160-163. These materials were translated into different languages, including the Sami and are stored in the Library of Open Educational Resources ([Home - Library of Open Educational Resources \(aoe.fi\)](#)) for the free use of all teachers.

<sup>226</sup> UN Human Rights Council (2024), Report of the UN Special Rapporteur on the right to education, following her visit to Finland from 20 to 29 November 2023, A/HRC/56/58/Add.1, para. 51.

<sup>227</sup> ACFC [Thematic Commentary No. 1 \(2024\)](#), para. 25.



and folklorisation of minorities and persons who affiliate with them.”<sup>228</sup> Importantly, “pre- and in-service training for teachers, supported with suitable teaching materials, should be provided to ensure that educational policies are effective in practice. [...] Teacher training about national minorities should be ensured by the relevant authorities for all teachers, [...] and teachers at all relevant stages should also be trained on human rights, including minority rights [...]”.<sup>229</sup>

165. The Advisory Committee acknowledges the authorities’ strong commitment to ensuring equitable and inclusive education premised on core human rights values, as well as their efforts in fostering knowledge of national minorities from an intercultural perspective. Nevertheless, it regrets to note that educational materials about Finland’s national minorities and persons affiliating with them remain largely sporadic and insufficient. Similarly, teacher training in human rights, including minority rights, is often project-based and neither systematic nor sustainable, and its implementation varies considerably due to the autonomy of teachers and schools. Not least in the context of the increasing awareness of the need to teach respect for diversity, the Advisory Committee is of the view that all pupils and students in Finland, regardless of where they live, should have basic knowledge about all of Finland’s national minorities.<sup>230</sup> Teaching about the substance and purpose of minority rights in the general human rights education is also of utmost importance. In this regard, teachers need to receive an adequate human rights education training to contribute to the full implementation of school curricula.

### Recommendation

**166. The Advisory Committee calls on the authorities to develop and provide educational materials, including digital materials, that accurately and adequately reflect Finland’s ethnic and linguistic diversity and avoid stereotypes. All teachers should receive systematic and practical training in human rights, including minority rights, in order to effectively and sustainably promote intercultural education within the school environment.**

### Equal access to education (Article 12)

167. Despite the solid legal and policy framework for the provision of education in Swedish as one of the two “national languages”, there are still some shortcomings in the practical implementation of this framework and the Swedish-speaking population’s equal access to education.<sup>231</sup> Based on the information received from the authorities,<sup>232</sup> the status of the Swedish language in early childhood education<sup>233</sup> remains particularly challenging,<sup>234</sup> despite the progress made over the years through language immersion programmes. A specific study on the matter is expected to be conducted in 2025. The Swedish Assembly of Finland drew the attention of the Advisory Committee to the severe shortage of Swedish-speaking teachers in early childhood education and care, which adds to the challenges of the already declining use of Swedish in society and lack of Swedish-speaking workforce in certain areas of life (see Article 10).

168. The Advisory Committee understands that the shortage of teachers for early childhood education and care is currently a general problem in the country and that it also has a negative impact on other national minorities, such as the Sami and Roma (see Article 14).<sup>235</sup> The Advisory Committee was informed that one of the reasons for the shortage of Swedish-speaking teachers is that they can easily

<sup>228</sup> Ibid., para. 26.

<sup>229</sup> Ibid., paras. 43-44.

<sup>230</sup> The Advisory Committee reminds the authorities of the [Recommendation CM/Rec\(2020\)2](#) of the Committee of Ministers to member States on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials, adopted by the Committee of Ministers on 1 July 2020 at the 1380th meeting of the Ministers’ Deputies.

<sup>231</sup> As the two national languages of Finland enjoy equal legal status, all bilingual municipalities must provide education in both Finnish and Swedish. Monolingual Finnish language municipalities can also decide to provide education in Swedish voluntarily. Swedish is also taught to students who receive Finnish mother tongue education. However, despite the financial incentives offered by the state authorities, few monolingual Finnish language municipalities decide to provide education in Swedish on a voluntary basis. See the [Sixth Evaluation Report on Finland](#) adopted by the COMEX on 7 March 2024, para. 34.

<sup>232</sup> The 2021 Report of the Government on the Application of Language Legislation. See sixth state report, [Appendix 2](#).

<sup>233</sup> Pursuant to Section 8 of the Act on Early Childhood Education and Care adopted in 2018, municipalities must ensure that a child can receive early childhood education and care in Finnish or Swedish, or in a Sami language, depending on which of these is the child’s native language. In bilingual (or joint) municipalities, this education must be provided in both languages so that the users of the service can obtain it in the language of their choice. For an overview of this level of education, see [Eurydice](#) (2023).

<sup>234</sup> See sixth state report, [Appendix 2](#), p. 118. It was also noted that the Swedish-speaking population has higher requirements for language skills in studies, work and everyday life than the Finnish-speaking population. The allocation of hours and the structure of teaching in the Finnish language do not take sufficient account of the Swedish-speaking pupils’ linguistic base and language learning needs. See [Strategy for the National Languages of Finland](#) (2021, in Swedish and Finnish), pp. 32, 104.

<sup>235</sup> Reportedly, Finland has a nationwide shortage of approximately 6,000 teachers in early childhood education and care. See UN Human Rights Council (2024), Report of the UN Special Rapporteur on the right to education, following her visit to Finland from 20 to 29 November 2023, A/HRC/56/58/Add.1, paras. 42-51.

find employment in Sweden. The current government programme<sup>236</sup> contains commitments to overcome this situation, with a particular focus on improving the attractiveness of the early childhood education sector and tackling staff retention, for which the Swedish Assembly of Finland expressed satisfaction during the Advisory Committee's visit. In this context, the Advisory Committee welcomes the strong emphasis in the Strategy for the National Languages of Finland of 2021 (see Article 10) on the quality and availability of Swedish-language education at all levels.<sup>237</sup>

169. Early childhood education and care was also one of the priorities of the previous strategy document on Roma, ROMPO2 (2018-2022), and the measures taken seem to have resulted in progress. According to the implementation report of this strategy, four out of five Roma children now participate in early childhood education and care. Interlocutors concurred that the positive results are the outcome of several specific measures, such as improving dialogue with families and tuition support. However, although disaggregated equality data (see Article 4) on Roma children is not available,<sup>238</sup> their enrolment rate in general upper secondary education reportedly is much lower.<sup>239</sup> This is often linked to still prevalent absenteeism and high drop-out rates, as well as the insufficient level of guidance after the completion of basic education. On the latter point, Roma interlocutors mentioned that, although university enrolment has increased in recent years, Roma students are often encouraged to pursue vocational training rather than higher education. For example, Roma girls are systematically steered towards care work, which risks perpetuating gender stereotypes in employment. High levels of bullying and discrimination in vocational education when seeking an apprenticeship also discourage Roma students from continuing their studies.

170. The Advisory Committee notes that “in line with Article 12(3) of the Framework Convention, states should promote equal opportunities for access to education for all persons belonging to national minorities at all levels, from preschool to universities, adult and vocational training.”<sup>240</sup> Early years (kindergarten) and preschool education have a particular place in a child's development and are important determinants of future life opportunities. In this regard, despite the legal and policy safeguards in place, the Advisory Committee considers that it is essential to improve the quality of Swedish-language education and its availability at all levels of public education, not only to ensure bilingualism in the country as a constitutional guarantee,<sup>241</sup> but also to prevent the further decline of Swedish and to ensure the language skills of the future workforce and the population in general.

171. The Advisory Committee also reiterates that “ensuring access of all persons belonging to national minorities to quality education means that states need to act resolutely to, *inter alia*, ensure that all children are duly enrolled in schools and to monitor school attainments, including absenteeism and drop-out rates, literacy, completion of studies, grades, gender disparities, access to higher educational levels and subsequently access to employment.”<sup>242</sup> Despite the fact that the latest strategic document on Roma, ROMPO3 (2023-2030), and its Action Plan (2023-2026)<sup>243</sup> provide for several measures to address the remaining problems of equal access to education for Roma, in particular as regards study and careers guidance, the Advisory Committee notes that there is no specific measure on the educational attainment of Roma children. In view of the reported low level of completion of general upper secondary education, which reduces the prospects of access to the labour market (see also Article 15), and considering the recent extension<sup>244</sup> of compulsory schooling to age 18, it is important to closely monitor<sup>245</sup> attendance rates, including drop-out rates, educational outcomes and educational or professional directions (such as higher education, apprenticeships or employment) of Roma children. Finally, the Advisory Committee highlights that effective monitoring requires the collection of accurate and regularly updated disaggregated data (see Article 4).

## Recommendations

<sup>236</sup> [Government Programme - Finnish Government \(valtioneuvosto.fi\)](#), Section 5.1.

<sup>237</sup> Reportedly, there is a generous lower entrance threshold for certain areas of Swedish-language university education, such as in law and economics. See *Helsingin Sanomat* (6 September 2024), [Hankenille pääsee helpommin](#) (Easier access to Hanken).

<sup>238</sup> The state authorities informed the Advisory Committee that there is no such disaggregated data available. See also UN Committee on the Rights of the Child (2023), Concluding observations on Finland, CRC/C/FIN/CO/5-6, para. 10 (b).

<sup>239</sup> See Stenroos, M. (2023), p. 28; Roma Civil Monitor (2023), pp. 18-19.

<sup>240</sup> ACFC [Thematic Commentary No. 1 \(2024\)](#), para. 49.

<sup>241</sup> From the perspective of the provisions in section 17, subsection 2 of the Constitution of Finland, a key issue in the organisation of education is the right of everyone to receive education in their native language, Finnish or Swedish.

<sup>242</sup> ACFC [Thematic Commentary No. 1 \(2024\)](#), para. 50.

<sup>243</sup> [Implementation plan 2023–2026 for Finland's National Roma Policy \(ROMPO 3\)](#).

<sup>244</sup> As of August 2021, the minimum school leaving age increased from 16 to 18 years. Sixth state report, [Appendix 2](#), pp. 53-55.

<sup>245</sup> See also EU Commission (2023), Commission Staff Working Document, Accompanying the document, Assessment report of the member States' national Roma strategic frameworks, {COM(2023) 7 final}, p. 55.

172. The Advisory Committee strongly encourages the authorities to continue strengthening the quality and availability of Swedish-language education at all levels of education and to fully implement the measures set out in the 2021 Strategy for the National Languages of Finland in order to ensure the language skills of the future workforce and the population in general.

173. The Advisory Committee invites the authorities to closely monitor the school attainments and educational outcomes of Roma pupils and students, with particular attention to Roma girls, to ensure their equal access to education at all levels and their equal educational outcomes. This should be done in consultation with Roma representatives and a broader range of stakeholders, including education professionals who directly work with them.

#### Teaching in and of minority languages (Article 14)

174. The 2022 Language Policy Programme (see Article 5) contains several measures on teaching in and of minority languages.<sup>246</sup> These include, among others, i) ensuring the availability of learning materials; ii) developing country-wide remote teaching opportunities and providing teacher training to support such teaching; iii) increasing language nest activities and other activities to promote language vitality; and iv) revitalising languages in a systematic and sustained manner.

175. The authorities have continued to invest in the revitalisation of all three Sami languages.<sup>247</sup> The state authorities and the Sami interlocutors both agreed that Sami language nests in early childhood education have been successful and have greatly contributed to the revitalisation of Sami languages, and especially of Inari Sami, by boosting the number of children using this language in the Sami homeland.<sup>248</sup> This was something which the Advisory Committee was pleased to observe during the visit of its delegation to a primary school in Inari. Despite these efforts, interlocutors pointed out that the situation of Skolt Sami<sup>249</sup> remains particularly vulnerable and needs a similar revitalisation process like the one successfully carried out for Inari Sami.

176. The number of students/pupils receiving education in and learning the Sami languages in the Sami homeland has decreased. While the Fifth Opinion reported on 627 students/pupils learning Sami in 2015/2016, there were 573 students/pupils in 2019/2020 and only 249 in 2021/2022 and 2022/2023, respectively.<sup>250</sup> In spite of initiatives undertaken by projects like those at the University of Oulu<sup>251</sup> to enhance the availability of Sami-speaking teachers, a significant shortage of qualified teachers persists, particularly for Inari and Skolt Sami.<sup>252</sup> The Sami Parliament aims to increase the number of language nests to meet the growing demand for primary education. However, the Advisory Committee understands that insufficient funding and the relatively slow pace of teacher training hamper this process.

177. Teaching in and of Sami languages outside the Sami homeland remains a challenge. Both state authorities and Sami representatives highlighted this as a fundamental problem, given that an estimated 75% of the Sami population lives in other parts of Finland. The provision of Sami languages is available as a foreign language - only limited to two hours per week outside the regular teaching hours,<sup>253</sup> which is provided by the municipalities with funding from the Ministry of Education. It appears that, since 2018, these two-hour classes are mostly provided through project-based distance learning,<sup>254</sup> and have become the primary form of teaching of Sami languages outside the Sami homeland. In the school year

<sup>246</sup> See [sixth state report](#), para. 167.

<sup>247</sup> Based on the information provided by the state authorities on 16 May 2024, since 2011, the Ministry of Education and Culture distributes a yearly grant to support Sami language nests. As language nests are not governed by legislation, the Ministry allocates an annual appropriation to the Sami Parliament, which distributes the grants to the providers of language nest activities, i.e. municipalities. The funding was €1.2 million in 2020, €1.4 million in 2021, €1.52 million in 2022 and €1.2 million in 2023.

<sup>248</sup> The Advisory Committee recalls that teaching and funding of Sami language education is subject to different conditions in the Sami Homeland due to the Sami Language Act which is applicable in this territory and imposes legal obligations for authorities. There are currently 12 language nests: two of them are Skolt Sami, three in Inari Sami and seven in North Sami. Nine of these nests are in the Sami homeland while three are outside the Sami homeland, in Sodankylä, Rovaniemi and Oulu.

<sup>249</sup> The number of Skolt Sami speakers was estimated at around 300, although more pessimistic estimates put the number of speakers at only 150 whereas the estimated Inari Sami speakers are 450. See sixth state report, [Appendix 2](#), p. 26.

<sup>250</sup> Based on the information provided by the state authorities on 11 April 2024. For more detailed breakdown of students among different education levels, the Advisory Committee refers to the [Sixth Evaluation Report on Finland](#) adopted by the COMEX on 7 March 2024, paras. 42-44, 98, 100, 103.

<sup>251</sup> See sixth state report, [Appendix 2](#), p. 129.

<sup>252</sup> For example, at the time of drafting of this opinion, there was only one qualified teacher of Skolt Sami in primary education.

<sup>253</sup> Only 10% of Sami children and young people living outside the Sami homeland attend these classes. See Helander, H., Keskitalo, P. & Turunen, T. (2023), *Saami Language Online Education Outside the Saami Homeland: New Pathways to Social Justice*, in Thrupp, M. et al. (eds.), *Finland's Famous Education System*, Springer, pp. 303-318.

<sup>254</sup> The Ministry of Education and Culture funded a pilot project on distance education for the Sami languages from 1 August 2018 to 31 August 2023. See sixth state report, [Appendix 2](#), p. 130.

2022/2023, around 150 pupils were studying these languages through distance learning.<sup>255</sup> The Advisory Committee notes with interest the bilingual classes (Finnish-Sami) offered in Helsinki, Rovaniemi and Oulu, which are also part of a pilot project. However, it regrets the inadequate provision of adult education in Sami languages and the recent abolition of subsidies for this sector.

178. Like the teaching of Sami outside the Sami homeland, the teaching of other minority languages, which is not compulsory, is provided by the municipalities for two hours a week at the request of a minimum four pupils (only two pupils in the case of Sami and Roma). During the Advisory Committee's visit, interlocutors of several national minorities expressed concerns about the organisation of these classes, which take place after school in the afternoon and sometimes in a different school, making attendance logistically difficult for families and unattractive to pupils. In addition, the Estonian-, Karelian- and Russian-speaking interlocutors in particular pointed out that many families are not aware of the existence of this option, as schools often do not inform families about it. According to the Tuglas Association, only about one in three Estonians is taught their first language at school.<sup>256</sup>

179. The already limited<sup>257</sup> provision of teaching in Russian language has been at the heart of public debate recently. The Advisory Committee notes that in February 2024, a bilingual Finnish-Russian class in Turku was discontinued with effect from 1 August 2025, due to low demand, lack of teacher qualifications and high costs.<sup>258</sup> There was a public discussion about closing the Finnish-Russian School of Eastern Finland<sup>259</sup> for financial reasons. This school operates in the cities of Lappeenranta, Imatra and Joensuu. While the school remains open, this discussion has raised concerns for the Russian-speaking families living in these areas. Several interlocutors stated that these families perceived these developments as a consequence of the rise of anti-Russian sentiment in Finland since the start of the Russian Federation's war of aggression against Ukraine (see Article 6), while at the same time stressing that intercultural understanding and tolerance are needed more than ever. During its visit to the school's branch in Imatra, the Advisory Committee observed that the school is not only attended by Russian-speakers but is also a popular educational institution with a highly international student profile, providing an ideal venue for others interested in learning Russian and be taught in Russian. In the view of the Advisory Committee, educational establishments like this bilingual school are not only important for the teaching of or in the minority language under Article 14 of the Framework Convention but are also a good example of the provision of intercultural education as they provide a learning space where students interact constructively with each other and thus contributing to societal integration<sup>260</sup> in line with Article 12 of the Framework Convention.

180. The authorities reported that the Romani language continues to be endangered. The willingness of the Roma to speak their first language remains low, mostly as a safeguard against discrimination (see Article 4). This also contributes to the shortage of teachers of the Romani language, although the possibility to study Romani at the University of Helsinki has increased the level of competence of some teachers. In this context, the Advisory Committee welcomes the work of the Expert Group on the Programme for the Revival of the Romani Language,<sup>261</sup> established by the Finnish National Agency for Education in 2020, and its proposals which have been incorporated into the latest Roma policy document, ROMPO3 (2023-2030). Ongoing plans to develop distance learning in the Romani language, especially in view of Roma children's expressed hope for the revitalisation of this language and interest in learning it as a school subject,<sup>262</sup> are also indicative of eventual progress.

181. The lack of high-quality educational materials in minority languages is a general problem raised by persons affiliating with different national minorities. Despite some progress made in recent years in the development of educational materials in Sami languages and a significant increase in the budget

<sup>255</sup> See Helander, H., Keskitalo, P. & Turunen, T. (2022), Positioning the Voice and Agency of Young Children in the Distance Education of the Sami Languages, *Multietnica*, No. 42, p. 12.

<sup>256</sup> See sixth state report, [Appendix 2](#), p. 145. For example, there are approximately 1 000 Estonian-speaking children between the ages of 7 and 16 in Helsinki, but only 200 children receive teaching in Estonian.

<sup>257</sup> See sixth state report, [Appendix 2](#), p. 144.

<sup>258</sup> See [the decision](#) of the Education and Training Board of the City of Turku, No. 327-2024, 29 February 2024 (in Finnish). The Advisory Committee understands that this decision was challenged before the competent authorities, which is still pending.

<sup>259</sup> [Frontpage | Itä-Suomen Koulu \(itasuomenkoulu.fi\)](#). The school is the only school outside Helsinki to offer Russian culture and language studies alongside the Finnish curriculum and is managed by the School's Foundation founded by these cities. Decisions regarding the operation of the school fall within the authority of the Board of Directors, which consists of members appointed by these three cities, LUT University and the University of Eastern Finland. The financing of the school is made indirectly through the municipality-of-residence reimbursement. See City of Joensuu, [press release](#), 7 March 2024.

<sup>260</sup> ACFC [Thematic Commentary No. 1 \(2024\)](#), paras. 17-18.

<sup>261</sup> Finnish National Agency for Education (2022), Expert group on the Programme for the Revival of the Romani Language, [Proposals for measures](#), (in Finnish); see also [sixth state report](#), paras. 84-86.

<sup>262</sup> See [sixth state report](#), para. 88.



for their development,<sup>263</sup> these materials are still not sufficiently available in all Sami languages, which means that teachers often must produce these materials themselves as observed also by the Advisory Committee in Inari. Although some materials are provided from Norway, they are only available in North Sami and the materials available do not always meet the needs of distance learning. Most of the materials in Russian are obtained from Estonia. Furthermore, in the case of lesser-used minority languages, as confirmed by the authorities, there seems to be little commercial interest among publishers to produce educational materials in such languages.

182. The Advisory Committee emphasises that initiatives for the revitalisation of minority languages, in particular those spoken by persons affiliating with numerically smaller national minorities or indigenous peoples, “require adequate institutionalisation and sustainable funding and infrastructure, and should not depend on project-based funding [...]”.<sup>264</sup> The Advisory Committee also underlines the importance of the continuity of the offer of minority language education, from preschool through to university and adult/continuing education. Demands for education in a minority language should actually be stimulated through awareness-raising among parents and young people, and the promotion of existing possibilities for minority language teaching.<sup>265</sup> Minority language education also requires qualified teachers and in-service training, both of which warrant systemic support from the authorities. In this connection, the Advisory Committee also notes that “the lack of a sufficient supply of educational materials negatively impacts the quality of the education offered to minority children”.<sup>266</sup>

183. The Advisory Committee welcomes the considerable efforts to support the teaching of minority languages in general and the special emphasis on the teaching of the Sami languages through language nests, which has yielded positive results in revitalising these languages, particularly Inari Sami. It also views positively the use of distance learning, which expanded the opportunities for learning these languages across the country and for their preservation. Notwithstanding its benefits, the Advisory Committee stresses that distance learning should remain a complement to rather than a replacement for the existing educational system, because school is also a space for social learning in face-to-face contexts and for social interaction.<sup>267</sup> Distance learning should therefore be regularly evaluated to ensure its quality, effectiveness and contextual relevance. The Advisory Committee regrets to note that all these measures are still project-based, not integrated into institutional structures and they lack sustainable funding. Furthermore, while the availability of minority language teaching is praiseworthy, the Advisory Committee is concerned about its limited and insufficient provision of two hours per week, which is highly dependent on the discretion and funding of the municipalities. It considers that this context does not seem to make minority language education an attractive option for pupils and parents nor does it always meet their linguistic needs. It is therefore essential to take measures to promote the provision of such education to persons affiliating with national minorities and to ensure that the demand for such education is properly assessed. Finally, the Advisory Committee stresses that adequate tailoring of high-quality educational materials to the specific needs and interests of persons affiliating with minorities needs to become a priority and adequate resources have to be allocated to their development.

### Recommendation

**184. The Advisory Committee calls on the authorities to effectively promote and ensure the provision of minority language education, including by providing high-quality educational materials, for persons affiliating with national minorities. Support for the teaching of Sami languages across the country should be increased, in particular by ensuring permanent and sufficient funding for language nests for all three Sami languages, and for distance learning, with a view to making them complementary mediums of instruction.** The authorities should collaborate with persons affiliating with national minorities, educational institutions and municipalities to assess the demand for such education and ensure that its organisation is feasible and attractive for pupils/students and families. Furthermore, additional resources should be allocated to the production of high-quality educational materials, including for distance learning, and to improving the availability of teachers.

### Effective consultation and participation in public affairs and decision-making processes (Article 15)

<sup>263</sup> The authorities stated that the budget allocated for the development of teaching materials in the Sami languages was €800 000 in 2025.

<sup>264</sup> ACFC [Thematic Commentary No. 1 \(2024\)](#), para. 131.

<sup>265</sup> See ACFC [Thematic Commentary No. 3](#), para. 71.

<sup>266</sup> ACFC [Thematic Commentary No. 1 \(2024\)](#), para. 116.

<sup>267</sup> *Ibid.*, para. 138.



185. Persons affiliating with national minorities continue to be represented and contribute to the public affairs and decision-making processes through advisory boards, such as the National Advisory Board on Romani Affairs (RONK)<sup>268</sup> and, in the case of the Sami, also through the Sami Parliament. The Advisory Board for Ethnic Relations (ETNO), whose legal framework and structure have remained unchanged since the Fifth Opinion,<sup>269</sup> continues, *inter alia*, to promote dialogue "between immigrants and ethnic minorities, authorities, political parties and NGOs" and is consulted by the various ministries on legislation and policy-making relevant to minorities (e.g. education, and language issues) both at national and at regional board level. ETNO has no decision-making or executive powers and its recommendations are not legally binding. Within a total membership of 34, 10 places are reserved for NGOs, including representatives of the Estonian- and Russian-speaking minorities and an interfaith organisation under its current composition (2020-2024). The other places are reserved for umbrella organisations dealing with multiculturalism and "integration of migrants". In this context, several minority interlocutors shared the view that persons affiliating with national minorities are not always represented in ETNO and that it functions more as a diversity management board for society than as a body for effective consultation with representatives of all national minorities. For example, the Karelian speakers have never been part of ETNO. There has also been criticism that ETNO's requests for input from national minorities are made at short notice, preventing them from meaningfully contributing to the process. The Advisory Committee considers that, while ETNO's work is commendable, the shortcomings identified in its Fifth Opinion remain largely relevant.<sup>270</sup> In this regard, it reiterates its previous call on the authorities for measures to increase the share of minority representatives within ETNO's composition - possibly by reducing the dominance of political parties as suggested by several interlocutors during the Advisory Committee's visit and to ensure transparency in the membership selection process.

186. The participation of the Sami in public affairs and their cultural autonomy in line with their status as an indigenous people remain regulated under Section 9 of the Act on the Sami Parliament (974/1995). This provision imposes on the authorities an "obligation to negotiate" with the Sami Parliament "in all far-reaching and important measures which may [...] affect the status of the Sami as an indigenous people".<sup>271</sup> As stated by the Advisory Committee in its Fifth Opinion,<sup>272</sup> both the scope and implementation of this provision have long been criticised for failing to respect the principle of "free, prior and informed consent" (FPIC), which is enshrined in international law with regard to indigenous peoples.<sup>273</sup> This "obligation to negotiate" tends to take the form of merely sending documents to the Sami Parliament, as explained by several interlocutors of the Advisory Committee, including representatives of ministries.

187. The Advisory Committee notes that the Government Bill (HE 100/2023) (see Article 3), which is currently pending before the Parliament on amending the Act on the Sami Parliament, would replace the current wording "obligation to negotiate" with the "obligation to co-operate and negotiate". According to this proposal, the "obligation to co-operate and negotiate" would apply not only to all public authorities, as is currently the case, but also to other persons performing public administrative functions, such as the recently established wellbeing services counties. These authorities should consult the Sami Parliament when preparing legislation, administrative decisions and other measures that may be of particular importance to the Sami people, "with a view to reaching agreement with the Sami Parliament or obtaining the consent of the Sami Parliament before taking a decision".<sup>274</sup> This obligation applies to measures which are taken in or have an impact on the territory of the Sami homeland and to other measures which have a particular impact on the languages or cultures of the Sami or on their status or rights and which concern, among others, land use, mining and gold panning; biodiversity and climate change; early childhood education in Sami and Sami languages education; social and health services in the Sami languages; safeguarding and developing the resources and other operational capacities of the Sami Parliament.

188. Sami interlocutors, as well as many others such as equality bodies and human rights NGOs, agreed that this reform would be a significant step in bringing Section 9 into line with the FPIC principle,

<sup>268</sup> In addition to RONK at national level (which is staffed with only one person), there are also four Regional Advisory Boards on Romani Affairs (ARONK), acting as inter-administrative co-operation bodies for the Roma population and the authorities and collecting information from the local Roma population.

<sup>269</sup> For the details on ETNO, see ACFC [Fifth Opinion on Finland](#), paras. 177-178.

<sup>270</sup> *Ibid.*, paras. 180-182.

<sup>271</sup> Section 9.2 of the Act on the Sami Parliament qualifies this 'obligation to negotiate' the following way: "In order to fulfil its obligation to negotiate, the relevant authority shall provide the Sami Parliament with the opportunity to be heard and discuss matters. Failure to use this opportunity in no way prevents the authority from proceeding in the matter."

<sup>272</sup> ACFC [Fifth Opinion on Finland](#), para. 173.

<sup>273</sup> See also Article 19 of [United Nations Declaration on the Rights of Indigenous Peoples](#)

<sup>274</sup> 9 § of the Government Bill (HE 100/2023).

even though the text itself does not explicitly refer to this principle. Moreover, the reform does not entail a requirement for prior approval by the Sami Parliament. The Sami representatives further acknowledged that there was generally a good level of co-operation with the authorities, with their rights and interests being taken into account, as reflected in several recent pieces of legislation, including the Climate Act (2022)<sup>275</sup> and Nature Conservation Act (2023).<sup>276</sup> They also commended the establishment of the Sami Climate Council in 2023, as a new independent expert body which is tasked with bringing the knowledge base and perspectives of the Sami people into the climate policy processes.

189. However, Sami representatives also reported that consultations with them were not always timely and that their views were sought at short notice. They also expressed regret on several occasions that they were not able to effectively influence the outcome of the decision-making process on important issues affecting them, such as the operation of extractive industries. For example, the 2023 amendments to the Mining Act<sup>277</sup> still do not require the authorities to obtain the free, prior and informed consent of the Sami people before granting a permit for mining activities in the Sami homeland.<sup>278</sup>

190. The Advisory Committee reiterates that effective participation of persons belonging to national minorities requires a substantial influence of national minorities on decisions which are taken, particularly those affecting them, and that there is, as far as possible, a shared ownership of such decisions.<sup>279</sup> Effective participation of persons affiliating with national minorities in decision-making processes further implies the allocation of time and resources, not only to participate, but also to try to reflect accurately and in an inclusive way the diversity of views, needs and interests among persons affiliating to the relevant national minority.

191. The Advisory Committee affirms that the negotiations with the Sami Parliament have to reflect the true meaning of the term, going beyond mere consultation, and ensuring that the views of the Sami Parliament and hence of the full spectrum of interests and needs amongst the Sami people represented therein is genuinely and fully taken into account in decisions affecting them. In this regard, it finds the proposed amendment to Section 9 of the Act on the Sami Parliament as a positive step in the right direction towards ensuring the free, prior and informed consent of the Sami people and particularly welcomes the extension of obligation to consult to other issues, such as early childhood education in Sami languages, in view of the large number of Sami living outside the Sami homeland. Finally, the Advisory Committee stresses the importance of recognising the diversity within the Sami community (see Article 3) and ensuring the effective participation of all segments of the Sami in matters affecting them.

### Recommendations

**192. The Advisory Committee calls on the authorities at all levels to enhance the effectiveness of consultation processes, to make them timely, inclusive and meaningful, and to ensure that persons affiliating with national minorities are systematically consulted and are able to participate effectively in decision-making processes on administrative, policy and legislative matters relevant for the implementation of minority rights.**

193. The Advisory Committee strongly encourages the authorities to strengthen the obligation to negotiate under the Act on the Sami Parliament and ensure its proper implementation in practice, while noting that the amendment to this Act and the full introduction of the free, informed and prior (FPIC) principle should have priority, as well as ensuring the possibility for different interests and needs within the Sami community to be expressed and taken into account in decision-making processes.

### Effective participation in socio-economic life – access to employment (Article 15)

194. As confirmed by the authorities and elaborated earlier (see Article 10), there is a shortage of professionals with competences in minority languages in certain public sectors, such as the judiciary,

<sup>275</sup> Ministry of the Environment, [Climate change legislation](#)

<sup>276</sup> Ministry of the Environment, [Reform of the Nature Conservation Act](#).

<sup>277</sup> [Act on amending the Mining Act](#) (505/2023) (in Finnish).

<sup>278</sup> The Finnish Human Rights Centre (2023), Report submitted to the UN Human Rights Committee on the implementation of the recommendations in paragraphs 15, 19 and 43 of the concluding observations (CCPR/C/FIN/CO/7). The Advisory Committee also notes with interest the views adopted by the UN Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child ([CRC/C/97/D/172/2022](#), 7 October 2024) concerning communication No. 172/2022 as well as the views adopted by the UN Committee on Economic, Social and Cultural Rights ([E/C.12/76/D/289/2022](#), 8 October 2024) under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, concerning communications Nos. 251/2022 and 289/2022. These two UN Committees have found that Finland violated the rights of Sami Indigenous people to culture and land, by granting mineral exploration permits on their territory without an impact assessment or an adequate participation process.

<sup>279</sup> ACFC [Thematic Commentary No. 2](#), para. 19.

law enforcement, health care and education, which is directly linked to the participation of persons affiliating with these minority communities in socio-economic life. In this context, the Swedish Assembly of Finland criticised the language requirements, citing them as the main obstacle to access to public administration posts and affecting the employment choices of Swedish-speaking population. For example, in 2023, only 3.7% of civil servants had Swedish as their first language, whereas this stood at 3.8% in 2017. This status quo is attributed to the necessity for Swedish-speakers to demonstrate excellent Finnish language skills when applying for positions, which requires passing a costly language proficiency exam (€454 in 2023) and to the non-recognition of bilingual degrees as a sufficient proof of language proficiency.<sup>280</sup> This situation, according to the interlocutors, leads qualified Swedish-speaking professionals, especially in health care<sup>281</sup> and education sectors, where there is a serious shortage, to look for jobs in Sweden. The Advisory Committee understands that the 2021 Strategy for the National Languages of Finland includes measures on the matter, including making the achievement of language skills requirements as part of career path and applying reversed or equal requirements for language skills for some positions.

195. With regard to the participation of Roma in economic life, although the national policy frameworks on Roma, including the most recent ROMPO3 (see Article 4), provide for a number of measures to promote their employment, the Roma themselves identify discrimination in employment, particularly in the recruitment process and in vocational training (see Article 12), as the main obstacle. The Regional Advisory Boards on Romani Affairs estimate that the employment rate of the Roma population could be as low as 30%, which was met with scepticism by Roma interlocutors, especially in the absence of data collection, who mentioned that available jobs rarely offer long-term employment prospects and are often organised by the public employment services on a trial or short-term basis.<sup>282</sup>

196. The Advisory Committee reiterates that “public administration should, to the extent possible, reflect the diversity of society. This implies that state parties are encouraged to identify ways of promoting the recruitment of persons belonging to national minorities in the public sector [...]. Participation of [these] persons [...] in public administration can also help the latter better respond to the needs of national minorities.”<sup>283</sup> Furthermore, it reiterates that “state language proficiency requirements placed on public administration personnel should not go beyond what is necessary for the post or service at issue.”<sup>284</sup> Close attention must be paid to achieving this outcome of the 2021 Strategy for the National Languages of Finland on language skills and assess the dissuasive effect of the language proficiency exam, as it is also fundamental in promoting the effective socio-economic inclusion of Swedish-speaking persons, as well as other persons affiliating with national minorities.

197. The Advisory Committee also reiterates that “State Parties should [...] take effective measures to remove any undue restrictions in the access to the labour market, which particularly affect persons belonging to certain national minorities.”<sup>285</sup> Despite favourable policy measures, the Advisory Committee remains concerned about the overall employment situation of the Roma, in particular with regard to the discriminatory practices they experience in recruitment procedures and vocational training, and considers that the recent extension of the mandate of the Non-Discrimination Ombudsman to examine individual cases also in the field of employment could help to address these trends (see Article 4). The Advisory Committee further recalls that “[s]tates should ensure that everyone has equal opportunities for employment in both the private and the public sectors. Disparities in employment should be analysed based on reliable disaggregated data to identify and address any barriers to the employment of persons belonging to national minorities. Alongside anti-discrimination legislation, measures should be instituted to promote inclusivity in the labour market. These might include, among others, employer incentives, public-private partnerships, language training and positive action.”<sup>286</sup> In light of the lack of data, the Advisory Committee refers to its conclusions under Article 4 relating to equality data.

## Recommendations

<sup>280</sup> The University of Helsinki offers a bilingual degree in some fields with a (C1) Finnish certificate, but the authorities do not recognise it as proof of language proficiency; hence, bilingual graduates must still pass the exam for public posts.

<sup>281</sup> Åland Islands authorities also flagged the difficulties for Swedish-speaking people to do a complementary practical training required for licensing of a health care professional in case get their qualifications abroad (e.g. Norway or Sweden).

<sup>282</sup> See also Roma Civil Monitor (2023) [Civil society monitoring report: Lessons learnt from implementation of the National Roma Policy 2018-2022 in Finland](#), pp. 19-20.

<sup>283</sup> See ACFC [Thematic Commentary No. 2](#), para. 120.

<sup>284</sup> See ACFC [Thematic Commentary No. 2](#), para. 128.

<sup>285</sup> See ACFC [Thematic Commentary No. 2](#), para. 55.

<sup>286</sup> See [OSCE HCNM Recommendations on effective Participation of National Minorities in Social and Economic Life & Explanatory Note](#), October 2023, Recommendation 20, p. 47.

198. The Advisory Committee encourages the authorities to implement Roma employment programmes across the country and take positive measures to promote Roma employment in the public and private sectors.

199. The Advisory Committee invites the authorities to ensure that the existing language proficiency exam for access to public administration posts does not have a disproportionate impact on the access to such posts.

### Cross-border contacts and bilateral co-operation (Articles 17 and 18)

200. Following the Russian Federation's war of aggression against Ukraine, the Government of Finland decided in 2023 that border crossing points on the land border between Finland and the Russian Federation would remain closed until further notice (see Article 6). This decision aims to mitigate the perceived risk to Finland's stability arising from the instrumental use of cross-border migration by the Russian Federation.<sup>287</sup> Both the authorities and the interlocutors informed the Advisory Committee about the impact of the closure on persons affiliating with national minorities, especially the Russian- and Karelian-speaking population living in the border regions, in particular in North and South Karelia. The Advisory Committee understands that due to their transnational family lives, many families from these minority communities have members in both countries, with individuals working in either country while maintaining family ties and sometimes caring for elderly parents living across the border. These families can also be composed of individuals who have different ethnic and linguistic affiliations and/or hold different citizenships, including dual citizenship.

201. During its visit to Imatra in the South Karelia region, the Advisory Committee learnt that the border closure had negatively impacted the everyday lives of the Russian- and Karelian-speaking population and the population in the region as such. In addition to the challenges faced in their family and personal lives<sup>288</sup> due to the inability to maintain physical contacts with family members across the border – often requiring travel through Estonia, Norway or Sweden, which presents logistical and financial burdens – their socio-economic participation has also suffered. For example, these minority communities and individuals affiliating with them have found themselves in a tense environment, facing increased levels of hate speech and intolerance. Furthermore, the unemployment rate in the region as a whole has risen to 18% following the border closure, a level reminiscent of that experienced during the Covid-19 pandemic, which has adversely affected the town's economic vitality and the livelihoods of people.

202. The Advisory Committee emphasises that the protection of national minority rights is a primary responsibility of the state in which national minorities live. The protection afforded and support given to persons affiliating with certain national minorities should not be dependent on the conditions of bilateral relations with another state. Whilst the Advisory Committee fully acknowledges the legitimacy of Finland's national security concerns and the necessity to take appropriate measures, it finds that the indefinite closure of the border, without any possibility to "establish and maintain free and peaceful contacts across frontiers" as provided by Article 17 of the Framework Convention, makes individuals affiliating with minority communities with personal links in the other country particularly vulnerable. In this context, the Advisory Committee reiterates that any restrictions should be carefully considered and proportionate to the aims. Furthermore, persons affiliating with national minorities concerned should be consulted before any restrictions are imposed, whether they be in the context of national security or otherwise, and possibilities to have access to the rights enshrined in Article 17 of the Framework Convention should be sought. Measures need to be proportional and regularly assessed. The Advisory Committee understands that while no such assessment was carried out at the time of the closure decision,<sup>289</sup> the application of this decision should be subject to a regular assessment by the competent authorities, including the Ministry of the Interior, as regards its necessity and proportionality, in particular whether or not it is still necessary to address a serious threat to national security or public order. However, as the Advisory Committee has been informed, this assessment does not include a formal obligation to consult any specific party and is solely based on the information available to the authorities and the conclusions drawn from them. The information provided by the authorities do not indicate that

<sup>287</sup> Ministry of the Interior of Finland (4 April 2024), [Press Release](#); Reuters (19 April 2024), [Von der Leyen promises Finland EU help to counter migrants from Russia](#). The Advisory Committee notes that the Supreme Administrative Court had declared the appeals of Finnish citizens or residence permit holders belonging to the Russian-speaking minority or their family members against the temporary closure of the land border between Finland and the Russian Federation inadmissible due to the lack of *locus standi* (KHO:2024:27, 13 March 2024).

<sup>288</sup> Problems due to intergenerational care – e.g. children living in Finland taking care of their elderly parents in the Russian Federation – were particularly emphasised.

<sup>289</sup> The Advisory Committee understands that the memorandum to the Government decision on the border closure (3 April 2024, Available [in Finnish](#)) includes certain considerations in view of the international human rights obligations, including the Framework Convention, but it does not contain any comprehensive assessment on the impact of closure on persons affiliating with minorities.



such an assessment had been conducted by the Government between April 2024 and the adoption of this Opinion and no specific provision is made for consultations either with persons belonging to national minorities or any other party.

203. The authorities informed the Advisory Committee that no bi- or multilateral agreements concerning persons belonging to national minorities have been concluded since 2019. With regard to the negotiations on the Nordic Saami Convention, which had been described in its previous opinions,<sup>290</sup> the Advisory Committee was informed that no conclusion has been reached since the Sami Parliamentary Council submitted a proposal for a new draft convention to the Government of Finland (together with Norway and Sweden) in June 2018. The Advisory Committee understands that, despite the prior approval of an initial text by all three Sami Parliaments of these countries, the Sami Parliamentary Council has submitted a request for corrections to the final negotiated text, which is under consideration within the Government Offices and the Sami Parliament.

204. The Advisory Committee reiterates that the conclusion of bilateral or regional agreements, such as the Nordic Saami Convention, can serve to strengthen minority protection and contribute positively to the development of cross-border relations. It also recognises the potential complementarity of these regional, European and international systems of protection and the parallel benefits these protection schemes may provide to persons affiliated with the indigenous people.

### **Recommendations**

205. The Advisory Committee strongly encourages the authorities to assess the impact of the indefinite closure of the Eastern border on the enjoyment of minority rights by persons belonging to national minorities, particularly those living in these border regions, in consultation with the representatives of those concerned, with a view to ensuring the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers. Any measures to limit this right have to be proportional and regularly assessed.

206. The Advisory Committee encourages the authorities to pursue their efforts on concluding the negotiations on the Nordic Saami Convention with a view to improving cross-border co-operation between Norway, Finland and Sweden on Sami issues and ensuring the protection of the rights of the Sami.

<sup>290</sup> See ACFC [Fourth Opinion on Finland](#), paras. 108-109; ACFC [Fifth Opinion on Finland](#), paras. 184-187.



The **Advisory Committee on the Framework Convention for the Protection of National Minorities** is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in Finnish, Swedish, Sami, Russian and Romani.

This opinion contains the evaluation of the Advisory Committee following its 6<sup>th</sup> country visit to Finland.

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