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Advisory Committee on the Framework Convention for the Protection of National Minorities

Opinion on Finland,
adopted on 22 September 2000

Table of contents:

I	Preparation of the present opinion
II	General remarks on the Report
III	Specific comments in respect of Articles 1 - 19
IV	Concluding remarks
V	Proposal for conclusions and recommendations by the Committee of Ministers

EXECUTIVE SUMMARY

Following the receipt of the initial Report of Finland on 16 February 1999 (due on 1 February 1999), the Advisory Committee commenced the examination of the Report at its 3rd meeting on 22 - 25 March 1999. In the context of the examination, a delegation of the Advisory Committee visited Finland, on 23 - 24 August 1999, in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee subsequently adopted its opinion on Finland at its 8th meeting on 22 September 2000.

As concerns the implementation of the Framework Convention, the Advisory Committee considers that Finland has made particularly commendable efforts in respect of the Swedish-speaking Finns and their status in such fields as media and education.

The Advisory Committee further notes that valuable efforts have also been made in various fields to improve the protection enjoyed by the Sami, in particular, through the adoption and implementation of the Act on the Sami Parliament. The Advisory Committee notes, however, with concern the delays in the settling of the questions of land rights and of the definition of the term Sami as well as the resulting tension in the Sami Homeland.

Despite some commendable efforts, the Advisory Committee is of the opinion that the implementation of the Framework Convention has not been fully successful as concerns Roma and the Russian-speaking population of Finland. The Advisory Committee finds that there is scope for improvement in the status of the languages and cultures of these two minorities, *inter alia*, in the educational system and the media. The Advisory Committee is also concerned about the *de facto* discrimination suffered by Roma as well as the existing socio-economic differences between Roma and the majority population.

The Advisory Committee is of the opinion that specific conclusions and recommendations by the Committee of Ministers could help to improve further the implementation of the Framework Convention in Finland. It believes that such conclusions and recommendations could be helpful in a continuing dialogue between the Government and those concerned. The Advisory Committee, therefore, submits detailed draft conclusions and recommendations for consideration by the Committee of Ministers. The Advisory Committee stands ready to be involved in the monitoring of the follow-up to the conclusions and recommendations adopted by the Committee of Ministers in accordance with Rule 36 of the Committee of Ministers' Resolution (97) 10.

I PREPARATION OF THE PRESENT OPINION

1. The initial Report of Finland (hereinafter: Report), due on 1 February 1999, was received on 16 February 1999. The Advisory Committee commenced the examination of the Report at its 3rd meeting on 22 - 25 March 1999.
2. Further to a request from the Government of Finland to meet with the Advisory Committee in accordance with Rule 32 of the Committee of Ministers' Resolution (97) 10, a meeting was organised between representatives of the Government and of the Advisory Committee in Helsinki on 24 August 1999. In the course of the visit to Finland, the representatives of the Advisory Committee also held meetings with the Parliamentary Ombudsman, representatives of the Sami Parliament, representatives of minorities and of NGOs as well as other independent bodies/experts in order to seek further information on the implementation of the Framework Convention. When preparing the present opinion, the Advisory Committee also consulted a range of written materials from various Council of Europe bodies, other international organisations as well as from NGOs and other independent sources.
3. The Advisory Committee subsequently adopted the present opinion at its 8th meeting on 22 September 2000 and decided to transmit this opinion to the Committee of Ministers.
4. The present opinion is submitted pursuant to Article 26(1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

II GENERAL REMARKS ON THE REPORT

5. While welcoming the timely submission of the Report, the Advisory Committee notes that the Report's focus is largely on relevant legislation whereas the relevant practice, especially as concerns some of the minorities covered by the Framework Convention, is described in less detail. The resulting imbalance was, however, to a large extent remedied through the above-mentioned visit to Finland (see paragraph 2 of the present opinion), as the meetings in Helsinki with both the Government representatives and independent bodies/experts helped to clarify and complement the information contained in the Report, in particular as concerns the implementation of relevant norms in practice. The Advisory Committee finds that this visit provided an excellent opportunity to have a direct dialogue with various sources.
6. The Advisory Committee recognises the aim of the Government to keep the size of the Report reasonable. It would, however, have welcomed the inclusion, as appendices to the Report itself, of all the reports, studies and statements to which the Report explicitly refers.

7. The Advisory Committee welcomes the fact that a number of minority organisations, NGOs as well as other relevant bodies, have been consulted, both through written and oral procedures, in the process leading to the adoption of the Report. The Advisory Committee considers that, in addition to the bodies that were consulted, it would have been appropriate to seek the views of the representatives of the Government of Åland.

8. The Advisory Committee recognises the co-operative spirit in which Finland has participated in the process leading to the adoption of the present opinion.

9. In the following part of the opinion, it is stated in respect of a number of articles that, on the basis of the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement is on no account to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

III SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1 - 19

Article 1

10. The Advisory Committee notes that Finland has ratified a wide range of relevant international instruments. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any further observations.

Article 2

11. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Article 3

12. The Advisory Committee notes that in its explanatory note to the Act on the Ratification of the Framework Convention, dated 5 September 1997, the Government concludes that it is likely that the question of to whom the Framework Convention should be applied will, ultimately, be determined through the monitoring process. In this connection, the Advisory Committee notes that while Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, this margin of appreciation must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions in the treatment of persons.

13. For this reason, the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

14. The Report states that the Framework Convention is in practice considered to apply to the following minorities: the Sami, the Roma, the Jews, the Tatars, the so-called "Old Russians" and *de facto* also to the Swedish-speaking Finns.

15. In this connection, the Government makes a distinction between the so-called "Old Russians", a group it considers to be covered by the Framework Convention, and other Russians, who, in the Government's view, are not covered by the Framework Convention. However, according to the Government, this distinction has no practical consequences whatsoever. Moreover, a number of representatives of both the so-called "Old Russians" and other Russians have expressed reservations about the said distinction. In view of the foregoing, the Advisory Committee is of the opinion that the advisability of maintaining this theoretical distinction should be examined in consultation with those concerned. When considering the matter, the consistency of the Government's approach vis-à-vis various minorities should be ensured.

16. The Advisory Committee has been informed by representatives of the Swedish Assembly of Finland that they consider the Swedish-speaking Finns not to constitute a national minority for the purposes of the Framework Convention. At the same time, a number of persons belonging to this minority have informed the Advisory Committee - including in the course of the above-mentioned visit to Helsinki on 23 - 24 August 1999 - that they do wish to rely on the protection provided by the Framework Convention. The Government in its Report considers that the Swedish-speaking Finns are *de facto* covered by the Framework Convention. The Advisory Committee concludes that Swedish-speaking Finns may indeed rely on the protection provided by the provisions of the Framework Convention. At the same time, the Advisory Committee stresses the fact that, in accordance with Article 3, paragraph 1, of the Framework Convention, every person concerned may decide whether or not he/she wishes to come under the protection flowing from the principles of the Framework Convention.

17. According to the Report, the Finnish-speaking population living in the province of Åland can be considered a "minority-in-a-minority". Taking into account the level of autonomy enjoyed and/or the nature of the powers exercised by the Province of Åland, the Advisory Committee is of the opinion that the Finnish-speaking population there could also be given the possibility to rely on the protection provided by the Framework Convention as far as the issues concerned are within the competence of the Province of Åland. The Advisory Committee is of the opinion that Finland should consider this issue in consultation with those concerned.

18. The Advisory Committee notes with approval that the Report provides some information also on other groups that the Government does not consider, at this stage, to be covered by the Framework Convention. The Advisory Committee is of the opinion that it would be possible to consider the inclusion of persons belonging to these groups in the application of the Framework Convention on an article-by-article basis, and the Advisory Committee takes the view that Finland should consider this issue in consultation with those concerned.

Article 4

19. While recognising the existence of adequate legislative guarantees against discrimination by both public authorities and private entities, the Advisory Committee is concerned about problems related to their implementation in practice and the continuing reports concerning *de facto* discrimination (see also the comments under Article 6).

20. Despite special measures to promote equality, the Advisory Committee notes that, as is recognised in the Report, the socio-economic differences between the majority population and the Roma remain considerable (see also comments under Article 15). Surveys conducted in this field suggest, *inter alia*, that the unemployment rate amongst the Roma is considerably higher than the average rate in the country, and their housing situation remains far from satisfactory. In addition to supporting additional special measures in these specific fields, the Advisory Committee is convinced that improvements in the sphere of education - addressed elsewhere in this opinion - may yield positive results also in the field of employment and housing. Finally, the Advisory Committee underlines that, when implementing special measures, particular attention should be paid to the situation of Roma women.

Article 5

21. As regards the Sami, the Advisory Committee notes with concern the difficulties, recognised by the Government, that have arisen in defining the term Sami and the tension that this question has caused in northern Finland. Since the submission of the Report, certain measures aimed at alleviating these difficulties have already been taken, including through a series of decisions by the Supreme Administrative Court, the first of which was adopted on 22 September 1999 (case no. 2497/1/99). The Advisory Committee is of the opinion that Finland should continue to address this issue as a matter of priority with the aim to secure a fair legal solution that helps the Sami to maintain and develop their culture and to preserve essential elements of their identity, bearing in mind the status of the Sami as an indigenous people. In this process, the Government should take due account of the views of relevant bodies, in particular those of the Sami Parliament.

22. Given the importance of reindeer herding, fishing and hunting to the Sami as an indigenous people, the issue of land rights in the Sami Homeland is of central relevance to the protection of Sami culture and their identity. Therefore, the Advisory Committee expresses the wish that the existing dispute over land rights in this area be resolved as expeditiously as possible in a manner that will contribute to the protection of the culture of the Sami without interfering with the rights of the non-Sami population. The Advisory Committee is of the opinion that the central role of the Sami Parliament should be maintained in this process and adequate resources should be secured for the Sami Parliament to carry out its tasks in this sphere. The Advisory Committee further emphasises that, while the issue of land rights is being reviewed, the existing practices relating to the use of the land at issue should be carried out in a manner that does not threaten the maintenance or development of Sami culture or the

preservation of their identity. This concerns, *inter alia*, logging operations administered by the National Board of Forestry. The Advisory Committee therefore encourages dialogue on various possible models aimed at ensuring this outcome, taking into account also the proposals included in the report on the use of land in the Sami Homeland, submitted to the Ministry of Justice by Mr Pekka Vihervuori on 11 October 1999.

23. The Advisory Committee finds it commendable that decisions on the use of the budget allocation for the promotion of Sami culture and the activities of Sami organisations are now taken by the Sami Parliament, and not by the relevant Ministry, as was previously the case. At the same time, the Advisory Committee expresses the hope that the implementation of this procedural change will not result in the reduction of the total sum that is made available by the State to support Sami culture and the pertinent activities of Sami organisations.

Article 6

24. The Advisory Committee was informed by representatives of minorities that a number of mainstream media outlets regularly issue defamatory reports about minorities, strengthening the prevailing negative stereotypes, in particular as regards the Russian-speaking population and the Roma as well the Somalis and other more recent minority groups. The Advisory Committee notes with satisfaction the support given by the Government for journalists' training on reporting concerning minorities as well as the plans for a comprehensive survey on the portrayal of minorities in the media. The Advisory Committee would welcome further measures of this type, designed in a manner that does not interfere with freedom of expression, bearing in mind the principles contained in Committee of Ministers' Recommendation No. R (97) 21 on the Media and the Promotion of a Culture of Tolerance. In this connection, the Advisory Committee would particularly like to encourage efforts aimed at ensuring that recent developments concerning Roma asylum-seekers in Finland do not contribute to a climate of intolerance, in the media and the society at large, *vis-à-vis* Roma.

25. The Advisory Committee is concerned about the credible reports indicating that discrimination in supplying services continues against Roma despite the fact that such discrimination is prohibited under the Finnish Penal Code. Roma have, for example, been denied entry to a number of restaurants solely on the basis that they belonged to the said minority and were wearing traditional clothing of the Roma. While acknowledging that some initiatives have been taken to fight these phenomena, the Advisory Committee finds it essential that Finland step up its efforts in this sphere and take additional measures, including in terms of investigation and prosecution of such incidents.

26. The Advisory Committee notes with concern that, in addition to minorities that the Government considers to be covered by the Framework Convention, representatives of a number of the groups characterised in the Report as "other minority groups" frequently report cases of *de facto* discrimination.

27. In ensuring that the above-mentioned and other violations of the anti-discrimination legislation are regularly acted upon and brought to the attention of law enforcement officials, the attitudes of the police *vis-à-vis* minorities concerned are particularly important. The Advisory Committee therefore finds it disconcerting that, according to a recent study on the attitudes of authorities towards ethnic groups, negative attitudes towards these groups were relatively common amongst police officers. The Advisory Committee finds it particularly

disquieting that, reflecting such negative attitudes, some police officers have written newspaper articles that would foster rather than alleviate discriminatory attitudes vis-à-vis minorities. It is essential that such incidents are reacted to and denounced in an appropriate manner, bearing in mind freedom of expression and also the principles contained in the Committee of Ministers' Recommendation No. R (97) 20 on "Hate Speech". In this connection, the Advisory Committee would like to recognise the efforts made by the Parliamentary Ombudsman in this sphere as well as the instruction of the Ministry of Interior, issued in June 1997, on the increasing of tolerance among the police. The Advisory Committee is of the opinion that the Government should ensure the implementation of the latter instruction and consider further ways in which tolerance could be promoted among the police in a comprehensive manner. Such measures could include, *inter alia*, special efforts to recruit persons belonging to minorities to serve as police officers.

Article 7

28. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Article 8

29. The Advisory Committee notes that, as concerns religious communities in Finland, public financing is provided automatically only to the Evangelic Lutheran Church and to the Orthodox Church. While considering that a state church system is not in itself in contradiction with the Framework Convention and that the latter does not entail an obligation *per se* to fund religious activities, the Advisory Committee is of the opinion that, where such a difference in treatment exists, particular attention must be paid to the situation of other religions with a view to guaranteeing all persons belonging to national minorities their rights under the present Article as well as their right to equality before the law and equal protection of the law as guaranteed under Article 4 of the Framework Convention. The Advisory Committee is therefore of the opinion that this issue merits being reviewed in Finland including by the Committee set up by the Government on 1 October 1998 to draft a proposal for new legislation guaranteeing freedom of religion.

Article 9

30. The Advisory Committee notes with approval the status of Swedish language in the media, including in the broadcasts of the Finnish Broadcasting Company.

31. Bearing in mind the size of the Russian-speaking population, the Advisory Committee finds it important that Finland consider ways in which it could further support the media of this minority, in particular those with public interest aims. Additional measures could also be taken to increase the volume of the Russian-language programming in the mainstream media, bearing in mind, *inter alia*, the example of the weekly Roma-language news and magazine programme by the Finnish Broadcasting Company.

32. The Advisory Committee notes with approval the role of the Sami in the electronic media, in particular the broadcasts of the Sami Radio and the Sami text TV, and expresses the hope that the situation in the field of print media will also improve, bearing in mind that during the preparation of the present opinion no Sami-language newspaper was published in Finland.

Article 10

33. The Advisory Committee recognises the fact that Swedish, as a national language of Finland, enjoys extensive normative protection. The Advisory Committee has, however, been informed about cases where the relevant norms have not been fully implemented in practice. Implementation difficulties appear, for example, in criminal proceedings, where, according to an investigation conducted by the Parliamentary Ombudsman in 1998, the right to use Swedish is not fully guaranteed in practice, due, *inter alia*, to limited language skills of judges. The Advisory Committee expresses the hope that the recent initiatives - including the establishment, in August 1999, of an expert committee tasked to revise Finland's language legislation - will lead to measures that help to secure the full implementation of the rights of the Swedish-speaking population.

34. The Advisory Committee welcomes the fact that the Act on the Use of the Sami Language provides the possibility to use Sami languages before various authorities and agencies in the Sami Homeland. Taking into account the importance of the matter, the Advisory Committee considers it important that adequate measures are taken to address the reported problems relating to the implementation of the said legislation, including reports according to which interpretation is not available in meetings of municipal authorities and bodies to the extent required under the aforementioned Act.

Article 11

35. The Advisory Committee welcomes the measures taken by Finland to display topographical indications in Swedish as well as in Sami language.

Article 12

36. Bearing in mind the concerns expressed to the Advisory Committee by several individuals belonging to national minorities regarding the relatively limited amount of information that is given on minorities in the general education system, the Advisory Committee finds it important that Finland ensure that textbooks, and the educational system in general, provide adequate information on minorities, including on their culture and language. As concerns the Roma, the Advisory Committee recognises that certain difficulties may arise in fostering knowledge of the Roma culture among the majority due to the reluctance on the part of some Roma to share information on certain aspects of their culture.

37. The Advisory Committee takes note of the reports according to which a relatively high proportion of Roma children are placed in special and adapted educational groups within the public school system, often due to language and cultural differences between the Roma and the majority. The Advisory Committee stresses that placing children in such special groups should take place only when it is absolutely necessary and always on the basis of consistent, objective and comprehensive tests. The Advisory Committee finds it important that Finland further explore, where appropriate, the possibility of taking alternative measures enabling children to stay in regular classes, such as individualised teaching plans, bearing in mind also the principles contained in the Committee of Ministers' Recommendation No R (2000) 4 on the education of Roma/Gypsy children in Europe.

38. Bearing in mind that, in the context of education, experiences gained by minorities at the day-care and pre-school level are often of central importance, the Advisory Committee regrets the fact that the commendable inclusion of the support of the Roma language and

culture as one of the educational objectives of the Children's Day Care Decree has reportedly not had a real impact on the relevant practice at the local level.

39. The Advisory Committee welcomes the establishment of a Roma language board in the Finnish Research Centre for Domestic Languages with the aim to develop and research Roma language and expresses the hope that adequate resources will be allocated for the activities of this body.

40. While the Advisory Committee welcomes the fact that, under the Comprehensive School Act, Roma language may be taught as a mother tongue, it notes that, in 1998, such language classes were in fact available only in 8 municipalities. It appears that one reason for the limited availability of Roma language classes is the lack of qualified teachers. Therefore, the Advisory Committee is of the opinion that Finland should strengthen its efforts to provide opportunities for the Roma in the field of teacher training, taking into account the experience gained in the efforts to secure the training of teachers speaking Swedish or Sami languages.

Article 13

41. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Article 14

42. The Advisory Committee notes with approval the status of Swedish language in the educational system of Finland.

43. As concerns the Russian-speaking schools in Finland, the Advisory Committee welcomes the interest shown in these institutions by the majority population, as manifested by the fact that Finnish-speaking pupils studying Russian as a foreign language reportedly constitute a majority of the pupils of the public Finnish-Russian School in Helsinki. The Advisory Committee, however, underlines that in such a situation curricula of the schools concerned should be designed in a manner that also caters to the needs of the pupils who speak Russian as their mother tongue.

44. While the possibility to introduce Roma language teaching in primary or secondary schools exists under the Comprehensive School Act, only a limited number of local authorities have in fact organised such teaching, and it is estimated that currently only 220 out of 1500-1700 Roma pupils participate in the teaching of the Roma language. In view of the foregoing, the Advisory Committee takes the view that additional ways to extend such teaching should be considered. In addition to measures in the field of teacher training, addressed under Article 12, the Advisory Committee underlines the importance of availability of adequate teaching materials.

45. The Advisory Committee welcomes the availability of Sami languages as languages of instruction in the Sami Homeland. The Advisory Committee expresses the hope that the existing legislative possibility to organise day care in Sami languages will be utilised at the local level insofar as there is sufficient demand.

46. The Advisory Committee notes that in the province of Åland, under Section 40 of the 1991 Act on Autonomy of Åland, the language of instruction in schools maintained or

subsidised through public funds is Swedish unless a provincial law provides otherwise. As no such law currently exists, there is no instruction in Finnish available in the province. The Finnish language is, however, being taught in the public school system as a subject. While recognising the specific constitutional status of the province, the Advisory Committee is of the opinion that it would be useful to examine to what extent the current situation concerning the status of the Finnish language in the education system of the Åland islands meets the demands of the Finnish-speaking population of the province (*cf.* comments above under Article 3).

Article 15

47. The Advisory Committee considers that the autonomy of the province Åland is an important arrangement contributing to the effective participation of the individuals concerned in cultural, social and economic life and in public affairs.

48. The Advisory Committee notes with concern the shortcomings that remain as concerns the effective participation of the Roma in social and economic life and the negative impact that these shortcomings have on the social and economic living-conditions of this minority in general and Roma women in particular. While recognising that a number of initiatives have been designed to address and alleviate these shortcomings, the Advisory Committee expresses the wish that Finland intensify its efforts in this sphere and, in so doing, pay particular attention to the situation of Roma women.

49. With reference to the important role played by the Advisory Board on Roma Affairs and the Advisory Board for Sami Affairs in the matters related to these minorities, the Advisory Committee encourages Finland to consider the establishment of a specific consultative body also for the issues concerning the Russian-speaking population in Finland.

50. As concerns the Sami, the Advisory Committee finds that a central element in their protection is the obligation placed by the Act on the Sami Parliament upon the authorities to negotiate with the Sami Parliament in all far-reaching and important measures which may directly and in a specific way affect the status of the Sami as an indigenous people and which concern matters enumerated in Section 9 of the Act on the Sami Parliament. The Advisory Committee notes that there have been a number of disputes concerning the implementation of this obligation, some of which appear to stem from the existence of an amount of uncertainty as to the exact reach and nature of the obligation at issue. The Advisory Committee is of the opinion that Finland should consider, with a view to improving the situation, whether procedural guidelines on the implementation of the obligation to negotiate could be drafted for the parties concerned, along the lines proposed by the Deputy Parliamentary Ombudsman in April 1999.

Article 16

51. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations.

Article 17

52. The Advisory Committee notes the existence of the visa requirement between Finland and the Russian Federation and expresses the wish that this requirement be implemented in a manner that does not cause undue restrictions on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.

Article 18

53. The Advisory Committee welcomes the regional co-operation between Finland and its neighbouring countries aimed at strengthening of the protection of the Sami population of the area.

Article 19

54. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

IV CONCLUDING REMARKS

55. As concerns the implementation of the Framework Convention, the Advisory Committee considers that Finland has made particularly commendable efforts in respect of the Swedish-speaking Finns and their status in such fields as media and education.

56. Valuable efforts have also been made in various fields to improve the protection enjoyed by the Sami, in particular, through the adoption and implementation of the Act on the Sami Parliament. The Advisory Committee notes, however, with concern the delays in the settling of the questions of land rights and of the definition of the term Sami as well as the resulting tension that exists in the Sami Homeland.

57. Despite some commendable efforts, the implementation of the Framework Convention has not been fully successful as concerns Roma and the Russian-speaking population of Finland. The Advisory Committee finds that there is scope for improvement in the status of the languages and cultures of these two minorities, *inter alia*, in the educational system and the media. The Advisory Committee is also concerned about the *de facto* discrimination suffered by Roma as well as the existing socio-economic differences between Roma and the majority population.

58. The Advisory Committee is of the opinion that specific conclusions and recommendations by the Committee of Ministers could help to improve further the implementation of the Framework Convention in Finland. It believes that such conclusions and recommendations could be helpful in a continuing dialogue between the Government and national minorities. The Advisory Committee would, therefore, like to submit the below draft conclusions and recommendation for consideration by the Committee of Ministers. The Advisory Committee stands ready to be involved in the monitoring of the follow-up to the

conclusions and recommendations adopted by the Committee of Ministers in accordance with Rule 36 of the Committee of Ministers' Resolution (97) 10.

V PROPOSAL FOR CONCLUSIONS AND RECOMMENDATIONS BY THE COMMITTEE OF MINISTERS

With a view to the foregoing, the Advisory Committee is of the opinion that the Committee of Ministers should consider the adoption of the following draft conclusions and recommendation with respect to Finland:

The Committee of Ministers,

Having regard to the Framework Convention for the Protection of National Minorities and the initial Report submitted by Finland, on 16 February 1999, on the implementation of the Framework Convention;

On the basis of the opinion adopted by the Advisory Committee on 22 September 2000,

Welcoming the efforts that have been made by Finland to implement the Framework Convention;

Considering that specific conclusions and recommendations could further help to improve the implementation of the Framework Convention by Finland;

Adopts the following conclusions and recommendations and invites Finland to inform the Advisory Committee, within one year from the adoption of the present decision, of follow-up made in this respect;

In respect of Article 3

The Committee of Ministers *concludes* that it would be possible to extend the personal scope of application of the Framework Convention, where appropriate, on an article-by-article basis and *recommends* that Finland consider this issue in consultation with those concerned.

In respect of Article 5

The Committee of Ministers *concludes* that difficulties in defining the term Sami have caused tension in northern Finland. The Committee of Ministers *recommends* that the Government continue to address this issue with the aim to design a fair legal solution that helps the Sami to maintain and develop their culture and to preserve essential elements of their identity, bearing in mind the status of the Sami as an indigenous people. In this process, the Government should take due account of the views of relevant bodies, in particular those of the Sami Parliament.

The Committee of Ministers *concludes* that, given the importance of reindeer herding, fishing and hunting to the Sami, the issue of land rights in the Sami Homeland is of central relevance to the protection of Sami culture and their identity as an indigenous people. The Committee of Ministers *recommends* that Finland resolve the existing dispute over land rights in this area as expeditiously as possible in a manner that will contribute to the protection of the culture of the Sami without interfering with the rights of the non-Sami population.

The Committee of Ministers *concludes* that it is commendable that decisions on the use of the budget allocation for the promotion of the Sami culture and the activities of Sami organisations are now taken by the Sami Parliament. The Committee of Ministers *recommends* that Finland ensure that the implementation of this procedural change will not result in the reduction of the total sum that is made available by the State to support Sami culture and the pertinent activities of Sami organisations.

In respect of Article 6

The Committee of Ministers *concludes* that some mainstream media outlets have issued defamatory reports about minorities, strengthening prevailing negative stereotypes. The Committee of Ministers *recommends* that Finland design further measures aimed at promoting a spirit of tolerance and intercultural dialogue in the media.

The Committee of Ministers *concludes* that discrimination against minorities in supplying services continues against Roma. The Committee of Ministers *recommends* that Finland step up its efforts in this sphere and take additional measures, *inter alia*, in terms of investigation and prosecution of cases of discrimination.

The Committee of Ministers *concludes* that the attitudes of the police vis-à-vis minorities appear to be disconcertingly negative. The Committee of Ministers *recommends* that Finland ensure the implementation of the instruction of the Ministry of Interior, issued in June 1997, on the increasing of tolerance among the police and consider further ways in which tolerance could be promoted among the police in a comprehensive manner.

In respect of Article 8

The Committee of Ministers *concludes* that, as concerns religious communities in Finland, public financing is provided automatically only to the Evangelic Lutheran Church and to the Orthodox Church. While noting that a state church system is not in itself in contradiction with the Framework Convention and that the latter does not entail an obligation *per se* to fund religious activities, the Committee of Ministers *recommends* that Finland review how the resulting situation affects the rights of those persons belonging to national minorities who do not belong to the said churches.

In respect of Article 9

The Committee of Ministers *concludes* that despite certain recent improvements, the situation of the media of the Russian-speaking population remains in many respects precarious. The Committee of Ministers *recommends* that Finland consider ways in which it could further support the media concerned, in particular those with public interest aims, and consider measures to increase the volume of the Russian-language programming in the mainstream media.

In respect of Article 10

The Committee of Ministers *concludes* that the norms concerning the use of the Swedish language have, reportedly, not been fully implemented in practice, *inter alia*, in criminal proceedings. The Committee of Ministers further *concludes* that there have also been implementation difficulties with regard to the norms guaranteeing the use of the Sami language in the Sami Homeland. The Committee of Ministers *recommends* that Finland implement legislative and other initiatives aimed at addressing such difficulties and further securing the rights of the persons belonging to the minorities concerned.

In respect of Article 12

The Committee of Ministers *concludes* that several individuals belonging to national minorities consider the amount of information that is given on minorities in the general education system to be inadequate. The Committee of Ministers *recommends* that Finland ensure that textbooks, and the educational system in general, provide adequate information on minorities, including on their culture and language.

The Committee of Ministers *concludes* that, reportedly, a relatively high proportion of Roma children are placed in special and adapted educational groups within the public school system, often due to language and cultural differences between the Roma and the majority. The Committee of Ministers *recommends* that Finland ensure that such placing in special and adapted groups takes place only when it is absolutely necessary and always on the basis of consistent, objective and comprehensive tests. The Committee of Ministers also *recommends* that Finland explore further, where appropriate, the possibility of taking alternative measures enabling children to stay in the regular classes.

The Committee of Ministers *concludes* that the inclusion of the support of the Roma language and culture as one of the educational objectives of the Children's Day Care Decree has reportedly not had a real impact on the relevant practice at the local level. The Committee of Ministers *recommends* that Finland take further measures to ensure that this objective is reflected in the relevant practice.

The Committee of Ministers *concludes* that a Roma language board has been established in the Finnish Research Centre for Domestic Languages but that no staff resources have been allocated for this purpose. The Committee of Ministers *recommends* that Finland allocate adequate resources for the activities of this body.

The Committee of Ministers *concludes* that the limited availability of Roma language classes appears to be, to a certain extent, caused by the lack of qualified teachers. The Committee of Ministers *recommends* that Finland strengthen its efforts to provide opportunities for the Roma in the field of teacher training.

In respect of Article 14

The Committee of Ministers *concludes* that the Finnish-speaking pupils studying Russian as a foreign language reportedly constitute a majority of the pupils of the public Finnish-Russian School in Helsinki. The Committee of Ministers *recommends* that Finland ensure that the curriculum of the school concerned also caters to the needs of the pupils who speak Russian as their mother tongue.

The Committee of Ministers *concludes* that the existing legislative possibility to organise day care in Sami languages has not been put to use in practice. The Committee of Ministers *recommends* that this possibility be utilised at the local level insofar as there is sufficient demand.

The Committee of Ministers *concludes* that, at present, there is no instruction in Finnish available in the public school system of the province of Åland. The Committee of Ministers *recommends* that Finland examine to what extent the current situation meets the demands of the Finnish-speaking population of the province.

In respect of Article 15

The Committee of Ministers *concludes* that there are shortcomings as concerns the effective participation of the Roma in social and economic life. The Committee of Ministers *recommends* that Finland intensify its efforts to address and alleviate these shortcomings and, in so doing, pay particular attention to the situation of Roma women.

The Committee of Ministers *concludes* that, whereas the advisory boards for Sami and Roma affairs respectively have played an important role in Finland, there is no advisory board devoted to the issues concerning the Russian-speaking population. The Committee of Ministers *recommends* that Finland consider the establishment of a specific consultative body also for the issues concerning the Russian-speaking population in Finland.

The Committee of Ministers *concludes* that there have been a number of disputes concerning the implementation of the obligation placed upon the authorities to negotiate with the Sami Parliament in the matters enumerated in Section 9 of the Act on the Sami Parliament. The Committee of Ministers *recommends* that Finland consider whether procedural guidelines on the implementation of the obligation to negotiate could be drafted with a view to alleviating the existing uncertainty as to the exact reach and nature of the obligation at issue.

In respect of Article 17

The Committee of Ministers *recommends* that visa requirements be implemented in a manner that does not cause undue restrictions on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.