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

Comments of the Government of Finland on the Opinion of the Advisory
Committee on the Report on the Implementation of the Framework
Convention for the Protection of National Minorities in Finland

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For first consideration by the Rapporteur Group on Human Rights (GR-H)

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1. GENERAL

The Advisory Committee has evaluated the measures taken by the Government of Finland for the implementation of the requirements set out in the Framework Convention for the Protection of National Minorities. In the light of this, the Advisory Committee has made proposals to the Committee of Ministers for the preparation of the recommendations that the latter might wish to address to Finland. The Opinion of the Advisory Committee is based on the situation as it was when Finland ratified the Framework Convention (October 1997) and when the Government of Finland submitted its initial Report on the application of the Framework Convention (February 1999), and on later information given to the Advisory Committee e.g. on the occasion of the visit made by the Committee to Finland on 23-24 August 1999. In the course of the visit, a meeting was organised between representatives of the Government and of the Advisory Committee. 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.

The periodic reports of Finland on human rights conventions are based on the principle of transparency. The reports should not only give account of improvements made but also openly admit the problems that may exist. In the light of this, the Government of Finland finds it important to maintain an open and constructive dialogue with the bodies responsible for monitoring the implementation of the Framework Convention, i.e. the Advisory Committee and the Committee of Ministers.

The Government notes that the comments of the Advisory Committee show professional examination of the situation of minorities in Finland. The Advisory Committee has in fact paid attention to and suggested improvements in respect of such questions and problems for which solutions have constantly been sought in Finland in order to fully implement the rights of national minorities in the continuously developing society.

The Opinion of the Advisory Committee has been subject to careful consideration by various authorities. These comments by the Government of Finland have been prepared in the Legal Department of the Ministry for Foreign Affairs, and are primarily based on written opinions given by the following authorities: Ministry of Justice, Ministry of the Interior, Ministry of Finance, Ministry of Education, Ministry of Agriculture and Forestry, Ministry of Transport and Communications, Ministry of Social Affairs and Health, Ministry of Labour, Ministry of the Environment and Provincial Government of Åland.

The Framework Convention does not define what is meant by “national minorities”. At the preparatory stage of the Framework Convention the purpose was, however, to only include in its scope of application such national minorities as are deeply rooted in their State of residence. When ratifying the Framework Convention as well as when preparing the initial Report, Finland did not take an exclusive position as to which minorities should or should not fall within the scope of application of the Framework Convention in Finland, whereas certain other States Parties have chosen to provide an explicit list of minorities that they consider to be covered by its provisions, either upon signature or ratification.

In the Government Bill for the acceptance of provisions of the Framework Convention for the Protection of National Minorities (HE 107/1997 vp), the minorities were specified as follows: ”It may be considered that, at the time of entry into force of the Framework Convention, its provisions concern at least the Sami, the Roma, the Jews, the Tatars and the so-called Old Russians and *de facto* also the Swedish-speaking Finns.” The status of these groups as national minorities has also been discussed in periodic reports on the implementation of the United Nations conventions on human rights.

In this context it must be remembered that minorities do in fact emerge, and the right to self-identification is important for persons constituting a minority. However, the question of whether there are such persons within the territory of a given State to which the Framework Convention is applicable, could also be discussed within the monitoring mechanism of the Convention. The UN definition of a minority is wider than the one adopted in Europe, encompassing also so-called new minorities.

The initial Report mainly contains information on the minority groups referred to in the above-mentioned Government Bill. As regards minorities within a minority, the Finnish-speaking people living in the Province of Åland and the Inari Sami and Skolt Sami have been named as such when it has been necessary to provide such information. Other minority groups include various immigrant groups, of which the largest ones are the Russians, Estonians and Somalis. The Ingrians have in this connection been mentioned as a special group. However, both in the initial Report and in the discussions between the Government representatives and the Advisory Committee on the occasion of the Committee’s visit to Finland, the concept of national minorities has been limited so as to refer to those minority groups which are mentioned in the Government Bill.

The recommendations given by the Advisory Committee seem to be based on the idea that the Framework Convention could at least partly be applied to minority groups other than those defined as national minorities in the Government’s initial Report.

However, as regards the Finnish-speaking people living in the Province of Åland, they are part of the majority population when speaking of the entire country. Moreover, the problem of foreigners who have recently immigrated into the country, as well as of those immigrants who have recently been granted the Finnish nationality, is that, when the provisions of the Framework Convention were prepared and agreed on, the purpose was to only cover such minority groups as are deeply rooted in and have strong ties with their country of residence.

Now that the concrete monitoring mechanism is being created through the work of the Advisory Committee and the Committee of Ministers, the Government wishes to draw attention to the fact that the targets set in the recommendations are at a relatively high level, considering that they concern issues for which suitable solutions are constantly sought or which are resolved as a result of the general development of society. The Government further observes that, despite the high quality of legislation, the practical implementation of the legislative provisions may in some cases take time, for which there usually is a good cause.

As regards the publication of the Opinion and recommendations of the Advisory Committee, the principle is the one enshrined in the Resolution (97)10 of the Committee of Ministers, according to which the concluding observations of the Advisory Committee shall be made public at the same time with the concluding observations and recommendations of the Committee of Ministers, unless the Committee of Ministers otherwise decides in an individual case. The Government of Finland has expressed its wish that the Opinion of the Advisory Committee could be published at an earlier stage, together with the comments given by the Government.

Referring to the principle of transparency applied to the Government's human rights policy, the Government points out that an early publication of the Opinion of the Advisory Committee would allow an open and public debate on the status and rights of minorities in Finland, which the Government finds important. As regards the practice followed in the preparation of reports on the implementation of human rights conventions, the Government of Finland provides half-official institutions and non-governmental organisations with a possibility to submit their views on the draft reports either in connection with an oral hearing or in writing. In the light of this practice, it is desirable that the preliminary observations and recommendations of the Advisory Committee would also be subject to public debate at the national level. Referring to the principle of transparency and to an early publication of the Opinion of the Advisory Committee, it is up to the Committee of Ministers to amend Resolution (97)10.

2. SAMI

The Advisory Committee has made observations on the status and rights of the Sami, the only indigenous people in Finland. The Government observes that considerable progress has been made in respect of the land rights of the Sami after the Advisory Committee decided on its conclusions and recommendations.

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.

Both the Sami and the people belonging to the majority population have long traditions of reindeer herding, hunting and fishing in the Sami Homeland. This area located in Finland differs from the corresponding areas in Sweden and Norway in that the majority of the population in the Sami Homeland consists of Finns other than the Sami. However, the Finnish legislation ensures equal rights for both the majority population and the Sami as far as the reindeer herding and other traditional means of livelihood are concerned.

The reindeer herding has been arranged so that the reindeer owners belong to the owners' association in the area of which they have their permanent place of residence. A reindeer owners' association usually has both Sami and other Finns as its members. According to the Reindeer Herding Act (848/1990), reindeer herding within the Sami Homeland as well as in other parts of the reindeer herding area is allowed both on state-owned land and private land, with the exception of land reserved for agricultural purposes. The Finnish legislation and the independent court system guarantee the free exercise of lawful means of livelihood for both the Sami and other Finns.

As regards land ownership, it may be observed that in connection with the general parcelling of land that took place in the 1930's, estates were parcelled among the Sami according to the same principles as in other parts of the country. The right to the estates was based on previous use and enjoyment of the property. The boundaries of certain estates have been adjusted later at the same time with the division of water areas. After the World Wars, state-owned land areas have been parcelled into reindeer farms and other farms devoted to natural means of livelihood for both the Sami and other Finns, by virtue of specific legislation. Such farms were also given to Skolt Sami who moved to Finland from Petsamo which currently is part of the Russian Federation. The estates given to the Sami were established upon applications made by the Sami, and the buildings were mainly financed by State subsidies and low-interest loans guaranteed by the State. Subsidies and loans have also been granted for the purpose of buying reindeer and reindeer herding equipment and, where necessary, for the purpose of buying reindeer feed. Disputes concerning the land and fishing rights of the Sami, pertaining to the parcelling of land of the 1930's, have been resolved through court proceedings.

The Finnish Constitution and the international conventions binding on Finland prohibit unequal or discriminating treatment of both the Sami and the Finnish-

speaking population. In this respect the Government underlines the fact that the use of state-owned land and water areas is important for all residents who obtain their livelihood partly or entirely from reindeer herding, fishing, hunting and other traditional means of livelihood.

The Government is pleased to be able to inform the Advisory Committee of the progress achieved in the question of land rights of the Sami. On 22 November 2000 the Ministry of Justice set up a committee to make a proposal as to the arrangement of the rights to the land, water, natural resources and traditional means of livelihood on state-owned land within the Sami Homeland. Half of the committee members are Sami. The most important duty of the committee is to examine the question of land rights and to suggest how the rights of the Sami to maintain and develop their culture and traditional means of livelihood may be ensured while taking the local conditions and the need for their development into account. The committee proposal should fulfil the minimum criteria that are required for the ratification of the ILO Convention No 169. The committee should especially assess to what extent the proposals made by Justice Pekka Vihervuori as to the establishment of a right to use the land may be implemented. However, the mandate of the committee does not cover decision-making on the question of land ownership. The committee should complete its work by 30 November 2001.

The Ministry of Justice also assigned Juhani Wirilander, LL.D., with a duty to prepare an expert's opinion on the legal significance of the reports made so far on the issue of land-ownership within the Sami Homeland. This expert's opinion will be submitted to the Ministry of Justice on 8 August 2001. The opinion, together with the committee proposal, constitutes the basis for the assessment of the need for legislative measures for the arrangement of land-ownership.

In the Government's view neither the National Board of Forestry nor any other authority has prevented the Sami from maintaining their own culture. This view has also been confirmed by the UN Human Rights Committee when it has considered individual petitions concerning alleged violations of Article 27 of the International Covenant on Civil and Political Rights. The National Board of Forestry and other State authorities are already now, by virtue of section 9 of the Act on the Sami Parliament (974/1995), under an obligation to hear the Sami, and by virtue of section 53 of the Reindeer Herding Act (848/1990) even other persons keeping reindeer (reindeer owners' associations), in respect of such projects that may affect reindeer herding or other traditional means of livelihood of the Sami or other local people or have otherwise an impact on the status of the local people. In this respect, as well as in any activities of the public authorities, the principle of non-discrimination, included in the Finnish legislation and in several international human rights conventions, must be borne in mind.

The Government is aware of the disputes that e.g. the logging and forest road construction activities in northern Lapland may occasionally give rise to. Such disputes have often many complicated aspects. For example, the underlying principle of the current legislation on forestry must be taken into account: the purpose of the law is to enhance the economically, ecologically and socially sustainable treatment and use of forests so that the productivity of the forests remains good while their biological diversity is maintained. Thus, the disputes most often involve a search for

an equilibrium between various factors relating to sustainable development and employment.

It must be remembered that, as far as the land rights of the Sami are concerned, the conflict situations are not the usual type of conflicts between the interests of the State and those of a private individual, but conflicts of interests of different population groups that have lived in northern Lapland for a long time and pursued different means of livelihood. The Government agrees with the view of the Advisory Committee, according to which the dispute over land rights should 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. Considerable efforts, which are constantly being made, are still needed in order to resolve the problems.

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.

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.

According to the Act on the Sami Parliament (974/1995), a person may be considered a Sami provided that he himself or at least one of his parents or grandparents has learnt Sami as his first language, or that he is a descendant of a person who has been entered in a land, taxation or population register as a mountain, forest or fishing Lapp. However, the data registered in the past centuries have been deficient in that e.g. mountain Lapps who kept reindeer were only entered into the registers if they possessed at least 60 reindeer. The owners of smaller numbers of animals and Lapps who worked for others were usually not registered. Thus it must be observed that the present definition of Sami is mainly based on the language spoken by a specific population group. It is also worth mentioning that not all the persons who would have been entitled to registration on the basis of their language wanted to be entered into the Sami register. The Sami may not be distinguished from the other population groups on racial grounds, nor on any other comparable grounds except for their language. Furthermore, not all the Sami who have been registered as such are willing to learn the Sami language.

As is also observed by the Advisory Committee, the decisions of the Supreme Administrative Court on appeals made concerning Sami Parliament elections have helped to determine who may be considered Sami within the meaning of the Act on

the Sami Parliament (974/1995). After these decisions it has been possible to concentrate on the resolution of the question of land ownership.

The State has provided financing for the maintenance of the Sami culture by allocating funds from the State budget to the arrangement of education in and of the Sami language, to the Sami Parliament and to the Sami Museum, for example. In addition funding is provided for the purposes of the traditional means of livelihood of the Sami and other cultural activities. The Sami Parliament may independently decide on the means by which the cultural traditions are maintained. As regards reindeer herding and other means of livelihood (fishing, tourism and other services, forestry etc.), the Sami use modern methods in the same way as any other people exercising comparable means of livelihood. In reindeer herding, for example, the Sami use airplanes, helicopters, cars, snowmobiles and crawler dozers as well as other equipment facilitating reindeer herding.

As mentioned above, the question of land ownership has already been resolved by final decisions of the Supreme Court insofar as there have been disputes concerning the original parceling of land in the 1930's. Should there emerge new disputes in respect of the boundaries of estates or land ownership, the persons involved have access to justice by means of bringing the matter to a general court of law. In case the plaintiff has no adequate financial means for that purpose, he or she may be granted cost-free proceedings, including the services of a public legal counsel.

The right to reindeer herding on state-owned land and private land is already guaranteed by the provisions of the Reindeer-herding Act (848/1990). Also the fishing and hunting rights of the Sami and other local people are protected by the Finnish fishing and hunting legislation. Furthermore, by virtue of the law, anyone has the right to freely pick berries and mushrooms and walk even on private lands. Thus the rights of the Sami and the majority population to use state-owned land are already now rather extensive.

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.

As regards the obligation to hear the Sami, based on section 9 of the Act on the Sami Parliament (974/1995), it may be observed that the authorities have in general complied with this obligation. However, Justice Pekka Vihervuori included in his proposals one concerning the further development of the practice of hearing the Sami, and the possibilities to implement this proposal are currently being assessed by the committee set up by the Ministry of Justice.

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.

The difficulties of interpretation which have emerged in the implementation of the Act on the Use of the Sami Language before Authorities (516/1991; hereinafter the Sami Language Act) are being examined by a working group set up by the Sami Parliament. The present working group is the successor of an earlier working group which was set up by the Sami Parliament on 11 June 1997 to prepare the reform of the Sami Language Act, in which the Ministry of Justice was invited to designate a permanent expert to participate in the work. In 1998 that working group organised several public hearings in Enontekiö, Inari, Sevettijärvi and Utsjoki. The working group also heard experts and Sami associations, and decided on the principles to be followed in the reform of the Act. Special attention was paid to the availability of services in Sami in the social welfare and health sector in respect of which deficiencies had been brought to the attention of the working group in the public hearings.

After the working group completed its work at the end of 1999, the Sami Parliament assigned the Sami Language Board with a duty to continue with the work aiming at the reform of the Sami Language Act. A permanent expert from the Ministry of Justice participated in this stage of the work too. The Language Board was to elaborate principles concerning the issues to be included in the proposal of a committee preparing the reform of the Sami Language Act (Language Act committee) by the end of February 2001, and prepare its own proposal for the amendment of the legislation by the end of September 2001. The Language Board has carried out its work in cooperation with the Language Act committee. The Language Board has progressed in its work faster than planned, and it is expected that its proposals will be published in the course of the summer of 2001. The Government will address those proposals and any measures taken to implement them in its following periodic report.

A report commissioned by the Ministry of Social Affairs and Health, concerning the availability of services in one's mother tongue in the social welfare and health care sector (Report by Margita Lukkarinen, Publications of the Ministry of Social Affairs and Health, ISBN 952-00-09931-0), was published in March 2001. Measures proposed in the report include, *inter alia*, public information, education and State subsidies

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.

The Advisory Committee has noted with approval the role of the Sami in the electronic media but hopes that the situation in the field of print media would also improve. It is provided in section 12 of the Finnish Constitution (731/1999) that everyone shall have the freedom of expression. It is a leading principle of the Finnish Act on the Freedom of the Press (308/1993) that everyone has the freedom to publish

printed matter in accordance with law (section 1 of the Act). As regards newspapers, the Government observes that there already is a relatively large selection of newspapers in Finland, which mainly operate without public support. The Government does, however, grant on a yearly basis subsidies to newspapers upon application, in total FIM 75 million. The subsidies are mainly allocated to certain political papers and papers published in Swedish. The Ministry of Education has also funds available for the purpose of supporting publications in Sami.

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.

In Finland, pre-school education is given to children during the year prior to school age. Earlier the pre-school education was arranged in connection with children's day care but, as a result of an amendment (Act 1288/1999) to the Comprehensive School Act (628/1998), it was made a responsibility of schools. According to section 4 of the Comprehensive School Act, pre-school education is given to children during the year before they start at school. The municipalities are under an obligation to arrange for pre-school education. This obligation and the children's right to pre-school education shall begin to apply on 1 August 2001.

According to section 11 (2) of the Children's Day Care Act (36/1973), as amended by Act 875/1981, municipalities shall further ensure that children's day care may be provided in the child's mother tongue: Finnish, Swedish or Sami. According to section 1 of the same Act, children's day care means care provided to the child in a nursery, family or play school or by other means. Section 1 a of the Children's Day Care Decree (239/1973), as amended by Act 1336/1994, provides that the educational objectives set out in section 2 of the Children's Day Care Act include the supporting of the language and culture of Finnish or Swedish-speaking, Sami, Roma and immigrant children, in cooperation with persons representing these cultures.

According to the new Comprehensive School Act (628/1998), the education of children living in the Sami Homeland should mainly be given in the Sami language. Considering that the new legislative provisions for the first time regulated the amount of teaching in Sami, these provisions were a major achievement. Even Sami children at pre-school age (age of 6 years) have been able to attend education already before the legislative reform. The care of younger children falls within the responsibility of the Ministry of Social Affairs and Health.

The legislation concerning the financing of education was amended as of 1 January 1999 so that the State will cover the costs of the education given account of above by means of a separate state subsidy, up to 100 %, in comprehensive schools, upper secondary schools and vocational schools. The municipalities in the Sami Homeland must use the subsidy for this particular purpose, which is an exception to the normal practice concerning state subsidies. The subsidies reserved for the teaching in and of Sami concern all the three Sami languages spoken in Finland.

The Ministry of Social Affairs and Health decided in December 2000 to allocate FIM 250,000 of its funds reserved for research and development, to the promotion of Sami language skills through the medium of language nests in 2001. The financing

provided to research and development projects this way is nevertheless of a temporary nature, which is why more permanent forms of financing are needed in order to continue this work.

Virtual learning has already offered new possibilities for developing the education of Sami children. Similar results are expected from the development of a virtual university.

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.

The Government observes that the various subsidies reserved for the purpose of supporting arts and other cultural activities may be applied for by all on an equal basis, irrespective of ethnic origin. The principle of equal treatment of citizens also concerns the Sami population. The appropriation reserved specifically for the supporting of the Sami culture is considered a special treatment the aim of which is to protect the minority language and culture. In practice the separate appropriation ensures that the Sami culture receives at least that amount every year.

According to a survey made by the Arts Council of Lapland, the share of Sami arts of the financial support granted by the Council was 4.4 % in 1998 (four out of thirteen applications were approved), 3.3 % in 1999 (five out of seventeen applications were approved) and 2.6 % in 2000 (four out of thirteen applications were approved). The survey supports the finding that a separate appropriation reserved for the promotion of Sami culture does not weaken the possibilities of the Sami to obtain support from other sources for their arts and culture, and there is no need for the Advisory Committee to be worried in this respect. The Ministry of Education continues to monitor the situation.

It has been suggested in the Opinion of the Advisory Committee that adequate resources should be secured for the Sami Parliament to carry out its tasks even while maintaining its central role in the use of such resources. The financial resources for the Sami Parliament are determined in accordance with the legislation concerning the State budget so that they are adequate in quantity for the performance of the minimum duties based on law, and any amounts exceeding this minimum level shall be allocated for specific purposes when this is reasonably justified. When such discretionary amounts are allocated, attention is paid to the results that may be achieved by the funding and to the social values and priorities.

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

With regard to the regional cooperation, the Government informs that for example the Ministry of the Environment has intensively supported and will continue to support the participation of the Sami in the national preparation of environmental cooperation within the framework of the Arctic Council. In this cooperation the Sami Council representing the Sami of four countries has a permanent observer status, which allows

them to participate and speak in all meetings arranged in the field of environmental cooperation within the framework of the Arctic Council. The Sami Parliament is represented in the Finnish National Commission on Sustainable Development and in the Finnish National AMAP Working Group participating in the monitoring and assessment of the environment in the eight Arctic States (AMAP - Arctic Monitoring and Assessment Programme).

A programme of sustainable development was published together with the Sami in 1998, which constitutes the basis for further cooperation. The Ministry of the Environment has supported and will continue to support the translation of various publications and reports into the Sami language and their distribution. In addition the Ministry supports the regional cooperation between the Sami of Finland, Sweden, Norway and Russia. The Ministry aims at enhancing the Sami participation also in the work carried out within the framework of the Nordic Council of Ministers.

3. ROMA

The Advisory Committee has paid attention to the legal and social status of the Roma in Finland. Since the reform of the constitutional provisions on fundamental rights in 1995, the right of the traditional minorities, such as the Sami and the Roma, to maintain and develop their own languages and cultures has been protected by the Finnish Constitution. The Government finds it important to improve the status of the Roma in the various sectors of society. Generally speaking the protection of minorities in Finland is already at a high European level. However, the discrimination still faced by the Roma in everyday situations is a serious concern and subject to public debate in Finnish society.

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.

Of the recent reports on the Roma, it is worth mentioning a report by Kyösti Suonoja and Väinö Lindberg (1999:9) commissioned by the Ministry of Social Affairs and Health, concerning *the Strategies of Government Policy on the Roma*. According to this report, the achievement of de facto equality and the prevention of social exclusion requires improved education of Roma children, reduction of prejudiced attitudes of the majority population and training of authorities to face ethnic minorities. The measures proposed in the report will be taken into account as far as possible in the development of the Ministry's activities.

Part of the Roma are faced with homelessness and deficient housing conditions in the same way as part of Finns in general. However, according to information available to the Government, when rental apartments are granted on social grounds, there are no differences between the Roma and other population groups, which means that Roma applicants are able to get such apartments as often as any other applicants. The

Ministry of the Environment continues to seek for solutions to the problem of homelessness in respect of all homeless people. The housing problems of the Roma are also subject to consideration by the Advisory Board for Roma Affairs in which the Ministry of the Environment is also represented.

Efforts have been made to improve the services offered by the authorities so that the special features of the Roma culture could be better taken into account. A handbook concerning *the Roma and health care services* has been produced for the social welfare and health authorities in cooperation with the National Board of Education, and another handbook concerning *the special features of the Roma housing culture* has been produced for the housing and social welfare authorities with the support of the Ministry of the Environment. Furthermore, the National Church Board has published a handbook concerning *the Roma and the Church* for the staff and elected officials of congregations.

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.

The Advisory Committee has expressed the wish that the Government of Finland pay more attention to the discrimination against the Roma and take additional measures in order to combat such discrimination. Since 1997 the Ministry of the Interior has systematically monitored offences with a racist motive, committed against immigrants and ethnic minorities. Each year 20 to 30 cases of discrimination against the Roma are reported to the police. However, this figure does most likely not give an entirely realistic picture as the real number of such cases is presumably considerably larger than that brought to the attention of the police. The Ministry of the Interior has, in cooperation with the Finnish League for Human Rights, prepared a brochure to be handed out to victims of racism and ethnic discrimination, the aim of which is to encourage victims to report the offences to the police so that the police would have more information on cases of discrimination against ethnic minorities, including the Roma. The brochure will be published in the summer of 2001.

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.

The Advisory Committee has paid attention to the fact that a relatively high proportion of Roma children are placed in special and adapted educational groups within the public school system. The Committee recommends that children be placed in such groups only when it is absolutely necessary and always on the basis of consistent, objective and comprehensive tests. In this respect the Government

observes that the same tests and criteria are applied to all children whose placement into special or adapted education is being considered. Irrespective of the type of education envisaged, consultations with the parents or custodians of the child as well as sufficiently comprehensive tests are required. The necessary teaching arrangements shall be made on the basis of expert opinions. As far as possible, the special education is arranged in connection with normal education or in special groups. An individual plan for the arrangement of teaching is prepared for each child attending special education.

Considerable efforts are made with regard to special and adapted education. The Government observes that especially education arranged in special groups is more expensive than normal school education, and children are not placed in such education unless there are reasonable grounds for doing so. As soon as the child no longer needs special or adapted education, he or she is transferred back to a normal school class. Considering that personal data protection legislation does not allow registration of data indicating race or ethnic origin, there is no accurate information available on the numbers of Roma children placed in various types of education. In the course of 2001, the Ministry of Education implements an assessment of special education, and in that connection special attention will be paid to the situation referred to by the Advisory Committee.

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.

The Ministry of Social Affairs and Health allocated part of its funds, reserved for research and development, to the Romano Mission for the purposes of carrying out two projects relating to Roma children. The aim of the first project is to increase the knowledge of the Roma culture among children's day care nurses and teachers as well as students, as required by the Children's Day Care Decree. The other project aims at producing story-books suitable for children. The period of time for which funding had been granted ended on 31 December 2000, but the Romano Mission has applied for further funding from the Ministry. The consideration of the application is still pending.

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.

The Roma Language Board subordinate to the Finnish Research Centre for Domestic Languages is responsible for the development, preservation and research of the Roma language. Each year the Research Centre has also organised Roma language seminars in cooperation with the Advisory Board for Roma Affairs, the Roma Training Unit and the Finnish Roma Association. The funds are adequate to cover the salaries of two researchers and the other necessary operational costs of the Roma Language Board.

It has been suggested in the Opinion of the Advisory Committee that adequate resources should be allocated for the activities of the Roma Language Board. The financial resources for the Roma Language Board are determined in accordance with

the legislation concerning the State budget so that they are adequate in quantity for the performance of the minimum duties based on law, and any amounts exceeding this minimum level shall be allocated for specific purposes when this is reasonably justified. When such discretionary amounts are allocated, attention is paid to the results that may be achieved by the funding and to the social values and priorities.

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.

The Advisory Committee has paid attention to the lack of qualified teachers of the Roma language. The opportunities for the Roma in the field of teacher training should be increased. The Government observes that there are great difficulties in the arrangement of such training as the general educational level of the Roma still varies to a large extent. The upper secondary and higher education of the Roma will only have positive effects on the situation in the long run. However, it is expected that certain improvements with respect to the quality of the teaching of Roma language and increased availability of such teaching will also be made sooner, as the envisaged training of Roman culture instructors becomes available.

The Roma Training Unit subordinate to the National Board of Education produces Roma language teaching materials for comprehensive schools, upper secondary schools and vocational and further education. However, as is implied above, it is not possible to achieve results in a short time. The Ministry of Education continues its efforts, in cooperation with the Roma Training Unit, to raise the educational level of the Roma. An extensive project concerning the basic education of Roma will be launched this year.

4. SWEDISH-SPEAKING POPULATION

The Government notes with satisfaction the respect expressed by the Advisory Committee for the efforts made by the Government to improve the status of the Swedish-speaking Finns in such fields as media and education. The Committee has nevertheless expressed its concern over the cases where the relevant norms have not been fully implemented in practice.

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.

The concerns expressed by the Advisory Committee as to the implementation of the right to use the Swedish language have partly encouraged the Government to set up a

committee on 26 August 1999, for the purpose of assessing the Language Act (hereinafter referred to as the Language Act Committee). The Committee shall make preparations for the amendment of the Language Act which provides for the use of the official languages of Finland (Finnish and Swedish), and related regulations. The most important aims of the amendments are to ensure linguistic equality, clarify the legislation concerning languages and remove the practical problems. The Language Act Committee completed its work at the beginning of June 2001. The proposals made by the Language Act Committee and any measures taken as a result shall be reported to the Advisory Committee in connection with the following periodic report of the Government of Finland.

Already before the setting up of the Language Act Committee, a working group submitted a report to the Government in 1999, in which notable suggestions were made for the purpose of improving the possibilities to use the Swedish language and get services in Swedish during pre-trial investigation and court proceedings. Even these suggestions and their implementation will be given account of in connection with the following periodic report.

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.

The Advisory Committee has noted 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 Government shares the view of the Advisory Committee to the effect that it would have also been appropriate to seek the views of the representatives of the Provincial Government of Åland. That way the Advisory Committee would have been able to get a more detailed picture of how the autonomy of Åland works in practice. It should be noted that while Finland is officially bilingual (Finnish and Swedish), the Province of Åland only has one official language, Swedish.

In December 1997 the legislative assembly of Åland gave its consent to the implementation of the Framework Convention in respect of those parts of the Convention that fall within the competence of the Province of Åland. Despite the general nature of the provisions of the Framework Convention, they help to draw attention to the status and needs of national minorities and increase respect for the identity of those minorities. Thus the Framework Convention was also found to partly contribute to the strong special status of the Province of Åland. The inhabitants of the Province of Åland are part of the Swedish-speaking minority in Finland, enjoying special protection which aims at ensuring that similar rights also exist in the future.

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).

The Advisory Committee has paid attention to the teaching of Finnish in the Province of Åland. The autonomy of Åland is based on a decision made by the League of Nations in Geneva in 1921. The constituting elements of the autonomy are the language, culture and local customs. Already the decision of 1921 guaranteed that the inhabitants of the Åland islands would be able to use Swedish and the local authorities would only have an obligation to maintain Swedish schools. This does not mean, however, that it would be prohibited to maintain Finnish schools, and nor must it be considered discrimination. The Finnish language is taught at schools in the Province of Åland and the Province has been receptive towards special solutions, such as remedial instruction in the Finnish language as well as other languages. It is worth observing, for example, that medical services are available in Finnish and there are also possibilities to broadcast radio and TV programmes in Finnish.

5. RUSSIANS

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.

The Advisory Committee has noted that there is no specific consultative body for the issues concerning the Russian-speaking population in Finland, corresponding to those for the issues concerning the Roma and the Sami. In respect of this the Government observes that the Russian-speaking population as well as the Tatars, the Jews and other minorities are represented in the Advisory Board for Ethnic Relations which is a consultative body subordinate to the Ministry of Labour, having duties relating to refugees, immigration, racism and ethnic relations. The Advisory Board also promotes interaction between public authorities and non-governmental organisations, immigrants and ethnic groups.

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.

The Advisory Committee suggests that the curriculum of the Finnish-Russian School in Helsinki should also cater to the needs of the pupils who speak Russian as their mother tongue, and not only those of the Finnish-speaking pupils who study Russian as a foreign language. The Government points out that the main duty of the Finnish-Russian School is to provide for the teaching of Russian to Finns. However, throughout the 1990's the School has also admitted Russian pupils. Of the nearly 700

pupils of the School approx. 100 are native speakers of Russian. The aim has been to arrange for their instruction as well as possible, taking also into account the fact that it is important for these pupils to learn Finnish and integrate into Finnish society.

During the first two school years the instruction arranged for the Russian children at the Finnish-Russian School takes place in Russian, and thereafter the Russian children participate in the same classes with the Finnish children, the instruction being partly in Finnish and partly in Russian. In addition the Russian children are given instruction in Russian as mother tongue for two hours each week. The School has tried different patterns of instruction, and apparently the present pattern has been found the most appropriate one. As regards upper secondary school, in which the instruction mostly takes place in Finnish and which leads to the Finnish matriculation exam, the Russian pupils are offered eight courses of their mother tongue (which corresponds in quantity to the number of courses in Finnish as the first language), and eight courses of Finnish as a second language (which corresponds in quantity to the number of courses that Finnish pupils take in the first foreign language).

It is worth observing that, should the Russians find it necessary that their children receive more education in Russian, it is possible for them to establish a private school and get normal state subsidies for it. Another possibility would be to try and get their municipality of residence to establish Russian or bilingual groups at schools. There are for example Finnish-Russian groups at certain schools within the area of the City of Helsinki. It is the municipal authorities that have the primary responsibility for the arrangement of basic education in Finland. There is nevertheless a private Finnish-Russian school in Eastern Finland, entitled to state subsidies, in which the Finnish and Russian pupils study together. In the light of the above observations, the Government does not find the suggestion of the Advisory Committee reasoned.

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.

The Advisory Committee has paid attention to the modest number of Russian programmes in the Finnish media. However, since the Committee's visit to Finland in August 1999, the volume of Russian programmes has considerably increased. As of March 2001, the Finnish Broadcasting Corporation has broadcast in Russian for 50 minutes every day. There is a 45 minutes long Russian news programme every night, covering the southern Finland. The programme is rebroadcast later on the same night. In addition there is an abridged version of the programme every day, covering the cities of Helsinki, Turku, Lahti and Kuopio. A brief news programme is broadcast every day on a nation-wide radio channel. Apart from the programmes produced by the Finnish Broadcasting Corporation itself, the Corporation also transmits programmes produced by BBC World Service (in London and Moscow) and Golos Rossii (in Moscow). Some of these programmes may be received digitally in the Helsinki area and neighbouring areas, and some of them also on FM frequency in the Helsinki area. (The Finnish Broadcasting Corporation broadcasts digital programmes in Russian for three hours a day but due to the fact that the number of receivers

technically equipped for such programmes is still small, the possibilities for listening to digital programmes are limited.)

Apart from the Finnish Broadcasting Corporation, there is a commercial Russian radio channel owned by Radio Satellite Finland Oy, which has been available in southern Finland for more than a year. In the Government's opinion the right of the Russian population in Finland to media in their own language is already ensured well enough.

As far as Russian newspapers are concerned, the Government reiterates its observations under the section concerning the Sami. It is provided in section 12 of the Finnish Constitution (731/1999) that everyone shall have the freedom of expression. It is a leading principle of the Finnish Act on the Freedom of the Press (308/1993) that everyone has the freedom to publish printed matter in accordance with law (section 1 of the Act). As regards newspapers, the Government observes that the existing newspapers in Finland, of which there is a large selection when compared with other countries, mainly operate without public support. The Government does, however, grant on a yearly basis subsidies to newspapers upon application, in total FIM 75 million. The subsidies are mainly allocated to certain political papers and papers published in Swedish. The Ministry of Education has also provided support to several publications in Russian, including a regular newspaper called *Spektr*.

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.

As to the visa requirement, the Government observes that, in accordance with the traditional visa policy of Finland, the Finnish embassies usually grant the applicants the type of visa they have applied for, unless it has been impossible because of restrictions concerning their entry into the country. This principle still applies, but subject to the provisions of the Schengen regulations by which Finland has been bound as of 25 March 2001. The parties to the Schengen Agreement apply harmonised visa regulations, including a common list of countries in respect of which a visa is or is not required. The harmonised visa policy and procedures have become part of the *acquis* of the European Union by the entry into force of the Treaty of Amsterdam on 1 May 1999.

6. OTHER OBSERVATIONS

In addition to the detailed observations concerning the different minority groups presented above, the Government wishes to present the following observations relating to the status of minorities in general.

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.

The Journalism Research and Development Centre operating in connection with the Department of Journalism and Mass Communication of the University of Tampere has, on the request of the Ministry of Education, carried out a study on the ways in which ethnic groups are dealt with in the mass media (Racism and ethnicity in the Finnish newspapers in the autumn of 1999; ISBN 951-44-4848-0). The study was carried out by treating newspaper articles concerning immigrants and the traditional minorities of Finland (Roma, Sami, Old Russians, Jews and Tatars), published in September and October 1999. The study revealed that the articles concerning ethnicity were usually appropriate, openly racist opinions only existed in certain letters to the Editor, and foreigners were hardly ever called by despising names. The articles were mainly news reports and commentaries, but there were also some articles which were consciously aimed at promoting tolerance. In accordance with the journalists' code of conduct, the ethnic background of criminal suspects or convicts was usually not mentioned in story headlines. The Government nevertheless considers it important to continue the monitoring of the situation as part of the national monitoring mechanism for racism and ethnic 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.

The Advisory Committee has also paid attention to the attitudes of the police and the newspaper articles written by some police officers. The attitudes of the police and certain other professional groups (teachers, social welfare officials, staff of employment agencies and customs officers) towards immigration, foreigners, refugees and ethnic questions have recently been studied. According to the study, the police and customs officers had the most negative attitudes towards immigration which has increased as a result of expanding international relations. The negative attitudes of the police are to a large extent caused by the fact that police officers most often face people in negative situations. However, such attitudes should not affect the performance of official duties. Indeed, very few offences with a racist motive allegedly committed by the police have been reported.

Some police officers have written articles in local newspapers, using their own name and taking a position on ethnic questions. However, in no case have such writings represented the collective opinion of the police but they have been personal views of the writers, despite the fact that the writer's profession has been mentioned in the articles. The freedom of expression is guaranteed to everyone by the Finnish Constitution, and it cannot be restricted in advance in respect of certain professional groups. Instead, the matter should be addressed by assessing whether the conduct of the police officers in question has been appropriate in the light of those values and practices that are expected from the police.

The responsibility attached to the work of the police is also reflected in the new solemn undertaking to act in an ethical way, which police officers are to make when taking up their duties. The purpose of such ethical undertaking is to enhance the awareness of police officers of good values and practices, and help the police officers to internalise them. The new undertaking will be made by all persons who have graduated from the Police College after 1 October 2000 and work for the police. Even police officers who have graduated earlier have the possibility to make the undertaking if they wish so. The undertaking will be made before the National Police Commissioner.

In paragraph 27 of its Opinion, the Advisory Committee advises the Government to ensure the implementation of the instruction issued in June 1997, concerning the promotion of tolerance and prevention of racism among the police. The Government informs that the Ministry of the Interior is currently revising the said instruction, paying special attention to the ways in which ethnic questions should be dealt with among the police.

It is further suggested in paragraph 27 that the police should make special efforts to recruit persons belonging to minorities to serve as police officers. The problem in this respect has been that only a few members of ethnic minorities have applied for admission to police training each year. However, it is expected that the number of applicants and thus the number of recruited persons increases in the near future, as there will be more immigrants of the second generation in the country.

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.

29. The Advisory Committee has noted that public financing is provided automatically only to the Evangelic Lutheran Church and to the Orthodox Church. The 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 Article 8

as well as their right to equality before the law and equal protection of the law as guaranteed under Article 4.

Section 11 of the Finnish Constitution provides for the freedom of religion and conscience. This freedom entails the right to profess and practice a religion, the right to express one's convictions and the right to be a member of or decline to be a member of a religious community. The freedom of conscience covers both religious and other philosophies of life. The right to decline to be a member of a religious community also entails a right not to profess or practice a religion. No one may be compelled to participate in a service or other religious event against one's conscience. Furthermore, section 6 of the Constitution provides for a prohibition of unjustified treatment, *inter alia*, on the ground of religion or conviction.

As provided in the Finnish law, corporate income tax is a general tax levied by the tax administration on corporate bodies, such as companies. The tax administration allocates the tax to the State, municipalities and parishes. Section 1 of the Tax Accounting Act defines the proportional share for the allocation of proceeds from the corporate income tax to the Evangelic Lutheran parishes and Orthodox parishes.

A committee set up by the Government for the purpose of assessing the freedom of religion found in its report (1:2001) that the present taxation practice does not violate the constitutional provisions on the freedom of religion because a legal person or other corporate body cannot be considered as having a religion of its own. The European Commission of Human Rights found in a decision given in 1996 (*Kustannus Oy Vapaa-ajattelija Ab, Vapaa-ajattelijain liitto r.y. and Kimmo Sundström against Finland*, 20471/1992) that companies cannot rely on the rights referred to in Article 9 (freedom of religion) of the European Convention on Human Rights.

According to the committee, the existing legislation, however, contains certain elements pertaining to the taxation of corporate bodies and estates of deceased persons, which may be criticised from the point of view of the freedom of religion. In the committee's opinion the need to develop the present system of taxation should nevertheless be assessed separately.

The committee suggested that a specific appropriation be included in the yearly State budget, for the payment of discretionary subsidies to religious communities with respect to the expenses caused by the maintenance and repairs of buildings of cultural or historical importance, work with children and young persons, or social services. According to the committee, this would place registered religious communities in a more equal position with the Evangelic Lutheran Church and the Orthodox Church whose shares of the tax income, to which the two Churches are entitled, have been justified by the fact that they take care of certain important duties of society. The Evangelic Lutheran Church is responsible for the maintenance of public cemeteries. Almost 99 % of the deceased are buried in these cemeteries. Both Churches have certain duties relating to the maintenance of population registers and they take care of the maintenance of buildings having cultural and historical value.

The committee suggested that the legislation concerning funeral services be reformed, by means of enacting a new Funeral Services Act concerning all cemeteries. One of

the most relevant changes would be the future obligation of the Evangelic Lutheran parishes to provide an alternative cemetery which would be religiously neutral. Religious equality would further be enhanced by a provision under which the parishes should apply the same charge criteria to the burial of all those deceased persons for whom they are obliged to provide a burial place.

The committee also suggested that the State's obligation to participate in the maintenance costs of public cemeteries be confirmed. Discretionary subsidies could be granted to other communities and foundations for the payment of the maintenance costs of cemeteries. Apart from the Evangelic Lutheran Church, cemeteries could also be maintained by the Orthodox parishes, joint municipal boards and the State and, subject to an authorisation issued by the competent provincial government, by registered religious communities and other registered communities and foundations

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.

A programme of action for the prevention of ethnic discrimination and racism was adopted by the Government on 22 March 2001. Under the programme of action, the authorities shall ensure that issues pertaining to ethnic relations, cultural diversity, religion and ethics are addressed in teaching materials and at all levels of education, including pre-school education. The teacher training is relevant in this respect, and needs to be constantly developed and reviewed. The programme of action further pays attention to the need to efficiently interfere in bullying at school based on the ethnic origin of the pupils in question. The programme of action should contribute to a more consistent implementation of the general objectives.

In present-day school education questions of cultural diversity are addressed to a rather large extent, and in that connection also national minorities are discussed. For example, schools devote some weeks of education to specific themes, such as cultural diversity, national minorities and immigrants. It is also worth noting that the Ministry of Education set up a working group in the autumn of 2000 for the purpose of elaborating national objectives for basic education. The working group will also pay attention to the dissemination of information on the national minorities of Finland at schools.

It is true that there is only little information on minorities in the text books of the traditional school subjects. However, there are various materials available for the purposes of the special theme weeks. At present almost every school has access to the Internet and it is also actively used. Web sites, e.g. those of different non-governmental organisations, contain plenty of information on the above-mentioned matters. Text books are naturally an important source of information, but no longer the only one.

7. FINAL OBSERVATIONS

It is the aim of the Government of Finland that possibilities of the treaty bodies monitoring the implementation of human rights conventions to fulfil their duties efficiently are ensured. This requires cooperation between states and those treaty bodies. Insofar as the Framework Convention is concerned, the Government is prepared to continue its fruitful dialogue and constructive cooperation with the Advisory Committee and the Committee of Ministers. The Government appreciates the possibility to participate in the development of the monitoring mechanism, *inter alia*, by presenting these observations on the Opinion of the Advisory Committee concerning the periodic report of Finland.

The Government welcomes the recommendations to be issued by the Committee of Ministers. As soon as those recommendations have been made public, the Legal Department of the Ministry for Foreign Affairs will arrange a national press conference in order to inform both the media and authorities, as well as other interested parties such as non-governmental organisations, of the contents of the recommendations. Furthermore, the recommendations will be directly sent out to several official and half-official institutions and NGOs representing minorities.

In 2000 the Legal Department of the Ministry for Foreign Affairs has started with intensified monitoring of the implementation of recommendations given by the various treaty bodies. As a first step, the Department discusses the matter with the competent authorities for the purpose of assessing what kind of measures will be necessary for the implementation of the recommendations. This intensified monitoring will also encompass any recommendations given by the Committee of Ministers, with respect to the implementation of the Framework Convention.