

**Questionnaire to Governments for preparing pre-sessional submissions to the United Nations Permanent Forum on Indigenous Issues (UNFP II)**

**Answers by the Government of Finland**

**Q 1**

**Recommendation 9**

According to the *Education and research 2007-2012* development plan of the Ministry of Education and Culture, the possibilities for Sámi-speaking pupils to participate in pre-primary, basic and general upper secondary education in their mother tongue will be supported. In the educational system, the right of the Sámi to their own language is mainly implemented by means of the Basic Education Act (628/1999), the General Upper Secondary Schools Act (629/1999) and the Vocational Education and Training Act (630/1999).

The Ministry of Education and Culture supports the education provided in Sámi in the Sámi Homeland to the full. Section 45 of the Act on the Financing of Education and Culture (1705/2009) provides that the municipalities of the Sámi Homeland and other providers of education in that region are granted annually government subsidies for costs incurred in arranging teaching in and of the Sámi language in basic education, general upper secondary education and vocational education and training as prescribed by a Government decree (1769/2009).

The Ministry of Education and Culture supports the teaching of the Sámi language also outside the Sámi Homeland. The Ministry has issued a decree on the grounds for granting government subsidies for supplementary teaching of pupils speaking a foreign language or Sámi or Romani, as part of their basic education and general upper secondary education (1777/2009).

According to the Act on the Sámi Education Institute (252/2010), the Institute is a state owned educational institution under the administration of the Ministry of Education and Culture.

**Recommendation 11**

According to the Constitution of Finland (Section 17, Subsection 3) the Sámi, as an indigenous people, have the right to maintain and develop their own language and culture. The word "culture" has a broad meaning in this context. It also covers the traditional livelihoods of the Sámi, such as reindeer herding, fishing and hunting.

The Constitution guarantees the Sámi linguistic and cultural self-government within the Sámi native regions, as provided by an Act (Section 121, Subsection 4). Provisions concerning the self-government are included in the Act on the Sámi Parliament (974/1995). For the tasks relating to cultural self-government the Sámi shall elect from among themselves a Sámi Parliament.

The task of the Sámi Parliament is to look after the linguistic and cultural interests of the Sámi, as well as to take care of matters relating to their status as an indigenous people. In matters pertaining to its tasks, the Sámi Parliament may make initiatives and proposals to the authorities, as well as issue statements. In pursuing these matters the Sámi Parliament shall furthermore use the powers prescribed in the Act or elsewhere in the law, such as the power to decide how funds designated for the common use of the Sámi shall be allocated.

The activities of the Sámi Parliament are financed by the State.

### **Recommendation 12**

In Finland, it is not allowed to register a person by his or her ethnic origin. This may have an influence on the implementation of possible indicators of sustainability and well-being of indigenous peoples and/or individuals.

According to Section 11 of the Personal Data Act (523/1999), information regarding a person's race or ethnic origin is sensitive information, the use of which is prohibited under the main provision of the Act. Processing such information is, however, permitted on grounds laid down in Section 12 of the Act. The processing of sensitive data is permitted, among other things, for statistical purposes. But - as mentioned before - there is no register in Finland based on a person's ethnic origin.

The Personal Data Act takes into account, in addition to the Finnish Constitution, also the international obligations binding on Finland regarding the protection of data, including the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS N:o 108) and Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data, which was implemented in Finland by the Personal Data Act.

### **Recommendation 13**

The Government of Finland has been actively involved in the proceedings of the Intergovernmental Committee of the World Intellectual Property Organization since its presidency of the European Union in 2006. It considers the studies and other materials produced within this context to be an excellent basis for future work. The issues discussed since 2000 are now ready for conclusions. The protection of indigenous traditional knowledge and traditional cultural expressions is an important question for Finland because related issues arise in practice especially in regard of the indigenous Sámi people who have their homeland in northern Finland.

### **Recommendation 41**

The word "culture" has a broad meaning in the Constitution in the context of the Sámi as an indigenous people. It also covers the traditional livelihoods of the Sámi, based on the use of land and water, such as fishing, hunting and reindeer herding, as part of Sámi culture.

A separate appropriation is reserved annually in the State budget for supporting Sámi culture and Sámi organisations. The Sámi Parliament decides on the allocation of this appropriation, which contributes to strengthening the implementation of Sámi cultural self-government as prescribed in the Act on the Sámi Parliament. In addition, the Ministry of Education and Culture has annually supported Sámi children's and youth culture and events in different fields of arts, as well as Sámi libraries, with separate grants.

The Government's Child and Youth Policy Programme 2007–2011 sets objectives intended to respond to the challenges of improving the living conditions of Sámi young people. In addition, the action plan on accessibility of arts and culture for 2006–2010 defines measures intended to improve the accessibility of culture also for cultural minorities, such as the Sámi. Pursuant to the policy programme and the action plan, the Ministry of Education and Culture has supported e.g. the setting up of the Sámi Youth Committee in connection with the Sámi Parliament in 2009 and 2010, as well as Sámi language nest activities, with separate grants.

#### **Recommendation 46**

The Special Rapporteur on the Rights of Indigenous peoples visited the Sámi Homeland in spring 2010 and submitted a preliminary report on the situation of Sámi people in the Sámi regions of Norway, Sweden and Finland to the Finnish Government for comments. The Government sent the report immediately also to the Sámi Parliament for comments. The Government submitted its written response within the given time-limit. The Special Rapporteur published his final report on 13 January 2011. The Government intends to have the report translated into Finnish and North Sámi as soon as possible.

#### **Recommendation 47**

In cooperation with its only indigenous people, the Sámi, Finland participated actively in the drafting process of the UN Declaration on the Rights of Indigenous Peoples. The Declaration encompasses a wide array of topics that are essential for promoting indigenous peoples' status. The Declaration sets a standard of achievement on the political level and is an important tool for a better realization of the principle of full and effective participation of indigenous peoples in those decision-making processes which affect them directly.

According to the Act on the Sámi Parliament, authorities shall negotiate with the Sámi Parliament regarding all far-reaching and important measures which may directly and in a specific way affect the status of the Sámi as an indigenous people and which concern some special matters in the Sámi Homeland (in the northernmost part of Finland). Such measures include community planning; the management, use, leasing and assignment of state lands; legislative or administrative changes to occupations belonging to the Sámi form of culture, and the development of the teaching of and in the Sámi language in schools, as well as social and health services.

The aim of the Government has been to improve, through legislation, the possibilities of the Sámi to influence decision-making in matters related to them as an indigenous people. For example, in late 2009 the Government submitted to Parliament a proposal on a new Mining Act (HE 273/2009 vp) and in early 2010 a proposal on a new Water Act (HE 277/2009 vp). Both proposals include provisions aimed at an improved consideration of the Sámi as an indigenous people. In addition, the Government proposes that the Sámi Parliament would be given a right to appeal in cases where rights of the Sámi as an indigenous people have not been adequately considered in decision-making pursuant to these Acts. The proposals are now discussed in the Parliament.

#### **Recommendation 163**

In June 2010 the ministerial working group on internal security adopted an action plan to reduce violence against women. The action plan was prepared in cooperation between the Ministry of the Interior, the Ministry of Justice, the Ministry of Social Affairs and Health and the Ministry for Foreign Affairs. The National Institute for Health and Welfare, which coordinated the drafting of the action plan, monitors and supports the implementation of it. The aim of the action plan is to tackle violence proactively, by influencing attitudes and models of behaviour, to prevent re-victimisation violence, to improve the position of victims of sexual violence and the crisis assistance and support provided for them, to develop methods to identify and intervene in violence experienced by vulnerable persons, and to increase the knowledge and competence of the authorities needed in the prevention of violence against women and in helping the victims of violence.

#### **Recommendation 164**

Equality is one of the basic rights guaranteed by the Constitution. According to Section 6 of the Constitution everyone is equal before the law. It reads in the Section furthermore that no one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person. Equality of sexes is promoted in social activity and working life, especially in the determination of pay and other terms of employment, as provided in more detail by an Act.

The objectives of the Act on Equality between Women and Men (809/1986) are to prevent discrimination based on gender, to promote equality between women and men, and thus to improve the status of women, particularly in working life. Section 4 of the Act provides that authorities must, in all their activities, promote equality between women and men purposefully and systematically, and must create and consolidate administrative and operating practices that ensure the advancement of equality between women and men in the preparatory work undertaken on different matters and in decision-making. Furthermore, every employer must promote equality between women and men within working life in a purposeful and systematic manner, e.g. by acting in such a way that job vacancies attract applications from both women and men (Section 6). The proportion of both women and men in government committees, advisory boards and other corresponding bodies, and in municipal bodies and bodies established for the purpose of inter-municipal cooperation, must be at least 40 per cent, unless there are special reasons to the contrary. The Act shall be applied on equal grounds to all women, both indigenous and non-indigenous.

### Recommendations 165 and 166

See under recommendation 12 above on registration of a person on his or her ethnic origin.

### Q 2

One of the millennium goals is to achieve universal primary education. As reported in the reply to question 1, Finland supports the possibilities for Sámi-speaking pupils to participate in pre-primary, basic and general upper secondary education in their mother tongue.

The Sámi Parliament is a member of the broad-based Finnish National Commission on Sustainable Development and thus contributes directly to promoting sustainable development in society in a comprehensive manner. In 2006, the Sámi Parliament adopted its own programme for sustainable development.

### Q 3

#### a

All measures taken by the labour administration can be targeted at supporting Sámi livelihoods, too.

The Sámi language can be used at all service points of the Employment and Economic Development Office of Northern Lapland, and some office forms used by the labour administration have been translated into Sámi. Press advertisements published for clients are written in North Sámi, Inari Sámi and Skolt Sámi.

On 31 May 2006 the Ministry of Employment and the Economy issued separate instructions on eligibility for reindeer herders' unemployment security from the standpoint of employment policy (O/16/2006).

Under a national project on regional business services, the Sámi Education Institute has recruited a business counsellor, whose express task is to promote Sámi entrepreneurship.

The Ministry of Employment and the Economy arranges annually in Lapland, as an employment policy measure, adult education and training which can be considered to support especially the practising and continuity of Sámi culture and/or livelihoods. The vocational education and training provided in this connection mainly relates to reindeer herding, handicraft, traditional construction and cultural tourism. Moreover, teaching of the Sámi language and cultural education are provided.

One general problem in arranging education and training based on employment policy in the Sámi Homeland is the scarcity of students. The population base is small in proportion to the large geographic area, and therefore it is difficult to set up student groups of sufficient size. To the extent possible, modules supporting Sámi culture and livelihoods are included in other education and training based on employment policy in the Sámi Homeland, since a vital Sámi culture is considered to support the economic life in Lapland in general.

b

With regard to the recommendations relating to the Convention on Biological Diversity, Finland notes that the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity was adopted at the tenth Conference of the Parties to the Convention on 29th October 2010, in Nagoya, Japan. The Nagoya Protocol is an important instrument under the Convention providing fairness, transparency and legal certainty on access to genetic resources and traditional knowledge associated with genetic resources and for sharing of benefits arising from their utilization in a fair and equitable way.

c

According to the Act on the Sámi Parliament the authorities have an obligation to negotiate with the Sámi Parliament in all far-reaching and important measures which may directly and specifically affect the status of the Sámi as an indigenous people and which concern matters in the Sámi Homeland as referred to in the Act. These matters are:

- Community planning;
- The management, use, leasing and assignment of state lands, conservation areas and wilderness areas;
- Applications for licenses to stake mine claims or file mining patents;
- Legislative or administrative changes to the occupations belonging to the Sámi culture;
- The development of the teaching of and in the Sámi language in schools, as well as social and health services; or
- Any other matters affecting the Sámi language and culture and the status of the Sámi as an indigenous people.

The obligation applies to all levels of administration, i.e. to local, regional and nationwide authorities.

In addition, the Sámi are heard in the national Parliament with regard to Government Bills or other matters concerning them. According to Article 37 of the Rules of Procedure of the Parliament, the Sámi are heard when a matter is being considered by a Parliamentary Committee, because at this stage it is still possible to influence the substance of the legislative proposal.

The aim of the Government has been to improve, through legislation, the possibilities of the Sámi to influence decision-making in matters related to them as an indigenous people. For example, in late 2009 the Government submitted to the national Parliament a proposal on a new Mining Act (HE 273/2009 vp) and in early 2010 a proposal on a new Water Act (HE 277/2009 vp). Both proposals include provisions aimed at an improved consideration of the Sámi as an indigenous people. In addition, the Government proposes that the Sámi Parliament should be given a right to appeal in cases where rights of the Sámi as an indigenous people have not

been adequately considered in decision-making pursuant to these Acts. The proposals are now being considered by Parliament.

#### Q 4

The appropriation reserved for the production of Sámi teaching material is included in the budget of the National Board of Education. It may also be used for developing existing teaching material and producing material with a low circulation, e.g. in Swedish. Up until 2009, EUR 258,000 were reserved annually in the State budget for the Sámi Parliament for producing Sámi teaching material. In 2010, approximately EUR 81,000 were reserved for the production of teaching material. The production of Sámi material is hampered by the lack of Sámi-speaking authors, and this is reflected in the scarcity of especially Inari Sámi and Skolt Sámi material. A particular challenge for the educational authorities is to find Sámi-speaking professionals.

#### Q 5

The task of the cooperation body for Sámi education set up by the Sámi Parliament is to develop teaching in and of Sámi jointly between providers of education, the educational administration and the Sámi Parliament, and to promote the flow of information, joint development projects and other cooperation among authorities. In its meetings the cooperation body discusses the situation of the Sámi language and the education provided in Sámi in different municipalities and hears presentations of representatives of the educational administration on topical issues. The cooperation body convenes once or twice per year.

#### Q 6

Constitution of Finland (Section 17, Subsection 3, Section 121, Subsection 4)  
Act on the Sámi Parliament (974/1995)  
Sámi Language Act (1086/2003)  
The Skolt Act (253/1995)

The activities of the Sámi Parliament are financed by the State. Negotiations for the Nordic Sámi Convention will begin in 2011.

According to the Act on Yleisradio Oy (1380/1993), Yleisradio, Finland's national public service broadcasting company, has an obligation to serve Sámi people by producing TV and radio programmes in their language as a part of public service.

According to the Decree on Press Subsidies (389/2008), Sámi journals are subsidised with a view to give Sámi people an opportunity to practice their own language and communicate in it.

In its report on the Government Annual Report of 2008 (PeVM 1/2010 vp — K 1/2009 vp) the Constitutional Committee of the national Parliament proposes that Parliament should request the Government to take intensified measures to revive the Sámi language. According to the Constitutional Committee, particular attention must be paid to ensuring the survival of Inari Sámi and Skolt Sámi, which are endangered languages.

According to the Government report to Parliament on the human rights policy of Finland 2009, the Government is planning to prepare a programme to revive the Sámi language.

On 24 September 2010 the Ministry of Education and Culture set up a working group to draft a proposal for a programme to revive the Sámi languages. The task of the working group is to assess the situation of all three

Sámi languages spoken in Finland, including Skolt Sámi, and the measures taken to improve the situation. On the basis of the assessment the working group will draft a proposal for a comprehensive, long-term programme to revive Sámi. The work of the group is directed by a steering group, in which Skolt Sámi, too, is represented.

The revival programme must include proposals concerning the research and planning of the Sámi languages, the teaching in and of Sámi, support to Sámi culture, Sámi day care and language nest activities and other areas of societal life in which the right of the Sámi to maintain and develop their language and culture are supported at national level. The working group is expected to complete the proposal by the end of 2011.

The Governments' Policy Programme for the Well-Being of Children, Youth and Families includes objectives through the realisation of which the Government attempts to respond to the challenges faced in improving the living conditions of the Sámi. Also the Government's Programme for the Accessibility of Arts and Culture for 2006–2010 defines measures that aim to strengthen the accessibility of culture by, inter alia, the Sámi people.

The Development Plan of Education and Research of the Ministry of Education for 2007–2012 addresses the possibilities of Sámi-speaking pupils to participate in pre-school and basic education, as well as to upper secondary education in their own mother tongue.

In this connection, reference is also made to the Government's answers to the 8th Session Recommendations (paras. 19 and 83).

#### Q 7

*Does your Government have a national institution (ministry, department, ombudsman, etc) on indigenous peoples' issues?*

Yes.

*If "Yes", please provide the names and contact details of the focal point on indigenous peoples' issues?*

Finland has no single national institution for indigenous peoples' issues. The Ministry for Foreign Affairs deals with international human rights issues concerning the Sámi. The different Ministries are responsible for Sámi issues in their own sectors of administration. The Ministry of Justice is nationally the coordinating ministry for Sámi issues. Although the Sámi Parliament is not a state authority or a part of state administration, it belongs to the purview of the Ministry of Justice.

The contact information of the Ministry is as follows

Ministry of Justice  
P.O.B. 25  
00023 Government  
Finland  
telephone + 358 9 16003

#### Q 8

*Does your Government have any formal or ad hoc capacity-building programmes on indigenous peoples' issues for civil servants?*

No.

**Q 9**

All measures reported above implement the UN Declaration on the Rights of Indigenous Peoples.

The Declaration sets a standard of achievement on the political level and forms as such an important tool for strengthening the status of the Sámi as an indigenous people.

The negotiations referred to under question 6 can be mentioned in this connection, too. There is a consensus between Norway, Sweden and Finland on starting negotiations on the Nordic Sámi Convention in 2011. In their annual joint meeting on 22 November 2010, the ministers responsible for the coordination of Sámi issues in Finland, Norway and Sweden and the Sámi Presidents in the three countries agreed on the principles concerning the delegations for the negotiations, the chairing of the meetings and the time frame for the negotiations. Each country will appoint a delegation of the maximum of six persons representing the national Government and the national Sámi Parliament. Sweden will chair the first meeting. The aim is to complete the negotiations in five years.

In this connection, reference is also made to the Governments answers to the 8th Session Recommendations (para. 79).