

Questionnaire to Governments

FINLAND

SECTION 1 - Evaluation of the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People

Q1. In accordance with the objectives of the Second International Decade of the World's Indigenous Peoples, please provide information on:

- **Your Government's provision to secure the political representation of indigenous peoples within the governing structures on a local, regional level as well as their inclusion in the national system;**
- **Constitutional provisions, Government laws, policies, resources, programmes and projects that are specifically addressed to indigenous peoples;**
- **Government guidelines on formulating public policies with the participation and involvement of indigenous peoples;**
- **Budgetary allocations for projects/activities for indigenous peoples;**
- **Use of indigenous languages in the State apparatus and public service;**
- **Highlight any good practices.**

Constitutional provisions, laws and policies

The only indigenous people within the territory of Finland are the Sámi, who enjoy cultural autonomy in the Sámi Homeland. According to statistics compiled in the context of the Sámi Parliament election in 2011, the total number of Sámi was approximately 10,000 at that time. Of all Sámi approximately 65% were residing outside the Sámi Homeland and abroad.

Section 17, paragraph 3, of the Constitution of Finland protects the right of the Sámi to maintain and develop their own language and culture.

The Constitution also contains a provision on the self-government of the Sámi. According to Section 121, paragraph 4, of the Constitution, the Sami have linguistic and cultural self-government in their native region, as provided by an Act. The Act on the Sámi Parliament regulates the implementation of the self-government in more detail (974/1995). The cultural self-government is intended to evolve, and will be taken into account in future legislative and administrative work.

The Skolt Act (253/1995) aims at enhancing the living conditions and livelihoods of the Skolt Sámi, as well as maintains and promotes the Skolt culture.

The right of the Sámi to use their own language before courts and other authorities as well as the obligations of public authorities to realise and promote the linguistic rights of the Sámi are regulated by the Sámi Language Act (1086/2003).

The promotion of the rights of the Sámi is at a dynamic stage in Finland. Pursuant to the June 2011 Government Programme of Prime Minister *Jyrki Katainen*, the Government will further

develop the cultural autonomy of the Sámi people and the preconditions for the operation of the Sámi Parliament. The rights of the Sámi people as an indigenous people will be developed, for instance, by clarifying the legislation concerning the use of land, and actively participating in the international cooperation for enhancing legal and actual protection of indigenous peoples. The measures of the revival programme for the Sámi language will be implemented and the provision of relevant resources ensured.

The Act on the Sámi Parliament is being reviewed with a view to determining the need for amendments.

The aim is to ratify the Convention No. 169 of the International Labour Organisation concerning Indigenous and Tribal Peoples during this Government's term of office.

The National Action Plan on Fundamental and Human Rights was adopted by the Government in March 2012. The Action Plan translates into concrete terms the duty to guarantee the observance of fundamental rights and human rights imposed on public authorities by the Constitution of Finland. This is a cross-administrative action plan that focuses on concrete projects. Among other things, it contains projects to increase participation rights for the Sámi people concerning the planning of the use of State owned land and water areas.

In December 2012, the Government decided to form a Ministerial Working Group for Sámi Affairs to decide on Sámi issues that need political decision-making and on issues that arise during the negotiations on the Nordic Sámi Convention. The Working Group was established in April 2013.

Political representation

With regard to the national election laws in Finland, there are no specific provisions for the representation of persons belonging to ethnic, national or linguistic minorities in the Parliament, the European Parliament or the municipal councils. Politically active persons representing a minority group are members of political parties of their choice. Finland has no minority quotas. At the local level, there are representatives with Sámi background in municipal councils of the Sámi Homeland Area.

The Sámi are heard in the Parliament with regard to government bills or another matters specifically involving them. According to article 37 of the Rules of Procedure of the Parliament (40/2000), the Sámi are heard in the context of the preparation of a matter by a parliamentary committee, because at this stage it is still possible to influence the subject matter of a proposal.

Measures to eliminate discrimination against Sámi

Under the national action programme to combat discrimination, the Legal Affairs Unit of the Ministry of the Interior has taken different measures to eliminate all discrimination against Sámi people and to advance the equality of Sámi with the majority population.

In 2008-2013 a number of seminars were held in the Sámi Homeland to deal with the equality of the Sámi, equality planning and the position of indigenous peoples. Under YES Projects funded by the European Commission, the Legal Affairs Unit has prepared web-based training material for schools, arranged empowerment training for Sámi organisations, and published equality planning guides that also pay attention to the equality of Sámi people.

In addition, the mechanism to monitor discrimination, coordinated by the Ministry of the Interior, has produced information about the discrimination that Sámi people encounter in different spheres of life.

Revision of the Act on the Sámi Parliament

The Ministry of Justice appointed a working group in June 2012 to prepare a proposal for the revision of the Act on the Sámi Parliament. The Act on the Sámi Parliament, which is important for the regulation of the self-determination of the Sámi, was enacted in 1995. Since then, the Act has been amended several times to better meet practical needs. Now the revision is considered necessary.

The Working Group was composed of three representatives from the Sámi Parliament and three civil servants from the Ministry of Justice. The former Parliamentary Ombudsman was the Chair of the Working Group. In accordance with its mandate, the Working Group heard such other ministries and authorities whose field of competence includes Sámi issues with relevance for the Working Group, as well as representatives of municipalities and the local population in the Sámi Homeland. The Working Group concluded its work by issuing its proposal for the revision of the Act in October 2013.

In addition to other issues, the Working Group analysed the so-called definition of a Sámi (the conditions for approval for inclusion into the election roll of the Sámi Parliament) and its relationship with Finland's other international obligations. The Working Group also put forward a proposal to extend the contents of the duty of the authorities to conduct consultations with the Sámi Parliament.

The Sámi Parliament considers it necessary that the definition of a Sámi is changed before the next elections to the Sámi Parliament. The Sámi Parliament has stated that if the definition of a Sámi is not changed, the Sámi risk forced assimilation with the Finnish culture, the Sámi Parliament may become Finnish and the genuine Sámi culture will disappear from Finland in a very short time. The Sámi Parliament furnished the Working Group with its own views on the revision of the definition of a Sámi based on, inter alia, the Declaration on the Rights of Indigenous Peoples, articles 1 and 27 of the International Covenant on Civil and Political Rights, as well as on the relevant recommendation of the Committee on the Elimination of Racial Discrimination.

The proposal was widely circulated for comments. Civil society was also heard online with an opportunity provided over a six-week period from December 2013 to January 2014 to comment freely on the proposal via the "Take a Stand" (Ota kantaa) online discussion forum.

Based on the comments received the Ministry of Justice will consider adequate measures to be taken in order to be able to submit a Government Bill to Parliament.

Obligation to negotiate

The most significant way for the Sámi to participate into societal decision-making processes lies on the statutory obligation set out in the Act on the Sámi Parliament to authorities to negotiate with the Sámi Parliament in various issues. According to Section 9 of the Act, the authorities shall 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 to negotiate applies to a wide range of issues. To fulfil its obligation to negotiate, the relevant authority shall provide the Sámi Parliament with the opportunity to be heard and to discuss the matters. The obligation to negotiate applies to all levels of administration, in other words, to local, regional and nationwide authorities.

The obligation to negotiate is completed by a provision in the Parliament's Rules of Procedure (40/2000). Issues for Parliament's plenary sessions (Government Bills, reports to be submitted to the Parliament etc.) shall be prepared in Parliamentary Committees. When a legislative proposal or another matter specifically involving the Sámi is being considered, the Parliamentary Committee shall reserve the representatives of the Sámi an opportunity to be heard, unless there are special reasons for the contrary (Section 37; 1272/2011). At this stage it is still possible to influence in the subject matter of the proposal.

The Skolt Act includes provisions on the participation of the Skolt Sámi into decision making.

As mentioned above, the Act on the Sámi Parliament is currently being reviewed with a view to determining the need for amendments.

The possibilities of the Sámi to influence decision-making in various issues have been developed through legislation. The new Mining Act (621/2011) and Water Act (587/2011) were adopted in March 2011. Both Acts include special provisions aimed at an improved consideration of the status of the Sámi as an indigenous people. In addition, the Sámi Parliament has given a right to appeal, if the rights of the Sami as an indigenous people were not adequately considered when making decisions pursuant to these acts. The aim of the provisions is to prevent from projects that would weaken the right of the Sámi as an indigenous people to maintain and develop their culture.

Access to justice

According to Section 21 of the Constitution of Finland everyone has the right to have his or her case dealt with appropriately and without undue delay by a legally competent court of law or other authority, as well as to have a decision pertaining to his or her rights or obligations reviewed by a court of law or other independent organ for the administration of justice. Compared with the rest of the Finnish population, the Sámi have equal opportunities to have violations of their rights examined by courts of law or other independent judicial bodies.

According to Section 6, paragraph 1, of the Constitution of Finland everyone is equal before the law. As regards the various forms of sentences and the type and level of penalties provided for in respect of particular offences, a Sámi person cannot be treated differently from other people.

According to Section 22 of the Constitution of Finland the public authorities shall guarantee the observance of basic rights and liberties and human rights.

Chapter 1, Section 11 of the Finnish Code of Judicial Procedure provides that, in the absence of statutory law, courts must be guided by the custom of the land, if not unreasonable. Through free evaluation of evidence, too, customary law may have an impact on court rulings. Further, customs of different peoples may be taken into account to some extent in meting out punishment.

Legal aid is available under the Legal Aid Act (257/2002). Legal aid is given at the expense of the state to a person who needs expert assistance in a legal matter and who for lack of means cannot self pay the expenses of having the matter dealt with. Legal aid is available to persons resident in Finland, residents of another member state of the European Union and residents of the European Economic Area. Companies and corporations are not entitled to legal aid (sections 1 and 2 of the Act). The Legal Aid Act does not contain any provisions deviating from this main rule by stipulating on the right of Sámi people to legal aid in general or issues important to them in principle.

According to the established practice of the Supreme Administrative Court the Sámi Parliament may, without any specific legal provision to that effect, appeal against decisions with a bearing on the Sámi Homeland.

In the cooperation between the pre-trial investigation authorities, prosecutors and the District Court of Lapland, the pre-trial investigation authority inquires which language the parties to a criminal case speak as their mother tongue and whether they wish to use Sámi at the pre-trial stage and before court. In this manner it is possible to prepare already at the pre-trial stage for having the relevant documents translated and for rendering services in Sámi. Furthermore, the interpretation and translation service attached to the Sámi Parliament is available for use also in criminal matters.

Linguistic rights

The right of the Sámi to use their own language before courts and other authorities as well as the obligations of public authorities to realise and promote the linguistic rights of the Sámi are regulated by the Sámi Language Act, which entered into force on 1 January 2004.

Section 24 of the Act provides that an authority must, in its activity and on its own, ensure that the linguistic rights guaranteed in the Act are secured in practice. The authority must show to the public that it offers service also in Sámi, and may provide also better linguistic service than what is required in the Act.

Section 3 of the Sámi Language Act lists the authorities and institutions to which the Act applies. These include the courts in the Sámi Homeland, the Chancellor of Justice of the Government, the Parliamentary Ombudsman, some other national authorities examining complaints, and those administrative authorities of the Government which, in the capacity of appellate authorities, process issues raised before the listed authorities. Thus, the scope of the Act covers for instance the Supreme Court and the Supreme Administrative Court, for their jurisdiction encompasses the Sámi Homeland.

A central goal of the Sámi Language Act is to ensure that the right of the Sámi to use their own language is realised also directly in practice, not only through interpretation and translation. Efforts have been made to reduce the need for interpretation and translation, for example by enacting legal provisions on required linguistic qualifications and language

training. All Sámi languages spoken in Finland (North Sámi, Inari Sámi and Skolt Sámi) are defined in legislation as independent Sámi languages, not as different forms of one language.

A report on the functioning of the Sámi Language Act shows that authorities still have very few employees who know some of the three Sámi languages spoken in Finland, and that Sámi is used only scarcely.

In March 2012, a working group under the Ministry of Education and Culture submitted its proposal for a programme to resuscitate the Sámi language. The proposal was sent to a large number of actors for comment. In December 2012 the Government discussed the further preparation of Sámi-related projects and decided to continue the preparation of the revival programme in line with the objectives of the Government Programme.

A decision-in-principle on the revival programme for the Sámi language is being drafted under the leadership of the Ministry of Education and Culture, on the basis of the working group proposal of 2012, the comments made on it, and the position taken by the Government. In January 2014 the drafters negotiated the programme with the Sámi Parliament in accordance with section 9 of the Act on the Sámi Parliament. The decision-in-principle will be finalised as soon as possible.

The Ministry of Education and Culture has supported language nest activities arranged in all three Sámi languages. Language nests consist of day care activities provided especially to indigenous children by means of the immersion course method. The purpose is to revive and resuscitate the traditional language of the children's families. The language nests are maintained by either municipalities or Sámi associations, depending on locality.

Earlier, language nests existed only in the Sámi Homeland, but since the turn of 2013-2014, such activities are provided elsewhere, too, including the Helsinki metropolitan area. This expansion is very important for maintaining the Sámi language and culture, for currently most Sámi children and young people live outside the Sámi Homeland. In recent times, the Ministry has supported the language nests increasingly.

In the Basic Education Act it is stated that most of teaching in the basic education in the Sámi Homeland must be in Sámi language. The Ministry of Education and Culture grants full support to the instruction in Sámi language and of Sámi language in Sámi Homeland. The National Board of Education also grants separate subsidies to arrange instruction of Sámi language as pupil's mother tongue outside Sámi homeland. The subsidy covers two hours for weeks for a minimum amount of pupils in class room being two.

All Acts of Parliament applicable specifically to the Sámi have been translated into Sámi, mainly North Sámi. By contrast, the principal acts related to the legal protection of individuals, such as the Code of Judicial Procedure, the Administrative Procedure Act and the Land Use and Building Act, do not exist as Sámi translations.

A number of forms used for administration of justice have been translated into all three Sámi languages. Thus, forms are available in Inari and Skolt Sámi, but the users do not always know Sámi terminology, and especially the Skolt Sámi orthography is often deficient. Therefore, Finnish forms are frequently used instead of Sámi forms.

In 2013 the National Police Board set up a working group to assess the realisation of linguistic police services in police administration. In its final report of 31 October 2013, the working group proposed a number of measures to develop and improve the linguistic rights of the Sámi (e.g. to translate forms used by the police into Sámi, and to centralise police services

provided in Sámi). The means and schedule for carrying out the proposed measures are still open.

According to the Emergency Warnings Act, in force as from June 2013, all emergency warnings concerning the Sámi Homeland must be issued in the three Sámi languages. In July 2013 the Regional State Administrative Agency of Lapland published a translation of the emergency warning guide into Sámi, to facilitate the production of warnings in Sámi. The guide has been translated into all three Sámi languages used in Finland. A supplement to the emergency warning guide is being prepared. It will contain model phrases of different authorities (incl. the police) translated into the three Sámi languages. The Sámi radio service of the Finnish Broadcasting Company (YLE Sápmi) has the round-the-clock obligation to read the emergency warnings in Sámi in their radio broadcasts.

Metsähallitus (the Finnish Forest and Park Service), which is a state enterprise that administers more than 12 million hectares of state-owned land and water areas, has done consistent work in promoting Sámi services and the position of the Sámi language in Finland. Metsähallitus has, for example, promoted the position of Sámi in their customer service and information services and has also employed a Sámi speaking information officer. In addition, Metsähallitus has collected and published old Sámi geographical names.

Sámi language media

Yle Sápmi is the voice of the indigenous people Sámi and the most important Sámi media in Finland. Yle Sápmi performs the Sámi-language public service in the Finnish Broadcasting Company Yle. Yle Sápmi provides content in all three Sámi languages, Northern Sámi, Inari Sámi and Skolt Sámi, spoken in Finland. News are broadcasted on week days on national tv, internet and own radio channel in Northern Finland. Yle Sápmi also makes current affairs, youth, children's, cultural and spiritual radio programmes.

In December 2013 the Finnish Broadcasting Company Yle began a wholly in-house produced TV news service, Yle Ođđasat (meaning Yle News), in the Sámi language. Yle Ođđasat is a daily, nationwide broadcast on Yle TV1, and it can be viewed on Yle Areena for a month after it has been broadcast, also outside Finland. The first broadcast of Yle Ođđasat had 120 000 viewers.

As of January 2014 Skolt Sámi will be heard more on Yle Sápmi's radio channel. From now on, in addition to Nuõrttsäämas-program, one more radio broadcast a week will also be hosted in Skolt Sámi.

Up until now, and continuing in future, Yle also provides, Ođđasat, TV news for the indigenous Sámi people jointly produced by public service broadcasters in Norway, Sweden and Finland. Also Ođđasat is available of Yle Areena.

In 2014, Yle Sápmi Radio will have an even stronger role in resuscitating the Sámi language, when the two lesser used Sámi languages will be used more in radio broadcasts. The Yle Ođđasat will have more broadcasting time on television.

Otherwise, Yle Sápmi will prioritise reforming its radio presentations, continuing its own TV news broadcasts in all three Sámi languages, and introducing new live broadcasting technologies, enabling direct radio and TV broadcasts by means of mobile technologies.

During 2014 Yle Sápmi also intends to launch a comprehensive project to digitalise the archives of Yle Sápmi Radio. The archives contain cultural material of immeasurable value in all three Sámi languages spoken in Finland. The oldest material dates back to the 1970s. The

material could be used for many purposes, e.g. for language revival, teaching and research. It could also be published at the "YLE Living Archives" (Elävä arkisto) website.

The Lapin Kansa newspaper, issued in Rovaniemi, has annually been granted a press subsidy of EUR 50,000 for publishing a supplement in Sámi. The subsidy is based on the Government Decree on Press Subsidies (389/2008). The supplement is published in paper but is available also electronically.

By means of a broadband subsidy for sparsely populated areas, granted under the "Broadband for all 2015" project (Laajakaista kaikille 2015), TeliaSonera Finland Lpc has built an optical fibre network in Utsjoki municipality. The Government funded approx. EUR 1.5 million of the subsidy. According to a study of the Finnish Communications Regulatory Authority, completed in June 2013, Utsjoki municipality now has the best access to broadband networks based on optical fibre in the whole country.

Budgetary allocations

Subsidies for the activities of the Sámi Parliament

The activities of the Sámi Parliament are primarily financed by the state. The annual state budget includes appropriations for the activities of the Sámi Parliament. The Ministry of Justice grants the Sámi Parliament a yearly subsidy for the maintenance of the linguistic and cultural self-government of the Sámi. In addition, the Ministry of Education grants two yearly subsidies, one to provide support to cultural and organisational activities of the Sámi and one for the production of educational material in the Sámi language. According to legislation on the school system, a pupil living in the Sámi Homeland has the right to education both on the Sámi language and in the Sámi language.

Reindeer herding

In recent years the general opportunities for reindeer herding have been developed, e.g. by encouraging reindeer-owners' transfers of their farms to their descendants and by supporting the profitability of reindeer herding in different manners. In some situations the amounts of support are higher in the Sámi Homeland than in the other reindeer herding areas.

Skolt Sámi

The Ministry of Agriculture and Forestry enhances the living conditions, reindeer herding and other livelihoods, the management of fisheries, etc. of the Skolt Sámi by granting a yearly subsidy based on the Skolt Act. EUR 700,000 was granted in 2013.

Instruction in and of the Sámi language

The National Board of Education grants the Sámi Parliament yearly state subsidies for the production of Sámi textbooks and learning materials in Sámi. This yearly grant increased from 290 000 euros to 400 000 euros in 2014.

In the Children's Day Care Act it is stated that children that have Sámi as their mother tongue have right to day care in Sámi language. The Ministry of Education and Culture grants yearly grant to the day care in Sámi language in the Sámi Homeland area. Sámi culture and language nest activities are supported through the appropriations for the development of child and youth policy.

The activities of the Sámi Education Institute are funded annually with approx. EUR 2.8 million.

Social welfare and health care

Since 2002, the State budget has, for one budget year at a time, included a separate subsidy in order to ensure the availability of social welfare and health care services provided in the Sámi language in the Sámi Homeland. In 2014, the amount of the subsidy was EUR 480,000. The subsidy is allocated for social and health services provided in all three Sámi languages.

In 2014, the priorities of the state subsidy are services for the elderly and health care services. In 2012 the subsidy was used for recruiting 34 Sámi-speaking employees in the Sámi Homeland. The subsidy enables Sámi people to centrally influence the realisation, arrangements and contents of the services targeted at them, and thus to steer the preservation and development of their language and culture in their residential area. Municipalities bear the main responsibility for the services.

To produce services for the elderly in Sámi is the greatest challenge in future. Moreover, Sámi families with children need support in order to cope with challenges in everyday life and parenting. Deficiencies also exist in services for mental health patients and intoxicant abusers in different age groups.

SaKaste project

In 2011–2013, under the National Development Plan for Social Welfare and Health Care (Kaste Programme), EUR 198,000 were granted for the SaKaste Project of the Sámi. The project was intended to improve the knowledge of the Sámi language and culture among social welfare and health care staff working in the Sámi Homeland. Operating models and tools have been developed for workers especially in early childhood education and social work for the elderly. The tool kit for social work for the elderly is a guide in electronic format, with instructions on how to work with elderly Sámi clients.

The material bank for early childhood education in Sámi – the website at address www.kuati.fi – is available in all three Sámi languages. The website was published during the project and contains already some material and instructions on crafts, plays, songs and traditional music, based on the plan for early childhood education in Sámi. Currently, the website is available to day care staff. Furthermore, the project has worked on a guide for everyday practices in early childhood education in Sámi.

An important product of the SaKaste development project was the opportunity of Sámi-speaking employees to network, boosted by their regular participation in team work and development meetings.

Sámi culture and organisations

A separate appropriation is reserved annually in the State budget for supporting Sámi culture and Sámi organisations (EUR 176,000 for promoting Sámi culture). The appropriation is intended to strengthen the realisation of Sámi cultural autonomy. The Sámi Parliament decides on the allocation of this appropriation as prescribed in the Act on the Sámi Parliament.

Sámi arts

The Ministry of Education and Culture has annually extended separate grants to subsidise Sámi arts (EUR 193,000 for the promotion of Sámi arts), events in different sectors of arts, and Sámi library activities. The national programme for the accessibility of arts and culture defines a set of measures to improve the accessibility of culture for cultural minorities, too, including the Sámi.

In addition, the Ministry of Education and Culture subsidises Siida, the Sámi Museum, by EUR 850,000–950,000 every year.

SAJOS - Sámi Cultural Centre

According to the Declaration indigenous peoples have the right to practise and revitalize their cultural traditions and customs. The Sámi Cultural Centre, SAJOS, was inaugurated in April 2012. SAJOS is the new centre of Sámi culture and administration in Finland. The library will concentrate on services to the Sámi people, focusing on children and young people.

Well-being of Sámi - social and health services

In 2013 the Ministry of Social Affairs and Health commissioned a study on the health and well-being of Sámi living in the Sámi Homeland. A central factor for the well-being of Sámi is coping with life. This is based on their independent living, assistance from relatives and the community, and support and services from society. The Sámi population lives in the middle of pressures for change, as the population ages, young Sámi move to live elsewhere, ways of life and livelihoods change, and the Sámi community disintegrates.

A positive finding is that both the Sámi identity and the Sámi language and culture have gained more strength. Because of the changes, public services provided in the Sámi language have an important role in ensuring the well-being of Sámi people. However, the history of public services available to the Sámi is short. Their access to services has improved, although slowly. In women's opinion, the nuclear family has a clearly stronger role as an everyday source of help than in men's opinion. In recent decades, the third sector has rapidly gained in significance in supplementing welfare services and everyday safety networks.

Public services have improved Sámi people's standard of living, well-being and health. However, the study indicates that, in general, Sámi people are clearly less satisfied with the available services than the average in Finland, and their access to services is clearly lower. The respondents in the study were most satisfied with the services of general practitioners and child day care. The availability of day care and language nest services provided in the Sámi language has clearly improved in recent years. By contrast, the response to elderly people's growing needs for services provided in Sámi is still insufficient. A new finding in the study was that many elderly Sámi feel lonely. The scarcity of mental health services provided in the Sámi language is one of the most serious concerns. The distance from the services is the most important influencing factor. The farther the services are located the less satisfied people are with them. The availability of these services varies largely between municipalities. The situation is worst in outlying villages. Another challenge is that the services should be provided in all three Sámi languages.

The earmarked state subsidy that the Ministry of Social Affairs and Health grants to the municipalities in the Sámi Homeland is vital for improving the availability of services in the Sámi language. The study confirms the assumption that the realisation of Sámi people's linguistic rights is still coincidental in practice. The respondents also considered that they did not receive enough information about the services. Moreover, there is lack of both guidance and information material published in Sámi and of Sámi-speaking professionals. Both the quality and quantity of the social and health services provided in Sámi should be improved.

In September 2013 the Ministry of Social Affairs and Health and the Sámi Parliament held a seminar on the development of social and health services provided in Sámi. The seminar underlined the importance of services for the elderly and neighbourhood services. The situation of the Skolts and reindeer herders was discussed, too. Regional development projects

have produced good results. In future, attention should be paid to the provision of information and to systematic collection of client feedback. Local authorities must continue active efforts to recruit Sámi-speaking staff and fund language training and development projects.

The Research Department of the Finnish Social Insurance Institute (Kela) published a study in 2011 on the rights and status of the Sami as an indigenous people in the social security implemented by Kela. The study examined how the rights and status of the Sami as an indigenous people are taken into account in the social security legislation implemented by Kela: how it fulfills their linguistic rights, how it takes account of their culture and supports their traditional livelihoods and how it promotes their de facto equality. Further, it studied how the Sami have been able to influence the social security services that concern them. In addition to reviewing the legislation and the guidelines on its application, information on the applicability of social security in relation to the Sami was collected by interviewing public authorities in the Sami homeland.

According to the study there had been recent improvements in Kela regarding services in Sami but that also the cultural characteristics of dealing with authorities should be taken into account in customer service. Several proposals to further improve the situation of the Sami people were put forward.

Supporting the activities of young Sámi people

Efforts are being made in Finland to secure possibilities to influence and participate for indigenous children and youth. By supporting the possibilities of Sámi children to their own culture and language, the survival of the Sámi language and culture is ensured also in the future.

The Ministry of Education and Culture has taken long-term measures to support the activities of young Sámi people as part of the overall youth policy. The Youth Council set up in 2010 in connection with the Sámi Parliament aims to improve the living conditions of young Sámi and to promote their active citizenship. The Ministry subsidises the activities of the Youth Council financially on a yearly basis. More information about the Youth Council is available at web address <http://www.samediggi.fi/nuorat/>

In addition, the Ministry subsidises regularly the national Sámi youth organisation, and has also granted special subsidies for youth activities of the Sámi in the Helsinki Metropolitan Area.

The Ministry of Education and Culture aims at supporting both the right of Sámi children and youth to protect and develop their identity and language, and their right to participate in the national policy on children and youth and to influence it.

Q2. In accordance with the objectives of the Second International Decade of the World's Indigenous People, please provide information on:

- **Your Government's implementation of indigenous peoples involvement in national public policies in the areas of education, culture, health, human rights, environment, or social and economic development;**
- **Integration of indigenous learning systems and traditional knowledge in national education curriculum;**
- **Integration of indigenous peoples' culture and traditional knowledge in public health policies and plans at national/regional and local level;**

- **Application by Government of the principle of free, prior and informed consent in the negotiations with indigenous peoples regarding access and use of their traditional lands and territories and natural resources, especially in case of mega-infrastructure and development projects;**
- **Involvement of indigenous peoples into the country's land titling laws / land reform processes.**

National education curriculum

According to the national core curricula for basic education adopted in 2004, the Sámi must be taken into consideration as an indigenous people in all instruction. In the Sámi Homeland, separate local curricula must be adopted in the Sámi language. Separate legislation exists on instruction in the Sámi Homeland.

The curricula for vocational education set targets for the instruction of the Sámi language in the same way as for Finnish and Swedish. The provider of education prepares the curriculum for instruction arranged in the Sámi language.

The Sámi Parliament has a representative in the management group for the curricula for basic education. The Sámi Parliament is consulted in law drafting. For instance, it represented the Sámi in the official negotiations on the programme to resuscitate the Sámi language.

The right of the Sámi to their traditional lands

In accordance with the decision made by the Government in December 2012, the Ministry of Agriculture and Forestry appointed a working group to prepare legislation for increasing the participation rights of the Sámi people in the decision-making procedure for issues related to the use of land and water areas. Also the participation rights of the rest of the local population will be taken into account in the work of the working group and necessary provisions will be included in the legislation concerning the organisation of Metsähallitus.

The working group will complete its work in March 2014. Thereafter, the proposal of the group will be sent out for comment together with the proposal for the revised Act on Metsähallitus. The new Act on Metsähallitus, including stronger rights of participation for the Sámi, is planned to take effect at the beginning of 2015.

Sámi people and other local inhabitants already have well secured opportunities to participate in the use of State-owned lands and waters in their residential areas. The State owns and Metsähallitus administers more than 90 per cent of the lands and waters in the Sámi Homeland. The use of the lands and waters administered by Metsähallitus is planned by means of natural resource planning. The planning process is inclusive and open for local interest groups. It consists of formulation of land use policies and local level decisions on e.g. priorities in the conservation and recreational use of the areas and on the extent of forestry measures to be taken.

Metsähallitus cooperates closely with the Sámi Parliament and conducts several yearly consultations in accordance with Section 9 of the Act on the Sámi Parliament as well as several unofficial consultations. Metsähallitus also cooperates with the Sámi Parliament within several working groups. Metsähallitus has also concluded agreements with individual herding cooperatives on areas that were excluded from forestry for 20 years.

In environmental matters, the obligation to negotiate is supplemented in practice by the Akwé:Kon Guidelines (Instructions of the environmental administration, no. 1/2011). These

guidelines, applied voluntarily, are part of the implementation of the United Nations Convention on Biological Diversity CBD. The guidelines are intended for use in the Sámi Homeland for assessing cultural, environmental and social impacts of those projects and plans which may influence Sámi culture, industries and cultural heritage. The National Forest Authority applies the guidelines in land use planning in the Sámi Homeland.

The new section 16 of the Nature Conservation Act provides that the authorities, when safeguarding the rights of the Sámi in the Sámi Homeland, must also take account of the specific objectives of conserving the areas in question, and in national parks also the visitors. This means that, for particular reasons, e.g. restrictions on fishing and hunting may be necessary also in nature reserves established in Upper Lapland. These situations will be regulated case by case, in the context of enacting each individual act of Parliament to establish a national or nature park.

Sámi in Finnish policies on sustainable development

The Finnish Committee on Sustainable Development coordinates the implementation of the United Nations' policy process on sustainable development in Finland. The Sámi Parliament has been a member of the Committee since 1993. The Committee, consisting of approx. 50 members, is chaired by a minister appointed by the Government, currently by the Minister of Finance. In December 2013 the Committee adopted a national societal commitment for sustainable development entitled "Suomi, jonka haluamme 2050" ("Finland that we want in 2050"). The commitment contains a vision of the year 2050, the key principles for sustainable development, and eight objectives. The first objective reads as follows:

"All members of society will be guaranteed equal prospects for health, education and employment. We will hold to a high standard of education and general knowledge, while also promoting social mobility. Sustainable development will be integrated into primary education, the education of all specialised fields and lifelong learning. We will reduce inequality by ensuring an adequate livelihood and basic social security. We will pay special attention to the well-being of children and young people. We will ensure equivalent welfare services and equal access to all welfare services. We will support the recognition of cultural rights and we will strengthen cultural values that support sustainable development. We will support possibilities for the indigenous Sámi people to practice their own culture in accordance with sustainable development and to transmit their culture from one generation to the next. We will do what we can to eliminate extreme poverty and reduce inequality and discrimination in the world. We will fulfil our development cooperation commitments."

Q3. In accordance with the objectives of the Second International Decade of the World's Indigenous People, please provide information on:

- **Your Government's initiatives to develop and/or implement measures for protecting and promoting cultural diversity and inter-culturality;**
- **Initiatives to recover or preserve and protect indigenous peoples' heritage sites and other parts of their tangible and intangible heritage;**
- **Public mechanisms or institutions focused on the protection of indigenous peoples' traditional knowledge and genetic resources.**

Projects and measures to promote equality

The YES-EU projects coordinated by the Ministry of the Interior have developed a number of projects and measures to promote equality. For example, a website entitled Oktavuolta has

been created on the Internet for teaching Sámi culture and history and their current situation. The projects have arranged a number of seminars dealing with the equality of Sámi in education, and produced a guide for equality planning, taking account of the Sámi, too.

The Ministry of the Interior has launched an international project to introduce indicators of good relations, to test and model operating models at local level and to prepare a guide for local actors on how to use good relations and positive interaction between different population groups for combating racism and xenophobia.

Discrimination Free Zone, a campaign running since many years, is a low-threshold activity through which organisations of different types can declare themselves free from discrimination and commit themselves accordingly to different measures. The declaration is made through a website, and as a token of it organisations display "traffic signs" indicating non-discrimination in their premises. The campaign has well-known ambassadors, who e.g. visit schools and sports events to raise public awareness about non-discrimination and equal treatment.

Sámi Museum and Sámi Cultural Environment Unit

The Ministry of Education and Culture subsidises the activities of Siida, the Sámi Museum. The museum is maintained by the Sámi Museum Foundation. Siida is the national museum of the Sámi, and its tasks include to store the spiritual and material culture of the Finnish Sámi in its collections and to present it to the public through its exhibitions and publications. The main purpose of the museum is to support the identity and the cultural self-esteem of the Sámi.

In 2011, a Sámi Cultural Environment Unit was established under the museum, with separate funding from the Ministry of Education and Culture. The official duties of the National Board of Antiquities and Historical Monuments regarding the Sámi Homeland were transferred to the Sámi Cultural Environment Unit. The duties include matters related to planning and other land use, statements and site inspections, reception of found objects and observations from the Sámi Homeland, and protection and management of antiquities.

Protection of indigenous peoples' traditional knowledge

At the moment there is no legislation in Finland as regards protection of indigenous peoples' traditional knowledge and genetic resources.

The Finnish Copyright Act protects expressions of folklore in the form of audio and audiovisual performances against fixation. This includes also expressions of indigenous peoples like the Sami People in Finland. There is no other protection of traditional cultural expressions in Finland.

At this stage Finland is on its way of implementing the Nagoya Protocol on Access and Benefit Sharing of Genetic Resources in a working group lead by the Ministry of Environment.

Q4. In accordance with the objectives of the Second International Decade of the World's Indigenous People, please provide information on:

Q4(a) Does your Government have a particular focus, programmes, laws and institutions to address indigenous children and youth in your country? If “Yes”, please provide a brief description of these programmes.

Measures addressing indigenous children and youth are described in answer under Q1. In addition, the Government’s Child and Youth Policy Programme 2012–2015 addresses Sámi youth as one special group whose equal opportunities the programme aims to improve. Young Sámi also contributed to the preparation of the programme.

See also paragraphs on indigenous youth under Q1.

Q4 (b) Does your Government have a particular focus, programmes, laws and institutions to address indigenous women in your country? If “Yes”, please provide a brief description of these programmes.

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Q4 (c) Does your Government have targeted policies, programmes, projects, benchmarks and budgets for indigenous peoples in the areas of education, health, environment, social and economic development?

Comments on the budgetary funds are made in connection with answer under Q1.

Q5. In accordance with the objectives of the Second International Decade of the World’s Indigenous People, please provide information on:

- **Existence of disaggregated data and statistics on indigenous peoples, including through national census;**
- **Existence of official reports or research on the situation of your country’s indigenous peoples.**

Since information regarding the race or ethnic origin of a person is considered sensitive personal data pursuant to the Personal Data Act (523/1993) and the collection thereof is in principle prohibited.

According to statistics drawn up in conjunction with elections to the Sámi Parliament in 2011, there were 9,919 Sámi people of which 9,266 live in Finland. Over half the Sámi population lives outside the Sámi homeland. There are three Sámi languages spoken in Finland. Of the 5,483 Sámi entitled to vote in the Sámi Parliament election, 3,379 persons speak Finnish as their mother tongue, 1,514 persons speak Northern Sámi, 332 persons speak Skolt Sámi and 253 persons speak Inari Sámi.

Statistics on education show that in 2012 a total of 378 school pupils and students were taught the Sámi language in general education, and 176 school pupils and students attended instruction provided in Sámi.

In the Sámi Homeland, day care is arranged in Sámi in separate units. Approximately 70 per cent of all Sámi children and young people reside outside the Sámi Homeland. Day care at different levels is provided in Sámi not only in the Sámi Homeland but also in the cities of Helsinki, Oulu and Rovaniemi. In Oulu and Rovaniemi the day care is arranged in separate groups in day care centres. During spring 2013, Sámi-language day care was provided in Helsinki on the basis of individual arrangements in three different day care units, and the provision of the day care on a more permanent basis is being prepared. In 2013, 84 children

attended Sámi-language day care in the Sámi Homeland and 19 children outside the Homeland. In 2013 a total of 103 children attended day care provided in Sámi.

As regards official reports and research, each year the Board of the Sámi Parliament draws up a report for the Government providing information on the development of matters of specific relevance to the Sámi.

A number of reports and studies exist on the question of Sámi land rights. In 2013 the Ministry of Social Affairs and Health commissioned a study on the health and well-being of Sámi living in the Sámi Homeland. A working group set up by the Ministry of Culture and Education has assessed the situation of all three languages and suggested the measures to improve their situation.

A number of reports and studies exist on the education of Sámi and the instruction of the Sámi language. An overall review is given in the working group proposal for resuscitating the Sámi language. In 2006, Ulla Aikio-Puoskari studied the position of the Sámi language in comprehensive schools in the Nordic countries. In 2009 Petra Biret Maggas (et al.) studied the instruction of the Sámi language outside the Sámi Homeland. In 2012 Anne Länsman and Saara Tervaniemi wrote a book on the use of the Sámi language in Utsjoki, which is the municipality with most Sámi people in Finland. The book also described the use of the language among young Sámi, e.g. at school.

Although rather few researches exist on young Sámi, some research information is available. In 2012 Sámi Siida ry (a Sámi association) studied the use of the Sámi language among young Sámi. The study clarified the picture of the language situation among young Sámi, who were also inquired about their personal views of how to strengthen the position of the Sámi language.

Q6. Does your Government have a national institution (ministry, department, ombudsman, etc.) on indigenous peoples' issues? If "Yes", please provide a brief summary of the focus and activities of the institution as well as the names and contact details of the focal point on indigenous peoples' issues.

Government

According to the Government Decree on the Ministry of Justice (465/2009) the tasks of the Ministry include to coordinate and prepare matters concerning the Sámi people. Other Ministries take sectoral responsibility for managing Sámi issues in their own field of administration, such as issues related to social welfare and health, employment, livelihoods, etc.

According to the Government Decree on the Ministry for Foreign Affairs (1171/2005) the tasks of the Ministry for Foreign Affairs include international human rights affairs, including the status and rights of indigenous peoples.

Contact details: Ms Camilla Busck-Nielsen, Ministerial Adviser, Ministry of Justice, tel. +358 295 150 278, e-mail: Camilla.Busck-Nielsen@om.fi.

Ombudsman for Minorities

The task of the Ombudsman for Minorities is to advance the status and legal protection of ethnic minorities in Finland and to prevent and tackle ethnic discrimination. The Ombudsman also acts as the national rapporteur on trafficking in human beings.

The Ombudsman targets its services at immigrants, foreigners living in Finland, and Finland's traditional ethnic minorities such as the Sámi people.

The Ombudsman for Minorities is an independent and impartial authority which is located administratively within the Ministry of the Interior. The most important instrument in the work of the Ombudsman is the Non-Discrimination Act.

The current Ombudsman for Minorities is Ms Eva Biaudet. The office of the Ombudsman has a staff of 11.

Contact details: Office of the Ombudsman for Minorities, tel. +358 295 480 171, e-mail: ofm@ofm.fi, website: www.ofm.fi.

Q7. Does your Government have any formal or ad hoc capacity-building programmes on indigenous peoples' issues for civil servants? If "Yes", please provide a brief description of these programmes.

The Sámi Education Institute makes an active contribution to developing education and training, e.g. in quality work in vocational education, as a member of a quality network of Northern Finland.

Q8. Please provide a brief account of some of your Governments' efforts regarding indigenous peoples and the Millennium Development Goals.

Finland supports the UN Indigenous Peoples Partnership (UNIPP) which was launched in 2011 by ILO, OHCHR, UNDP, UNICEF and UNFPA, with support of the Secretary General. The Partnership provides funding, expert and technical support to joint UN country programmes, as well as global and regional initiatives designed in partnership with indigenous peoples to advance the implementation of the UN Declaration on Rights of Indigenous Peoples, ILO 169 on Indigenous and Tribal Peoples, and recommendations by treaty bodies and other human rights mechanisms. For each project, the Partnership entails close collaboration between the aforementioned agencies (one serving as lead agency), indigenous peoples' representatives and the Government. The Partnership's thematic priorities support for achieving the Millennium Development Goals.

Finland supports the participation of indigenous peoples in various UN fora, including through voluntary funding to the UN Voluntary Fund for Indigenous Populations (VFIP). In preparation for the World Conference on Indigenous Peoples Finland has channelled additional support to the activities of the Indigenous Global Coordinating Group (GCG) and wishes in this way to contribute to inclusive and broad participation, including also of indigenous youth and women. The participation of indigenous peoples in the WCIP is also supported through the Finnish funding to the UN Voluntary Fund for Indigenous Populations (VFIP).

Finland also highlights the need to integrate human rights, including the principles of non-discrimination and equality, in the Sustainable Development Goals.

Q9. Please list information on how your Government currently promotes and/or implements the U.N. Declaration on the Rights of Indigenous Peoples.

The Government of Finland participated actively, in cooperation with the Sámi, in the drafting process of the UN Declaration on the Rights of Indigenous Peoples. The Declaration sets a standard of achievement on the political level to be pursued in the spirit of partnership and mutual respect.

Many of the goals of the Declaration had been included in the legislation at the time of the adoption of the Declaration.

In Finland, the adoption of the Declaration was welcomed with satisfaction. For a long time, protecting and promoting the rights of indigenous peoples had been one of the priorities of the Finnish Government in the field of human rights and also a cross-cutting theme in Finnish development policy. The adoption of the Declaration brought a new significant instrument for our international cooperation and, most importantly, for our national work in partnership with the Sámi people. In Finland, the Declaration has become a valuable tool in the preparation of a multitude of national measures, ranging from legislation to action plans.

Finland has pursued the objectives of the Declaration, for example, by means of a National Action Plan on Fundamental and Human Rights, adopted in March 2012. Different projects under this action plan aim at promoting the implementation of Sámi people's participation rights. In practice, these projects clarify the legislation on the rights of the Sámi to take part in the decision-making on, and planning of, the use of state land and waters in the Sámi homeland.

Finland's international human rights policy has as its priorities the rights of indigenous peoples. The 2009 Government Report to Parliament on the Human Rights Policy of Finland sets goals which seek to promote the Declaration at the United Nations as well as in bilateral relations.

Finland's Development Policy Programme emphasises respect for and implementation of human rights, democracy and responsibility. The starting point is a human rights-based approach to development. Emphasis is given, *inter alia*, to the rights of indigenous peoples.

The Declaration is translated into Finnish, North Sámi, Inari Sámi and Skolt Sámi. The Declaration is available on the website of the Ministry for Foreign Affairs (<http://formin.finland.fi>) as well as on the website of the Permanent Forum on Indigenous Issues (all language versions).

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SECTION 2 - Preparation for the Thirteenth session of the UN Permanent Forum on Indigenous Issues

The report of the 12th Session of the UN Permanent Forum on Indigenous Issues provides a number of recommendations within its mandated areas, some of which are addressed to Member States.

Question 1

Briefly state what recommendations from the Twelfth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)¹ or recommendations from previous sessions (not addressed in previous reports) were addressed by your Government.

The recommendations of the Permanent Forum are used to provide general guidance for policy making and law drafting.

Question 2

At its thirteenth session in 2014, UNPFII will address the follow theme “Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46”. The provisional agenda for the thirteenth session also includes Half-day discussion on the Asian region; Discussion on the World Conference on Indigenous Peoples; and Discussions on a number of ongoing priorities and themes, such as indigenous children, indigenous youth, the Second International Decade of the World’s Indigenous People and the Post-2015 Development Agenda.

Briefly state how your Government deals with these issues in regards to indigenous peoples.

Q2 (a). The theme on Good governance

Please, see information provided above on the Sámi Parliament and the revision of the Act on the Sámi Parliament, particularly its provision on the obligation of authorities 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.

Q2 (b). Ongoing priorities for indigenous children and youth

Finland emphasizes, in particular, our common duty to provide indigenous young people with the opportunities to empower themselves, guarantee availability of information and to ensure interactive communication and dialogue. Special strategies should be designed to guarantee that their participation is effective and meaningful.

The Finnish Sámi Parliament’s Youth Council provides an example of indigenous youth participation in decision-making. The Youth Council is responsible for preparing any Sámi Parliament’s statements that concern Sámi youth and their living conditions. Aims are to

¹ The following paragraphs of the Report on the Twelfth Session of the Permanent Forum (E/2013/43) contain recommendations addressed to Member States: 7 (b), 7 (c), 7 (e), 12, 14, 15, 16, 17, 19, 20, 24, 28, 29, 30, 31, 32, 34, 37, 38, 41, 45, 46, 47, 48, 49, 50, 51, 52, 89, 91, 95, 96, 97, 98, 100, 102, 103, 112, 115, 118, 120, 122.

foster the use of the Sámi language, to safeguard Sámi cultural rights across Finland and to work to strengthen the sense of belonging to Sámi culture among the Sámi youth.

Currently, the most important needs for change relate to the national core curricula for basic education and to the situation in teaching the Sámi language outside the Sámi Homeland, where most Sámi children and young people live.

On the whole, the child and youth policy priorities concerning indigenous Sámi children and youth are mainly the same as the priorities concerning other children and youth in Finland, i.e. participation, non-discrimination and everyday life management. As regards young people from ethnic minorities, the emphasis is on their equal opportunities to participate in youth activities and use services of youth work, and on the protection of these young people against discrimination based on ethnic origin.

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