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OHCHR  
DESA

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**Re: Questionnaire in relation to national action plans to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples**

**Contribution from the Finnish NHRI/Human Rights Centre**

The Human Rights Centre (HRC) would like to thank the Office of the High Commissioner for Human Rights and the Department of Economic and Social Affairs for the possibility to provide input for a guidance note on national action plans to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples.

The Human Rights Centre, its pluralistic Human Rights Delegation and the Office of the Parliamentary Ombudsman together form Finland's National Human Rights Institution. The institution was accredited an A-status by the GANHRI (previously ICC) in 2014.

According to legislation, one of the tasks of the HRC is to participate in European and international cooperation related to the promotion and protection of fundamental and human rights. The HRC represents the Finnish NHRI in international NHRI cooperation.

The information presented in this statement is largely based on the Government's National Action Plan on Fundamental and Human Rights 2017-2019 and background material provided by various ministries for the 3<sup>rd</sup> UPR-review of Finland that took place on 3 May 2017.

On behalf of the Finnish NHRI/Human Rights Centre,

Sirpa Rautio  
Director

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Expert

## Questionnaire to National Human Rights Institutions

1. Is the State developing or does the State have:  
a. a **national action plan or national strategy on indigenous peoples**?

- Ø Finland does not have a specific national strategy or action plan on indigenous peoples, Sami, living in Finland.
- Ø Within the revival programme for the Sami languages the government funds and develops activities and projects related to education of all three Sami languages on various levels in the entire country. This includes improvement of language nests for Sami children and development of distance learning and evaluation of Sami teaching.

b. **national strategies, national action plans and/or national development frameworks, which refer to indigenous peoples**, for example a NAP against racial discrimination or a national health plan?

### **National Action Plan on Fundamental and Human Rights 2017-2019**

<http://bit.ly/2sf0B4B>

- Ø The National Action Plan on Fundamental and Human Rights 2017-2019 (NAP 2017-2019) includes several actions and projects directly concerning Sami. This action plan is second of its kind in Finland. It follows the analysis and recommendations given by an external academic evaluation of the first action plan (2012-2013) in 2014 and the priorities and focus areas chosen by the ministries in 2015-2016.
- Ø The action plan on democracy policy 2017-2019 refers to consultation and participation of the Sami in specific in forestry issues in the Sami home land, linguistic rights and their improvement especially in the area of election materials and TV-broadcasting.
- Ø Many other national action plans, strategies, legislative projects and activities also touch upon issues relevant to the Sami and their rights as indigenous people, their livelihood or their culture and languages. These concern a wide variety of issues such as forestry, fishery, mining, education, health care and social services, environmental questions and arctic and Nordic cooperation etc.

If yes, please provide **details on the development and implementation of the plan or strategy**, including its content and the monitoring and evaluation mechanisms. If not, are there any plans to develop a national action plan or national strategy on indigenous peoples?

### **Development of the NAP 2017-2019**

- ∅ The NAP 2017-2019 was prepared by an intergovernmental working group (Government network of fundamental and human rights contact persons, comprising of representatives of each ministry and as expert members the supreme guardians of the law, i.e. the chancellor of justice's office, the office of the parliamentary ombudsman, and the Human Rights Centre).
- ∅ Several open hearings were held, in which Sami Parliament participated together with a wide variety of civil society organisations and expressed their supportive views of the action plan.

### **Implementation of the NAP 2017-2019**

- ∅ The implementation of the NAP 2017-2019 is the responsibility of the Government. Each ministry is in charge of the projects and activities in the subjects withing their mandate.
- ∅ The Government network of fundamental and human rights contact persons will monitor the implementation of the Action Plan.

### **Independent evaluation and indicators**

- ∅ An independent evaluation is to be carried out on the implementation of the Action Plan at the beginning of the following government term.
- ∅ In addition, independent supervisory authorities, such as the special ombudsmen, the Human Rights Centre and the Human Rights Delegation as well as non-governmental organisations have a significant role as independent supervisors of the implementation of the Action Plan.
- ∅ Indicators have been defined for each measure in the Action Plan for monitoring their implementation. In the Action Plan, indicators primarily mean general indicators of implementation.

### **Content of the specific Sami provisions in the NAP 2017-2019**

- ∅ **1.1.3 Basic course on Sáminess for officials responsible for Sámi affairs**

**Contents:** A course on Sáminess will be organised for officials responsible for Sámi affairs. The Sámi Parliament will prepare the course with the University of Lapland.

**Legal basis:** Section 6, 17(3) and 121(4) of the Constitution, UN Declaration on the Rights of Indigenous Peoples, ICCPR, ICESCR, UN International Convention on the Elimination of All Forms of Racial Discrimination, CoE Framework Convention for the Protection of National Minorities, concluding observations and recommendations of the UN and CoE treaty monitoring bodies and other human rights bodies, Article 22 of the EU Charter of Fundamental Rights

**Responsible ministry:** Ministry of Justice in cooperation with the Sámi Parliament and the University of Lapland

**Indicators:** implementation of the course

Ø **2.4.2 Promoting cultural diversity and mobility**

**Contents:** The development programme of cultural diversity and mobility, which is a permanent programme, is based on the statutory task of the Arts Promotion Centre. Its action priorities will be revised annually. The programme promotes an understanding of diversity in arts, intercultural dialogue and internationalisation of artists through cultural exchange and export. This takes place through government aid, development projects and expert work. Cultural diversity is promoted by highlighting suitable artistic means and by launching and coordinating cooperation between various actors, including in joint projects of majority and minority cultures. Internationalisation is strengthened through action in international networks in the field of art, participation in projects promoting international interaction and mobility of artists and through supporting internationalisation also on the domestic level.

**Legal basis:** Constitution, Article 13 and 22 of the EU Charter of Fundamental Rights

**Responsible ministry:** Ministry of Education and Culture, Arts Promotion Centre

**Indicators:** implementation of the development programme

Ø **3.5.1 Developing the participation of the Sámi indigenous people in decision-making affecting them in Finland**

**Contents:** Finland supports the strengthening of the opportunities for participation of the Sámi indigenous people. As the Chair of the negotiations for the Nordic Sámi Convention, Finland seeks to promote rapid entry into force and ratification of the Convention. The participation rights of the Sámi indigenous people in decision-making affecting them in Finland will also be strengthened through the reform of the Act on the Sámi Parliament. Cooperation between the Government and the Sámi Parliament will be improved by, for example, adopting the discussion day on topical issues between the ministries and the Sámi Parliament as a regular practice. The operation of municipal-specific advisory boards of the State Forest Enterprise will be established in the Sámi Homeland.

**Legal basis:** Section 17(3) and 121(4) of the Constitution, Act on the Sámi Parliament, UN International Covenant on Civil and Political Rights, UN Declaration on the Rights of Indigenous Peoples, concluding observations and recommendations by the UN and CoE treaty monitoring bodies and other human rights bodies, Article 22 of the EU Charter of Fundamental Rights

**Responsible ministry:** Ministry of Justice, Ministry of Agriculture and Forestry and other ministries

**Indicators:** completion, approval and ratification of the Nordic Sámi Convention, completion of a Government proposal on the Act on the Sámi Parliament, number of meetings of municipal-specific advisory bodies of the State Forest Enterprise

Ø **3.5.2 Participation of indigenous peoples in decision-making affecting them, particularly at the UN**

**Contents:** In the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, the member states agreed to consider how to promote the participation of indigenous peoples in UN meetings concerning indigenous peoples. As part of the follow-up to the above-mentioned conference, discussions on the participation of indigenous peoples and in particular of their representative bodies, such as the Sámi Parliament, in UN meetings in issues affecting them were organised during an informal consultation process open to indigenous peoples and member states in connection with the 70th and 71st session of the General Assembly. One of the advisors to the President of the General Assembly is Finland's Permanent Representative Ambassador **Kai Sauer**. The General Assembly has expressed the wish that decisions should be made on the issue during the 71st session. Finland will continue to participate actively in discussions for promoting the participation of indigenous peoples in issues affecting them at the UN. Finland will continue and, where possible, increase its support for the Voluntary Fund for Indigenous Populations (VFIP) administered by the Office of the United Nations High Commissioner for Human Rights, for the fund supporting the UN Permanent Forum on Indigenous Issues (PFII) as well as general support for the Office of the United Nations High Commissioner for Human Rights, which has a key role in promoting the rights of indigenous peoples within the UN system. Finland will support the independent work by Ms. Anne Nuorgam as a member of the Permanent Forum on Indigenous Issues during the term 2017–2019.

**Legal basis:** Section 17(3) and 121(4) of the Constitution, Act on the Sámi Parliament, Non-Discrimination Act, UN International Covenant on Civil and Political Rights, UN Declaration on the Rights of Indigenous Peoples, outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, concluding observations and recommendations by the UN and CoE human rights treaty monitoring bodies and other human rights bodies, Article 22 of the EU Charter of Fundamental Rights

**Responsible ministry:** Ministry for Foreign Affairs

**Key stakeholders:** Sámi Parliament, Sámi Council

**Indicators:** A resolution of the UN General Assembly on the participation of indigenous peoples has been adopted by the UN.

2. If the State has in place a national action plan or strategy that focuses specifically on, or refers to indigenous peoples, **please describe how indigenous peoples participated in the drafting, implementation, monitoring and evaluation processes.** Where the State does not have such a plan or strategy, please describe any other relevant examples of consultative processes with indigenous people, including examples of processes from your Institution. For example, how have indigenous peoples selected their representatives to sit on national committees or national consultation bodies? How did your Institution or the State ensure that indigenous peoples had the opportunity to participate, in particular if there are a large and geographically-diverse number of indigenous peoples in the State?

### **Background information on the self-government of the Sami.**

- Ø According to the Constitution of Finland (731/1999; Section 17, paragraph 3), the Sámi as an indigenous people have the right to maintain and develop their own language and culture.
- Ø Within the Sámi Home-land Area, the Constitution (Section 121, paragraph 4) guarantees the Sámi linguistic and cultural self-government, as provided by an Act.
- Ø The Act on the Sámi Parliament (974/1995) regulates the implementation of the self-government of the Sami,
- Ø For the tasks relating to their self-government the Sámi elect from among themselves the Sámi Parliament. There are about 6 000 voters in the electoral roll while there are about 10 000 Sámi in Finland in total.
- Ø The Sámi Parliament is not an authority but an independent institution, legal person, under public law. It does not safeguard a public interest as such but promotes the general interests of the Sámi people.

### **Participation and cooperation of the Sami Parliament**

- Ø According to the Act on the Sámi Parliament, the authorities shall negotiate with the Sámi Parliament in 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 certain matters mentioned in the Act in the Sámi homeland.
- Ø The Act on Sami Parliament is in the process of being improved. The participatory rights of the Sámi are to be strengthened, especially the duty of the authorities to negotiate with the Sámi parliament in matters which may affect the Sámi. The principle of free prior and informed consent will be reaffirmed.

- Ø As a standard, any invitations or requests for information or statements are distributed to Sami parliament at the same time as to the ministries and other relevant actors, including civil society organisations.
- Ø In the interactions with the Government, the Sami parliament as well as several Sami NGOs participate in the hearings, give written statements and follow actively the relevant processes.

3. Please provide examples of **good practices** regarding the development, implementation, monitoring and evaluation of national action plans or national strategies. These national strategies or national action plans do not have to be specifically on or refer to indigenous peoples. Please include information on how stakeholders, in particular national human rights institutions and civil society, participated in these processes.

**Participation of the NHRI and the civil society**

- Ø As a rule, Finland has an open policy with regard to participation. Open calls for contribution are published by the relevant ministries with regard legislative projects. Many hearings are conducted in an on-line service <https://www.lausuntopalvelu.fi/FI> (only in Finnish and Swedish).
- Ø Additionally, ministries organize open discussion events with regard major legislative projects to enable as wide variety of views to be taken into consideration while drafting legislation and policies.
- Ø Parliamentary committees organize hearings and invite experts from civil society, academia, the NHRI, ombudsmen and others while preparing their observations on legislative drafts being discussed in the parliament.
- Ø The NHRI receives calls for contributions in a wide variety of issues. If an issue is considered important enough to be given a contributions on, it can also be submitted without a specific request.

4. Has the State previously conducted a **baseline study**:  
a. for the purpose of a national action plan or national strategy on indigenous peoples?

- Ø Several separate studies on the status of Sami and on the land rights have been conducted throughout decades. They usually are connected to a specific legislative project or a specific problematic issue that has arisen.

b. for the purpose of any other type of national action plan or national strategy? If yes, please provide details of this baseline study, including the methods used to conduct it. Please provide a link to the webpage or a copy of this study

### **Actualizing Sámi Rights: International Comparative Research 2017**

<http://bit.ly/2stfWk9> (only partly available in English)

- Ø Finland has received repetitive recommendations from the UN committees and other international human rights monitoring bodies with regard the rights and status of Sami, including land rights, self-determination, linguistic issues and still pending process on the ratification of the ILO 169 convention.
- Ø In order to take further steps in way of new legislation and ratification process etc, the Government requested in 2015 that a comparative international study be conducted on the issues, in particular, related to land- and participatory rights of Sámi and the Sámi definition.
- Ø The research was initiated after a competitive selection between research groups.
- Ø The research aimed to provide new information concerning recent developments of indigenous peoples' rights in international law as well as legal solutions related to indigenous peoples in other relevant countries.
- Ø The research methods included analytical dogmatic methods, studies in official documentation, both domestic and international, public hearings in municipalities in the Sami Homeland, hearing of various Sami groups etc.
- Ø The research report was published as a part of Publications of the Government's analysis, assessment and research activities.
- Ø The research consists of four main parts.
  - First part takes a look at legal status of Sámi and related proposals, which are viewed from the perspective of international legal obligations.
  - Second part discusses the problematics of Sámi definition in the light of international law as well as in the legal praxis of the Supreme Court of Finland. This part includes also a description of the backgrounds and reasons for the battle concerning the definition.
  - Third part focuses on indigenous peoples' legal status and rights in international law, with special reference to the principle of free, prior and informed consent (FPIC), as well as interpretation of land rights provisions of ILO Convention 169.
  - Fourth part consists of legal comparison including country reports on Norway, Sweden, Aotearoa New-Zealand, Canada and chapter



on Latin America. This section includes conclusions summarizing essential elements regarding legal solutions of each selected countries that can provide best practices for advancing Sámi rights in Finland.

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