

Human Rights Committee

**ICCPR SESSION**

**FINLAND 2021**

**In response to the 7th Periodic Report of the Finnish Government (2 April 2020) on the implementation**

**of the International Covenant on Civil and Political Rights**

**For the 131st session of the Human Rights Committee (1-26 March, 2021)**

**Submitted on February 19, 2021**

The Finnish League for Human Rights at this point only reinforces its view on the rights of the indigenous Sami, referring to paragraph 23 in the List of Issues, especially regarding *measures taken to ensure meaningful consultation with a view to obtaining the free, prior and informed consent of the Sami people before adoption of legislation or policies or approval of development projects that may affect their rights as indigenous people.*

Regarding other matters in the State Report, the Finnish League for Human Rights refers to its statement on the List of Issues submitted in January 2019.

The ratification of the ILO169 convention on indigenous and tribal peoples is still in a standstill. According to the current Government Programme, the Government will examine the possible ratification of the ILO Convention No. 169. It is unfortunate that the wording of the Government Programme is not stronger than yet another examination of the “possible” ratification.

The Human Rights Committee adopted two views in February 2019 concerning Finland and complaints about acceptance to the Sami Parliament electoral register. They concerned decisions of the Finnish Supreme Administrative Court. The Committee was of the view that the Court had violated the indigenous Sami people’s right to self-determination, its right to political participation, and its right to enjoy its culture. A reform of the legislation on the Sami Parliament is still pending.

Some branches of the government have manifestly failed to respect the obligation to obtain free, prior and informed consent of the Sami in legislative and administrative processes that may affect them. In the negotiation between Finland and Norway on common fishing regulations for the Teno River, the Sami were not consulted in proper manner. In the context of that procedure, the Finnish government has even stated that the opportunity to express consent must be seen as a procedure, and not interpreted as a veto right.[[1]](#footnote-1) Thus, if the Sami, as a result of negotiations, do not give their consent, the government does not see that as a definitive obstacle to proceed with the plans in question.

The Finnish Ministry of Justice and the Sami Parliament have drafted and adopted in cooperation a guideline memorandum on negotiations between public authorities and the Sami Parliament. The memorandum emphasizes the need to engage in genuine negotiations in a timely fashion. However, even after adopting the guideline memorandum, the Sami have not been properly consulted, for example, with regard to plans to build a railroad, the so-called Arctic Railway, across the Sami homeland.

More recently, the liberal regulations of the Mining Act have led to fears of new extensive mining projects in the Sami homeland. A reform of the Mining Act is underway but it remains unclear to this day whether the rights of the Sami as an indigenous people will be taken into account.

As stated in Finland’s report, Prime Minister Juha Sipilä’s Government (2015–2019) decided, in cooperation with the Sami Parliament, to launch a reconciliation process between Finland and the Sami. It is of utmost importance that ownership by the Sami is ensured in the setup of a Truth and Reconciliation Commission. The procedure needs proper resources both to research and document the truth and to support the community with regard to trauma. In this kind of procedures, truth needs to come first, in order for any kind of reconciliation to be possible.

**Recommendations:**

* Immediately ratify ILO Convention 169.
* Conduct reform of the Sami Parliament Act in a way that respects the Sami people’s right to self-determination and considers the Covenant oversight bodies’ views on the fulfilment of Sami people’s rights.
* Apply the negotiation procedure between the authorities and the Sami and the related principle of free, prior and informed consent (FPIC) in a manner based on equality between the parties, mutual respect and trust.
* Enhance official awareness and understanding of the FPIC principle and its application, such as through training of government and local officials.
* Ensure ownership by the Sami in the upcoming truth and reconciliation process, as well as sufficient resources for all aspects of the procedure.
1. Government proposal 239/2016. [https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE\_239+2016.aspx](https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_239%2B2016.aspx) [↑](#footnote-ref-1)