

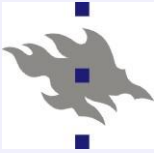


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European models of communication between governments and minorities

ECMI seminar 19.10.2015

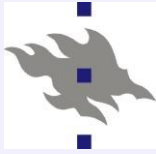
Dr. Reetta Toivanen, Erik Castren Institute of International Law and Human Rights, University of Helsinki



Human Rights approach to minorities



- Minority rights are no *additional* rights, they provide additional *protection* to persons belonging to minorities
- *Only when minorities are able to use their own languages, benefit from services they have themselves organized, as well as take part in the political and economic life of States can they begin to achieve the status which majorities take for granted.*



TOWARDS EFFECTIVE PARTICIPATION, TOWARDS SUBSTANTIAL EQUALITY AND DEMOCRATIC DECISION-MAKING

Why is participation of minorities in public life important?

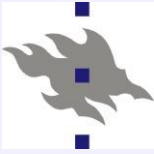
From earlier assimilation politics to politics of integration
Integration means

Effective participation in the public life is seen to be the key
in countering ethnic tensions

Participation > feeling of belonging > motivation to
cooperate

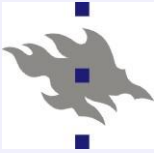
**Joint solutions > common responsibility for societal
peace.**

Governmental institutions increasingly use dialogue procedures in
an attempt to increase legitimacy and improve the quality of
democratic decision making.



European legal and political base for integration

- **OSCE: i.e. High Commissioner on National Minorities (OSCE):** Practical advise for participation of national minorities in decision-making;
- **European Union Partnership agreements**
- **Council of Europe: ECHR, FCNM, Language Charta, ECRI**
 - “Considering that a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity” (Preamble of Framework Convention on National Minorities)
 - The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them. Art 15



Different practices

Consultation forums

to support and develop interaction between the government and ethnic minorities with immigrant background as well as to support the ministries in developing a diverse society with ethnic equality

Presidential and other roundtables

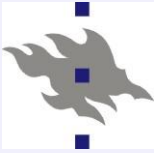
To engage inhabitants of different ethnicities, mother tongues and nationalities and to advise the President of the Republic where necessary

Advisory bodies

With specific minorities on the national and regional level

Modes for cultural and linguistic autonomy

Territorial and / or national arrangements



Specialised bodies i.e. in Finland

- The Ombudsman for Equality (earlier for minorities, before for Aliens)
- The Parliamentary Ombudsman
- Ombudsman for Equality (sex, gender and gender identity),
- Ombudsman for Children
- The Chancellor of Justice
- The Sámi Parliament
- The Advisory Body for Roma Affairs
- Advisory Board for Ethnic Relations, ETNO
- National Human Rights Institute since 2012



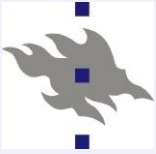
EXAMPLES OF CONSULTATION FORUMS

SWEDEN

- Law requires that authorities organise consultations with such minorities who are affected by planned policies. For example Ministry of Employment organise a yearly meeting with representatives of minorities.

GERMANY

- Council for National Minorities composed of representatives of national minorities operating under the Minority Secretary represents the interests of national minorities vis-à-vis the federal parliament and government.

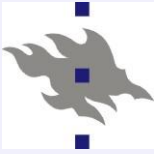


PRESIDENTIAL AND OTHER ROUNDTABLES

■ ESTONIA

- The Round Table of Nationalities since 2010 (earlier advisory President's Round Table).
- Engage Estonian inhabitants of different ethnicities, mother tongues and nationalities and to advise the President of the Republic where necessary. The members of the Round Table are appointed personally by the Cooperation Assembly.

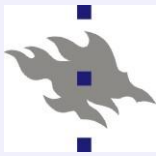




EXAMPLES OF ADVISORY BODIES

- Advisory Board on Romani Affairs is to enhance the equal participation of the Roma population in the Finnish society;
- to improve their living conditions and socio-economic position and to promote their culture.
- The Advisory Board functions in conjunction with the Ministry of Social Affairs and Health.
- The Government appoints the Advisory Board every 3 years.
- 18 members, 50% represent the Roma population; 50 % ministries
- The Advisory Board employs a full time General Secretary and a secretary. The General Secretary prepares the work of the Advisory Board and carries out its decisions.



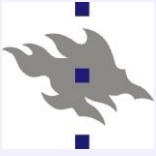


EXAMPLES OF ADVISORY BODIES

Advisory Board on Ethnic Relations, ETNO, appointed by the Finnish Government with 1 nation-wide and 7 regional boards;

- support and develop interaction between the government and Finnish ethnic minorities with immigrant background
- support the ministries in developing a diverse society with ethnic equality.
- expert information services on immigration



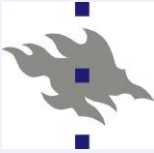


AUTONOMY and AUTONOMOUS REGIONS

An autonomous, demilitarised and is the only monolingually Swedish-speaking region in Finland. The legal status was affirmed by the League of Nations in 1921. The status and the specific rights, i.e. that only locals can own property were confirmed when Finland joined the EU in 1995.

- **Permanent seat at the Parliament of Finland**
- **Åland has its own flag, has issued its own postage stamps since 1984, runs its own police force**
- **population is exempt from conscription**



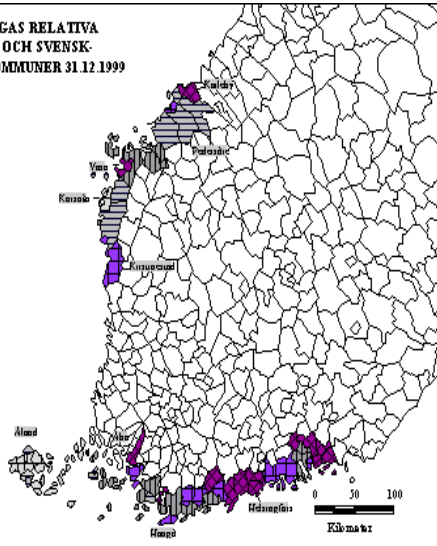


Swedish speaking minority in Finland

- Ca 5.4% people with Swedish mother tongue. Thousands more are bilingual > problem: you can only register one mother tongue

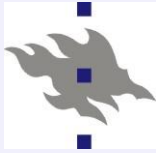
FINSKSPRÅKIGAS RELATIVA
ANDEL I TVÅ- OCH SVENSK-
SPRÅKIGA KOMMUNER 31.12.1999

2,7 - 7,0 %
7,1 - 14,0 %
14,1 - 33,0 %
33,1 - 43,0 %
43,1 - 94,4 %



- A municipality may be either unilingual Finnish, unilingual Swedish, bilingual with a Finnish majority or bilingual with a Swedish majority.
- A municipality is bilingual if the number of speakers of the other language is over 8 % of the total population or is at least 3,000 persons

- The language of instruction in schools is either Finnish or Swedish. Parents choose the school depending on the child's mother tongue.
- Swedish-language political party, Svenska Folkpartiet (SFP) takes about 75 % of the Swedish speakers' votes and has been party to almost every government of Finland.



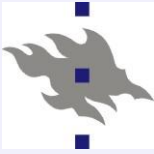
CULTURAL AND LINGUISTIC AUTONOMY: SÁMI PARLIAMENTS

FINLAND

- Sámi Parliament is a self-government body of the Sámi (Law 1995).
- Its main purpose is to plan and implement the cultural self-government guaranteed to the Sámi as an indigenous people.
- makes initiatives, proposals & statements to the authorities.
- 21 person delegation elected every 4 years

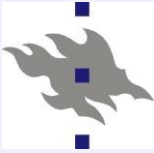
NORWAY

- The Finnmark Estate agency- Finnmarksloven - FeFo
- Owns 95% of the land area in Finnmark County.
- Sámi have the right to participate in the administrating of land-use and national resources in Finnmark.
- The Sámi Parliament and the the Finnmark County choose 3 members each for the board.



OTHER GOOD PRACTICES

- For municipalities in Sweden that have inhabitants that are members of one of the five national minorities (Sámis, Finn-Swedes, Tornedalingar, Jews and Romas)
- They can apply to become a part of the administrative districts for national minorities.
- This allows for grants related to the amount of minority members residing in the municipality which are to be used for maintenance and support for national minority culture and languages.
- Usage is decided upon in Consultations, where the municipality and representatives from the national minorities together decide upon how the grants best are put into use.



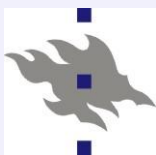
YOU NEED TO KNOW WHERE YOU ARE HEADING TO

LEGAL AND POLICY PLANNING OF THE DIALOGUE

- Anti-discrimination laws, National action Plans
- Human Rights Action Plans
- Integration Law and action Plan

IN ORDER TO HAVE A REAL DIALOGUE:

- Representation: minority members have to have at least 50 % of seats
- They have to have a clear mandate, not only to be listened
- Enough resources for the bodies
- Allocation of resources should go to the minorities: self-determination in how funds are used



DIALOGUE IS ABOUT LEARNING and RESPECTING DIVERSITY

