

**Expert Mechanism on the Rights of Indigenous Peoples  
Eleventh Session, 9-13 July 2018**

**Item 3: Country engagement**

**10 July 2018**

**Statement by Finland**

Chairperson,

(As we take the floor for the first time, let us congratulate you on the appointment as Chair of EMRIP.)

It is a pleasure to participate in today's discussion on country engagement by EMRIP. Finland is a longstanding supporter of the mandate and work of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). We were also among those delegations that actively supported the review of EMRIP's mandate in accordance with the mandate provided by the World Conference on Indigenous Peoples. The renewed mandate was a welcome step in strengthening the support to the realization of Indigenous Peoples' rights.

The Government of Finland was, therefore, pleased to welcome EMRIP to its first ever country engagement mission – at the request of the Sámi Parliament of Finland - to Inari and Helsinki in February. The aim of the mission was to facilitate dialogue between the Government and the Sámi Parliament and advice and assist on the proposed amendments to the Sámi Parliament Act, focusing specifically on the definition of the Sámi and the obligation to negotiate, as agreed upon by both parties. The Committee on the Revision of the Act on the Sámi Parliament appointed by the Ministry of Justice in November 2017 consists of representatives of the government, the Sámi Parliament as well as experts from the Ministry of Justice and the Sámi Parliament. Doctor of Law Pekka Hallberg acts as chairperson of the Committee. The mandate of the Committee has been prolonged until the end of August.

We were happy that EMRIP has a broad understanding of Sámi issues in Finland. Based on its own decisions and on its own, EMRIP met with a wide range of different stakeholders, including the Committee on the Revision of the Act on the Sámi Parliament, government representatives, representatives of the Sámi Parliament, Sámi representatives, NGOs, representatives of the supreme overseers of legality in Finland, the Human Rights Centre and academia. We appreciated the time taken by EMRIP to meet with government representatives and the Sámi Parliament in order to engage in dialogue on the revision of the Act on the Sámi Parliament.

In addition to respecting the independent work of EMRIP to facilitate dialogue, it was important for the Government of Finland, that the advice of EMRIP would be available to everyone in a transparent manner. We, therefore, together with the Sámi Parliament agreed that the advisory note prepared by EMRIP after its country engagement mission, was made public. It

was also immediately shared with the Committee on the Revision of the Act on the Sámi Parliament and was beneficial for the work of the Committee.

The facilitation provided by EMRIP contributed positively to a dialogue on the Revision of the Act on the Sámi Parliament. Furthermore, the visit of EMRIP promoted a more in-depth understanding among different actors in Finland of EMRIP's work. I wish to extend our appreciation for the realization of the visit to those EMRIP members that participated in the mission (Ms. Megan Davis, Mr. Albert Barume, Mr. Alexey Tsykarev and Ms. Laila Vars) and to accompanying OHCHR staff (Ms. Kate Fox).

As regards the revision of the Act on the Sámi Parliament, I am pleased to inform you that the Committee for the revision of the Act on the Sámi Parliament has at the end of June submitted its draft proposal for a revision of the Act. The draft proposal – in the form of a Government Bill – was in June sent to ministries, authorities, Sámi NGOs and other civil society actors for comments and opinions, which can be delivered by end of July. Once comments and opinions are received, the Ministry of Justice will continue to negotiate with the Sámi Parliament on the draft proposal. It is the aim of the Government to present a Government Bill to the Parliament in the beginning of this autumn provided that the Sámi Parliament gives its approval.

The work of the Committee drew on the Constitution of Finland, including fundamental rights, Finland's international human rights obligations as well as the UN Declaration on the Rights of Indigenous Peoples. The objective is to update the basic provisions of the Act concerning the self-government of the Sámi, which is protected by the Constitution.

The key proposals in the draft are the following: Firstly, while not including a definition of Sámi persons, it would be stipulated more clearly who has the right to vote in elections to the Sámi Parliament (i.e. criteria for seeking inclusion in the electoral roll). Secondly, the status and responsibilities of the Sami Parliament would be clarified. Thirdly, the obligation to negotiate would be developed towards co-operation, in other words, into an obligation to cooperate and negotiate. In addition, the proposal seeks to clarify the provisions on elections and the system of requests for review.

As regards the right to vote in elections to the Sámi Parliament, according to the proposal, the right to vote in elections to the Sámi Parliament would, as before, require a consent to seek inclusion in the electoral roll. The relevant provision would, as the Act currently in force, require both a subjective consent and the fulfilment of certain objective criteria. The actual statutory preconditions for the right to vote would be that the person himself or herself or at least one of his or her parents, grandparents or great-grandparents must have learned Sámi as their first language, or that at least one of the person's parents must be or have been included in the electoral roll for the Sámi Delegation or the Sámi Parliament.

Under the current Act on the Sámi Parliament, the task of the Sámi Parliament is to look after the Sámi language and culture, as well as to take care of matters relating to their status as an

indigenous people. It is proposed to add the task of promoting the realisation of the rights of the Sámi as an indigenous people.

Under the current Act, the authorities must negotiate with the Sámi Parliament on certain matters which may affect the status of the Sámi as an indigenous people. As mentioned, it is proposed to revise the provision in question to impose an obligation to cooperate and negotiate with the Sámi. The proposed amendment indicates pursuit of consensus and consent but does not, however, mean a right of veto.

Furthermore, the proposal aims to clarify the current provisions on elections and the current system of requests for administrative and judicial review. In future, the Election Committee would be appointed right at the beginning of the electoral period of the Sámi Parliament, and the time limits for seeking inclusion in the electoral roll would be advanced. The proposed amendments are intended to allow for sufficient time for the consideration of applications and for possible requests for review.

Moreover, in future, a review committee would be appointed to operate in connection with the Sámi Parliament. The review committee would consist of a legally trained chairperson and three members. It would be independent and autonomous in its operations. The review committee would consider requests for review of decisions concerning inclusion in the electoral roll. Decisions of the review committee could be appealed against to the Supreme Administrative Court.

In August, the work on the draft proposal will continue.

Mr./Ms. Chair,

In addition to thanking EMRIP and the Sámi Parliament for their cooperation on the country engagement mission, we would wish to express appreciation for this opportunity for follow-up and continued dialogue. We hope that this country engagement mission as well as subsequent ones will provide a good basis for EMRIP's future missions and an encouragement for States and Indigenous Peoples to engage.

Let me conclude by, once more, expressing our appreciation for good cooperation and dialogue with EMRIP, which we look forward to also in the future.

Thank you.