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**THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**Initial Periodical Report  
presented to the Secretary General of the Council of Europe  
in accordance with Article 15 of the Charter**

**FINLAND**



# INITIAL REPORT OF THE GOVERNMENT OF FINLAND ON THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

## General

The European Charter for Regional or Minority Languages was opened for signature by the member States of the Council of Europe, in Strasbourg, on 5 November 1992. The Charter entered into force on 1 March 1998. The Charter has been ratified by 8 member States of the Council of Europe (by February 1999).

The treaty aims to protect and promote the historical regional or minority languages of Europe. The Charter aims to maintain and to develop Europe's cultural traditions and heritage, and to promote the respect for an inalienable and commonly recognised right to use a regional or minority language in private and public life.

In its Part I and II the Charter enunciates objectives and principles that Parties undertake to apply to all the regional or minority languages spoken within their territory: respect for the geographical area of each language; the need for promotion, facilitation and/or encouragement of the use of regional or minority languages in speech and writing, in public and private life (by appropriate measures of teaching and study, by transnational exchanges for languages used in identical or similar form in other States).

Part III of the Charter contains a number of specific measures to promote the use of regional or minority languages in public life. These measures cover the following fields: education, justice, administrative authorities and public services, media, cultural activities and facilities, economic and social activities and transfrontier exchanges.

When ratifying the Charter Finland declared that it will apply 65 of the provisions under Part III of the Charter to the Swedish language (the less widely used official language) and 59 to the Sami language (a regional language). Furthermore, Finland declared that it undertakes to apply, *mutatis mutandis*, the principles listed in part II of the Charter to the Roma language and other non-territorial languages.

The implementation of the Charter is monitored by a committee of experts which periodically examines reports presented by the Parties. The first report shall be presented within the year following the entry into force of the Charter for the Party concerned. The Reports shall be made public.

The committee of experts is composed of one member per Party, appointed by the Committee of Ministers from a list of individuals of the highest integrity and recognised competence in the matters dealt with in the Charter. The candidates are nominated by the Party concerned. The members of the committee are appointed for a period of six years and they shall be eligible for reappointment.

Bodies or associations legally established in a Party may draw the attention of the committee of experts to matters relating to the undertakings entered into by that Party under Part III of this Charter. After consulting the Party concerned, the committee of experts may take account of this information in the preparation of its report. These bodies or associations can further submit statements concerning the policy pursued by the Party in accordance with Part II.

On the basis of the reports and the information received from such bodies as mentioned above, the committee of experts prepares a report for the Committee of Ministers. This report shall be accompanied by the comments which the Parties have been requested to make and may be made public by the Committee of Ministers. This report shall contain in particular the proposals of the committee of experts to the Committee of Ministers for the preparation of such recommendations of the latter body to one or more of the Parties as may be required.

This is the initial report of the Government of Finland submitted to the Secretary General of the Council of Europe. The report was made in February 1999.

## APPENDICES

- The Initial Report of the Government of Finland Regarding the Implementation of the Framework Convention for the Protection of National Minorities, 4.2.1999
- The combined 13th and 14th periodic report of the Government of Finland on the International Convention on the Elimination of All Forms of Racial Discrimination
- Fundamental Rights in the Constitution of Finland, Publications of the Ministry for Foreign Affairs 6/1998
- Paavo Lounela: The Role of the Advisory Board on Romani Affairs in Finnish Administration (14 October 1997)
- Legislation
  - Act on the Sami Parliament [Thing] (974/1995)
  - Language Act (148/1922)
  - Decree on the Implementation of the Language Act (311/1922)
  - Act on the Use of the Sami Language before Authorities (516/1991)
  - Act on the Freedom of the Press (1/1919)
  - Names Act (694/1985)
  - Act on the Autonomy of Åland (1144/1991)
  - Constitutional Laws of Finland (Oy EDITA AB, Helsinki 1996)
- Statistics
  - Population according to language by region at the end of 1997
  - Population by language at the end of the year in 1990-1997
  - Municipalities by official language and population by language at the end of 1997
  - Source: Statistical Yearbook of Finland 1998 Volume 93 (new series)

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## PART I

1. *Please state the main legal act(s) whereby the European Charter for Regional or Minority Languages has been implemented in your State. If you so desire, please mention the general considerations which have guided your country in the ratification process.*

International law and international conventions are not directly applicable in Finland. International conventions are usually incorporated either by Act of Parliament or by Decree. Thereafter the conventions are applicable as national law. However, implementation may also be done by harmonising domestic law with the convention in question. For example the provisions on fundamental rights in the Constitution Act of Finland were amended in 1995 to improve the system of fundamental rights so that it would be in harmony with international human rights standards. In this respect the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms were the most important conventions.<sup>1</sup>

The incorporation procedure in respect of the Language Charter might be explained as "mixed". The Language Charter was brought into force by a Decree on 27.2.1998 (Treaty Series 23/1998). However, the Government made the choice of provisions in Part III of the Charter on the basis of the then existing national legislation. Thereby the national legislation is in conformity with the provisions in the Charter, as the provisions chosen are either guaranteed as such or at a higher level in the legislation.

When the Charter was brought into force, Finland chose to apply only those provisions which were in harmony with the domestic legislation and the de facto situation at the time of ratification. The Charter was incorporated by Decree on the grounds that the Charter was not considered to directly concern rights and duties of the individual, and it was also considered that the mainly programmatic nature of the provisions in the Charter did not require incorporation by Act of Parliament. This manner of incorporation was also considered sufficient on the grounds that the bringing into force of the Charter did not create such new expenses for the State that would have required consent of Parliament.

2. *Please indicate all regional or minority languages, as defined in paragraph a of Article 1 of the Charter, which exist on your State's territory. Indicate also the parts of the territory of your country where the speakers of such language(s) reside.*

### Swedish

According to the Constitution Act, the national languages of Finland are Finnish and Swedish. Swedish is the less widely used official language in Finland. Most of the Swedish-speaking Finns live in the southern, south-western and western coasts and on the Åland islands.

### Sami

The *Sami* are an indigenous people living in the northern parts of Finland, Norway, Sweden and Russia. There are about 70.000 - 100.000 Samis in this area. Most of the Samis in Finland live in the Sami Homeland in northern Lapland (the

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<sup>1</sup> See the annexed "Fundamental Rights in the Constitution of Finland".

Homeland consists of the following municipalities: Enontekiö, Inari, Utsjoki and Sodankylä) and about 2.400 of them live in other parts of the country.

*3. Please indicate the number of speakers for each regional or minority language. Specify the criteria for the definition of "speaker of regional or minority language" that your country has retained for this purpose.*

The *Swedish-speaking Finns* are the largest minority in Finland (293.691 persons on 31 December 1997, or 5,71 % of the population).

There are in total some 6.900 *Samis* living in Finland. Most of them speak North Sami, but both Inari Sami and Skolt Sami are spoken by some 200 people, respectively. All in all there are ten different Sami languages.

The criteria for the definition of "speaker of regional or minority language" is based on demographic data from the Population Register Centre. The following data concerning Finnish citizens are inserted in the population register: ID code, name, address and municipality of residence, parents, children and spouse, nationality, mother tongue and profession (which the citizen himself has given). Statistics Finland elaborates statistics for example on the basis of nationality, language and country of birth. These statistics are based on information given by the Population Register Centre.<sup>2</sup>

*4. Please indicate the non-territorial languages, as defined in paragraph c, Article 1 of the Charter, used on your State's territory and provide statistical data concerning speakers.*

#### Roma

There are about 10.000 Roma in Finland. The Finnish personal data protection legislation does not allow registration of data indicating race or ethnic origin. Therefore for example the number of Roma can only be estimated.<sup>3</sup>

#### Russian

At this moment there are some 20.000 Russian-speaking persons living in Finland, of which some 5.000 are so-called Old Russians.

#### Tatars

There are some 900 Tatars living in Finland, mostly in the capital district. *Tatar* is one of the Turkic languages.

*5. Please indicate if any body or organisation, legally established, exists in your State, which furthers the protection and development of regional or minority languages. If so, please list the names and addresses of such organisations.*

The Research Centre for Languages of Finland is responsible for research in Finnish, Swedish and Sami. Apart from the Language Boards for the Finnish, Swedish, Sami and sign language, a Roma Language Board was established in

<sup>2</sup> See the statistics showing Population by language at the end of 1997. See also the home page [www.stat.fi](http://www.stat.fi).

<sup>3</sup> The prohibition is nevertheless not absolute. It is possible to collect such data for the population register on conditions provided by Act of Parliament or Decree. There are separate provisions on the publicity of confidential information.



connection with the Research Centre for Domestic Languages on 1 June 1997, to study and develop the Roma language and to provide advice in the use of the Roma language.

The address of the Research Centre is:<sup>4</sup>

Kotimaisten kielten tutkimuskeskus  
Sörnäisten rantatie 25  
FIN-00500 Helsinki

The Sami Parliament shall look after the Sami language and culture, by taking initiatives and making proposals to the authorities (Act on the Sami Parliament [Thing] section 5).

The address of the Sami Parliament is:

Sámediggi  
PL 39  
FIN-99871 Inari

The interests and the status of the Swedish-speaking Finns and the Swedish language are monitored by the Swedish Assembly (Svenska Finlands folkting).<sup>5</sup>

The address of the Swedish Assembly is:

Svenska Finlands folkting  
Unionsgatan 45 H 110  
FIN-00170 Helsingfors

The Advisory Board for Roma Affairs<sup>6</sup> is responsible for monitoring the development of possibilities for social participation and of living conditions of the Roma population, for taking initiatives and promoting the status of the Roma language and culture. The Advisory Board for Roma Affairs is subordinate to the Ministry of Social Affairs and Health.

The Address to the Advisory Board is:

Romaniasiaain neuvottelukunta  
PL 267  
FIN-00170 Helsinki

*6. Please indicate if any body or organisation has been consulted on the preparation of this periodical report. In the case of an affirmative answer, specify which one(s).*

The report has been drafted at the Ministry for Foreign Affairs on the basis of opinions given by different ministries and authorities. The following organisations

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<sup>4</sup> You can also visit the Centre's home page at: [www.domlang.fi](http://www.domlang.fi)

<sup>5</sup> See their home page at [www.folktinget.fi](http://www.folktinget.fi)

<sup>6</sup> See: Paavo Lounela: The Role of the Advisory Board on Roma Affairs in Finnish Administration.

representing minorities have been asked to give their opinions on matters dealt with in the report: the Swedish Assembly, the Sami Parliament, the Advisory Board on Roma Affairs, the Finnish Islamic Congregation (the Finnish Tatar Community), the Jewish Community, the Old Russians (Venäjän kulttuuridemokraattinen liitto) and the Advisory Board for Ethnic Relations<sup>7</sup>.

The Swedish Assembly, the Sami Parliament, the Finnish Islamic Congregation (the Finnish Tatar Community) and the Old Russians have given written opinions. The opinion of the Advisory Board on Roma Affairs was included in the opinion of the Ministry for Social Affairs and Health and the opinion of the Advisory Board for Ethnic Relations was included in the opinion of the Ministry of Labour. An opinion has also been given by "FIBLUL" (see below page 10).

Furthermore, a "hearing" was held on 22 February 1999 at the Ministry for Foreign Affairs. All the parties referred to above were invited as well as representatives of the Minority Rights Group - Finland, the Finnish Human Rights League, Amnesty International - Finland and the Institute for Minority Law. Minority Rights Group was represented.

*7. Please indicate the measures taken (in accordance with Article 6 of the Charter) to make better known the rights and the duties deriving from the application of the Charter.*

The Charter has been published in the Finnish Treaty Series with translations into Finnish, Swedish and North Sami. The Ministry for Foreign Affairs is planning to make the Charter available at the Ministry's Internet site together with this report. This report will also be published in the Ministry for Foreign Affairs Publication Series, which is available through book shops.

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<sup>7</sup> See pages 14-15 in Finland's Initial Report on the Application of the Framework Convention for the Protection of National Minorities.

## PART II

### Article 7 - Objectives and principles

1. *In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:*

*a) the recognition of the regional or minority languages as an expression of cultural wealth;*

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*b) the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;*

Section 50, subsection 3 and section 51, subsection 2 in the Constitution Act provide that "[i]n any arrangement of the boundaries of administrative districts, care shall be taken that, where circumstances permit, the districts are unilingual, either Finnish-speaking or Swedish-speaking, or that their linguistic minorities are as small as possible".

The aim with these provisions is to secure in the best possible way services to both language groups. The bigger the minority is the easier it is to provide service in the minority language.

There are two examples of special administrative divisions with regard to the Swedish language. The Lutheran Church in Finland is divided on linguistic grounds, so that usually the Swedish-speaking population in a municipality form its own, separate, parish. Since 1923, all Swedish-speaking parishes have been united in one autonomous Swedish bishopric. In accordance with the Constitution Act, the Swedish-speaking men conscripted for military service constitute their own brigade of the Army (Dragsvik in Southern Finland).<sup>8</sup>

*c) the need for resolute action to promote regional or minority languages in order to safeguard them;*

#### Sami

It has been considered that the Act on the Use of the Sami Language (see below Part III) before Authorities does not sufficiently ensure the preservation of the Sami language as a living language, because in practice the Sami Language is often used by means of interpretation and translation. A working group has been set up by the Sami Parliament for improving the language rights of the Sami people. The working group shall draft a proposal for amending the Act on the Use of the Sami Language before Authorities, and to give account of needs for

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<sup>8</sup> Liebkind, Broo, Finnäs: *The Swedish-speaking Minority in Finland: A Case Study*; Cultural Minorities in Finland. An overview towards Cultural Policy, Publication of the Finnish National Commission for UNESCO No. 66, Helsinki 1995, page 60.

amending other legislation regulating the Sami Language. The working group should finish its work by 31 March 1999.

### Roma

A Roma Language Board was established in connection with the Finnish Research Centre for Domestic Languages on 1 June 1997, to study and develop the Roma language and to provide advice in the use of the Roma language. However, no permanent official has been appointed for this purpose yet.

*d) the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*

Section 14 of the Finnish Constitution Act reads as follows:

The national languages of Finland shall be Finnish and Swedish.

The right of everyone to use his own language, whether Finnish or Swedish, as a party in proceedings before a court of law or other authority, and to obtain documents from them in that language, shall be guaranteed by Act of Parliament. Public authorities shall take care to provide for the educational, cultural and social needs of the Finnish-speaking and the Swedish-speaking populations of the country according to similar principles.

The Sami as an indigenous people as well as the Romanies and other groups shall have the right to maintain and develop their own languages and cultures. Provisions governing the right of the Sami to use the Sami language before the public authorities shall be prescribed by Act of Parliament. The rights of those who use sign language and of those who require interpretation or translation because of a disability shall be guaranteed by Act of Parliament.

As regards Swedish and Sami, see Part III below.

Legislation facilitating the use of the Roma language:

An amendment to the Children's Day Care Decree entered into force on 1 January 1995, adding *inter alia* the supporting of the Roma language and culture in co-operation with persons representing that culture as one of the educational objectives defined in the Children's Day Care Act. In practice, however, municipalities have not taken measures as a result of the amendment to the Decree and nor has it improved co-operation between the Roma and day care centres. Not much information on the Roma culture or on co-operation with the Roma has been provided in the training of the personnel of day care centres. It has been estimated that the number of Roma children in day care or preparatory school is relatively small compared to other children.

In 1995 the school legislation was amended so as to make teaching in the Roma language possible (see *f* below).

Section 7 of the Act on the Finnish Broadcasting Corporation Ltd, was amended as from the beginning of the year 1999. The duty to treat the Finnish and the Swedish-speaking citizens equally and to produce services in the Sami language,

was amended so that now services are to be produced also in the Roma language and sign language.

*e) the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;*

The European Bureau for Lesser Used Languages (EBLUL) within the European Union is represented also in Finland. The Swedish Assembly of Finland (Svenska Finlands Folkting), the Sami Parliament, the Finnish Roma, the Russian-speaking population and the Finnish Tatars are represented in the Finnish Commission of the Bureau "FIBLUL".

*f) the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;*

For Swedish and Sami see Article 8.

### Roma

There is a training unit for the Roma in connection with the National Board of Education. This training unit has as its duty to develop and carry out the education of the Roma. The aim is that the Roma will have equal opportunities to education with the majority of the population.

A working group set up by the National Board of Education has drafted an extensive report to the Ministry of Education, concerning the status of the Roma language and culture at different school levels. The report also suggested that a quota for the training of primary school teachers speaking the Roma language could be established.

The Ministry of Education has accepted the training programme and the advanced training programme of Roma culture instructors as programmes referred to in the 1997 Act on Vocational Training Programmes.

According to section 10 of the Comprehensive School Act the education takes place either in Finnish or Swedish. The education may also be given in the Sami language, Roma language or sign language. Part of the education may also be given in some other language.

According to section 12 of the Comprehensive School Act Finnish, Swedish or Sami may be taught as the mother tongue, depending on the language of education of the pupil. Also the Roma language, sign language or some other native language may be taught as the mother tongue in accordance with the choice of the custodian of the pupil. Sections 6 and 8 of the Upper Secondary School Act contain corresponding provisions.

Section 12 of the Comprehensive School Act does not place the municipalities under an obligation to arrange teaching of the Roma language. The education of

pupils speaking the Roma language or a foreign language is at present given on the basis of a decision of the Ministry of Education (248/1995), concerning the grounds for State subsidies for complementary education. The State pays 86% of the costs of such teaching of the mother tongue. Thus the municipalities should have economic possibilities for arranging the education. In practice municipalities often invoke economic problems as a reason for not providing education. Another problem is that there are not enough Roma teachers.

In 1998 there were some 220 pupils participating in the teaching of the Roma language in eight municipalities when there were in total 1500 to 1700 Roma children at school age.

*g) the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;*

#### Swedish

Swedish is taught as the second national language and is a compulsory language to every Finnish pupil taking the matriculation examination.

#### Sami

It is possible to study Sami as an optional language in the schools within the Sami Homeland. Sami is also taught and partly used as a teaching language at the universities of Helsinki, Oulu and Rovaniemi.

#### Roma

With regard to the Roma language, reference is made to paragraph 5 below.

#### Russian

Russian is taught at all levels of education (primary, secondary, vocational, university, other higher and adult education).

In Finland schoolchildren usually choose between English, French, German, Russian and Latin as optional languages, in addition to either Finnish or Swedish.

*h) the promotion of study and research on regional or minority languages at universities or equivalent institutions;*

For Swedish and Sami see under Article 8 respectively. Russian is also taught at university level.

There are no possibilities for studying the Roma language at the university level. For research see (c) above.

*i) the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States;*

#### Swedish

Transnational exchanges exist in all forms covering the economic, cultural and social life between Finland and Sweden both in the public sector and in the private sector.

#### Sami

Transnational exchanges across the borders between Finland, Sweden and Norway take place particularly in the private sector in everyday life and within different activities of associations in the Sami Homeland.

On the basis of the agreement between Finland and Russia mentioned below, a specific Finno-Ugric peoples programme was launched in Finland. Under the scope of this programme falls even the Sami language and culture in the Kola Peninsula in Russia. Both in the framework of this programme and through the Sami organisations, the connections between Sami people in Finland and Russia have improved, be it in the field of culture, education, vocational training, or continuous education.

#### Roma

There is co-operation in Roma affairs especially with the Council of Europe, the OSCE (with ODIHR; Office for Democratic Institutions and Human Rights) and the EU.

#### Russian

In the agreement on the premises of bilateral relations between the Republic of Finland and the Russian Federation, which dates from 1992, it is stated, in Article 10, that the parties concerned support the preservation of the indigenous nature of the Finnish and Finno-Ugric peoples in Russia and, correspondingly in Finland, the identity of persons originating in Russia. Language was mentioned in the article as a preservation object in particular.

*2. The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.*

Section 5 (subsections 1 and 2) of the Finnish Constitution Act provides that

All persons shall be equal before the law.

No one shall, without acceptable grounds, be afforded a different status on account of sex, age, origin, language, religion, conviction, opinion, state of health, disability or any other reason related to the person.

In Finland's 13th and 14th periodic reports to the International Convention on the Elimination of All Forms of Racial Discrimination the provisions prohibiting discrimination have been described. In this context reference is made to that report as regards the provisions in Chapter 11 of the Penal Code on genocide and the preparation of genocide (sections 6 and 7), ethnic agitation (section 8), discrimination (section 9) and discrimination at work under Chapter 47, section 3.<sup>9</sup>

*3. The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.*

Under this paragraph reference is made to the Initial Report of the Government of Finland Regarding the Implementation of the Framework Convention for the Protection of National Minorities and especially Article 6.<sup>10</sup>

*4. In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.*

See the above-mentioned information on the Swedish Assembly, the Sami Parliament and the Advisory Board for Roma Affairs.

*5. The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.*

Regarding the Roma and Russian languages, see above.

In the Roma culture information has traditionally been transmitted orally. The Roma language has been used as a kind of code language providing protection against the majority of the population, and the Roma have been reluctant to teach the language to outsiders. In accordance with this tradition the language has been taught solely by persons of Roma origin. Thus it would be important to take the provisions of paragraph 5 into account in the application of paragraph 1 (g) of Article 7. Already before the entry into force of the Charter the Roma community in Finland has reached an understanding with the National Board of Education on a restricted distribution of the Roma language textbook, by invoking paragraph 5.

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<sup>9</sup> See pages 7 to 11 in the 13th and 14th reports of the Government of Finland to the International Convention on the Elimination of All Forms of Racial Discrimination.

<sup>10</sup> See page 14ff.



## PART III

### Legislation

As stated above, Swedish is the less widely used official language in Finland, while Sami is a regional minority language.

#### Constitutional provisions

Section 14 and 16a are the main provisions concerning the right to use one's language. Section 14 has been cited above in Part II. Section 16 a reads as follows:

Public authorities shall secure the implementation of fundamental rights and of international human rights.

#### The Language Acts<sup>11</sup>

The Language Act (148/1922), the Decree on the Implementation of the Language Act (311/1922) and the Act on the Use of the Sami Language before Authorities (516/1991) regulates the use of Finnish, Swedish and Sami before authorities and in public life.

The right to use the national languages, Finnish and Swedish, on equal standing in accordance with the Constitution Act is implemented through the Language Act, the Decree on the Implementation of the Language Act and the Act on the Language Qualifications of Public Officials (14/1922).

With regard to the Åland islands it should be noted that the Act on the Autonomy of Åland provides *inter alia* for the status of Swedish as the only official language in Åland (section 36). However, according to section 37 of the Act on the Autonomy of Åland, Finnish citizens have the right to use Finnish before a court and with other State officials in Åland.<sup>12</sup>

The Language Act contains provisions concerning a party's right to use his mother tongue, Finnish or Swedish, before authorities. The Act also states in which cases the authorities are obliged to give service in a minority language and when translations shall be provided for. The provisions concerning State/ governmental and municipal authorities differ from each other. More detailed information is given under Article 10 below.

However, to understand the provisions of the Language Act one has to be familiar with the difference between unilingual and bilingual municipalities in Finland. Under the Language Act a municipality shall be considered bilingual if more than 8 % of the population speaks the other official language of the country as mother tongue. However, all the municipalities where at least 3.000 inhabitants speak the other official language shall be considered bilingual. A bilingual municipality shall not be considered unilingual unless the number of inhabitants using the other

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<sup>11</sup> The Acts are annexed to this report.

<sup>12</sup> The Act on the Autonomy of Åland is annexed to the report.

language is six per cent or less of the total. Every ten years the Government shall determine which municipalities are unilingual and which are bilingual. At present there are 389 Finnish-speaking, 5 Swedish-speaking and 42 bilingual municipalities. In addition all the 16 municipalities in Åland are Swedish-speaking.<sup>13</sup>

Section 1 of the Act on the Language Qualifications of Public Officials reads as follows:

For admission to a public position for which a university degree is required, the person applying for the position shall be required, with the exceptions mentioned in sections 2 and 3 below, to demonstrate a perfect command of the language of the majority of the population in the administrative district in question. In cases where the administrative district is unilingual, the person to be appointed shall further be required to demonstrate that he understands the other official language of the country, and in respect of positions of judges also that he has satisfactory oral skills in the other official language, but in cases where the administrative district is bilingual or includes bilingual municipalities or municipalities with different languages, he shall be required to demonstrate both oral and written skills in the other official language of the country. In the supreme courts of law and in authorities the administrative district of which is to certain parts bilingual, public duties requiring skills in different languages shall, if possible, be assigned to different persons on grounds established by the Government on a proposal from the court or authority in question, and in such a case a public official who only needs one language in his official duties shall be required to demonstrate the same language skills as public officials working in a unilingual administrative district using that language.

For admission to public positions other than those referred to above in subsection 1, language skills which are adequate for the public position in question shall be required. More detailed provisions shall be prescribed by Decree.

Provisions shall also be prescribed by Decree on whether and which public officials shall be required to have perfect command of both Finnish and Swedish.

The Swedish Assembly has noted that there is a certain discrepancy between real life and the provisions in the Language Act and the Act on the Qualifications of Public Officials, mainly because the language qualifications of public officials are not monitored adequately.

On 28 January 1997 the Prime Minister issued a Circular (85/19/97). In the Circular the Ministries and authorities subordinate to them were reminded of the language legislation. The Prime Minister recalled that the legislation obliges Ministries and authorities to use the national languages (Finnish and Swedish) and to organise their services in accordance with it.

The Act on the Use of the Sami Language before Authorities makes it possible to use the language in the Sami Homeland and before authorities and agencies referred to in the law (sections 1 to 3). The Sami people have the right to use the Sami language before authorities both orally and in written and be addressed to in

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<sup>13</sup> See the statistics showing municipalities by official language 31.12.1997.

the same language. As has been mentioned above in Part II, a working group has been set up to draft a proposal for amending the Act on the Use of the Sami Language before Authorities.

More detailed information is given under Articles 9 and 10 below.

## Language: SWEDISH

### Article 8 - Education

Finland has undertaken to provide education in Swedish as follows:

1. *With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

- a i) to make available pre-school education*
- b i) to make available primary education*
- c i) to make available secondary education*
- d i) to make available technical and vocational education*
- e i) to make available university and other higher education*
- f i) to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in Swedish*
- g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*
- h) to provide the basic and further training of the teachers required to implement the paragraphs a to g*
- i) to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

2. *With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

#### Pre-school education

Day care is usually provided for by the municipal social welfare authorities. It is, however, also possible to establish private nurseries.

The Children's Day Care Act (36/1973) provides that the municipality has to ensure that day care can be given in the child's mother tongue, Finnish, Swedish or Sami (section 11).

#### Primary and Secondary education

According to the Comprehensive School Act (628/1998) "a municipality with both Finnish and Swedish-speaking inhabitants is under a duty to arrange comprehensive school education separately for both language groups".

According to section 10 of the Comprehensive School Act the education takes place either in Finnish or Swedish. The education may also be given in the Sami language, Roma language or sign language. Part of the education may also be given in some other language.

According to section 12 of the Comprehensive School Act Finnish, Swedish or Sami may be taught as the mother tongue, depending on the language of education of the pupil. Also the Roma language, sign language or some other native language may be taught as mother tongue in accordance with the choice of the custodian of the pupil. Sections 6 and 8 of the Upper Secondary School Act contain corresponding provisions.

Under the Matriculation Examination Decree examinations in the mother tongue are arranged in Finnish, Swedish and Sami.

According to the National Board of Education, there are 335 Swedish comprehensive schools and 35 Swedish upper secondary schools in Finland for the time being.

#### Technical and vocational education

Sections 10 and 12 of the Comprehensive School Act concern technical and vocational education as well.

The following polytechnics offer instruction in Finnish and Swedish:

- Eastern Uusimaa Polytechnic (Helsingin liiketalouden ammattikoulun Itä-Uudenmaan väliaikainen ammattikorkeakoulu)
- Central Ostrobothnia Polytechnic (Keski-Pohjanmaan ammattikorkeakoulu)
- Turku Polytechnic (Turun ammattikorkeakoulu), and
- Vaasa Polytechnic (Vaasan ammattikorkeakoulu).

The following polytechnics offer instruction in Swedish:

- Arcada Polytechnic (Arcada - Nylands svenska yrkeshögskola)
- Swedish Polytechnic, Finland (Svenska yrkeshögskolan)
- Sydväst Polytechnic (Yrkeshögskolan Sydväst), and
- Åland Polytechnic (Ålands yrkeshögskola).

1915 students attended degree-oriented education in Swedish-language polytechnics in 1997. In the same year, 192 students attended certificate-oriented adult education.

In 1997 the permanent polytechnics arranged altogether 1,252 study weeks instruction of Swedish for 17,261 students. In temporary polytechnics the corresponding numbers were 962 study weeks and 12,039 students.

#### University and other higher education

Swedish is the language of instruction and examination in the Åbo Akademi University, the Swedish School of Economics and Business Administration, and the Swedish School of Social Science of the University of Helsinki. In the University of Helsinki, the Helsinki University of Technology, the Theatre Academy, the languages of instruction and examination are both Finnish and Swedish. In the Sibelius Academy and the University of Arts and Design

Helsinki, the language of examination is either Finnish or Swedish depending on the student's mother tongue.

In accordance with the Decree on Teacher Education, the Åbo Akademi University bears the principal responsibility for the education of Swedish-speaking teachers.

In accordance with the special provision regarding the University of Helsinki (Universities Act 645/1997, section 26), in the admission of students to disciplines which are taught in the Swedish language only at the University of Helsinki, measures shall be taken to ensure that a sufficient number of Swedish-speaking people can be educated to meet the national needs. The University may reserve a quota of the intake for applicants proficient in Swedish. There are quotas for example in the fields of law and medicine. According to section 23 of the Universities Act, there shall be a minimum of 27 professors teaching in Swedish at the University of Helsinki. The fields in which they teach are prescribed in the Universities Decree.

#### Adult and continuing education

There are 17 institutions of further education and 20 open colleges providing adult and continuing education in Swedish. The universities mentioned above also provide such education in Swedish.

#### Teacher training

Separate training is arranged for Swedish-speaking teachers in Finland. The number of Swedish-speaking teachers - both primary school teachers and secondary and upper secondary school teachers - taken in the training programmes was increased in the autumn of 1998. The aim is that also the number of Swedish-speaking students in the training programmes of preparatory school teachers and of special pedagogy will be increased in the same way between 1999 and 2000.

Other measures enforcing the status of the Swedish language:

Finland is more and more engaging herself in international co-operation, and therefore the importance of language instruction is increasing. In the strategic programme of the internationalisation of education and language instruction, one of the objectives is to utilise the bilingual nature of the country on all levels of instruction. The parties concerned are the Ministry of Education, the National Board of Education, educational establishments, and universities. The strategic programme ends in 2000.

In 1999 a development project of the language instruction in polytechnics will be launched.

## Article 9 - Judicial authorities

Finland has undertaken to guarantee the use of Swedish before judicial authorities as follows:

1. *The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

*a) in criminal proceedings:*

- i) to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;*
- ii) to guarantee the accused the right to use his/her regional or minority language;*
- iii) to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;*
- iv) to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

*b) in civil proceedings:*

- i) to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;*
  - ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;*
  - iii) to allow documents and evidence to be produced in the regional or minority languages,*
- if necessary by the use of interpreters and translations;*

*c) in proceedings before courts concerning administrative matters:*

- i) to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;*
  - ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;*
  - iii) to allow documents and evidence to be produced in the regional or minority languages,*
- if necessary by the use of interpreters and translations;*

*d) to take steps to ensure that the application of subparagraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.*

2. *a) not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or*

3. *The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

As stated before, section 14 (subsections 1 and 2) of the Finnish Constitution Act reads as follows:

The national languages of Finland shall be Finnish and Swedish.

The right of everyone to use his own language, whether Finnish or Swedish, as a party in proceedings before a court of law or other authority, and to obtain documents from them in that language, shall be guaranteed by Act of Parliament. [...]

The right to use Swedish before judicial authorities is prescribed in Chapter 2 of the Language Act. According to section 3, a Finnish citizen has the right to use his or her own language, Finnish or Swedish, in a matter to which he is a party and in a matter in which he is being heard.

A State Agent, Public Prosecutor or another State Official shall use the language of the defendant, if required to know this language. If necessary, interpretation shall be provided in an oral hearing before a court or at the police (section 4).

According to section 5, a court in a unilingual district issues its documents in the language of the district.

Section 6 concerns judicial procedure in bilingual districts. In these cases the court shall issue its documents in the language of the parties or in the language agreed upon by them. If the parties use different languages and they do not agree on the document language, the language of the defendant shall be used in criminal matters and the majority language shall be used in other matters and in criminal matters with defendants using different languages, unless the court, with regard to the rights and interests of the parties decides otherwise. In these cases, however, the court is under an obligation to enclose a translation if this has been requested, by virtue of section 5, subsection 2.

According to section 37 of the Pre-trial Investigation Act (449/1987) an investigative authority shall be responsible for arranging interpretation when the person being interrogated is not able to use a language which under the Language Act normally is used before that authority.

According to section 25 of the Administrative Procedure Act (589/1996), a public authority shall arrange for interpretation and translation *inter alia* when a party to a matter, which can be initiated by the public authority, is not able to use the language which in accordance with the Language Act is used before that authority. The Administrative Judicial Procedure Act (586/1996) contains a corresponding provision (section 77).

All Parliament Acts and Decrees, as well as decisions by the Government are published both in Finnish and in Swedish.



### Special measures

There have been problems in practice, partly because of deficient language skills of public officials and partly because of misunderstandings and misinterpretation of the Language Act.

The Parliamentary Ombudsman has on his own initiative investigated language issues related to criminal proceedings. This investigation was based on a newspaper article published on 9 September 1996, according to which the Swedish-speaking Finns have had difficulties in using their own language in criminal proceedings. After the investigation the Parliamentary Ombudsman made a proposal on 24 April 1998 to the Government for measures to be taken in order to improve the status of the Swedish language in criminal proceedings. On account of the proposal a working group was set up on 7 January 1999, where the judiciary, prosecuting authorities, the Ministry of Justice and the Swedish Assembly are represented. The working group should finish its work by 31 December 1999.

## Article 10 - Administrative authorities and public services

Finland has undertaken to guarantee the use of Swedish before administrative authorities as follows:

1. *Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

- a) to ensure that the administrative authorities use the regional or minority languages;*
- b) to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;*
- c) to allow the administrative authorities to draft documents in a regional or minority language.*

2. *In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- a) the use of regional or minority languages within the framework of the regional or local authority;*
- b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;*
- c) the publication by regional authorities of their official documents also in the relevant regional or minority languages;*
- d) the publication by local authorities of their official documents also in the relevant regional or minority languages;*
- e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- g) the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

3. *With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

- a) to ensure that the regional or minority languages are used in the provision of the service.*

4. *With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- a) translation or interpretation as may be required;*
- b) recruitment and, where necessary, training of the officials and other public service employees required.*

5. *To allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

### Paragraphs 1 to 4

With regard to these paragraphs reference is made to information given on page 15 (under the heading "legislation") on the Language Act and the Decree on the Implementation of the Language Act.

The Language Act makes a difference between the language used by private citizens and the language of official documents. The right of a citizen to use his or her own language before authorities is wider than the obligation of an authority to produce official documents in a minority language. The official documents are written in Finnish or Swedish or both, depending on the language situation in the district.

The main difference between State authorities and municipal authorities is that, according to the Language Act, a Swedish-speaking person may always use Swedish before a State authority. Municipal authorities again are either unilingual or bilingual as has been explained above. In a unilingual municipality only that language, either Finnish or Swedish can be used.

Under Finnish law official notifications to be given by the State, municipalities or autonomous district authorities to the public shall in a unilingual administrative district be written in its official language (Finnish or Swedish) and in a bilingual district in both official languages.

The wording "official notifications" refers to the kind of administrative authorities and public services referred to in paragraphs 1 to 4 and include *inter alia* road and street signs, official decisions, notifications and information signs emanating from public authorities. These announcements are written either in one language or two languages (Finnish and Swedish or Finnish and Sami) depending on the language situation in the municipality.

As has been mentioned above, there are some problems with the use of the Swedish language in practice. A survey on the use of Swedish by authorities was made at the Swedish School of Social Science of the University of Helsinki in 1998<sup>14</sup>. According to the survey it is quite common<sup>15</sup> that correspondence between different authorities and Swedish-speaking municipalities only takes place in Finnish.

Here reference is made to the Circular by the Prime Minister mentioned above.

### Paragraph 5

The Names Act<sup>16</sup> does not in any way prevent the use of family names and first names in a minority language. In this respect reference is made to the Initial Report of Finland on the Application of the Framework Convention on the Protection of National Minorities, page 22.

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<sup>14</sup> Utredning över myndigheters användning av det svenska språket - rapport till Svenska delegationen vid Finlands kommunförbund 21.10.1998. Ansvarig: Stefan Sjöblom, Svenska social- och kommunalhögskolan vid Helsingfors universitet.

<sup>15</sup> An average of 40 % is presented in the survey.

<sup>16</sup> The Names Act is annexed to this report.

## Article 11 - Media

Finland has undertaken to guarantee the use of Swedish in the media as follows:

1. *The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

- a) to the extent that radio and television carry out a public service mission;*
- iii) to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*
- b i) to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or*
- c ii) to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*
- d) to encourage and/or facilitate the production and distribution of audio and audio-visual works in the regional or minority languages;*
- e i) to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or*
- f ii) to apply existing measures for financial assistance also to audio-visual productions in the regional or minority languages;*

2. *The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

3. *The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

### Legislation

According to section 10 of the Constitution Act, everyone shall have the right to freedom of expression. More precise provisions on the exercise of the right to freedom of expression are prescribed by Act of Parliament. According to section 1

of the Act on the Freedom of the Press<sup>17</sup>, “every Finnish citizen shall have the right to publish printed writings, without the public authorities being allowed to set any obstacles to this in advance, as long as the provisions of this Act are observed.”

### Ministry

The Ministry of Transport and Communications is responsible for radio and TV broadcasting in Finland. Radio and television broadcasting is subject to licensing. When licences are granted, the promotion of freedom of speech, the diversity of programmes and the needs of special groups of the public are especially taken into consideration.

The Finnish Broadcasting Company is subordinate to the Ministry of Transport and Communication. Section 7 of the Act on the Finnish Broadcasting Company provides that the Finnish and the Swedish-speaking citizens shall be treated equally. Section 6 provides that the Board of Directors of the Company shall be elected so that it represents both language groups.

### Practice

There are specific TV programmes for the Swedish-speaking population, covering some 9% of the productions of two different State-owned TV channels. The programmes are produced by FST<sup>18</sup> (Finlands Svenska Television/ Finlands Swedish Television), which is part of the Finnish Broadcasting Company. Swedish TV programmes are broadcast regularly and the news daily. Part of other TV programmes are subtitled in Swedish.

There are two Swedish nation-wide radio channels in addition to local radio stations. There are also several newspapers and magazines (daily, weekly and monthly) published in Swedish.

Two Swedish TV channels (from Sweden) can be watched in the coastal area and on the Åland islands. In southern Finland the Swedish channel SVT Europe is available. These channels broadcast programmes daily.

The national production aid for audio-visual works and programmes can be granted to Swedish- and Sami-language productions applying the same criteria as for Finnish-language productions. If necessary, the strategy of positive discrimination shall be applied.

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<sup>17</sup> The Act on the Freedom of the Press is annexed to this report.

<sup>18</sup> See the homepage [www.yle.fi](http://www.yle.fi).

## Article 12 - Cultural activities and facilities

Finland has undertaken to guarantee the use of Swedish in cultural activities and facilities as follows:

*1. With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*
- b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, postsynchronisation and subtitling activities;*
- c) to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*
- e) to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*
- f) to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*
- g) to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*
- h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.*

*2. In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

*3. The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

The culture of the Swedish-speaking Finland is lively. Own publishing activity and the Swedish-speaking authors, own choirs, theatres, amateur theatres, and literature and writers' guilds, are active in maintaining and developing the Swedish language. Moreover, the native Swedish-speaking Finns participate in all fields of Finland's cultural activities.

## Funds

Funds have been reserved in the Government budget for the promotion of cultural activities and publications of groups representing minority cultures and for combating racism. In 1998 the sum reserved for the purpose was FIM 2.000.000.

The Ministry of Education provides support for groups representing minority cultures in accordance with the following principles:

Groups representing minority cultures for which financial support can be granted include ethnic and linguistic minorities as well as immigrants, refugees and asylum seekers. Support is given to these groups for preserving their own cultures and identities. The groups themselves have the right to choose the appropriate means for this.

The rights and obligations of cultural minority groups are similar to those of any other groups or persons benefiting from financial support by the Government. The purpose of financial support is to improve the integration of cultural minority groups with society and create possibilities for using public cultural services and benefits.

Financial support can be given for maintaining a language, financing events which promote cultural traditions, communication within the group itself, personal artistic and other cultural activities, improving cultural interaction between the minority cultures and the majority population, providing information on minority issues and combating racism and xenophobia.

With regard to the national and municipal actions for promoting and supporting cultural activities, both language groups are treated equally. Statutory state aid is granted for Helsinki Swedish Theatre for its operating costs; the Swedish theatres of Turku and Vaasa fall within the scope of application of government subsidy (730/1992).

It is provided by the Library Act (904/1998), which entered into force at the beginning of 1999, that the needs of both language groups shall be met on an equal basis in bilingual municipalities.

There are also funds especially directed to activities taking place in Swedish. For example theatre groups, choirs, artists, writers and researchers get financial support from the Swedish Foundation for Culture, the Swedish Art Society and the Swedish Society for Literature (*Svenska Kulturfonden*, *Konstsamfundet* and *Svenska Litteratursällskapet*) which support exclusively Swedish-language cultural activity.

## Article 13 - Economic and social life

Finland has undertaken to guarantee the use of Swedish in economic and social life as follows:

1. *With regard to economic and social activities, the Parties undertake, within the whole country:*

- a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*
- d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*

2. *With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

- a) to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;*
- b) in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;*
- c) to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*
- d) to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;*
- e) to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.*

### Paragraph 1

Swedish may be used in contracts of employment, if the parties so decide. The main rules and regulations concerning employment in Finland are either derived from the law or from the clauses in collective agreements. According to section 17 of the Employment Contracts Act (320/1970) the employer shall in the contract of employment or employment relationship comply with at least such wage and other conditions as are prescribed for the work concerned or the activity most closely comparable thereto in the national collective agreement which may be deemed to represent general practice in the branch concerned. Because of this principle of general validity, collective agreements are currently being translated into Swedish. A special codification, which includes the most important laws, regulations and provisions in labour law, has been translated into Swedish by the Ministry of Labour.



## Paragraph 2

As regards service which falls under the competence of public authorities, reference is made to information given above on the language legislation.

As regards Article 13, paragraph 2 (a), it can be observed that under section 1 of the Bills of Exchange Act (242/1932) the draft shall indicate the name "bill of exchange" and under section 1 of the Cheques Act (244/1932) the draft shall indicate the name "cheque" in the language of the document in question. Bills of exchange and cheques may be drafted in Swedish, if so agreed.

The implementation of obligations under Article 13, paragraph 2 (b) is required by sections 14 and 16a of the Finnish Constitution Act. The measures referred to in the said provisions are mainly taken by virtue of school legislation and language legislation.

The obligations imposed upon consumer protection authorities in accordance with Article 13, paragraph 2 (e) are derived from the Language Act.

Social welfare and health care services are produced both by private institutions and municipal authorities, and (especially hospitals) by universities.

The Swedish Assembly has made a report on the right to get health care services in Swedish. The report was published in 1995<sup>19</sup>. The report is based on the concern that health care services are not always available in Swedish, despite the fact that the Patients Rights Act, the Act on Specialised Medical Care, the Act on the Helsinki University Central Hospital, the Public Health Act and the Act on Services and Assistance for the Disabled contain provisions on the right to use Swedish and get service in Swedish.

The right to get health care in one's mother tongue is considered important. However, there are problems within this field, which are recognised. As a means to solve the problem the Parliament approved on 19 February an amendment to the Act on Specialised Medical Care. The Act now contains a new provision according to which "a patient who cannot get medical care in his or her mother tongue, either Finnish or Swedish, at a hospital or health care unit in the health care district where his or her municipality of residence is located, has the right to get treatment at such a hospital or health care unit where health care services can be provided in that language." The health care district and the patient's municipality of residence shall agree on the health care units that can be used for that purpose.

These amendments should be confirmed by the President of the Republic at the beginning of March. The amended Act on Specialised Medical Care will enter into force as from the beginning of the year 2000.

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<sup>19</sup> "Haima - vad är det?" - om rätten till hälsovård på svenska. Finlandssvensk rapport nr 33.

## Article 14 - Transfrontier exchanges

Finland has undertaken:

- a) to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*
- b) for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

As mentioned above, transfrontier exchanges exists between Finland and Sweden at different levels and concerning a great variety of activities.

The Nordic Countries<sup>20</sup> have concluded agreements on co-operation in the field of culture, on co-operation between local authorities and on the right of a citizen of a Nordic Country to use his own language in other Nordic Countries.

The co-operation between Finland, Sweden, and Norway in the fields of education and culture is included in the 1971 cultural co-operation treaty of all the five Nordic Countries. The co-operation is realised by institutions and committees operating under the Nordic Council of Ministers. The major part of these projects concerns the co-operation between the various sectors of culture, information services, and education, where language is a central element. These projects include e.g. the financial support for translating literature, the co-operation between the Nordic Language Boards, and the co-operation programme of language instruction, NORDMÅL. The Nordic Council of Ministers has a specific language programme.

The Ministry of Labour is involved in Nordic labour market co-operation at different levels and is the competent authority in matters related to the Agreement between Denmark, Finland, Iceland, Norway and Sweden concerning Nordic Common Labour Market and to the free movement of workers. Clearly, knowledge of Swedish is a great advantage for those involved in Nordic co-operation. The same applies to the use of reference and other material produced in other Nordic countries. The Ministry of Labour ensures that training of public officials, to increase the use of Swedish and Sami in customer service, is developed and organised at government, regional and local levels.

If the Finnish and Swedish labour authorities co-operate, employment and other services in Swedish can further be improved and diversified. Collaboration between the Nordic countries, especially bilateral co-operation between Finland and Sweden, and joint use of services can be enhanced and multiplied in many fields of administration, which in turn would improve the services provided by the authorities for Swedish-speaking citizens.

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<sup>20</sup> Finland, Sweden, Denmark, Norway and Iceland.

## Language: SAMI

### Article 8 - Education

*1. With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

- a i) to make available pre-school education*
- b i) to make available primary education*
- c i) to make available secondary education*
- d ii) to make available a substantial part of technical and vocational education*
- e ii) to provide facilities for the study of these languages as university and higher education subjects*
- f ii) to offer such languages as subjects of adult and continuing education*
- g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language*
- h) to provide the basic and further training of the teachers required to implement these paragraphs*
- i) to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.*

*2. With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.*

#### Day Care

The Children's Day Care Act (36/1973) specifically provides that day care may also be given in the Sami language (apart from Finnish and Swedish). Day care in the Sami language is not an established practice yet.

#### Primary and Secondary education

As mentioned above, according to section 10 of the Comprehensive School Act the education takes place either in Finnish or Swedish. The education may also be given in the Sami language. According to section 12 of the Comprehensive School Act Finnish, Swedish or Sami may be taught as the mother tongue, depending on the language of education of the pupil. Sections 6 and 8 of the Upper Secondary School Act contain corresponding provisions.

There are three different Sami languages spoken in Finland. The main part of the education given in the Sami language takes place in North Sami and some of it in Skolt Sami. All the three Sami languages have been taught as a mother tongue. North Sami and Inari Sami have also been used as the language of education in upper secondary schools. It is also possible to study Sami as an optional language.

As has been mentioned above, under the Matriculation Examination Decree mother tongue examinations are arranged in Finnish, Swedish and Sami. Mother tongue exams have been arranged both in North Sami and Inari Sami.

In order to ensure that education is given in the Sami language and that the Sami language is taught in the Sami Homeland, financing legislation has been amended so that the State will pay the costs of education in comprehensive schools, upper secondary schools and in vocational education as from 1 January 1999.

The instruction of and in the Sami language is a new and developing area within the Finnish education system, for which a legislative and financial basis has gradually been constructed during the past two decades, simultaneously dismantling the prejudices caused by the low status of the Sami language.

According to the Government Decision of 11 February 1999, municipalities and other bodies organising education shall be granted State subsidies for financing the teaching in and of the Sami language at comprehensive schools and upper secondary schools and in vocational education. In practice the State subsidies cover the costs entirely. This Decision is applied as from the beginning of this year.

#### Technical and vocational education

There is one vocational school where the teaching takes place in the Sami language.

#### University and other higher education

The University of Oulu offers the opportunity to study the Sami language as a major subject. In the University of Helsinki, the Sami language and culture can be studied as a minor subject.

The Oulu Department of Teacher Education has a quota for native Sami speakers.

The students majoring in the Sami language in the University of Oulu can also graduate as subject teachers. Students of English, German, or Scandinavian philology may study the Sami language as their second foreign language, thus graduating e.g. as subject teachers of foreign languages.

In the University of Lapland the Sami language and culture can be studied as a minor subject. There are special courses for students studying to become teachers, lawyers or public officials.

The Ministry of Education has appointed a committee to examine the question of Sami-language subject teacher education. The committee submits its report in March 1999.

#### Adult and Continuing education

Separate supplementary training is organised for Sami-speaking teachers.

## Teacher training

There are quotas for students speaking the Sami language in the training of primary school teachers. These quotas are placed in the Universities of Oulu and Lapland. The yearly number of applicants has been 10 to 12, of which 0 to 5 have been taken in. As regards teachers of secondary and upper secondary schools, the Ministry of Education had a study made in 1997 on the situation and need of teachers. The Ministry has set up a working group to draft a proposal for the practical arrangements concerning the training of teachers speaking the Sami language. Some Samis are studying in a teachers' training college in Kautokeino, Norway, where the teaching takes place in the Sami language, to graduate as primary school teachers.

## **Article 9 - Judicial authorities**

Finland has undertaken to guarantee the use of Sami before judicial authorities as follows:

*1. The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:*

*a) in criminal proceedings:*

- ii) to guarantee the accused the right to use his/her regional or minority language;*
- iii) to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or*
- iv) to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,*

*if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;*

*b) in civil proceedings:*

- ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
  - iii) to allow documents and evidence to be produced in the regional or minority languages,*
- if necessary by the use of interpreters and translations;*

*c) in proceedings before courts concerning administrative matters:*

- ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
  - iii) to allow documents and evidence to be produced in the regional or minority languages,*
- if necessary by the use of interpreters and translations;*

*d) to take steps to ensure that the application of subparagraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.*

*2. a) not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or*

*3. The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

The Act on the Use of the Sami Language before Authorities applies to courts of law and regional and local State authorities whose jurisdictional or administrative areas cover all or part of the Sami Homeland and to the County Government of Lapland as well as to the Parliamentary Ombudsman and the Chancellor of Justice (section 3). The courts covered by the Act include the District Court of Lapland, the Court of Appeal of Rovaniemi, the Supreme Court, the Land Court of Northern Finland, the Water Court of Northern Finland, the Supreme Water Court, the County Court of Lapland, the Supreme Administrative Court, the Insurance Court, the Labour Court, the Prison Court and the Market Court.

Before these authorities a Sami (regardless of citizenship) may use his language in a matter in which he is heard (section 6). In a matter which may be handled at the initiative of an authority a State civil servant or employee shall upon the request of a Sami party, use the Sami language in the Sami Homeland if the civil servant or employee is required to know this language (section 7).

Official documents or translations thereof shall on request be given in the Sami language, to the Sami person concerned (section 8).

Public notices, announcements and proclamations or other documents issued to the public by an authority referred to above, together with any *instructions regarding their use* shall be available in Sami within the Sami Homeland (section 9). However, in matters relating to private interests, the authorities may, on discretion, decide not to issue public notices in Sami (section 9 subsection 2, 888/1996).

After the entry into force of the Sami Language Act, the Sami have in practice been able, on their own request, to use the Sami language in the District Court of Lapland and in its office, as well as in the legal aid offices in the municipalities of Enontekiö and Utsjoki. Skills in the Sami language are not required from the officials working in these offices, but the District Court judge and the secretaries in the legal aid offices are able to use the Sami language. In court proceedings the District Court judge, however, usually consistently uses Finnish, but there is an interpreter of the Sami language present. This way proceedings have not been delayed when an interpreter has immediately been available. The lay judges of the District Court always include persons who are able to use the Sami language, and in some cases all the lay judges are able to use it. The most important forms are available in the Sami language at the District Court office, and solemnisation of marriage in the Sami language is possible. Public notifications are regularly issued by the District Court in all the three Sami languages used in Finland - North Sami,

Inari Sami and Skolt Sami. Official documents are only seldom requested in the Sami language, but a translation is provided on request. One factor reducing the use of the Sami language is the fact that legal terminology in the Sami language is partly deficient.

According to the Office of the Prosecutor General, there are no prosecutors working within the Sami Homeland who actually can speak Sami. However, no complaints have been made to the Prosecutor General in this respect and the local prosecutors' offices are prepared to use translation and interpretation when necessary.

Acts, Decrees and decisions which especially relate to the Samis are published in the North Sami language, in accordance with the provisions of section 12 of the Act on the use of the Sami language before the authorities.

### **Article 10 - Administrative authorities and public services**

Finland has undertaken to guarantee the use of Sami before administrative authorities as follows:

*1. Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

- a) to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or*
- b) to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;*
- c) to allow the administrative authorities to draft documents in a regional or minority language.*

*2. In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- a) the use of regional or minority languages within the framework of the regional or local authority;*
- b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;*
- c) the publication by regional authorities of their official documents also in the relevant regional or minority languages;*
- d) the publication by local authorities of their official documents also in the relevant regional or minority languages;*
- e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- g) the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

3. *With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*
- b) to allow users of regional or minority languages to submit a request and receive a reply in these languages; or*
4. *With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*
- a) translation or interpretation as may be required;*
- b) recruitment and, where necessary, training of the officials and other public service employees required;*
5. *The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

#### Paragraphs 1-4

The Act on the Use of the Sami Language before Authorities applies to regional and local authorities the administrative district of which cover all or part of the Sami Homeland, as well as to other authorities and agencies specified in section 3, subsection 1, paragraphs 2 to 7, as well as to the municipal authorities of Enontekiö, Inari, Utsjoki and Sodankylä (the Sami Homeland) and to the authorities of those joint municipal boards in which these municipalities participate. The right of a member of a committee, board or a collective body to use the Sami language shall also be applied to a member of a municipal or joint municipal council, executive council or other corresponding body (section 14). The Act is also applied to church authorities referred to in section 16 of the Act.

In the Sami Homeland public notifications, announcements and proclamations or other documents as well as road and other signs shall be available in the Sami language (section 11). In fact, within the Sami Homeland road signs are written in three different Sami languages in addition to Finnish.

According to section 25 of the Administrative Procedure Act (589/1996), a public authority shall arrange for interpretation and translation *inter alia* when a party to a matter, which can be initiated by the public authority, is not able to use the language which in accordance with the Language Act is used before that authority. The Administrative Judicial Procedure Act (586/1996) contains a corresponding provision (section 77).

Before the authorities mentioned above the Sami have not only the language rights referred to in Article 9, but also certain other rights provided by the Act on the use of the Sami language before the authorities. The Sami for example have the right to have the Sami language entered in the population register as their native language (section 5), and the right, as a member of a State committee or board or other corresponding collective administrative body to use the Sami language in the discussions of the administrative body as well as in a statement issued for the record (section 10). Under section 23 of the Act public officials whose administrative district is located in the Sami Homeland have the right to paid leave of absence in order to acquire a knowledge of the Sami language necessary for them to carry out their official duties. When officials or employees are



appointed by authorities referred to in section 24 of the Act, a knowledge of the Sami language shall be deemed a special merit.

As mentioned above, the working group set up by the Sami Parliament is examining deficiencies in the Act on the use of the Sami language before the authorities, and will draft a proposal for measures which are necessary to remove these deficiencies. It is considered that the greatest deficiency is that the Act does not impose an obligation upon public officials to have command of the Sami language, which is why the language rights of the Sami are mainly implemented by means of interpretation and translation. In practice, however, interpretation is not always available in meetings of municipal authorities and bodies. Thus the Act cannot always be implemented at the municipal level.

#### Paragraph 5

Here reference is made to what has been said about the Names Act under Article 10 with regard to the Swedish language.

### **Article 11 - Media**

Finland has undertaken to guarantee the use of Sami in the media as follows:

*1. The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

- a) to the extent that radio and television carry out a public service mission:*
- iii) to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*
- b i) to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or*
- c ii) to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*
- d) to encourage and/or facilitate the production and distribution of audio and audio-visual works in the regional or minority languages;*
- e i) to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or*
- f ii) to apply existing measures for financial assistance also to audio-visual productions in the regional or minority languages;*

*2. The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial*

*integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

*3. The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.*

According to section 10 of the Constitution Act, everyone shall have the right to freedom of expression. More precise provisions on the exercise of the right to freedom of expression are prescribed by Act of Parliament. According to section 1 of the Act on the Freedom of the Press, “every Finnish citizen shall have the right to publish printed writings, without the public authorities being allowed to set any obstacles to this in advance, as long as the provisions of this Act are observed.”

There are no provisions prohibiting the use of Sami in economic and social activities or other restrictions on the freedom of expression and free circulation of information in the written press as referred to in Paragraph 2.

As mentioned above, the Finnish Broadcasting Company has a duty to treat the Finnish and Swedish-speaking citizens equally and to produce services in the Sami language.

The Sami people have their own radio channel (Sami Radio)<sup>21</sup> working in their home area and broadcasting programmes for some 40 hours a week. The Sami Radio collaborates with the corresponding stations in Sweden and Norway. The Sami Radio cannot be heard outside the Sami Homeland in Finland.

There is also a text TV in the Sami language, but no regularly broadcast TV programmes.

There is no Sami newspaper published in Finland. The Norwegian newspapers *Min Áigi* and *Ássu* written in the North Sami language are available in the Finnish parts of the Sami Homeland.

The national production aid for audio-visual works and programmes can be granted to Swedish- and Sami-language productions applying the same criteria as for Finnish-language productions. If necessary, the strategy of positive discrimination shall be applied.

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<sup>21</sup> See the homepage [www.yle.fi/samiradio](http://www.yle.fi/samiradio).

## Article 12 - Cultural activities and facilities

1. *With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*
- b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, postsynchronisation and subtitling activities;*
- c) to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*
- e) to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*
- f) to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*
- g) to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*
- h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.*

2. *In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.*

3. *The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

Under this article reference is made to section 14, subsection 3 of the Constitution Act, according to which "[T]he Sami as an indigenous people as well as the Romanies and other groups shall have the right to maintain and develop their own languages and cultures [...]."

Under this Article reference is also made to the information given above under Article 12 in respect of the Swedish language. In addition to that the following observations can be made.

In addition to securing the Sami people access to general provisions of cultural service and financing, a separate appropriation is granted annually in the national budget, under the main division of the Ministry of Education, for the promotion of the Sami culture and the activity of Sami organisations.

In accordance with the principle of cultural autonomy of the Sami people, the appropriation for the promotion of the Sami culture, the sum total of which in 1998 was FIM one million, is directed to the Sami Parliament. In 1998, 51 applicants received financial support from this appropriation, e.g. as working grants for literature, music, visual arts, theatre, and handicraft. Moreover, financial aid was granted for organising cultural events, for producing a video documentary, for the recording of the Sami culture, for publishing books, and for supporting the activity of Sami organisations.

In accordance with the new Library Act (904/1998), the needs of both Sami-speaking and Finnish-speaking population have to be met on an equal basis in the municipalities of the Sami home area.

In the Sami home area the church ceremonies, sacraments and rites of the Evangelical Lutheran Church, such as baptism, marriage, and burial service, must be performed in the Sami language on demand. The church also has a Sami-speaking reverend offering religious services in the Sami language. Under the new Church Act, it is possible to found either an exclusively Sami-speaking congregation, or a bilingual Finnish- and Sami-speaking congregation in the Sami home area.

The Sami Sports Association in Finland is an association supported by government assistance. The sports of the Sami people are an essential part of their culture and heritage. The supranational co-operation in sports in the Sami home area is lively.

## Article 13 - Economic and social life

With regard to economic and social activities, Finland has undertaken:

1. *a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*  
*c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*  
*d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.*
  
2. *With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*
  - a) to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;*
  - c) to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*
  - d) to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;*

There are no provisions prohibiting the use of Sami in economic and social activities.

The implementation of obligations under Article 13, paragraph 2 (b) is required by sections 14 and 16a of the Finnish Constitution Act. The measures referred to in the said provisions are mainly taken by virtue of school legislation and language legislation.

The obligations imposed upon consumer protection authorities in accordance with Article 13, paragraph 2 (e) are derived from the Language Act.

In the Inari and Utsjoki municipal retirement homes there are 14 persons who can speak the Sami language, whereas there is no such personnel in Enontekiö and Sodankylä. At the Central Hospital of Lapland there are few nurses who can speak the language. The University hospital in Oulu has no employees who could speak Sami.

## Article 14 - Transfrontier exchanges

Finland has undertaken:

*a) to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education.*

Transfrontier exchanges are common among the Samis in the border region between Finland, Sweden and Norway.

It can also be noted that the Ministry of Labour ensures that training of public officials, to increase the use of Swedish and Sami in customer service, is developed and organised at government, regional and local levels. The collaboration between labour authorities within the Arctic area of the Nordic Countries can further be diversified and promoted. This applies, for instance, to greater synergy and joint use of resources allocated to national employment services provided for the Sami peoples of Finland, Norway and Sweden.

Some Samis are studying in a teachers' training college in Kautokeino, Norway, where the teaching takes place in the Sami language, to graduate as primary school teachers. The requirements for primary school teachers are the same in Finland, Sweden and Norway.

In the agreement on the premises of bilateral relations between the Republic of Finland and the Russian Federation, which dates from 1992, it is stated, in Article 10, that the parties concerned support the preservation of the indigenous nature of the Finnish and Finno-Ugric peoples in Russia. Language was mentioned in the article as a preservation object in particular. On the basis of this agreement, a specific Finno-Ugric peoples programme was launched in Finland. Under the scope of this programme falls even the Sami language and culture in the Kola Peninsula in Russia. Both in the framework of this programme and through the Sami organisations, the connections between Sami people in Russia and Finland have improved, be it in the field of culture, education, vocational training, or continuous education.

The co-operation between Finland, Sweden, and Norway in the fields of education and culture is included in the 1971 cultural co-operation treaty of all the five Nordic Countries. The co-operation is realised by institutions and committees operating under the Nordic Council of Ministers. The major part of these projects concerns the co-operation between the various sectors of culture, information services, and education, where language is a central element. These projects include e.g. the financial support for translating literature, the co-operation between the Nordic Language Boards, and the co-operation programme of language instruction, NORDMÅL. The Nordic Council of Ministers has a specific language programme.

The Sami Parliaments of Finland, Sweden and Norway are increasingly co-operating.