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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**THIRD PERIODICAL REPORT
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

FINLAND

**THE THIRD PERIODIC REPORT OF FINLAND
ON THE APPLICATION OF
THE EUROPEAN CHARTER FOR REGIONAL
OR MINORITY LANGUAGES**

February 2006

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INTRODUCTION

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, when it was also signed by Finland. Finland ratified the Charter on 9 November 1994, and it entered into force on 1 March 1998. By the end of November 2005 Charter has been ratified by 19 member States of the Council of Europe.

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

In Parts I and II, the Charter enunciates the objectives and principles that the Parties undertake to apply to all the regional or minority languages spoken within their territory. These include respect for the geographical area of each language; need for the promotion, facilitation and/or encouragement of the use of regional or minority languages in speech and writing, as well as in public and private life (by appropriate measures of teaching and study, and by transfrontier 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.

Upon 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 Sámi 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 examines periodic reports presented by the Parties. The reports are also made public.

The Committee of Experts is composed of one member per Party. The candidates are nominated by the Party concerned. The members of the Committee are appointed by the Committee of Ministers of the Council of Europe from a list of individuals of the highest integrity and recognised competence in the matters dealt with in the Charter. The members of the Committee are appointed for a period of six years and they are 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 the 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 it 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.

In the context of monitoring the implementation of the Charter, the Committee of Experts visited Finland in May 2003, meeting representatives of the Government and of the non-governmental sector. Finland was the first country visited by the Committee. When considering the implementation of the Charter in Finland, the Committee of Experts had access to the Second Report of the Government of Finland, the information given by the Government in reply to additional questions, supplementing the Second Report, as well as information received during the visit of the Committee. In addition, bodies and associations legally established in Finland had an opportunity to draw the attention of the Committee of Experts to matters of interest for them.

Having considered the Second Report, the Committee of Experts submitted its second country-specific report concerning Finland and its draft recommendations to the Committee of Ministers in summer 2004. The Government was given an opportunity to comment on the report and the draft recommendations.

On 20 October 2004, the Committee of Ministers adopted its Recommendations on the application of the European Charter for Regional or Minority Languages by Finland. The Recommendations are attached to the present report.

The present report is the Third Report submitted by the Government of Finland on the Application of the Charter. It was prepared in 2005.

Further information

For further information on human rights conventions and on periodic reports concerning their implementation, please contact the Unit for Human Rights Courts and Conventions of the Legal Department of the Ministry for Foreign Affairs of Finland, at the following address:

Ministry for Foreign Affairs
Legal Department
Unit for Human Rights Courts and Conventions (OIK-31)
P.O. Box 176, FIN-00161 HELSINKI
Tel: +358-9-1605 5704
Fax: +358-9-1605 5951
E-mail: OIK-31@formin.fi

GENERAL PART

1. BASIC INFORMATION ON FINLAND

History

Finland was part of the Swedish empire from the 12th century until 1809. As a result of the 1808-1809 War, Finland was ceded to Russia and made an autonomous Grand Duchy. However, the constitutional laws and certain other laws enacted by Sweden were maintained as the foundation of government in Finland. In 1809, an independent central government was created for the country. Finland was declared independent on 6 December 1917. Finland became member of the Council of Europe on 5 May 1989 and member of the European union on 1 January 1995.

Population

At the end of 2004, the population of Finland numbered 5,236,611 persons, of whom 5,128,265 were Finnish nationals and 108,346 had some other nationality. Nationals of Russia and other states belonging to the Commonwealth of Independent States (24,868) were the largest group of foreigners residing in Finland, followed by Estonians (13,978), Swedes (8,209) and Somalis (4,689). The share of foreigners of the entire population was 2%¹.

Form of government and administration

Finland is a sovereign republic. The public powers belong to the people, represented by a one-chamber Parliament with 200 members. Parliament, exercising legislative powers, is elected every four years. The executive powers are vested in the President of the Republic and in the Government. The President is elected directly by the people every six years. Judicial powers are exercised by independent courts of law.

The public administration consists of the highest governmental organs and of a system of state administration divided into central, regional and local government. Municipalities and some elements of the church administration are part of the public sector.

Respect for the rule of law is a principle governing all public sector activities.

Religion

The Constitution of Finland (731/1999) guarantees the freedom of religion and conscience for all, including the right to profess and practice a religion, the right to express one's convictions, and the right to belong or not to belong to a religious community. Religious education is provided by comprehensive schools and general upper secondary schools, in accordance with the pupils' religion. The Church has the right to levy church tax at a fixed rate on the basis of income defined for the collection of municipal tax on income. Of the population in Finland, 84.2% belong to the Evangelical Lutheran Church, 1.1% to the Orthodox Church and 1.2% to other religious communities, and 13.5% do not belong to any religious community.

Languages

The national languages of Finland are Finnish and Swedish. At the end of 2004, in Finland there were 133,183 persons having a foreign language as their mother tongue. Russian is the most commonly spoken foreign language, with 37,253 persons having it as their mother tongue. The next most common foreign languages are Estonian (13,784 persons), English (8,345 persons), Somali (8,096 persons) and Arabic (6,589 persons).

¹ The statistics given in the present report are based on information provided by Statistics Finland. For further information, call +358-9-173 41; or visit the website of Statistics Finland at <http://www.tilastokeskus.fi>.

Special status of the Åland Islands

Åland, consisting of more than 6,500 islands and with a population of 26,530, is a province of Finland where only the Swedish language is used. The status of the Swedish language in Åland, the extensive autonomy of the province and the competence of the Åland Parliament to enact certain legislation are provided for in a specific Act on the Autonomy of Åland (1144/1991).

The special status of the Åland Islands is based on a decision given by the League of Nations in 1921. Between 1917 and 1921, the residents of the islands aimed at having the islands ceded back to their former mother country, Sweden. However, as Finland was not willing to lose the islands, they were offered an autonomous status instead of reannexation. The residents did nevertheless not approve the offer, and the dispute over the islands was finally submitted to the League of Nations. The latter decided that the Åland Islands were part of Finland but would be made an autonomous area. Finland was obligated to guarantee the residents of Åland the right to maintain the Swedish language, as well as their own culture and local traditions. At the same time, an international treaty was concluded on the neutral status of Åland. This treaty prohibits placing military headquarters or forces on the islands.

A protocol on the Åland Islands (Protocol No 2) is attached to Finland's Act of Accession to the European Union. The special status that the Åland Islands enjoy under international law and rights such as the right of domicile in Åland are recognised in the Protocol.

The provisions of the Charter are not applied to Åland. Despite this, all measures taken to improve the status of the Swedish language in Finland have also relevance in view of the obligations assumed by the Government with regard to the authorities and population of Åland. Because of these obligations it is particularly important to improve and maintain the Swedish language skills of judicial and administrative authorities.

2. REGIONAL OR MINORITY LANGUAGES IN FINLAND

Swedish

According to section 17(1) of the Constitution of Finland, the national languages of Finland are Finnish and Swedish. Swedish is the less widely used national language. Most Swedish-speaking Finns live on the southern, southwestern and western coasts of the country and on the Åland Islands.

The Swedish language is represented in the Finnish section (FiBLUL) of the European Bureau for Lesser Used Languages (EBLUL).

Sámi language

The Sámi are an indigenous people living in Finland, Sweden, Norway and Russia. The area (in Sámi: *Sápmi*) inhabited by the Sámi extends from the central parts of Norway and Sweden over the northernmost part of Finland to Russia, to the Kola Peninsula. There are in total 75,000–100,000 Sámi living in this area. The Sámi have a language, culture, way of life and identity of their own, and the common history, traditions, customs and communities unite the Sámi living in different parts of the area.

According to section 17(3) of the Constitution, the Sámi, as an indigenous people, have the right to maintain and develop their own language and culture. According to section 121(4) the Sámi shall have autonomy in respect of their language and culture, within the Sámi Homeland, as provided by law. The Sámi culture, within the meaning of the Constitution, is understood as comprising the traditional forms of livelihood, such as reindeer herding, fishing and hunting.

The Sámi of Finland, Sweden and Norway are represented in each country by a Sámi Parliament (*Samediggi*). The Finnish Sámi Parliament is a representative body elected by Sámi people from amongst themselves every four years. The Sámi Parliament consists of 21 Sámi members and 4 substitutes. The following elections will take place in September 2007. The Sámi Parliament operates under the Ministry of Justice. Due to its autonomous nature the Sámi Parliament is not a state authority although its budget is financed by the State. The Sámi Parliament is responsible for maintaining the Sámi language and culture and for certain duties pertaining to the status of the Sámi as an indigenous people, being part of the autonomy of

the Sámi people. In addition, the Sámi Parliament represents the Sámi in official national and international fora. The Sámi have a flag and a national anthem of their own.

The definition of 'Sámi' is based on the Act on the Sámi Parliament (974/1995; section 3). Data on the numbers of Sámi and persons speaking Finnish and/or Sámi were last compiled by the Sámi Parliament for its elections in 2003. According to information provided by the people entitled to vote in the elections, there were approx. 7,956 Sámi in Finland in 2003. Of them, 3,669 (46.1%), lived in the Sámi Homeland in northern Finland (including the municipalities of Enontekiö, Inari and Utsjoki as well as the Reindeer Herding Association of Lapland in the municipality of Sodankylä). Thus, approx. 3,702 Sámi (46.5%) lived outside the Sámi Homeland and the rest, 585 (7.4%), lived abroad. Of the entire population of Finland, Sámi people account for 0.03%. In the Sámi Homeland, the Sámi constitute about one third of the whole population of the area.

A protocol on the Sámi people (Protocol No 3) was attached to Finland's Act of Accession to the EU. The obligations and commitments of Finland with regard to the Sámi people under national and international law are recognised in the protocol. It is noted, in particular, that Norway, Sweden and Finland are committed to preserving and developing the means of livelihood, language, culture and way of life of the Sámi people.

The Sámi Language Act (1086/2003) entered into force simultaneously with the new Language Act on 1 January 2004. The content of the Act is described in more detail under section I.1 of this report.

The Sámi language is represented in the Finnish section (FiBLUL) of the European Bureau for Lesser Used Languages (EBLUL).

3. NUMBERS OF PERSONS SPEAKING REGIONAL OR MINORITY LANGUAGES IN FINLAND

Swedish-speaking Finns

The Swedish-speaking Finns numbered 289,751 (5.5% of the population, on 31 December 2004). Because Swedish is one of the two national languages of Finland, the Swedish-speaking Finns are not considered a minority as such but rather a *de facto* language minority.

Sámi

There exist a total of ten Sámi languages, which belong to the group of Finno-Ugrian languages, and in Finland three different Sámi languages are spoken: North Sámi, Inari Sámi and Skolt Sámi. Since 1992, Sámi-speakers have had the choice of having Sámi entered as their mother tongue in the population register. By the end of 2004, a total of 1,732 persons had done so.

Of those speaking Sámi as their native language in Finland, approx. 1,700 speak North Sámi, 400 Skolt Sámi and 300 Inari Sámi. North Sámi is also the most commonly used Sámi language in Sweden and Norway, and 70–80% of all the Sámi in Scandinavia speak it. Apart from the Skolt area, Skolt Sámi is also spoken in the Kola Peninsula. Inari Sámi is only spoken in Finland.

Persons speaking a regional or minority language

The definition of "persons speaking a regional or minority language" is based on data registered into the population information system maintained by the Population Register Centre² and local register offices. This registration of data is based on statutory declarations made by citizens themselves and authorities *ex officio*. The data registered in respect of each person include his or her name and identity code, address, nationality and native language, family relations, and dates of birth and death. Statistics Finland³ compiles statistics on the nationality, native language and country of origin based on the information provided by the Population Register Centre. The underlying principle applied to the registration of languages is that each person has only one language of his or her free choice. Thus, each person's language is determined in accordance with the declaration made by himself or herself. It is possible to later change the information included in the population information system.

² <http://www.vaestorekisterikeskus.fi>

³ <http://www.tilastokeskus.fi>

4. NUMBERS OF NON-TERRITORIAL LANGUAGES AND OF PERSONS USING THEM IN FINLAND

Roma language

There are approx. 10,000 Roma people in Finland. It is only possible to give an estimated figure as the Finnish legislation on the protection of personal data⁴ prohibits the registration of sensitive information indicating e.g. race or ethnic origin. In addition, there are approx. 3,000 Finnish Roma living in Sweden. There are Roma in all parts of Finland, but most of them live in the largest cities of southern Finland. The Roma dialect used by the Finnish Roma is *Kálo*. Most persons speaking the Roma language are old and they also have the best command of the language. Middle-aged and young Roma mostly use Finnish in their every-day communication, but they understand spoken Roma.

The Roma language is represented in the Finnish section (FiBLUL) of the European Bureau for Lesser Used Languages (EBLUL).

More detailed information on the Roma language is given in Part II of the present report, under Article 7 of the Charter.

Russian

The Russian-speaking persons constitute the second largest minority language group in Finland. There are 37,253 Russian-speakers⁵ in Finland, and 24,626 of them are Russian citizens. The historical Russian-speaking population (approx. 5,000 persons) in Finland has been joined by a large number of new immigrants during the last decade.

Due to the heterogeneous nature of the Russian-speaking population, it is challenging to enhance the use of the Russian language in Finland. Those Russian-speakers who have lived in Finland for a long time and often have a perfect command of either Finnish or Swedish or both need opportunities to maintain their native language. At the same time, however, it is important to take account of the new immigrants, who also need to learn Finnish in order to integrate into Finnish society.

In statistics, also many Ingrian returnees, who have immigrated into Finland within the return programme applied since the early 1990's, are included in the Russian-speaking population. In the course of the Ingrian Finns' history, their contacts with Finland have been disrupted on several occasions, but many of them nevertheless wish to maintain their Finnish identity and emphasise their relationship with the Finnish language.

The Government underlines the enterprising spirit of the Russian-speaking population in Finland, which has contributed to strengthening their identity and culture. A private radio channel and newspapers, various cultural activities, grocery stores and certain specialised stores may be given as examples of the products of this spirit.

The Russian language is represented in the Finnish section (FiBLUL) of the European Bureau for Lesser Used Languages (EBLUL).

More detailed information on the Russian language is given in Part II of the present report, under Article 7 of the Charter.

Tatar

There are approx. 800 Tatars of Turkish ancestry in Finland. Most of them speak Tatar, a language belonging to the group of Turkic languages, as their mother tongue. The Tatars are descendants of those Tatars who moved to Finland from Russian Tatar villages in the Volga region in the late 19th century and the early 20th century. The Tatar population is the oldest Islamic minority in Finland.

Most Finnish Tatars live in Helsinki and in its surroundings. The maintenance of the Tatar culture and language is furthered by the Islamic Congregation in Finland, established in 1925. A cultural society and a

⁴ Personal Data Act (523/1999; section 11). The prohibition is not absolute, and sensitive information may be registered subject to certain conditions provided by an act or decree. There are separate legal provisions on the publicity of such information.

⁵ All nationals of Russia residing in Finland do not speak Russian, and vice versa.

sports club are examples of activities supported by the Congregation. The Congregation also provides teaching of the Tatar language throughout the year. Since 2004 it has published a newspaper in the Tatar language 3-4 times a year.

The Tatar language is represented in the Finnish section (FiBLUL) of the European Bureau for Lesser Used Languages (EBLUL).

Yiddish

Yiddish entered Finland in the 19th century. The Jewish people in Finland speak a dialect of northeastern Yiddish, also called Lithuanian Yiddish. Originally, Yiddish was the official language of the Jewish community in Finland, but it has been replaced by Finnish, Swedish, Hebrew and English. Because Yiddish is mainly used in private communication between individuals, there is no reliable information on the number of Yiddish-speakers. However, there are roughly estimated fewer than 50 elderly persons, mainly, who are able to understand and speak Yiddish.

The Jewish School in Helsinki teaches Hebrew and receives state subsidies for this purpose. The school does not teach Yiddish, but the language is used in the activities of the school, e.g. in songs.

The Jewish Congregation in Helsinki has undertaken to revive the use of Yiddish. The Congregation has a Yiddish club, which provides elementary language courses to adults and holds Yiddish discussion gatherings. At present, there are approximately 20 participants in the club. In addition, the *HaKehila* newspaper of the Jewish community in Helsinki contains regularly an article written in Yiddish. The Jewish community has also planned a theme year focusing on the Yiddish language, to be implemented together with the Jewish Congregation and the Jewish School in Helsinki.

Yiddish is represented in the Finnish section (FiBLUL) of the European Bureau for Lesser Used Languages (EBLUL).

Karelian language

The Karelian language is one of the minority languages spoken traditionally in Finland, although it does not have an official minority language's status in Finland. The Karelian language comprises two principal dialects: Olonets Karelian and Dvina Karelian. The Karelian language is currently spoken mainly in two regions in Russia: on a long, narrow zone from Dvina to Olonets in the Karelian Republic, and in inner Russia, especially in the Tver region. In Finland the language is mainly spoken in the municipalities of Valtimo, Kuhmo and Suomussalmi, located in the Provinces of Eastern Finland and Oulu. Before the Second World War the Karelian language was spoken in Finland mainly by the Orthodox population residing in the North shore of Lake Ladoga, an area which was ceded to Russia following defeat in the war. Some evacuees from the ceded territory and their descendants can still speak the language. The number of people speaking the Karelian language is now approx. 5,000, of which approx. 4,000 were born before the year 1945.

In its report⁶ concerning the State Budget proposal for 2002, the Parliamentary Finance Committee paid attention to the need to develop the Karelian language. According to the Committee, research on the Karelian language is intended to revive the language, to strengthen its status in Finland and to promote cooperation with the Karelian-speaking population on the Russian side of the border. At the initiative of the Parliamentary Finance Committee, the Ministry of Education granted the University of Joensuu an appropriation for a study of the position of the Karelian language and the measures needed to develop the language and establish its position.

The University of Joensuu submitted its report on the position of the Karelian-speaking population in Finland, together with recommendations on the necessary measures, to the Ministry of Education in June 2004⁷. The report was based on inquiries intended to assess, among other things, the number of speakers of the Karelian language, their level of competence in it, and the attitudes towards the language and the use and teaching of it among the Karelians with ancestry in Raja-Karjala, the Karelians living in the Karelian villages in Suomussalmi municipality and the Karelians who had immigrated from Russia at different times. The report and the recommendations on measures were sent out for comment to the relevant universities, organisa-

⁶ (Report of the Parliamentary Finance Committee VaVM 37/2001 vp - HE 115/2001 vp, HE 206/2001; item 29.08.25, International cultural cooperation)

⁷ The report was prepared by researcher Matti Jeskanen from the University of Joensuu, Faculty of Humanities, Department of Finnish and Cultural Research.

tions and other bodies at the end of 2004. A summary of the comments and any possible proposals for measures will be sent to the Parliamentary Finance Committee.

5. GOVERNMENT STATEMENTS AND REPORTS

Government Programme

The protection of the rights of language minorities is part of the current Government Programme in Finland. According to the chapter "Legal policy and public safety" in the Programme of Prime Minister Matti Vanhanen's Government (24 June 2003–), the language rights of the Sámi people will be safeguarded, the practical implementation of the Language Act will be monitored, and the Act on the Swedish Assembly of Finland (Folktinget) will be revised.

According to the Programme's chapter on education, science and cultural policy, the Government supports the right of children from different ethnic groups to their own language and culture. Immigrant children will be supported in keeping up their first language skills, aiming at functional bilingualism. In the social and health policy chapter it is stated that the availability of social welfare and health care services in both Finnish and Swedish must be ensured, and ways of providing social and health services in the Sámi language will be further developed.

Human rights and Finnish foreign policy

The first Government report on the human rights policy of Finland⁸, was submitted to Parliament on 24 March 2004. In the future, a similar report will be given once during each electoral period, i.e. every fourth year, and it will replace the earlier reports submitted by the Minister for Foreign Affairs to the Parliamentary Foreign Affairs Committee. In addition to human rights issues in foreign policy, the Government report also dealt with the national situation, thus providing a comprehensive review of Finland's objectives in human rights issues in different administrative sectors. According to the report Finland underlines the the rights of women, children, minorities, indigenous peoples and persons with disabilities.

The project to promote the implementation of the Language Act and the Administrative Procedure Act

The new Language Act and the new Administrative Procedure Act entered into force on 1 January 2004. To promote the implementation of the Acts, the Ministry of Finance started, in October 2003, a project to study the opportunities of enabling citizens to conduct their affairs as smoothly as possible in their own national languages Finnish and Swedish.

The working group set up for the project submitted its final report at the end of 2004. The models for service arrangements and personnel management studied in the project are also applicable in broader contexts in the promotion of multiculturalism and citizens' opportunities to use minority languages in their contacts with authorities.

The report is accompanied by the quality criteria that the working group used for identifying good administrative practices for the purpose of enabling citizens to conduct affairs in minority languages. These criteria will constitute part of the criteria for assessing the quality of public organisations and defining best practices.

Roma people as employment office clients

In 2003 the Ministry of Labour carried out a study to assess the employment services aimed at Roma people, and a follow-up study will be conducted in 2006. Regional Advisory Board on Romani Affairs has been set up in every province. These Boards cooperate closely with the regional Employment and Economic Development Centres and other bodies in order to plan and organise suitable labour market training for Roma people. Additionally, Roma representatives are consulted as experts in staff training provided by the Em-

⁸ Human Rights and Finland's Foreign Policy. Report by Minister for Foreign Affairs Erkki Tuomioja to the Foreign Affairs Committee of Parliament on the Human Rights Policy of the Finnish Government, November 29, 2000. Publications of the Ministry for Foreign Affairs 2/2001. Helsinki 2001.

ployment and Economic Development Centres and employment offices, concerning for example Roma as employment office clients.

A contact person for Roma affairs has been nominated in all Employment and Economic Development Centres and employment offices. These contact persons participate in such activities as negotiation meetings on equality, which include a section on cooperation between the labour administration and the Roma population.

A study on the placement of Roma people in the labour market will be launched in early 2006.

Brochures on employment office services in the Roma language have not yet been produced. From the viewpoint of the national Advisory Board on Romani Affairs, operating in conjunction with the Ministry of Social Affairs and Health, it has been more urgent to publish brochures on the day care and basic education of children, housing, social security etc.

School attendance among Roma children

The *Education and Research 2003-2008* development programme accepted by the Ministry of Education is intended to ensure the implementation of basic educational security. It aims to prevent exclusion and ensure early intervention, and thus to guarantee the implementation of educational basic rights for all people at all levels of the educational system.

Measures have been taken to increase school attendance among Roma children. A working group set up by the National Board of Education works to promote school attendance among Roma children and other children of minority language and cultural groups. Efforts are being made to improve the opportunities for Roma children to participate in early childhood education and the chances for young Roma people to succeed at school and in further studies.

Roma women and children

The Action Plan for 2004–2007 of the national Advisory Board on Romani Affairs includes the objective to highlight the status of Roma children and women during the Finnish EU Presidency in 2006. In addition, the Advisory Board on Romani Affairs will, jointly with the projects on pre-school education and care for Roma children, arrange a seminar in order to present results from the projects.

PART I

I.1. MAIN LEGAL ACTS WHEREBY THE CHARTER HAS BEEN IMPLEMENTED IN FINLAND

Constitution

Section 17 of the Constitution of Finland protects the right to one's language and culture. Paragraphs 1 of section 17 recognise the equal position of Finnish and Swedish as national languages and guarantee the related individual and collective rights. Instead of "native language", the Constitution speaks of "one's language". "Public authorities" mentioned in paragraph 2 is understood as including both the State and the local authorities. The provision concerning public authorities has particular relevance in the provision of public services, education and other cultural activities, as well as in the provision of public information in one's own language. Paragraph 3 provides for the right of minorities – i.e. of the Sámi as an indigenous people, the Roma, and other minority groups, such as users of sign languages - to maintain their own languages and cultures.

The other provisions of the Constitution concerning expressly linguistic rights are laid down in section 6(2) on equality, section 51 on the languages used in parliamentary work, section 79(4) on the publication and entry into force of acts, section 121(4) on the linguistic and cultural self-government of the Sámi in the Sámi homeland, and section 122(1) on administrative divisions.

Language Act

The Language Act (423/2003), which safeguards the national languages in Finland, Finnish and Swedish, entered into force on 1 January 2004, repealing the Language Act from the year 1922. The Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003) took effect simultaneously with the Language Act, repealing the Act on the Knowledge of Languages Required of State Civil Servants from 1922.

The main purpose of the Language Act is to ensure the constitutional right of every person to use his or her own language, either Finnish or Swedish according to choice, before courts and other authorities of the State and bilingual municipalities. The goal is to ensure the right of everyone to a fair trial and good administration irrespective of language and to secure the linguistic rights of an individual person without him or her needing specifically to refer to these rights. The Language Act is intended to ensure the realisation of the constitutional linguistic rights in practice.

The Language Act is a general act, which is applicable unless otherwise provided for in special legislation. However, the Act determines the minimum level of linguistic rights which must be taken into account also in special legislation. The Language Act is applied by courts and other State authorities, municipal authorities, independent institutions under public law, Parliamentary offices and the Office of the President of the Republic. The Act also contains separate provisions on those institutions and bodies to which it is not applicable.

The province of Åland Islands is monolingually Swedish. Therefore, section 7 of the Language Act expressly excludes the province from the scope of application of the Act. Linguistic provisions regarding Åland are contained in the Act on Autonomy of Åland (1144/1991).

One of the most important provisions of the Language Act is its section 23, providing that an authority shall ensure in its activity and on its own initiative that the linguistic rights of private individuals are secured in practice. Thus, individuals need not call attention to their linguistic rights by themselves. Moreover, a bilingual authority shall demonstrate to the public that it uses both languages. This means, among other things, an authority's obligation to ensure that its boards, signposts and forms are written in both national languages.

According to section 36 of the Language Act, primarily each authority is responsible for supervising application of the Act within its own area of operation. Such supervision by area of operation ensures more efficiently than centralised supervision that the specific features of each area regarding the enforcement of linguistic rights can be taken into account in an appropriate manner.

The Ministry of Justice is responsible for monitoring the enforcement and application of the Act. For these tasks, three new positions have been established in the Ministry. When necessary, the Ministry issues rec-

ommendations on issues concerning legislation on the national languages and takes measures to rectify observed defects.

Section 37 of the Language Act provides that each electoral period the Government shall report to Parliament on the application of language legislation and on the securing of linguistic rights, together with a general review of the linguistic conditions in Finland. The Government will submit its first report to Parliament in spring 2006.

Advisory Board on Language Issues

According to the Government Decree on the Implementation of the Language Act (433/2004), there shall be an Advisory Board on Language Issues at the Ministry of Justice. The Board is a permanent expert and drafting body. It started working in autumn 2004. The Board consists of expert representatives from different sectors of society where the implementation of linguistic rights is particularly important, such as the judicial system, social welfare and health care, municipal administration, alien and immigration affairs and education.

According to section 2 of the Government Decree, the Advisory Board on Language Issues shall: 1) assist the Ministry of Justice to monitor the implementation and application of the Language Act and the related legislation; 2) prepare proposals for measures to support the implementation in order to promote the use and status of the national languages; 3) assist the Ministry of Justice to prepare the Government's report on the application of language legislation to be submitted to Parliament each electoral period; 4) prepare recommendations to authorities on providing information and training concerning the Language Act and the related legislation; and 5) issue opinions to authorities and other communities on language legislation issues referred to it by the Ministry of Justice.

The Board may also: 1) participate in the monitoring of legislation on other languages than the national languages, and assist, as an expert body, with the drafting of legislation on other languages; 2) monitor international developments and cooperation to develop the linguistic conditions and rights in Finland; and 3) prepare, on its own initiative, recommendations on issues concerning language legislation and the application thereof for use by the Ministry of Justice, and issue initiatives to promote linguistic rights and linguistic equality.

Knowledge of languages of personnel in public bodies

The Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003) contains provisions on the language competence required of personnel in State and municipal authorities, independent institutions under public law, Parliamentary offices and the Office of the President of the Republic, and on proving this competence.

The Act obligates authorities to ensure, by training and other personnel policy measures, that their employees have a sufficient knowledge of languages for the performance of the authorities' tasks, as required by the Language Act and other legislation. State employees may be required to know also other languages, if it is necessary for the performance of their tasks. Such requirements are imposed by a ministerial decree or a government decree issued by virtue of an act.

Sámi Language Act

The Sámi Language Act (1086/2003) entered into force simultaneously with the Language Act at the beginning of 2004 and repealed the Act on the Use of the Sámi Language before the Authorities (516/1991). According to its section 1, the Act is intended to ensure, as required by the Finnish Constitution and the international conventions binding on Finland, the right of the Sámi to maintain and develop their own language and culture and to use their own language – Inari Sámi, Skolt Sámi or North Sámi – before the courts and other public authorities. According to the earlier Act, the right to use the three Sámi languages spoken in Finland before public authorities was only based on a statement in the motivation for the Government bill on the Act. The new Act (section 3(1)) defines all the three languages as the Sámi language referred to in the Act, thus clarifying the content of the Act.

The Sámi Language Act also contains a number of provisions on the obligations of public authorities to enforce and promote the linguistic rights of the Sámi (e.g. section 1(2), section 14(1) and (2), section 15, section 24 and section 28(1)). The goal is to ensure the right of the Sámi to a fair trial and good administration irrespective of language, and to secure the linguistic rights of the Sámi without them needing specifically to refer to these rights (section 1(3)). Authorities shall show to the public that they provide service also in the Sámi language (section 24(1)). They must not restrict or refuse to enforce the linguistic rights provided in this Act on the grounds that a Sámi person knows also some other language, such as Finnish or Swedish (section 4(2)).

The Sámi Language Act is applicable to all public tasks belonging to the authorities referred to in the Act. Its scope of application to authorities corresponds mainly to the earlier Act (section 2). The new Act, like the earlier Act, is not only binding on the State and municipal authorities operating in the Sámi Homeland, but also on some authorities outside this region which are important to citizens' legal protection, such as the Chancellor of Justice of the Government, the Parliamentary Ombudsman and the Ombudsman for Minorities. Moreover, the new Act is binding on State enterprises (section 17), and in some cases also private entities responsible for public administrative functions in the Sámi Homeland (section 18). Thus, purchasing of public authorities' services from private providers does not affect linguistic rights. An authority shall ensure in its activity and on its own initiative that the linguistic rights of private individuals are secured in practice (section 23(1)).

Each authority supervises the application of the Sámi Language Act within its own area of operation. The Sámi Parliament monitors the application of the Act and may issue recommendations in questions related to language legislation and take initiatives in order to rectify defects it has observed (section 28).

The first report on the application of the Sámi language legislation, referred to in section 29(1) of the Sámi Language Act, will be submitted to the Sámi Parliament in 2006, on the basis of experience gained during the current electoral period. Therefore it is still too early to assess the effects of the Act on the implementation of Sámi people's linguistic rights.

Non-Discrimination Act

The Non-Discrimination Act (21/2004) took effect on 1 February 2004, and it implemented Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

The purpose of the Act is to foster and safeguard equality and enhance the protection provided by law to those who have been discriminated against in cases of discrimination that fall under the scope of the Act. The motivation for the Act states, among other things, that authorities, when drafting equality plans, must take into account not only the immigrants but also our own national minorities, the Sámi and the Roma. The Act lays down provisions on prohibited grounds for discrimination, and according to section 6 of the Act, language is one of them. Discrimination based on language is prohibited in matters concerning work, training and trade union activities. The Act also contains provisions on the protection provided by law to those who have been discriminated against.

In September 2004, the Ministry of Labour issued to the State and municipal authorities general recommendations on the contents of equality plans in Finnish, Swedish and the Sámi language. The equality plans must be prepared by the end of 2005.

Ombudsman for Minorities

The sphere of activities, tasks and powers of the Ombudsman for Minorities are prescribed by an Act (660/2001) and Decree (687/2001) that entered into force on 1 September 2001. The Ombudsman's basic task is to advance the status and legal protection of ethnic minorities and foreigners as well as equality and non-discrimination and good ethnic relations in Finland.

The tasks of the Ombudsman for Minorities were expanded on 1 February 2004 with amendments to the said law (22/2004), simultaneously with the entering into force of the new Non-Discrimination Act. In addition to issuing instructions, advice and recommendations, the Ombudsman may take requested measures, such as arranging meetings for settlement between parties to a dispute. The purpose is that the parties can reach

an agreement reasonable to both parties on compensation for the damage caused to the party discriminated against.

Discrimination Board

The Discrimination Board is an autonomous and independent body of legal protection appointed by the Government. Its activities are based on the Non-Discrimination Act and intended to improve the *de facto* access to legal protection. The Board does not replace the existing legal remedies and appeal bodies, nor has it any powers to amend authorities' decisions. The Ombudsman for Minorities or a person discriminated against may submit a matter relating to ethnic discrimination to the Board for consideration. The Board is empowered to confirm a conciliation settlement between the parties or to prohibit the continuation or repeat of conduct contrary to the prohibition of discrimination and victimisation. In addition to an obligation, the Board may also impose a conditional fine and, if necessary, order payment of such fine. Moreover, the courts, the Ombudsman for Minorities, other authorities and associations may request a statement from the Board on the application of the Non-Discrimination Act in cases of ethnic discrimination.

Advisory Board for Ethnic Relations (ETNO)

The purpose of the Advisory Board for Ethnic Relations (ETNO) is to promote interaction between authorities, non-governmental organisations, parties represented in Parliament and immigrants and ethnic minorities at national, regional and local level. As an expert in immigration policy, the Advisory Board assists ministries in developing Finnish society towards ethnic equality and diversity.

The mandate of the previous Advisory Board for Ethnic Relations expired at the end of 2004. In May 2005 the Government set up a new Advisory for the three year period 2005–2008.

The previous Advisory Boards consisted of representatives of the most important authorities and organisations and the largest language groups and ethnic minorities. The composition of the current Advisory Board is not based on languages as that of the previous ones. Instead, immigrants and ethnic minorities are represented in it by persons having an immigrant or ethnic minority background and representing organisations selected in a separate application procedure.

In addition to the national Advisory Board, there are now three regional Advisory Boards for Ethnic Relations (in the cities of Oulu, Turku and Joensuu), where immigrant and ethnic minorities are similarly represented by persons having an immigrant or minority background and representing organisations selected in an application procedure.

The Government's immigration policy programme

A proposal for the Government's immigration policy programme was submitted to the Ministerial Working Group on Immigration Policy and Ethnic Relations in June 2005. The preparation of the programme was based on earlier studies and reports, prepared by ETNO and other bodies. The programme is being completed on the basis of the comments made on it.

I.2. BODIES AND ORGANISATIONS FURTHERING THE PROTECTION AND DEVELOPMENT OF REGIONAL OR MINORITY LANGUAGES

RESEARCH CENTRE FOR THE LANGUAGES OF FINLAND

The Research Centre for the Languages of Finland (*KOTUS*) is a linguistic research institute maintained by the State. Research is carried out on Finnish, Swedish, the Sámi languages, Roma and the sign language. The Research Centre also provides linguistic counselling and carries out dictionary projects and various research projects. On 1 January 2006, a specific department for minority languages will start working at the Research Centre.

Address: Sörnäisten rantatie 25, 00500 Helsinki
Telephone: +358 9 73 151 Telefax: +358 9 7315 355
Website: <http://www.kotus.fi>

FiBLUL - FINNISH BUREAU FOR LESSER USED LANGUAGES

The European Bureau for Lesser Used Languages (EBLUL) of the European Union has also an independent Finnish section (*Finnish Bureau for Lesser Used Languages; FiBLUL*), the purpose of which is to enhance relations between persons speaking minority languages. The languages represented in the Finnish section are Swedish, Sámi, Roma, Russian, Tatar and Yiddish.

Address: Simonkatu 8, 00170 Helsinki
Telephone: +358 9 6930 7322 Telefax: +358 9 694 9489
E-mail: veronica.herzberg@kulturfonden.fi

SVENSKA FINLANDS FOLKTING (SWEDISH ASSEMBLY)

The Swedish Assembly in Finland, *Svenska Finlands folkting*, promotes the implementation of the rights of the Swedish-speaking Finns and aims at improving their position. Among other tasks, the Assembly gives opinions on questions concerning the Swedish language and on the status of the Finnish language in Sweden.

Address: Unionsgatan 45 H 110, 00170 Helsingfors
Telephone: +358 9 6844 250 Telefax: +358 9 6844 2550
E-mail: folktinget@folktinget.fi Website: <http://www.folktinget.fi>

SÁMI PARLIAMENT

The Sámi Parliament is responsible for promoting the Sámi language and culture and the status of the Sámi as an indigenous people, being part of the right of self-government protected by the Constitution. The Sámi Parliament is a preparatory and consultative body in matters falling within the scope of self-government. As a representative body elected by the Sámi themselves, the Sámi Parliament also represents the Sámi both in national and international official fora.

Address: Saarikoskentie, 99870 Inari
Telephone: +358 16 665 011 Telefax: +358 16 671 323
E-mail: info@samediggi.inet.fi Website: www.samediggi.fi

ADVISORY BOARD ON ROMANI AFFAIRS

The Advisory Board on Romani Affairs is a cooperative body of the Roma and authorities, operating under the auspices of the Ministry of Social Affairs and Health. The duties of the Advisory Board include the promotion of the Roma language and culture.

Address: Ministry of Social Affairs and Health, PL 33, 00023 Government
Telephone: +358 9 160 74308 (Secretary General Sarita Friman-Korpela)
Telefax: +358 9 160 74312
Website: www.romani.fi/

FINNISH ASSOCIATION OF RUSSIAN-SPEAKING ORGANISATIONS

The Finnish Association of Russian-Speaking Organisations (FARO) is an organisation established in 1999 to protect the interests of the Russian-speaking population in Finland. The Association has 19 member organisations and art associations.

Address: Haapaniemenkatu 7-9 B, 00530 HELSINKI
Telephone: +358 045 652 7869 (Office Secretary Mon, Wed, Fri 10-15)
Telefax: +358 19 544 868
Website: www.faror.com

FINNISH ISLAMIC CONGREGATION

The Islamic Congregation in Finland, established in 1925, represents the Tatar community. The Congregation aims at promoting the Tatar culture and language in Finland.

Address: Fredrikinkatu 33 A, 00120 HELSINKI
Telephone: +358 9 643 579 Telefax: +358 9 643 549
E-mail: kanslia@fic-sis.org

JEWISH CONGREGATION IN HELSINKI

The use of Yiddish in Finland is promoted by the Jewish Congregation in Helsinki.

Address: Malminkatu 26, 00100 HELSINKI
Telephone: +358 9 586 0310 Telefax: +358 9 694 8916

KARELIAN LANGUAGE SOCIETY

The purpose of the Karelian Language Society, established in 1995, is to promote the status of the Karelian language in Finland by increasing interest in the language and supporting research and publishing aimed at maintaining and developing the language.

Address: c/o Pertti Lampi, Laakavuorentie 14 B 43, 00970 Helsinki
Telephone: +358 0400 - 246 266 (secretary)
E-mail: peter.pond@netsonic.fi Website: www.karjalankielenseura.fi

I.3. BODIES AND ORGANISATIONS CONSULTED ON THE PREPARATION OF THE REPORT

The third periodic report of the Government of Finland on the application of the European Charter for Regional or Minority Languages was drafted by the Legal Department of the Ministry for Foreign Affairs in cooperation with different ministries and other authorities. The role of the non-governmental sector was significant at all stages of the preparation of the report. Before its drafting, all relevant authorities, a number of relevant non-governmental organisations, advisory boards representing minorities, research institutes, communities and associations were requested to submit written opinions on the issues to be included in the report.

A total of 40 authorities and organisations were invited to send their representatives to a public hearing on the draft report, held at the Ministry for Foreign Affairs on 17 November 2005. The following authorities and organisations were represented: Ministry of Education, Ministry of Labour, Ministry of the Interior, Ministry of Agriculture and Forestry, Sámi Parliament, Association of Finnish Local and Regional Authorities, Swedish Cultural Foundation, Swedish Assembly, University of Helsinki, Mannerheim League for Child Welfare, Finnish Association of Russian-Speaking Organisations (FARO), Forum for the Russian-Speaking Population in Finland, Islamic Congregation, Ingrian Centre, Karelian Language Society, and Finnish League for Human Rights.

In addition, comments on the draft report and suggestions for amendments were submitted by letter/e-mail by the following: Ministry of Justice, Ministry of Education, Ministry of Transport and Communications, State Provincial Office of Lapland, Government of Åland, Office of the Prosecutor General, Evangelical Lutheran Church, Swedish Assembly, Sámi Parliament, Finnish Association of Russian-Speaking Organisations, Northern Institute for Environmental and Minority Law, and Association of Ingrians in Finland.

I.4. PROVISION OF INFORMATION ON THE RIGHTS AND THE DUTIES DERIVING FROM THE APPLICATION OF THE CHARTER

The Language Charter and the related recommendations of the Committee of Ministers have been published in Finnish, Swedish and North Sámi. The Charter and the translations are included in the Statute Book of Finland. In addition, the text of the Charter is available in the FINLEX database of legislation⁹, to which there is a link also on the website of the Ministry for Foreign Affairs¹⁰. Statute Book of Finland is available and the Internet may be used free of charge for example at public libraries.

According to section 9 of the Sámi Language Act (1086/2003), acts of primary concern to the Sámi, as well as other such statutes, treaties and other instruments and notifications published in the Statute Book of Finland, shall on the decision of the Government or the pertinent Ministry be published also as a Sámi translation. In the Act, the Sámi language refers to the Inari Sámi, Skolt Sámi and North Sámi languages. The Charter and the recommendations of the Committee of Ministers have not been published in Inari Sámi or Skolt Sámi.

The periodic reports of the Government of Finland on the application of the Charter are published on the website of the Ministry for Foreign Affairs¹¹. The third periodic report will, as soon as possible, be published on the website and also in the form of a bound paper copy, which is easy to distribute and reproduce. The report will be sent out to a large number of authorities and non-governmental organisations.

The Unit for Human Rights Courts and Conventions (OIK-31) will be able to provide, upon request, materials relating to the Charter, to its implementing legislation and to the monitoring of its implementation, and to respond to enquiries concerning the rights and duties deriving from the application of the Charter. The contact information is provided in the introduction to the report.

⁹ <http://www.finlex.fi/fi/sopimukset/sopsteksti/1998/19980023>

¹⁰ <http://formin.finland.fi/doc/fin/ihmisoik/sopim.html>

¹¹ <http://formin.finland.fi/doc/fin/ihmisoik/raportointi/main.html>

I.5. IMPLEMENTATION OF RECOMMENDATIONS

Detailed information on measures taken by the Government is given in Part III of the present report. With regard to the individual recommendations given by the Committee of Ministers, the measures may be summarised as follows:

The Committee of Ministers recommends that Finland take account of all the observations of the Committee of Experts and, as a matter of priority:

1. vigorously pursue the current efforts to improve education in the Sami language and in particular take immediate measures to ensure the survival/viability of the Inari and Skolt Sami languages, which are in grave danger of extinction.

In the educational sector, the right of the Sámi to their own language is secured mainly by the Basic Education Act (628/1998), the General Upper Secondary Schools Act (629/1998) and the Vocational Education Act (630/1998).

Since the beginning of 1999, the Government has granted a specific subsidy to the municipalities in the Sámi Homeland and other providers of education operating in this region, for teaching in and of the Sámi language. Additionally, the Government grants annually an appropriation for the production of teaching material in the Sámi language (see below).

2. encourage and/or facilitate a positive development regarding the availability of a newspaper in Sami

In respect of newspapers published in Sámi, reference is made to the Constitution of Finland (section 12), which guarantees that everyone has the freedom of expression. The current Finnish press, which is rather multi-faceted by international standards, operates mainly without public subsidies, but the Government grants annually press subsidy on the basis of applications.

The electronic newsletter entitled Sysäys¹² focuses on diversity and non-discrimination. Its point of view ranges from individual experiences to prospects for non-discrimination activities in Finland and at the EU level. Sysäys is published in Finnish, Swedish, English, Roma and North Sámi.

3. ensure the availability of health and social care services in Swedish and Sami

The Finnish authorities are aware of the problems related to the social welfare and health care services provided in Swedish, and they have taken measures to correct the situation. In regional and local administration, many health centres have made efforts to improve their services in Swedish, and they have paid increased attention to the language of signposts and boards and patient documents. Some hospitals have introduced language bonuses and arranged courses on the Swedish language for their staff. Moreover, the Ministry of Justice has trained health care staff on the content of the new Language Act, especially from the viewpoint of their work.

The Advisory Board on Language Issues set up by the Government (whose primary tasks were described in section I) consists of representatives of social welfare and health care from the central government and the local level.

Since 2002, the Finnish Parliament has annually approved a separate appropriation to be included in the national budget for the purpose of guaranteeing the access of Sámi people to social welfare and health care services in their own language (200,000 € in 2002; 300,000 € in 2003; and 600,000 € both in 2004 and 2005). The Sámi Parliament makes annually a plan on the use of this appropriation, which has had substantial significance especially to early childhood education and care of the elderly. Home help services provided in the Sámi language have significantly supported aged people's opportunities to continue living in their homes and the rehabilitation of mental health patients. The appropriation has also made it possible to provide day care in the Sámi language.

According to information gathered, the main obstacle to long-term development of social welfare and health care services in the Sámi language is that the funding is insufficient and uncertain and it is provided for a

¹² <http://www.join.fi/seis/romani.shtml>

short time. This makes it difficult to plan the activities and to recruit trained personnel with sufficient language proficiency. In many municipalities of the Sámi Homeland the mere provision of basic services in one language is difficult because of the financial situation of these municipalities. In many cases, however, municipalities have difficulties in arranging services jointly, since the geographical distances are long.

This method of state financing derogates from the normal practice concerning state subsidies intended for municipalities. However, in respect of the provision of social welfare and health care services in Sámi, an additional appropriation is justified as being necessary for maintaining the language and culture of the Sámi as an indigenous people, as required by the Constitution. The appropriation may only be used for covering the costs of providing such services in the municipalities of the Sámi Homeland, referred to in section 4 of the Act on Sámi Parliament. It is allocated as state subsidy through the intermediary of the Sámi Parliament.

Within the framework of a social welfare development project started in 2003, municipalities may additionally, on application, be granted appropriations for the period 2005-2007 for the development of services to linguistic and cultural minorities.

4. further implement measures for the protection and promotion of the Romani language and provide favourable conditions in particular in education, teacher training, radio and television

The Roma Education Unit at the National Board of Education arranges annually both further and additional training for Roma-speaking teachers and teaching of the Roma language and culture for all teachers. The Unit produces teaching material and arranges different seminars and other occasions. The Unit also updates and revises teaching material. In 2005 the Unit published a Roma-Finnish-English dictionary and a Finnish-Roma dictionary.

In 2004-2005, three projects on early childhood education of Roma children were started with project funding in the cities of Vantaa, Turku and Varkaus. In these cities the percentage of Roma people of the population is significant by Finnish standards. The projects aim at increasing Roma children's attendance at early childhood education and pre-school education. The intention is to enhance early childhood education services so as to support Roma children's linguistic development both in the Finnish/Swedish and the Roma language. A study completed in 2002 by the National Board of Education showed that only 2% of Roma children attend pre-school education.

The ongoing projects have produced encouraging results. For example in Turku, visits to families, family holiday camps and an intensified provision of information in other forms resulted in that most Roma children in the region started attending pre-school education in autumn 2004. Moreover, children aged 2-4 have attended day care. In Turku, Roma children have been taught the Roma language. In connection with health checks for 5 years old children, child health clinics have informed Roma parents separately about available early childhood education services.

At present, the main problem is the non-existence of material for early childhood education in the Roma language. There is no teaching, playing or other material published in Roma or supporting the learning of the language for children under school age. In December 2005, the Ministry of Social Affairs and Health published a guide on reading with children, ("*Lue lapsen kanssa*"), which is intended both to serve Roma parents as a guide for child upbringing and to support children's linguistic development by providing pictures and words of the Roma language.

The models created in the local early childhood education projects for Roma children will be put into use in the whole country. The motivation for the national early childhood education plan 2003 takes into account, for the first time, the specific needs of Roma children regarding early childhood education, based on their linguistic and cultural background. The plan underlines the needs to establish cooperation networks with Roma representatives, to increase Roma children's attendance at pre-school education and to support their learning of the Roma language.

A radio programme entitled *Romanihelmiä – Romano mirits* ("Roma Pearls"), broadcast once a week, presents the life of Roma people and topical issues and reports news in the Roma language. Until the end of 2004 the programme was broadcast in the Radio Suomi channel on Mondays, and it lasted 12 minutes. Since the beginning of 2005, *Romanihelmiä – Romano mirits* is included in the programmes of the YLE Radio 1 channel, and its duration has been prolonged to 15 minutes. In this channel the regularity of the programme can be ensured clearly better than before.

I.6. PROVISION OF INFORMATION ON THE RECOMMENDATIONS GIVEN BY THE COMMITTEE OF MINISTERS

The recommendations given by the Committee of Ministers were translated soon after their adoption into both national languages of Finland, i.e. into Finnish and Swedish, and to North Sámi. On 26 October 2004 the recommendations, together with the report of the Committee of Experts, were sent out to a large number of authorities and non-governmental organisations for information. The recommendations are published in Finnish, Swedish, North Sámi and English on the website of the Ministry for Foreign Affairs at <http://formin.finland.fi> (human rights/conclusions and recommendations).

I.7. CONTRIBUTION TO THE IMPLEMENTATION OF RECOMMENDATIONS

As regards the contribution of authorities to the implementation of the recommendations given by the Committee of Ministers, the Government refers to the information provided above. The recommendations have been communicated to a large number of authorities, and any measures needed on the national level for the implementation of the recommendations are the responsibility of each sector of administration.

PART II

ARTICLE 7: OBJECTIVES AND PRINCIPLES

Article 7, setting out the objectives and principles of the Charter, is applied to the Sámi language and Swedish. Upon ratification of the Charter, Finland also 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.

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;*
 - 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;*
 - c) *the need for resolute action to promote regional or minority languages in order to safeguard them;*
 - d) *the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*
 - 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;*
 - f) *the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;*
 - 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;*
 - h) *the promotion of study and research on regional or minority languages at universities or equivalent institutions;*
 - 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;*
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.*
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.*
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.*
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.*

1.a) Recognition of the regional or minority languages as an expression of cultural wealth

According to section 17, paragraph 1, of the Finnish Constitution, the national languages of Finland are Finnish and Swedish. According to paragraph 2, the right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. The aforementioned Language Act is the Act referred to in paragraph 2. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis. Thus, the Constitution aims at linguistic equality.

According to section 17, paragraph 3, of the Constitution, the Sámi, as an indigenous people, as well as the Roma and other groups, such as the users of sign language, have the right to maintain and develop their own language and culture. Provisions on the right of the Sámi to use the Sámi language before the authorities are laid down by an Act. The aforementioned Sámi Language Act is the Act referred to.

1b) Administrative borders

Swedish is the less used national language in Finland. Most Swedish-speaking Finns live in Southern Finland, on the western coast and on the Åland Islands.

Section 122(1) of the Constitution provides that, in the organisation of administration, the objective shall be suitable territorial divisions, so that the Finnish-speaking and Swedish-speaking populations have an opportunity to receive services in their own language on equal terms. This provision is included also in section 35 of the Language Act. The provisions are mainly aimed at implementing the linguistic rights in the future. Section 5 of the Language Act contains provisions on the linguistic division of the country. According to it, a municipality is either unilingual (Finnish or Swedish) or bilingual.

Services may be arranged differently for the Swedish-speaking and the Finnish-speaking populations, if different arrangements further the implementation of linguistic rights. It is possible to establish for instance unilingual administrative units in order to secure the rights of the Swedish-speaking minority. According to the Language Act there shall be at least one Swedish-speaking unit in the Defence Forces (the Uusimaa Brigade, Nylands brigad). Additionally, by virtue of the Church Act (1054/93), there are separate Swedish-speaking and Finnish-speaking parishes in the Evangelic-Lutheran Church. Since 1923, all Swedish-speaking parishes belong to one autonomous Swedish-speaking diocese.

According to section 121(4) of the Constitution, the Sámi have linguistic and cultural self-government in the Sámi Homeland, as provided by an Act, the Act on the Sámi Parliament. Section 4 of the Act provides that the Sámi Homeland includes the municipalities of Enontekiö, Inari and Utsjoki as well as the Reindeer Herding Association of Lapland in the municipality of Sodankylä. The General Part of this report contains information on the numbers of Sámi people residing in the Sámi Homeland and outside it.

A comprehensive reform of municipal and service structures is in process in Finland. The intention is towards larger municipalities. If implemented as planned, the reform may lead to unions of municipalities, which may influence administrative borders in regions where populations speaking minority languages live, i.e. in the Swedish- and Sámi-speaking regions.

1c) Action to promote regional or minority languages in order to safeguard them

The Language Act

The Language Act is intended to secure the linguistic rights of the Finnish-speaking and the Swedish-speaking populations as required by the Constitution. The Act is a general act concerning the national languages in Finland, Finnish and Swedish. The Act contains references to legislation on other languages and to special legislation containing linguistic provisions.

In the drafting of the Language Act, attention was paid to ensuring a more efficient implementation of the linguistic rights of the Swedish-speaking population in Finland. The Act obligates all authorities to actively secure the implementation of such rights also in practice. The content of the Act is described in more detail in other parts of the report.

The Sámi Language Act

The aim of the Sámi Language Act is to ensure a more efficient implementation of the linguistic rights of the Sámi population in Finland. The Act obligates all authorities to actively secure the implementation of those rights also in practice.

In practice, the realisation of the Act's objectives is dependant on the funding. According to the Sámi Parliament there is not enough appropriations for employing translators of Inari and Skolt Sámi, which in turn speeds up the decline in the use of these languages. The Sámi Language Bureau has a need for one new office for each Sámi language.

Likewise, due the lack of sufficient financing, the Sámi language centre for the development, planning and research of the Sámi languages, as planned by the Sámi Language Council of the Sámi Parliament, as well as different projects on the vocabularies and terminologies of the three Sámi languages and an electronic data bank on their vocabularies are still on the preliminary stages.

Sámi

The earlier projects on a cultural centre for children in the Sámi Homeland continued in 2004-2005 and will continue also in 2006-2008. In 2005, a project entitled OVTAS! was launched in order to expand the teaching of the Sámi culture mainly to children and young people on the Finnish and Norwegian sides of the Teno River valley.

Every year approximately 500 children attend teaching in the Sámi language. In basic education about 150 pupils are taught either entirely or mainly in the Sámi language. At the upper level of comprehensive school approximately 30 pupils study the Sámi language as their mother tongue. In autumn 2005 the city of Oulu outside the Sámi Homeland started to provide teaching of the Sámi language both as mother tongue and as a foreign language. Lack of qualified Sámi-speaking teachers continues to be the main obstacle to the teaching. The Sámi Parliament is granted annually 253,000 € for the purpose of producing teaching material in the Sámi language.

In 2001 the Finnish, Norwegian and Swedish ministers responsible for Sámi matters agreed on establishing a Nordic working group to draft a Nordic Sámi convention. The working group was set up in 2002 and started work at the beginning of 2003. The group consists of representatives nominated by the Governments of all three countries and their Sámi Parliaments. In November 2005 the working group submitted a report with a proposal for a Nordic Sámi convention to the ministers. The draft convention contains also articles on the Sámi language and Nordic cooperation to promote it. The three Governments and Sámi Parliaments will start negotiating the convention on the basis of the proposal and the comments made on it.

Cultural and organisational activities in Sámi

The annual state budget includes appropriations earmarked for supporting cultural and organisational activities in the Sámi language. Since the Sámi enjoy cultural autonomy, the appropriation is allocated to the Sámi Parliament, which announces it for application and makes decisions on individual grants. The Ministry of Education monitors the use of the appropriation. The conditions for obtaining the appropriation are set out in the rules of procedure of the Sámi Parliament. It is allocated as cultural grants (project grants, work and travel grants etc.) and grants for activities and publications of Sámi organisations. This cultural appropriation has helped to revive Sámi culture. Moreover, a committee under the Sámi Parliament may grant a specific cultural award without application.

In recent years, the appropriation has been used as follows:

<u>Year</u>	<u>Appropriation €</u>	<u>Number of grants</u>
2002	168 000	57
2003	168 000	47
2004	180 000 *	56
2005	205 000	

* The appropriation was increased by EUR 12 000 to be used for maintaining the Sámi church village in Utsjoki.

In addition to the actual appropriation for Sámi culture, the Ministry of Education has annually, through the Sámi Parliament, supported the activities of joint Nordic Sámi arts organisations and the Finnish section of the Sámi Council and its national member organisation.

Organisational activities of young Sámi people and Sámi youth culture

The Ministry of Education has annually funded young Sámi people's organisational activities in order to encourage young indigenous people's voluntary civic activities for preserving and developing their identity. Additionally, the Ministry of Education has supported arrangements of national arts happenings for young Sámi people, organised by the Sámi Parliament, and young Sámi people's participation in the nation-wide Young Culture event. Arts happenings reinforce the preservation of Sámi youth culture. Sámi language clubs have been supported as part of the afternoon activities for school pupils of grades 3-9 financed by the Ministry of Education through the State Provincial Offices.

The Inari youth council has, throughout its history since 2001, had representatives of Sámi youth from the secondary schools in the Ivalo, Inari and Sevettijärvi municipalities.

Roma language

The position of research and planning of the Roma language has been strengthened. These activities are increasingly conducted jointly with the educational authorities, and different cooperation projects have gained more significance. International cooperation in this area is expanding, and Roma organisations have intensified their own activities during the last few years. Nevertheless, despite the efforts made in favour of the Roma language many Roma children still do not receive teaching of the Roma language. It is obvious that more visible measures are needed to improve the status of the Roma language.

The Roma Language Board established under the Research Institute for the Languages of Finland (Kotus) in 1997 works on the development, planning and research of the Roma language. Two researchers of the Roma language work at the Institute on a permanent basis. Young Roma people have been offered opportunities to work temporarily with Roma language research.

Whereas the research on the Roma language focused earlier on compiling wordlists and dictionaries and collecting linguistic material, it is now more theoretical and generally linguistic. Language policy monitoring is a new element in the work. A national research project on the Roma language makes, for the first time, a comprehensive inventory of the using volume and functions of the language. The Roma research materials, computer corpuses, have expanded significantly. Nowadays the Roma researchers of the Institute, as members of the community of Roma language researchers, language planners, textbook authors and teachers in Finland, have a central role in directing the research, i.e. research policy and influencing people's ideas of the language by acting as experts in working groups that plan, for instance, the teaching of the Roma language and write Roma textbooks. The researchers make also other contributions to the development of university studies of the Roma language and create research cooperation with Finnish and foreign universities.

The department for minority languages established under the Research Centre for the Languages of Finland must be provided with sufficient resources for the development, planning and research of the Roma language. For example, there is need for a uniform standard grammar. The lack of a grammar presents a challenge to the production of teaching material and the formation of a literary tradition in the Roma language, and to the public use of the language in general.

At the end of 2004 the first Roma culture instructors passed their vocational examinations.

In another significant project the Roma language is revived by means of language nests, retreats, language clubs and increased teaching to Roma pupils at comprehensive schools. The Research Centre and the National Board of Education plan together suitable language material for children at pre-school age and adult students.

Special acts, especially the legislation related to schools, social services and media respectively contain provisions on the development of the status of the Roma language. In the Parliamentary Proposal for the Language Act, it is stated in respect of section 1 of the Act that the scope of application of the Act covers only the national languages, Finnish and Swedish. Provisions on other languages will also in the future be laid down in special legislation. However, section 8 of the Act contains a reference to separate provisions applicable on the use of the Sámi language. The Language Act does not mention the Roma language. Thus, its approach to languages differs from section 17(3) of the Constitution, which mentions also the Roma language.

The special acts currently in force do not fully implement the rights guaranteed by section 17(3) of the Constitution. One means to correct the situation would be to prepare a Roma language policy programme, which would centralise all the work carried out to develop the Roma language. The Roma must also be informed more efficiently of their linguistic rights and the significance of a child's own language to his or her later development.

Russian

In the national Advisory Board for Ethnic Relations (ETNO) and its regional Advisory Boards, the Russian-speaking population in Finland is well represented through its own organisations and other immigrant organisations. It has not been considered necessary to set up a separate Advisory Board for the Russian-speaking population, although a working group under ETNO proposed the establishment of such an Advisory Board in 2003.

Radio stations have increased their broadcasts in Russian, and a Russian newspaper is published regularly. Russian-speakers have organisations of their own in many localities, and they also participate in other organisations and leisure activities.

1d) Facilitation and/or encouragement of the use of regional or minority languages, in speech and writing

Swedish

In autumn 2002, the Swedish Assembly (*Svenska Finlands folkting*), representing the Swedish-speaking population in Finland, started a campaign to promote the use of Swedish, '*Svenska på stan*', which was followed up in 2003 by a campaign entitled '*Päivää God Dag*'. The campaigns aim at creating positive attitudes towards the Swedish language. Since 2003 the Swedish Assembly has annually awarded *Päivää God Dag* Honorary Diplomas to persons or businesses that have shown a positive attitude towards both Swedish and Finnish.

Roma language

The Roma language is not used in public, with the exception of mass media and church services. At the beginning of 2005, the duration of the news and current affairs broadcast produced in the Roma language, sent out on Mondays, was prolonged to 15 minutes, and the broadcast was included in the programmes of the YLE Radio 1 channel. In this channel the regularity of the broadcast can be ensured better than before. The Advisory Board on Romani Affairs has proposed that the broadcasting time be doubled. These Roma news on a nationwide radio channel have been a positive contribution to the maintenance and development of the Roma language, to the modernisation of its vocabulary, and to an increased interest in the language. The changeover to a digital network going on in Finland opens up opportunities for availability of Roma people's own programmes. According to the Advisory Board on Romani Affairs the programmes should be broadcast in the main channels, where they are accessible to both the Roma and the rest of the population. At the same time, the media know-how of the Roma should be improved.

Most articles in the three regularly published magazines for Roma are written in Finnish, and only few in Roma. The Ministry of Education has provided financial support for the publication of Roma magazines within the budget reserved for the supporting of cultural magazines.

The Evangelical Lutheran Church has made efforts to increase the use of the Roma language in church services. Within the framework of the social work carried out by the Church, a specific working group entitled '*Kirkko ja romanit*' ('The Church and the Roma') organised in October 2004 a bilingual church service. The group's objectives defined in its action plan for 2005 include establishing Roma language clubs for children and young people in parishes, arranging two church services in Roma and planning a family mass in Roma.

The '*Kirkko ja romanit*' group promotes, jointly with the Finnish Bible Society, the production of spiritual material in Roma by publishing a Catechism (in 2005) and the Acts of the Apostles in Roma (the translation will start in autumn 2005 and continue until 2006), and by carrying out a follow-up study on the reception of the Gospel according to Saint Luke translated into Roma.

According to the Advisory Board on Romani Affairs, translating parts of the Bible and other spiritual material into Roma is a cultural achievement that will increase the appreciation of the Roma language.

Russian

The Finnish Broadcasting Company broadcasts programmes in Russian for 45 minutes every day. News programme can be heard three times daily in YLE Mondo in Helsinki, as well as once a day in Radio Peili in Turku, Jyväskylä, Tampere, Lahti and Kuopio. A brief news programme is sent out every day on the nationwide radio channel YLE Radio1. On Saturdays, around noon, a two-hour summary is being broadcasted in Helsinki in YLE Mondo. On medium length waves Russian programme can be listened to three times a day. Most of the programmes can be heard also on digital YLE Mondo-channel. Apart from the programmes produced by the Finnish Broadcasting Company itself, the Company also transmits Russian programmes produced by BBC World Service

Apart from the programmes of the Finnish Broadcasting Company, at least *Radio Satellite Finland Oy* has a commercial radio channel on which Russian programmes have been transmitted for many years.

As far as Russian newspapers are concerned, the Government refers to the Finnish Constitution (731/1999) protecting the freedom of expression (section 12 of the Constitution). The existing newspapers in Finland, of which there is a large selection when compared internationally, mainly operate without public support. The Government has, however, granted subsidies to newspapers upon application on a yearly basis. The subsidies are mainly allocated to certain political papers and Swedish papers. The Ministry of Education has provided support to several publications in Russian, including a Finnish-Russian information bulletin called *Spektr*, which has been published regularly since 1998. The bulletin comes out ten times a year with a volume of 20,000 copies and is distributed free of charge at various places. In 2005 *Spektr* received 14,500 euro in state subsidies from the Ministry of Education. The Ministry has also granted state subsidies to the Russian literature magazine *LiteraruS*, which comes out three times a year. The first magazine was published in 2003. Another example of Russian newspapers is *Russkij Svet* published by the Russian Club in Tampere. The Ministry of Education has supported the Club by state subsidies.

There has been for a long time a Russian minority in the Finnish Orthodox Church, mainly within the Diocese of Helsinki and in particular within the Orthodox Parish of Helsinki. In the past few years, a significant number of Russians has immigrated into Finland, many of whom have joined the Orthodox Church. Since 2001, approximately 1,600 persons have joined parishes within the Diocese of Helsinki.

In all the three Orthodox dioceses in Finland there are regular church services in Church Slavonic. In many parishes within the Orthodox Diocese of Helsinki liturgies are provided in Church Slavonic once a month and in Helsinki once a week. Priests having command of the Russian language have provided pastoral care for Russian-speaking parish members. Home sanctifications, baptisms and funerals are carried out in Church Slavonic on request. The Parish of Helsinki has a Russian-speaking priest. The Church House has also established a position of Russian-speaking priest, which is currently being held by a deacon with clerical education. The said priest serves Russian-speaking immigrants in a broad area.

There are also two private Orthodox parishes in Helsinki, subordinate to the Moscow Patriarchate (*Parish of St. Nicholas and Parish of Pokrova*). Many Russian-speakers use the spiritual activities offered by these parishes. The services and ceremonies are mainly in Russian or in Church Slavonic.

In Finland a wide variety of church service texts are available in Russian, and the newspaper published by the Orthodox Parish in Helsinki, *Ortodoksiviesti* ("*The Orthodox Message*"), regularly contains articles and news in Russian. Also the parish newspaper of the Orthodox Parishes of Tampere, Turku and Hämeenlinna, *Analogi*, publishes articles in Russian on a regular basis.

The Finnish Evangelical Lutheran Church has Russian-speaking members, and the Church provides various services in Russian, including Russian church services, confirmation classes and discussion groups for adults and youth.

There are also Russian-speaking members in the Jewish Congregation in Helsinki. The Jewish Congregation's newspaper, *HaKehila*, publishes regularly articles in Russian.

1e) Maintenance and development of links between groups using a regional or minority language and other groups

FiBLUL promotes relations between speakers of minority languages, representing Swedish, Sámi, Roma, Russian, Tatar and Yiddish.

1f) Provision of appropriate forms and means for the teaching and study of regional or minority languages

Swedish and Sámi

As far as the Swedish and Sámi languages are concerned, the issues relating to education will be addressed in Part III of the present report.

Roma language

The teaching of the Roma language at comprehensive schools began in 1989. According to the data collected by the National Board of Education, 234 Roma pupils in nine municipalities were taught the Roma language as mother tongue in 2002. The teaching has revived the use of the language in general and, for example, increased the publishing of newspaper articles in Roma.

Despite the framework provided by law for the teaching of the Roma language and culture, it has been difficult to provide such teaching because of a lack of teachers and teaching materials and because of deficiencies in the training of Roma language teachers. However, a number of teaching material projects are going on and the following are about to be completed:

- A four-part textbook for pre-school teaching, 2005
- A pre-school teacher's material, 2005
- Buttiako liin 2, a spelling book and a workbook in Roma for the second grade, 2006
- Buttiako liin 2 sikjiboskiiresko liin, a teacher's guide for the second grade, 2006
- Three digital study elements for grammar teaching, 2005
- A policeman's guide.

The motivation for the early childhood education plan 2003 takes into account the specific needs of Roma children regarding early childhood education, based on their linguistic and cultural background. The Advisory Board on Romani Affairs has made substantial efforts to promote early childhood education. The ongoing early childhood education projects have produced positive experiences. The non-existence of education material in the Roma language has been the main problem. In December 2005, the Ministry of Social Affairs and Health published a guide on reading with children, ("*Lue lapsen kanssa*"), which is intended to serve Roma parents as a guide for child upbringing. The guide focuses on linguistic development and contains also a separate section for children.

Under the Basic Education Act (628/1998), schools may choose Roma as the language of instruction. Furthermore, Roma may also be taught as mother tongue at the choice of the person having the care and custody of the pupil in question. The General Upper Secondary Schools Act (629/1998) contains corresponding provisions. The National Board of Education has adopted core curricula for the Roma language to standardise the teaching and improve its quality. In practice it is difficult to arrange teaching in accord with the curricula, because the groups to be taught are small, there are not enough teachers, and municipalities have financial difficulties. Fewer than 10% of all Roma pupils are taught the Roma language at school. The curriculum for the Roma language for general upper secondary schools was introduced in 2004. It is not possible to take the matriculation examination with Roma as mother tongue.

In principle it is not possible to study the Roma language at university level, but the University of Helsinki has in a flexible manner arranged tailor-made teaching of Roma.

It has been observed in the Roma language teaching that the Finnish language used by Roma families is deficient as to the vocabulary and concepts. The resulting "half-lingualism" is one reason for the difficulties faced by Roma children at school and for school dropouts. A deficient command of both the Roma language and Finnish among young Roma people leads to social exclusion and inequality in society.

Since autumn 2003 it has been possible to take a Roma cultural instructor's diploma. The diploma consists of three alternative programmes: Roma language instructor, cultural consultant, and cultural secretary. To

obtain a Roma cultural consultant's diploma, a student has to take an examination for the demonstration of professional skills, created for the needs of adults and the developing working life. The examination is independent of the method by which the professional skills have been obtained. The first instructors took a diploma in 2004.

There is labour market training available to the Roma, including courses in the Roma language, and language courses are also available in some prisons. The Roma Training Unit of the National Board of Education has provided financial support for the Roma language teaching in prisons.

Russian

In Finland, the municipalities are primarily responsible for arranging basic education for all pupils residing in their territories. It is possible to try to convince the local authorities to establish Russian-speaking or bilingual classes. Additionally private schools can be established for providing education in Russian and state subsidies can be obtained for this purpose.

There are seven private Russian or Finnish-Russian day care centres in the capital district, and also the cities of Turku, Joensuu and Kotka have Russian day care centres.

Some schools provide basic education in Russian. For instance, comprehensive schools in Helsinki have bilingual Finnish-Russian classes. The Finnish-Russian School of Helsinki is the largest general education school maintained by the State that is specialised in teaching the Russian language and culture. It is also the national learning centre for the Russian language and culture. The school celebrated its 50th anniversary in October 2005. Additionally, there is the Finnish-Russian School of Eastern Finland, supervised by the school authorities, where Finnish-speaking and Russian-speaking pupils study together. This school, too, receives state subsidies.

In 2004 Russian was taught as a mother tongue to more than 3,000 pupils, in 57 municipalities. It is taught as a mother tongue *inter alia* in the Finnish-Russian School of Helsinki and the Finnish-Russian School of Eastern Finland, and in instruction preparing for basic education in different parts of Finland.

The Finnish-Russian Society has undertaken to introduce a student exchange programme between Finland and Russia. There will be a few pilot schools in the beginning.

It is possible to study Russian at Finnish universities.

Assessment of the quality of teaching language

The most central policy objectives concerning the development of education in the next few years are laid down in the development plan for education and university research 2003–2008 adopted by the Government on 4 December 2003. The quality of education is assessed at all levels and in respect of all forms of education. The results are used for developing the activities. The Ministry of Education has concluded an agreement on the assessment with the National Board of Education and the State Provincial Offices. The assessment is carried out by schools and educational establishments both as self-assessment and by outside experts.

1g) 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 it is a compulsory subject at comprehensive schools, general upper secondary schools and universities. It is possible to learn Swedish at all levels of education, and the selection of education and courses is extensive.

In basic education all pupils study, in addition to their mother tongue, two languages, one of which must be the second national language. One of these languages is a so-called A language, the instruction of which starts in the 3rd grade of comprehensive school at the latest, and the other language is a B language, started usually in the 7th grade. Nearly 90% of the pupils of Finnish schools choose English as their A language, and in that case the instruction of the second national language starts in the 7th grade at the latest. In 2003, 1.2%

of all pupils chose Swedish as their first A language (A1) and 3.3% as a voluntary A language (A2).¹³ Studying Swedish as the first foreign language has declined in the last few years.

Section 7(2) of the General Upper Secondary Schools Act provides that the general upper secondary school syllabus contains, according to the core distribution of lesson hours and the core curriculum, teaching of the second national language and foreign languages, among other subjects. In 2005, the Swedish language test in the matriculation examinations was made voluntary.

Sámi

Sámi may be studied as an optional language at comprehensive schools and general upper secondary schools located within the Sámi Homeland. In 2003, 236 comprehensive school pupils and 23 pupils of general upper secondary schools studied Sámi as a foreign language (A or B language).¹⁴ Sámi is also taught and used partly as the language of instruction at the Universities of Helsinki, Oulu and Lapland. In many open colleges, mainly in the Province of Lapland, Sámi language courses are held regularly. The only Sámi university in the Nordic countries is *Sámi Allaskuvla*¹⁵, established in 1989, in Kautokeino, Norway. The main language of instruction at the Sámi University is Sámi, and the University also educates Sámi-speaking class teachers. The Sámi University recruits students also from Finland and Sweden.

Roma language

As regards the Roma language, the Government refers to the information given in section 5 below.

Russian

Russian is taught as a foreign language at all levels of education (comprehensive school, general upper secondary school, vocational education, universities, and further education). In 2003, in all 2,807 comprehensive school pupils and 1,800 pupils of general upper secondary schools studied Russian as a foreign language.¹⁶

A three-year project to increase studies of Russian was carried out under the leadership of the National Board of Education. In spring 2005, a petition to promote the teaching of Russian was submitted to the Ministry of Education and the parliamentary groups. All parliamentary groups supported the petition.

1h) Promotion of study and research on regional or minority languages at universities or equivalent institutions

Roma language

It is not possible to study the Roma language at universities, but the University of Helsinki has arranged tailor-made teaching of Roma. In order to develop the education given in Roma, the Roma Training Unit of the National Board of Education has proposed, among other things, that quotas be introduced for the admission of Roma students in class teacher training and in degree programmes of general linguistics.

Russian

The teacher training unit of the University of Oulu, located in Kajaani, introduced in 2003 a three-year training programme, the purpose of which is to provide a master's degree in the Russian language and culture, supplementing teacher training. The purpose of this experiment with 23 students is to assess, develop and organise future training in the Russian language and culture and in pedagogy.

The Finnish Institute for Russian and East European Studies is a research institute under the Ministry of Education, maintained by the State. Its task is to promote cultural and educational cooperation related to

¹³ Educational institution statistics 2004, Statistics Finland (Helsinki, 2005)

¹⁴ see above.

¹⁵ (<http://www.samiskhs.no/>)

¹⁶ Educational institution statistics 2004, Statistics Finland (Helsinki, 2005)

Russia and East Europe, and to support related research. The Institute has a comprehensive library on Russia and the other CIS states and the Baltic region. Its collections comprise more than 90,000 volumes of modern literature dealing with societal and economic issues and the Russian language and culture in different languages. The library also subscribes to 50 newspapers and about 300 magazines.

Helsinki University Library, the national library of Finland, has a comprehensive Slavonic Collection¹⁷, focused mainly on humanities. Its Russian collection contains books, newspapers and periodicals, maps, leaflets and prints. The oldest material of the Slavonic Collection originates in the 17th century, and its 19th century collections are the largest outside of Russia. The collections are continuously supplemented.

There is also a Finnish Centre for Russian and East European Studies, Aleksanteri Institute, at the University of Helsinki. The Institute, established in 1996, carries out research and provides education and knowledge related to Russia and East Europe, particularly in the fields of social sciences and humanities.

In 2003 the Ministry of Education launched a project entitled *RUSSIAinfo*, the purpose of which is to gather Russia-related information provided by different actors at one website. The national *RUSSIAinfo*¹⁸ information portal will be opened in December 2005 and it will serve the needs of a wide variety of users ranging from government offices to media, and from business to students.

1i) Promotion of appropriate types of transnational exchanges, in the fields covered by the Charter, for regional or minority languages used in identical or similar form in two or more States

Swedish

Transnational exchange takes place in all forms between Finland and Sweden, covering both the public and private sectors of economic, cultural and social life.

¹⁷ http://www.lib.helsinki.fi/palvelut/Slavica/Slaavilainen_kirjasto.htm

¹⁸ <http://www.helsinki.fi/aleksanteri/russiainfo/>

Sámi

Considering that the Sámi are one people residing in three Nordic Countries and in Kola Peninsula in Russia, transnational exchanges take frequently place, especially between individual nationals of Finland, Sweden and Norway in their every-day lives, and between associations operating within the Sámi Homeland.

Matters concerning the Sámi Parliaments of Finland, Sweden and Norway are discussed in meetings of the Sámi Council. The Sámi Language Board carries out Nordic cooperation relating to the Sámi languages, including those spoken in Russia.

A programme of promoting cooperation between Finns and Finno-Ugric peoples, based on the Agreement on the Foundations of Relations between the Republic of Finland and the Russian Federation (referred to below in respect of the Russian language), also applies to the Sámi people. The programme covers the promotion of the Sámi language and culture in the Kola Peninsula in Russia. Due to this programme and the activity of Sámi associations, the contacts between the Sámi populations in Finland and Russia have increased in such fields as culture, school education, vocational training and continuing education.

Roma language

Transfrontier cooperation in Roma affairs takes place within the framework of the Council of Europe – especially within the new European Forum for Roma and Travellers under the CoE –, the Organization for Security and Co-operation in Europe (Office for Democratic Institutions and Human Rights), the European Union, and European non-governmental Roma organisations. Moreover, the Finnish Advisory Board on Romani Affairs participates in Nordic cooperation by arranging a Nordic Roma seminar, if necessary every second year.

Russian

The Agreement on the Foundations of Relations between the Republic of Finland and the Russian Federation (Finnish Treaty Series 63/1992), concluded in 1992, contains an article on the preservation of national identities. According to Article 10 of the Agreement, the Parties shall protect each other's languages, cultures and historical monuments. In 1992, Finland and Russia also concluded an agreement on cooperation in the fields of culture, education and research (Finnish Treaty Series 100/1992). The Parties have undertaken to encourage contacts between their nationals and their interest in each other's cultures and science, and to promote the teaching of and research on the languages of their nations.

In 1993, the Finnish Parliament ordered the preparation of an action plan to support Finno-Ugric peoples and cultures in Russia (*"the Kindred Peoples Programme"*). The programme was intended to preserve and develop the Finno-Ugric languages, to strengthen the cultural identity of the Finno-Ugric language communities in Russia, and to increase educational and cultural contacts from Russia to Finland. The programme focuses on educational cooperation, post-graduate studies, enhancement of information services and cultural exchanges.

The *Finnish-Russian Society*¹⁹ is an important actor promoting non-governmental activities between Finland and Russia. The Society receives annually state subsidy for its activities. It maintains the *RUSSIAinfo* service, which provides information on Russia in Finnish and Russian to non-governmental organisations and individual citizens, and offers border-crossing and contact services to actors in Finland's neighbouring areas at seven offices in different parts of Finland. The Society arranges cultural exchanges directly at regional and local levels – by maintaining, *inter alia*, a school cooperation network – , promotes studies of Russian in Finland and makes Finland and the Finnish culture known in Russia.

2. Elimination of unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language

Under section 6(2) of the Finnish Constitution, no one shall, without an acceptable reason, be treated differently from other persons on the ground of language.

¹⁹ <http://www.venajaseura.com/>

3. Promotion of mutual understanding between all the linguistic groups of the country

The Ministry of Labour has a coordinating role in the integration of immigrants, the promotion of good ethnic relations, and the prevention of racism and discrimination.

FiBLUL aims at promoting mutual understanding between the minority language groups.

The objectives of basic education in Finland underline the principle of equality in society. Respect for human rights is one of the general national objectives pursued in pre-school education and basic education. Pupils are taught to act in a way that shows tolerance towards and trust in different groups of people, nations and cultures. Correspondingly, one of the general national objectives of general upper secondary education (Government Decree 955/2002) is to increase pupils' knowledge of different cultures.

A working group led by the Ministry of Education will prepare a national strategy for global education by the end of 2005.

The radio and television programmes provided by the Finnish Broadcasting Company include, in line with the Company's basic task, a substantial number of different programmes intended for minorities. Internationalism and accordingly cultural pluralism are underlined in the programmes broadcast on the Company's channels.

The Ministry of Education provides annually financing for non-governmental organisations' projects to increase tolerance and prevent racism.

4. Taking into consideration the needs and wishes expressed by the groups using regional or minority languages in determining the policy with regard to these languages

Swedish

The implementation of the rights of the Swedish-speaking Finns is promoted above all by the Swedish Assembly in Finland. The Act on the Swedish Assembly in Finland (1331/2003) entered into force in 2004, replacing an earlier, defective act on the organisation.

According to the Act, the task of the Swedish Assembly in Finland is to promote the implementation of the rights of the Swedish-speaking Finns and to work for developing their cultural and societal circumstances and promoting the position of the Swedish language in Finland. In its activities the Assembly shall, in particular, monitor the implementation of linguistic rights concerning the processing of matters before courts and other authorities. To perform its tasks, the Assembly makes proposals, issues opinions and provides information and education.

Sámi

According to section 28(2) of the Sámi Language Act the Sámi Parliament monitors the application of the Act and may issue recommendations in questions related to language legislation and take initiatives in order to rectify defects it has observed. Section 29(1) of the Act provides that, for each term of the Sámi Parliament, the Sámi Language Bureau and the Sámi Language Council appointed by the Sámi Parliament shall issue a report on the application of the legislation on the Sámi language, on the enforcement of the linguistic rights of the Sámi and on the development of language conditions. According to section 4 of the Government Decree on the Implementation of the Sámi Language Act (108/2004), the report shall be annexed to the report of the Sámi Parliament to the Government, referred to in section 7 of the Act on the Sámi Parliament (974/1995).

Section 29(2) of the Sámi Language Act contains a reference to the Government report on the application of language legislation to be submitted to the national Parliament once during each electoral period, as provided by section 37 of the Language Act. According to section 37(2) of the Language Act, this report deals not only with Finnish and Swedish but also with at least Sámi, Roma and sign language.

5. Application of the principles listed in paragraphs 1 to 4 of Article 7 to non-territorial languages

In respect of Roma it is worth reminding that, 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 this tradition, the language has been taught solely to persons of Roma origin. Thus, it would be important to take account of the provisions of paragraph 5 in the application of Article 7(1)g. By referring to paragraph 5, the Roma community in Finland reached, already before the Charter entered into force, an understanding with the National Board of Education on a restricted distribution of a Roma language textbook.

PART III

III.1 SWEDISH – THE LESS WIDELY USED NATIONAL LANGUAGE

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) *(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.*

Day care

Under section 11(2) of the Children's Day Care Act (36/1973; as amended by Act No 875/1981), the local authorities are under an obligation to ensure that there is day care available in the child's mother tongue: Finnish, Swedish or Sámi. Under section 1 of the Act, 'children's day care' means care provided for the child at day care homes, in families, at playschools or in other forms. It is provided in section 1a of the Children's Day Care Decree (239/1973; as amended by Act No 1336/1994) that the educational aims referred to in section 2 of the Children's Day Care Act include the provision of support for the maintenance of the languages and cultures of immigrant children, in cooperation with persons representing those cultures.

Pre-school education

According to the Basic Education Act (628/1998), the local authorities are under an obligation to provide all children residing in the municipality in question with at least 700 hours of pre-school education free of charge during the year immediately prior to the year when they start school. The pre-school education is covered by the provisions of the basic education legislation, and the local authorities may arrange it at schools, day care homes or in other suitable places. Attendance at pre-school education is voluntary and subject to a decision by the person having the care and custody of the child. The language of instruction is either Finnish or Swedish, but it may also be Sámi, Roma or the sign language. In addition, education may be provided in other languages. In municipalities with both Finnish and Swedish-speaking inhabitants, the local authorities must arrange pre-school education separately in both languages.

If pre-school education is given at day care homes, it is covered by the provisions of the Children's Day Care Act (36/1973) and the Children's Day Care Decree (239/1973), unless otherwise provided by the Basic Education Act or the Comprehensive School Decree (852/1998). The local authorities shall ensure that there is children's day care available in the child's mother tongue, i.e. in Finnish, Swedish or Sámi.

In practice, every fifth pre-school education group includes children with different linguistic and cultural backgrounds. Their share is 1.8% of all children of an age eligible for pre-school education. Approximately 2% of the pre-school education staff represent different linguistic and cultural groups. Of all providers of pre-school

education, 50% provide education in either Finnish or Swedish to children with different linguistic and cultural backgrounds. Also the mother tongue teaching for children in different linguistic and cultural groups needs improvement, for in 84% of all pre-school education these children do not receive mother tongue teaching at all. Therefore, it is also very seldom possible to attend pre-school teaching in one's mother tongue²⁰.

Basic education

Under the Finnish education system, public comprehensive schools are maintained by the local authorities. There are only a few private schools, and these are governed by separate legal provisions. They are also covered by the same basic education legislation as public schools. Under section 4(4) (1288/1999) of the Basic Education Act, the authorities of municipalities with both Finnish-speaking and Swedish-speaking inhabitants must arrange basic education in both languages.

According to section 10(1) (1288/1999) of the Basic Education Act, the language of instruction and the language used in extracurricular teaching shall be either Finnish or Swedish. The local authorities are obliged to arrange education in Swedish irrespective of the number of pupils attending such education.

It is further provided in section 12 (628/1999) of the Act that Finnish, Swedish or Sámi may be taught as the pupils' mother tongue. Roma, the sign language or another native language of the pupil may also, at the choice of the person having the care and custody of the pupil, be taught as his or her mother tongue.

According to the National Board of Education, there were 3,680 establishments (comprehensive schools and specialised schools) providing basic education in 2004 (3,744 in 2003). Basic education in Swedish was provided in 290 (292 in 2003) establishments.

Morning and afternoon care

In August 2004, the Act on Morning and Afternoon Care for First and Second Grade Pupils and Children Receiving Special Education (1136/2003) entered into force. The Ministry of Education supplement this statutory service by supporting afternoon clubs for pupils of grades 3–9 with a state subsidy to be applied for separately. Clubs are also maintained for Swedish-speaking and Sámi-speaking children in their mother tongue.

General upper secondary education

The General Upper Secondary Schools Act (629/1998) contains provisions similar to those of the Basic Education Act. The language of instruction at general upper secondary schools may be either Finnish, Swedish. Sámi may also be taught as the pupils' mother tongue (section 8).

According to the Matriculation Examinations Decree (1000/1994), the languages of the matriculation examinations arranged in educational establishments providing general upper secondary education shall be Finnish and Swedish. The mother tongue and literature exam shall be arranged in Finnish, Swedish and Sámi (section 11; 1192/1998). The exam in the second domestic language shall be arranged in Finnish or Swedish. Swedish continues to be an obligatory subject in general upper secondary schools, but an amendment to section 18 (766/2004) of the General Upper Secondary Schools Act made the exam in Swedish to be taken in the matriculation examinations voluntary as from the examinations completed in spring 2005.

According to the National Board of Education, in 2004 there were in all 440 (439 in 2003) establishments providing general upper secondary education (including for adults) In total 36 general upper secondary schools provided education in Swedish (36 in 2003).

Vocational training

Basic vocational education follows the completion of comprehensive school or general upper secondary school. The education is provided by municipalities, joint municipal boards or private establishments. There are also specialised educational establishments maintained by the State. The education for Swedish-

²⁰ Government report to Parliament on the effects of the pre-school education reform and the implementation of the set objectives, 14 Oct. 2004

speaking students is arranged in either completely Swedish or bilingual establishments. The Vocational Education Act (630/1998) contains provisions on the language of instruction and the mother tongue similar to those of the Basic Education Act and the General Upper Secondary Schools Act.

According to the statistics compiled by the National Board of Education, in 2004 there were 200 vocational colleges (205 in 2003). Of these 25 were Swedish (27 in 2003). Moreover, both the aforementioned colleges and 90 (91 in 2003) separate educational establishments provided upper secondary vocational education. Of these establishments 25 were Swedish (27 in 2003). Currently approximately 134,000 students (135,000 in 2003) attend vocational education leading to a diploma, and of these students approximately 5,700 attend education provided in Swedish (5,400 in 2003).

University and other higher education

The Finnish system of higher education consists of two kinds of educational establishments, universities and polytechnics. The main responsibility of universities is to provide a framework for scientific research and higher education based thereon. The universities are based on the freedom of science and on an autonomous decision-making system. Their decision-making is highly independent. All Finnish universities are maintained by the State, and approx. 70% of their finances consist of direct state financing. There are 20 universities in Finland: ten ordinary universities, three universities of technology, three schools of economics and business administration and four art academies. Moreover, there is a national defence college under the Ministry of Defence. There are universities in all regions of the country. The universities also provide further and open university education.

The language of instruction and examination of the universities is Finnish. However, Swedish is the language of instruction and examination and the working language at the following universities:

- Åbo Akademi University (<http://www.abo.fi>)
- Swedish School of Economics and Business Administration (<http://www.shh.fi>)
- Swedish School of Social Science/University of Helsinki (<http://www.sockom.helsinki.fi>)

The following universities use both Finnish and Swedish as languages of instruction and examination:

- University of Helsinki (<http://www.helsinki.fi>)
- Helsinki University of Technology (<http://www.hut.fi>)
- Academy of Fine Arts (<http://www.kuva.fi>)
- Sibelius Academy (<http://www.siba.fi>)
- University of Arts and Design/Helsinki (<http://www.uiah.fi>)
- Theatre Academy (<http://www.teak.fi>)

The Universities Act (645/1997) contains specific provisions on the Åbo Akademi University, imposing on it a special obligation to satisfy the educational and research needs of the Swedish-speaking population and to take into account in its activities the fact that there are two national languages in Finland (section 28). According to the provisions concerning the University of Helsinki, it may reserve a quota for Swedish-speaking students in a certain field of science, in case there is no corresponding education available in that science at other universities. The University of Helsinki has a responsibility to ensure that there are enough Swedish-speaking professionals in respect of such sciences to respond to the needs of the country. The University has reserved quotas for Swedish-speakers in the intake of students for example in its law school and medical school.

However, full implementation of university education in Swedish requires additional resources. One problem is the lack of course literature available in Swedish.

The purpose of polytechnics is to provide education which is more closely related to working life, and they educate professionals for the needs of working life and its development. Polytechnics are either municipal or private. The State and the municipalities contribute together to the financing of polytechnics. The objectives of polytechnics are determined in contracts concluded between the polytechnics and the Ministry of Education. There are 29 polytechnics controlled by the Ministry of Education. In addition, there is a polytechnic in Åland (*Högskolan på Åland*, established in 2003), and a police college supervised by the Ministry of the Interior. It is stated in section 10 of the Polytechnics Act (255/1995) that the language of instruction in polytechnics shall be either Finnish or Swedish. There are also bilingual polytechnics in which both Finnish and Swedish are used as languages of instruction.

Swedish is the language of instruction in eight polytechnics, of which four are Swedish and four bilingual:

- Helsinki Business Polytechnic (<http://www.helia.fi>); *Finnish and Swedish*
- Central Ostrobothnia Polytechnic (<http://www.cop.fi>); *Finnish and Swedish*
- Turku Polytechnic (<http://www.turkuamk.fi>); *Finnish and Swedish*
- Vaasa Polytechnic (<http://www.puv.fi>); *Finnish and Swedish*
- Arcada Polytechnic (<http://www.arcada.fi>); *Swedish*
- Swedish Polytechnic, Finland (<http://www.syh.fi>); *Swedish*
- Sydväst Polytechnic (<http://www.sydvast.fi>); *Swedish*
- Åland Polytechnic (<http://www.yh.aland.fi>); *Swedish*

In 2004, there were a total of 40 degree programmes in Swedish, 85 in Finnish and 25 in foreign languages available at polytechnics.

Further education for adults and continuing education

There are several institutions of further education and open colleges providing adult and continuing education in Swedish. The aforementioned universities also provide corresponding education in Swedish.

Teacher training

Teacher training is available at universities and in their units for primary school teacher training, and at polytechnics providing training for teachers of vocational colleges. Separate training is arranged for Swedish-speaking teachers and nursery school teachers in Finland.

Assessment of the quality of language teaching

The most central policy objectives concerning the development of education in the next few years are laid down in the development plan for education and university research 2003–2008 adopted by the Government on 4 December 2003. The quality of education is assessed at all levels and in respect of all forms of education. The results are used for developing the activities. The Ministry of Education has concluded an agreement on the assessment with the National Board of Education and the State Provincial Offices. The assessment is carried out by schools and educational establishments both as self-assessment and by outside experts.

ARTICLE 9: JUDICIAL AUTHORITIES

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. *The Parties undertake:*
 - 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.*

Legislation

The Language Act contains a provision according to which acts are adopted and published in Finnish and Swedish. Also decrees and legal rules issued by authorities are issued in both national languages. The Constitution contains similar provisions on the publishing of acts. Earlier there were no explicit legal provisions on the issuance of decrees and legal rules of authorities in both national languages, although the provisions currently in force correspond to earlier practice.

Government bills for legislation and related or preceding reports are mainly published in Finnish, but they must include a comprehensive summary in Swedish.

The court system

According to the Language Act, every person has the constitutional right to use his or her own language, either Finnish or Swedish, before courts and other state authorities. Moreover, the authorities must provide a person to be heard in a matter with an opportunity to be heard in his or her own language, in either Finnish or Swedish. In practice, a person may also be bilingual. In such cases the person's own language is either Finnish or Swedish, and in individual cases the one of these languages which the person himself or herself wants to use.

Chapter 3 of the Language Act contains detailed provisions on the language or languages to be used in different situations in proceedings before an authority. There are separate provisions for administrative matters, administrative judicial procedures, criminal cases, civil cases, non-contentious civil cases and appellate cases. The earlier Language Act did not regulate the language of proceedings in different cases in such detail. Moreover, chapter 3 of the Act provides for the right of a party to obtain a translation of a decision or a similar document free of charge from the authority, and for an individual's right to interpretation when the language of the authority or the language of proceedings is different from the individual's own language. An individual has naturally more extensive linguistic rights before a bilingual authority than before a monolingual authority.

Correspondence between authorities and parties concerned, mainly notices, summonses and letters that are sent to parties, must be sent by a bilingual authority, regardless of the language of proceedings, in the recipient's language if this is known or can reasonably be ascertained, or in both Finnish and Swedish.

The Act on Judicial Appointments (1202/2003) has been amended by including in it requirements on judges' knowledge of Finnish and Swedish. It is not possible to grant exemptions from formal qualification requirements concerning judges, including language qualifications. The Ministry of Justice has paid attention to the

language skills of judges and made particular efforts to improve their practical language competence by arranging Swedish language courses.

Moreover, Finland has made legislative amendments concerning required Finnish and Swedish language qualifications by adopting an Act Amending Section 6 of the Act on Courts of Appeal (1203/2003), an Act Amending the District Court Act (1204/2003), an Act Amending Section 2a of the Supreme Administrative Court Act (1205/2003), an Act Amending the Administrative Courts Act (1206/2003), an Act Amending Sections 4 and 5 of the Insurance Court Act (1207/2003), an Act Amending Section 6 of the Act on the Labour Court (1208/2003), an Act Amending the Market Court Act (1209/2003), an Act Amending the Military Court Proceedings Act (1210/2003) and an Act Amending the Act on the Processing of Appeals against Decisions of the National Board of Patents and Registration (1211/2003).

The amendment of the District Court Act adopted in September 2005 (629/2005) makes it possible to establish, on linguistic grounds, special departments under district courts in those judicial districts which have both Finnish- and Swedish-speaking inhabitants. The amendment is intended to ensure that both language groups receive, *de facto*, legal services in their own language on equal grounds. The establishment of a special department would ensure the provision of office services and session proceedings especially in Swedish in those district courts whose entire staff does not, in practice, have a sufficient command of both national languages. So far, no such departments have been established.

Prosecutors

The prosecution service is divided into the Office of the Prosecutor General, as the superior prosecuting authority, and local prosecution units. Most of the local units have been ordered to cooperate with one or more other local units, forming 16 cooperative entities (and additionally Helsinki as a separate entity). The purpose of the entities is to ensure adequate resources. In the organisation of the cooperative entities, the position of the Swedish language has been taken into account by ensuring that nearly all entities have one prosecutor being able to use Swedish.

According to section 10(2) of the Act on Public Prosecutors, the Prosecutor-General may, if necessary by issuing a prosecutor's order, decide that a prosecutor with a good command of Swedish prosecute a criminal case in Swedish in the judicial district of a district court which would not normally be within this prosecutor's competence. This is another means to ensure the provision of prosecutor services in Swedish in criminal procedures conducted in Swedish. Since the beginning of 2004, the teaching of Swedish in prosecutor units has been increased. Particular attention has been paid to the command of Swedish in connection with individual appointments of officials.

There is a training system for junior prosecutors, the purpose of which is to provide training and instructions that prepare the junior prosecutors for their duties. At the same time, the system makes it possible to assess whether the junior prosecutors may be permanently employed by the prosecution service. The training lasts one year. In 2004, 24 junior prosecutors were trained and placed in local prosecution units in different parts of the country. The status of the Swedish language was taken into account by recruiting two junior prosecutors with a good command of Swedish and placing one of them in a district with Swedish as the majority language. The other one is placed in Helsinki.

Police administration

According to section 5 of the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003), provisions on requirements related to the knowledge of Finnish and Swedish shall always be issued if the assignments of the personnel encompass exercise of public power that is significant from the point of view of the rights and obligations of the individual person. In police administration, significant public power is exercised by police officers and guards and senior guards of police stations. Therefore, the Police Administration Decree (158/1996) was supplemented with a new section 16a (286/2004), which took effect on 1 May 2004, laying down Finnish and Swedish language qualification requirements for police officers and guards and senior guards of police stations. In respect of positions for which a university degree is required as a qualification, reference is made to the Act on the Knowledge of Languages Required of Personnel in Public Bodies.

In 2005, the language qualification requirements for guards and senior guards of police stations and newly graduated police officers were mitigated. The language training for students studying for the basic police exam will be developed so that, in the future, the students will obtain the required language proficiency dur-

ing their studies. When posts of guards and senior guards of police stations are filled, it must be ensured that tasks necessitating the use of Finnish and Swedish can be assigned to persons who know these languages.

The Act on Police Training (68/2005), which entered into force on 15 May 2005, provides that the language of instruction and examinations at police training institutes is Finnish or Swedish. Each police training institute is up to decide on the use of another language of instruction and examinations in teaching and studies. It is stated in the motivation for the Act that teaching for examinations is provided in Swedish according to the needs of the police administration, so that an individual's rights to use the national languages can be guaranteed as required by the language legislation, and that the authorities can fulfil their obligations to provide services in order to safeguard an individual's rights to use the national languages.

The Border Guard

The Government Decree on the Border Guard (651/2005) contains provisions on the language proficiency of the Border Guard staff. Section 50 of the Decree provides that a Border Guard post requiring a university degree is subject to the qualification requirements laid down in section 6 of the Act on the Knowledge of Languages Required of Personnel in Public Bodies, as posts in all state administration.

Currently, only a person with at least a satisfactory ability to understand the other national language is eligible as a border guard official using public authority (section 50(2)). These linguistic requirements are uniform with those concerning the police. The reform is subject to a transitional provision. An official who is in office when the Decree enters into force maintains his or her competence. He or she may also be transferred to another office with linguistic requirements identical to those of the previous office.

The Border and Coast Guard Academy provides training in Finnish and Swedish (section 41 of the Decree on the Border Guard). When necessary, the Academy arranges basic, supplementary and extension courses for border guard officials in Swedish. From the beginning of 2006, the Border and Coast Guard Academy will substantially increase its teaching of the Swedish language. When recruiting students, the Academy will pay increased attention to the knowledge of Swedish in order to ensure that the Border Guard officials comply with the new language qualification requirements.

Control of legality by the Parliamentary Ombudsman

Under section 109 of the Constitution, the Parliamentary Ombudsman monitors the implementation of fundamental rights and human rights as part of his or her traditional task of controlling legality. The rights of minorities constitute an important part of the Ombudsman's legality control. The position of the Swedish language, especially in the application of the Language Act, has perhaps been the most visible problem area connected with minorities' linguistic rights in the Ombudsman's activities.

The annual report of the Parliamentary Ombudsman deals with such issues as complaints concerning the right to use one's own language. Since 2001, separate statistics have been compiled on complaints concerning minority rights. The language complaints concern mainly alleged defects in services provided in Swedish and the use of Swedish before authorities, but also defects in address boards and signposts and language qualification requirements for authorities.

The provision of social welfare and health care services in Swedish, which the Committee of Ministers mentioned in its recommendations, is not prominently represented in the complaints. In 2004, the Ombudsman ruled on one complaint concerning such services from the time preceding the entry into force of the new Language Act. The problems with judges' and other officials' practical knowledge of languages which the Committee of Experts mentioned in its report, have given rise to complaints only exceptionally.

During the validity of the new Language Act in 2004-2005, approximately 60 language complaints have been made, most of them concerning the status of the Swedish language. Many complaints ruled on in 2004 contained Finnish-speaking people's criticism towards the Language Act, but the largest number concerned defects in the provision of services and information in Swedish. The new Language Act has not, however, generated new groups of complaints.

The Parliamentary Ombudsman assesses the implementation of linguistic rights also when making inspection visits to different institutions and authorities. The defects found on these visits have been addressed on the Ombudsman's initiative, and in many cases authorities have remedied them in cooperation in a short time.

On the whole, the legislation in force is formally appropriate, but there are still visible differences between the legislation and reality. The new Language Act provides a more efficient basis than before for reviewing the control of legality and the *de facto* implementation of linguistic rights.

Control of legality by the Chancellor of Justice

Section 108 of the Finnish Constitution contains provisions on the competence of the Chancellor of Justice. As part of the traditional control of legality, the Chancellor of Justice, like the Parliamentary Ombudsman, monitors the implementation of basic rights and liberties and human rights. Moreover, the Chancellor of Justice shall, upon request, provide the President, the Government and the Ministries with information and opinions on legal issues.

The entry into force of the new Language Act has not significantly increased the number of language complaints addressed to the Chancellor of Justice. Two distinct groups of such complaints are occasional language complaints based on the Act on the Autonomy of Åland and complaints concerning the language proficiency of the police. The new provisions on the knowledge of languages of the police, which took effect in 2004, gave rise to complicated application problems, which were solved by mitigating the language qualification requirements by a decree in 2005.

ARTICLE 10: ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES

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) *(i) 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.*

General

The Administrative Procedure Act 434/2003, which entered into force at the beginning of 2004, the new Language Act (423/2003), the Sámi Language Act (1086/2003), the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003), the Government Decree on the Demonstration of Finnish and Swedish Language Skills in State Administration (481/2003) and the Non-Discrimination Act (21/2004) have each contributed to promoting the status of minority languages and minority people.

Defence administration

Specific provisions on the language of military authorities are laid down in section 39 of the Language Act concerning the language of the Defence Force units and the language of command of the Defence Forces. According to the section the language of Defence Force units is Finnish. However, there shall be at least one Swedish-speaking unit. In the Uusimaa Brigade (Nylands brigad) in Dragsvik the conscripts are taught in Swedish and the decisions and other documents concerning the conscripts are written in Swedish. Other Swedish-language military units and military elements as well as bilingual units may be established as necessary as provided in the legislation on the Defence Forces. The language of command of the Defence Forces is Finnish.

Section 39 refers to the Military Service Act (452/1950) and its section 51a providing that the language of training of a conscript is Finnish or Swedish and that a conscript has the right to be assigned to a unit where the language of training is his or her mother language.

Most official fill-in forms of the Defence Forces, meant for the public, are available in Swedish also in other units. Considering that not all units have staff with adequate Swedish-language skills, communicating in Swedish is not always as easy as at the Uusimaa Brigade. However, the participation of staff in language courses and self-motivated studies is supported. This concerns both Swedish and other languages needed in work and official duties.

Labour administration

The Language Act (423/2003) and the related legislation are intended to ensure that the personnel of the public sector have the necessary knowledge of languages.

The Ministry of Labour has prepared instructions for applying the new Administrative Procedure Act (434/2003) for instance in respect of the fulfilment of the new obligations brought by the Act. The instructions underline that attention must be paid to the real language proficiency of information officers, telephonists and other personnel serving the public, and to the improvement thereof. The labour administration must also pay attention to the practical language proficiency of personnel recruited. Recruitment advertisements must state both formal requirements of language proficiency and any knowledge of languages considered an advantage.

The Ministry of Labour has issued instructions on the Ministry's translation services (175/033/2004) to ensure high-quality translations by defining the responsibilities and procedures in the production and acquisition of translations. After the entry into force of the new Language Act the Ministry has regularly translated all its press releases into Swedish.

Two working groups at the Ministry of Labour are responsible for ensuring Swedish-speaking clients' access to services in Swedish. The Ministry maintains and updates on its Intranet a glossary/dictionary in order to ensure the use of consistent terminology and smooth services in good Swedish.

During 2003, in anticipation of the entry into force of the new Language Act, the Ministry of Labour examined the language proficiency of the client service staff of employment offices in bilingual regions. The examination showed that the percentages of Finnish- and Swedish-speaking staff in employment offices correspond to the percentages of each region's Finnish- and Swedish-speaking populations. It was assessed that the staff in bilingual regions had, as a rule, a sufficient knowledge of Swedish and that it met the needs for services in those regions.

However, the examination showed that all employment office services were not equally available in both languages. Therefore, the Ministry proposed in the examination report measures to ensure the availability of services in both languages. To improve the provision of services and information, the Ministry of Labour has,

jointly with the Ministry of Justice, published a comprehensive slide series on the obligations under the new Language Act in both Finnish and Swedish on the Intranet of the labour administration. The employment offices in all bilingual regions have nominated contact persons for services in Swedish. The contact persons are responsible for supervising employment office services provided in Swedish and proposing improvements thereof, providing active information on the Language Act, acting as liaisons with the regional organisation of the labour administration and the Ministry of Labour in order to correct any deficiencies, etc. A negotiation meeting is arranged for contact persons and employment office managers every year. Moreover, the employment offices are obliged to assess the need for language training and to make proposals on training arrangements.

The need of minority people to get training in their own language has been taken into account in the training provided by labour authorities. Swedish language courses are arranged by such organisations as the Arctic Vocational Foundation, established by Finland, Sweden and Norway to offer further training for adults mainly within the Arctic areas of the Nordic Countries.

Local authorities

According to section 17 of the Constitution, the public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis. Public authorities mean not only the State but also the municipalities, joint municipal boards, the Province of Åland, the Evangelical Lutheran Church and other autonomous public-law entities such as organisations of the indirect public administration. This provision concerning public authorities has particular relevance for example in the provision of public services, such as social welfare and health care services, education, cultural services and provision of information in citizens' own languages.

A municipality continues to be the basic unit for linguistic division. Every tenth year, the Government determines, by a decree based on official statistics, which municipalities are monolingual and which bilingual. Before bilingual municipal authorities, all citizens have the right to use Finnish or Swedish, whereas mainly the language of the municipality concerned is used before monolingual municipal authorities.

The minimum criteria for monolingualism and bilingualism and the definitions of a monolingual and a bilingual authority are laid down in the Language Act. As from 1 January 2005 Finland is divided into 432 municipalities, of which three are Swedish-speaking and 44 bilingual. Moreover, the Swedish-speaking province of Åland has in all 16 municipalities. Swedish is the majority language in 23 and Finnish in 21 of all bilingual municipalities.

The right to use one's own language is taken into account in section 50(2) of the Local Authorities Act (365/1995), according to which the necessary provisions on the access of the Finnish-speaking and Swedish-speaking populations to services in their own languages on an equal basis shall be given in the by-laws of bilingual municipalities.

In administrative matters the authorities of a bilingual municipality must ensure that documents important to a party's legal protection are translated, if, due to the provisions determining the language of proceedings (described in the preceding section), the language of proceedings is not the party's own language.

Private individuals, businesses and organisations are not normally obliged to provide services in different languages. According to a new provision added to the Language Act, also a private entrepreneur must provide a linguistic service prescribed by the Act when performing a public administrative task or providing a service by virtue of law or by order of an authority. From a private individual's point of view, such arrangements as the acquisition of health care services from private service providers must not weaken linguistic services.

In addition to what is said above, special legislation, for instance the legislation on health care and social welfare, contains provisions on an individual's right to his or her own language also before authorities of monolingual municipalities whose language is different from that of the individual.

The new Language Act contains a provision on the language to be used by authorities in the provision of information. In information given by a state or municipal authority to the public in a bilingual municipality, both Finnish and Swedish are used. The obligation concerns both state and municipal authorities in bilingual municipalities. The competent Ministry shall ensure that information relevant in respect of the life, health and safety of the individual and in respect of property and the environment are issued in the entire country in both national languages, irrespective of the municipality's linguistic position.

According to the Language Act, a member of the Government and of a state committee, commission, working group and corresponding body as well as a member of an organ of a bilingual municipality has the right to use Finnish or Swedish both orally and in writing. This is an amendment to the previous act.

Some decrees concerning specific sectors of administration (such as the Teaching Qualifications Decree, 986/1998) contain qualification requirements for municipal staff in respect of the knowledge of Finnish and Swedish. When setting qualification requirements for municipal staff, municipal councils must take into account the requirements of the Language Act and ensure that the provision of services for the inhabitants of each municipality is ensured in accord with the Act.

Church administration

The Evangelical Lutheran Church and the Orthodox Church in Finland, as well as their parishes, are public-law entities with the status of a public authority. These two churches have certain official duties, such as those relating to the maintenance of the population register, the examination of impediments to marriage, and funeral services. Church legislation prescribes the language to be used by the church administration. The following sections give account of the status of the Swedish language in the Evangelical Lutheran Church and the Orthodox Church. Correspondingly, information on the status of the Sámi language within the church administration is given in Part III.2 of the present report, under Article 10.

Swedish in the Evangelical Lutheran Church of Finland

The Church Act (1054/1993) contains several language-related provisions concerning the parishes and their members, the administrative boundaries of parishes, the language used by parishes and groups of parishes, the dioceses, the working language of the Church, and the office-holders and employees.

Under the Church Act, the parishes shall use either Finnish or Swedish or both. A parish belongs to a Swedish-speaking diocese of Porvoo, if the majority of parish-members have Swedish as their mother tongue. As appropriate, church services and other activities shall also be provided in the minority language, be it either Finnish or Swedish. Church-members have the right to personal ceremonies in Finnish or Swedish, depending on which one is their mother tongue. The Swedish-speaking parishes and the Cathedral Chapter of Porvoo work under the same principles as the Finnish ones. All church records are available in Finnish and Swedish subject to the same conditions.

In 2004 the Evangelical Lutheran Church established a separate unit for the Church's work in Swedish (Kyrkans central för det svenska arbetet). The Centre has approximately 20 officials. Its task is to support the Church's parish activities in Swedish by means of training and production of material and programmes. The Centre is also responsible for providing information in Swedish and for producing devotional programmes and church service programmes for the radio and the television. The Centre represents the Swedish Evangelical Lutheran Church in Finland in the cooperation conducted with different actors in the field of religion teaching, education, culture, societal work, issues of the disabled and work with special groups etc.

The Finnish Broadcasting Company sends out church services and hours of devotion in Swedish.

Swedish in the Orthodox Church of Finland

There is a small minority of Swedish-speakers within the Orthodox Church of Finland, residing mainly within the diocese of Helsinki, in particular in the Parish of Helsinki. The Orthodox Parish of Helsinki arranges church services and other parish activities regularly in Swedish. Most liturgies of the Orthodox Church have been translated into Swedish.

The Finnish Broadcasting Company broadcasts Orthodox church services and hours of devotion in Swedish. The Orthodox Parish of Helsinki publishes a newspaper entitled *Ortodoksiviesti* ("Orthodox Message"), which contains news and other articles also in Swedish.

ARTICLE 11: MEDIA

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.*

Swedish radio and television productions

The Act on Yleisradio Oy (the Finnish Broadcasting Company) (1380/1993) provides that the company, engaged in public service broadcasting, shall especially support democracy and all citizens' engagement opportunities by providing a wide variety of information, opinions and opportunities for interaction; produce, create and develop Finnish culture, arts and stimulating entertainment; take into account educational and equality aspects in its programmes, provide an opportunity for learning and self-development, emphasize programmes intended for children and offer devotional programmes; treat in its broadcasting Finnish and Swedish-speaking citizens on equal grounds and produce services in the Sámi and Roma languages and in sign language as well as, where applicable, also for other language groups in the country; support diversity tolerance and multiculturalism and provide programmes also for minorities and special groups; promote cultural interaction and maintain the provision of programmes to be broadcast abroad and broadcast official announcements, further provisions for which shall be issued in statutory order, and make provision for broadcasting in exceptional circumstances.

Section 6a of the Act provides that the Board of Directors of the company shall be elected so as to represent both language groups and sufficiently wide expertise.

The Finnish Broadcasting Company has organised its Swedish broadcasting under a separate operational unit, the task of which is to serve primarily the Swedish-speaking public by providing nationwide television programmes on the two analogic channels of the company and on its digital Swedish FST channel, which covers area wise 99.9% of the population in Finland.

In 2004 Swedish programmes accounted for 11% of all broadcasting hours of the Finnish Broadcasting Company. The Swedish unit also serves the public on two radio channels, which provided 29,932 hours of programmes in 2004 (15.5% of all broadcasting hours). The company provides regional radio broadcasts in Swedish in five regions inhabited by Swedish-speakers.

The company also produces text television and Internet services in Swedish and, as an operating licence holder, transmits television broadcasts provided by the national television company of the neighbouring country, Sweden, in the terrestrial network in the Swedish-speaking regions in Finland.

The Finnish Broadcasting Company provides part of its Finnish television programmes with Swedish subtitles and nearly all its Swedish programmes with Finnish subtitles.

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.*

Cultural cooperation between the Nordic Countries

The cultural, educational and scientific cooperation between the Nordic Countries is based on a treaty between Denmark, Finland, Iceland, Norway and Sweden concerning cultural cooperation (Finnish Treaty Series 60/1971). The countries signed this treaty covering education, scientific research and culture in 1971. Finland is represented in the relevant committees, working groups and steering groups subordinate to the Nordic Council of Ministers.

The Nordic Council of Ministers in Copenhagen maintains the Nordic Cultural Fund, to the work of which Finland contributes. In addition, Finland has bilateral cultural funds with the other Nordic Countries: Finnish-Swedish Cultural Fund (1960), Finnish-Icelandic Cultural Fund (1974), Finnish-Norwegian Cultural Fund (1979) and Finnish-Danish Cultural Fund (1981).

Financing of cultural activities

In Finland, financial support provided for cultural activities from both public and private funds, as well as through the system of copyrights. In 2004, the appropriations reserved for arts and other forms of culture in the yearly State Budget amounted to approximately 331 million euro, of which 188 million were financed with Lottery proceeds. The cultural activities of the Finnish-speaking and Swedish-speaking populations are supported on equal grounds.

Cultural activities in Swedish are also supported by a number of special foundations and funds, such as *Svenska Kulturfonden* (the Swedish Cultural Fund), *Föreningen Konstsamfundet* (a Finland-Swedish arts association) and *Svenska Litteratursällskapet i Finland* (the Society of Swedish Literature).

Arts and cultural services for children and young people

The Ministry of Education has annually granted operating subsidies from the appropriations for youth work to ten Swedish-speaking youth organisations and organisations conducting youth work. The Ministry has granted special subsidies for youth work in Swedish according to need.

Taikalamppu ("Aladdin's Lamp")²¹ is a network of Finnish arts centres for children and young people. The aim of this network is to develop arts and cultural services for children and young people in the whole country, by promoting the operation of existing arts centres for children, and to contribute to the establishment of services where there are not any yet. The network's members selected for its first term 2003–2005 have committed themselves to completing certain tasks assigned to them in the network during the term. One member is responsible for developing arts and cultural services for Swedish-speaking children. One Swedish-speaking cultural centre for children has been selected as a distant member.

Young Culture is an annual series of cultural events, which also includes a regional event in Swedish for Swedish-speakers. The nationwide events have quotas for performances in Swedish in art forms selected by Swedish-speakers themselves, for instance theatre.

Library services and the promotion of literature in Swedish

It is provided in the Libraries Act (904/1998) that, in bilingual municipalities, the needs of both the Finnish-speakers and the Swedish-speakers shall be taken into account on equal grounds.

Discretionary grants and subsidies for public lending right compensation (Act on Public Lending Right Compensation Grants and Subsidies 236/1961) are allocated annually to writers and translators on the basis that books written or translated by them are kept available free of charge in public libraries. The annual appropriation available for this purpose corresponds to 10% of the sum of money used for acquisitions of literature to municipally maintained public libraries in the previous calendar year. In 2004 the appropriation amounted to 2,566,469 euro.

In 2004 in all 871 writers and translators received public lending right compensation grants and subsidies. Swedish-speakers accounted for 11.8% of the applications and for 13.3% of the recipients. Their percentage of success was 80%, compared to 70% among Finnish-speakers.

In the field of literature, 44 writers or translators have been granted artist awards (of ½, 1, 3 and 5 years) starting in 2005. Five of the recipients (approx. 11%) are Swedish-speaking writers. The percentage of Swedish-speaking writers and translators among the recipients varies yearly, for there are no quotas for the different language groups. Among all applications lodged, the percentage of success of Swedish-speakers (19%) is higher than that of Finnish-speakers (12%).

²¹ <http://www.taikalamppu.fi/>

The translation and publishing of Finland-Swedish fiction and non-fiction is supported from a separate fund administered by the Finnish Literature Information Centre (FILI). FILI supports also the publishing abroad of literature written in Finnish, Finland-Swedish and Sámi by giving translation grants to foreign publishers and translators, supporting the promotion of book publishing abroad by arranging, for example, writers' visits and by helping translators in many ways.

Finland-Swedish literature receives a large proportion of the translation grants. In the application round in autumn 2004, 8 of the awarded 24 grants were given for books written in Swedish. Translators of Finland-Swedish literature received four of the awarded six travel grants. In addition, FILI arranges every second year a one week seminar specifically for translators of Finland-Swedish literature.

The Ministry of Education grants annually operating subsidies to national writers' and translators' organisations. Subsidies are also granted to the organisation of Swedish writers in Finland (*Finlands Svenska Författareförening (FSF)*).

Promotion of arts

For promoting arts, the State has established arts commissions (the Promotion of Arts Act 328/1976). Moreover, all provinces have one or more regional arts commissions for promoting arts at regional level. It is ensured, to the extent possible, that the different forms of art are represented in these commissions, while taking into account regional and linguistic needs (section 3 of the Act, as amended by Act No 712/1991).

The annual State Budget includes an appropriation from which state artist grants are awarded for work and studies of artists in different fields (Artist Grants Act 734/1969). The grant period may last at least six months and at most five years. The same Act permits awarding specific grants to artists for the realisation of individual working plans.

Museums

The National Board of Antiquities²² and the state museums operate pursuant to the Language Act, providing services and publications mainly at least in Finnish and Swedish. Their websites are bilingual. The Ministry of Education supports municipals and subject-specific museums through the state subsidy system, and the language of the museums is determined municipally in accordance with the language legislation.

Promotion of local culture and heritage

The Ministry of Education supports activities promoting the Finland-Swedish identity for example by granting operating subsidies (40,700 euro in 2004) to *Finlands svenska hembygdsförbund*, the national Finland-Swedish organisation for promoting local culture and heritage. The organisation consists of about 100 Swedish-speaking local culture and museum associations. Moreover, the Ministry of Education supports the activities of a Swedish-speaking national costume consultant in *Brages Folklore Institute* (25 000 euro in 2004).

Sports

The support granted by the Ministry of Education to sports activities in Swedish is mainly channelled through *Finlands Svenska Idrott CIF*, the national Swedish-speaking sports organisation. The organisation finances, with the support of the Ministry, the different sports it represents and sports activities in the provinces of Uusimaa and Ostrobothnia. It also has a regional organisation in the province of Åland. In addition to an annual subsidy, the Ministry of Education has regularly granted CIF funds for developing its activities.

ARTICLE 13: ECONOMIC AND SOCIAL LIFE

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*

²² <http://www.museovirasto.fi/en/>

- 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.*

Bank services

Speakers of Swedish, the less widely used national language, have always had access to bank services referred to in Article 13(2)(a) in their own language in Finland, as required by the Charter.

Social welfare and health care services in citizens' own languages

The Language Act contains provisions on the languages of administrative proceedings in social welfare and health care matters and the language of information, the so-called administrative language. The special legislation on social welfare and health care provides additionally for a patient's right to treatment in his or her own language and the obligation of authorities to arrange services in languages other than Finnish. According to the target and action programme for social welfare and health care for 2004–2007, municipalities will arrange services for Finnish-, Swedish- and Sámi-speakers, users of sign language and, to the extent possible, also for immigrants in their own languages.

The social welfare and health care authorities make active efforts to promote the position of the Swedish language in their activities. A number of studies on services provided in clients' own languages have been carried out with project funding. Within a project to develop the social welfare sector, municipalities may apply for project funding for the years 2005–2007 for improving the availability of social and health services for minorities, such as Swedish- and Sámi-speakers and users of sign language. The purpose is to improve the capacity of social welfare and health care services to respond to the needs of different ethnic and linguistic groups.

Emergency response centres

The Emergency Response Centre Administration, which maintains the State's emergency response centres in Finland, safeguards in practice actively the rights of Swedish-speakers by virtue of the new Language Act. The linguistic division of the response areas is laid down in the Government decision on the division of emergency response areas (961/2003). The response areas of Helsinki, East and Central Uusimaa, West Uusimaa, South East Finland, Ostrobothnia and South West Finland are bilingual and the other areas Finnish-speaking. The ongoing reorganisation of the emergency response centres will be completed in its entirety by the end of 2005.

There are no specific legal provisions on the language proficiency required of the emergency response centre staff. Most of the staff of the new centres has been recruited from the previous emergency response centres maintained by the municipalities and the police, pursuant to the principles laid down in the Act on Emer-

gency Response Centres (157/2000). Therefore it has not been possible to pay attention to the old staff's language proficiency in the same manner as in new recruitments, where the employees recruited must fulfil the language qualification requirements set for their tasks. Each centre must ensure that it has a sufficient number of employees knowing both Finnish and Swedish on duty during each shift, in accord with the linguistic status of the response area.

The Emergency Response Centre Administration has paid particular attention to studies of Swedish in its staff training. It is also developing an e-learning environment in order to improve the language proficiency of the duty staff. This system permits staff training by such means as authentic emergency calls in Swedish. It also permits the staff to acquaint themselves with the dialects in different areas, thus deepening their knowledge of Swedish.

The Emergency Response Centre Administration publishes its communications and instructions in Swedish. It has examined the possibility of distributing information about *emergency number 112* in the Sámi languages. At first, the Administration would publish emergency call instructions at its website in at least one Sámi language or possibly in all three languages.

When all centres in the national emergency response centre network have been established and operate with a joint information system, it will be possible to introduce a working method that permits transferring a call made in a foreign language to the centre with the best knowledge of this language. During 2006 this information system will be tried in the areas of three emergency response centres.

The Emergency Response Centre Administration publishes its website in Finnish, Swedish and English.

ARTICLE 14: TRANSFRONTIER EXCHANGES

The Parties undertake:

- 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 cooperation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

There are numerous transfrontier exchanges between Finland and Sweden at all levels.

Finland has concluded treaties with the other Nordic countries²³ on cultural cooperation (Finnish Treaty Series 60/1971; as amended by Treaty 21/1990), on cooperation between local authorities (Finnish Treaty Series 1–2/1979) and on the right of their citizens to use their own languages in other Nordic Countries (Finnish Treaty Series 11/1987). Through the conclusion of a convention on social assistance and social services (Finnish Treaty Series 69/1996), the Nordic countries extended the right of their citizens to use their own languages in other Nordic countries, based on the Nordic Language Convention, in some respects within the field of social welfare and health care.

The treaty concluded by the Nordic countries on cultural cooperation in 1971 encompasses cultural and educational cooperation between Finland, Sweden and Norway. This cooperation takes place in bodies and committees subordinate to the Nordic Council of Ministers. Most of the projects introduced within this framework have concerned various forms of cultural, educational and information cooperation, and the language has played an important role in this context.

²³ Finland, Sweden, Denmark, Norway and Iceland.

III.2 SÁMI - A REGIONAL MINORITY LANGUAGE

General

To ensure the provision of services in the Sámi language, the Ministry of the Interior appointed a working group to examine the opportunities of developing cross-border cooperation in the northern regions of Finland and Norway. On the basis of its work the group prepared a report entitled *Rajoitta pohjoisessa* ("Without Frontiers in the North"). The group concluded in many connections in the report that the provision of services in Sámi could be better ensured by means of cross-border cooperation. It also considered that cooperation would make it possible to produce more school teaching material in Sámi. The proposals of the working group have been submitted to the different ministries for further work, and the ministries are expected to take measures to implement the proposals.

The Regional Council of Lapland runs within an *Interreg* programme a specific subprogramme entitled *Saamen osa* (the Sámi Part), under which all services and documents provided by authorities are available in Sámi. Most communications issued by the Council are published in all three Sámi languages, and all official notices are published in all the three languages. Interpretation into Sámi is available during the processing of matters by the Council, and services to Sámi-speakers may be provided also in other contexts jointly with the Sámi Parliament. The Council intends to arrange Sámi language training for its staff.

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 in the relevant regional or minority languages*
 - 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 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.*

Day care

Under section 11(2) of the Children's Day Care Act (36/1973; as amended by Act No 875/1981), the local authorities are under an obligation to ensure that there is day care available in the child's mother tongue: Finnish, Swedish or Sámi. Under section 1 of the Act, 'children's day care' means care provided for the child at day care centres, in families, at playschools or in other ways. It is provided in section 1a of the Children's Day Care Decree (239/1973; as amended by Act No 1336/1994) that the educational aims referred to in section 2 of the Children's Day Care Act include support for the languages and cultures of Finnish-, Swedish-, Sámi- and Roma-speaking children and children of different immigrant groups, to be provided in cooperation with persons representing those cultures.

Language nests, i.e. language immersion day care centres, have been established for Inari and Skolt Sámi children in order to revive these languages in Finland. The first Skolt Sámi language nest was grounded in 1993, and in the Sevettijärvi municipality, language nest children (four altogether) are taught in Skolt Sámi in grades 4–6.

The first Inari Sámi language nest was established in 1997. The Inari and Ivalo villages continue to maintain their language nests, and there are currently ten children studying in them. The Inari municipality has purchased the language nest places as day care places from a private association. The activities are intended to revive Inari Sámi as a minority language of a minority language. There are currently 350–400 speakers of Inari Sámi, and most of them are middle-aged or aged people.

The language nests are open on weekdays, teaching children in the use of Inari Sámi by means of songs and plays based on the Inari Sámi culture. The nests are not only intended to teach Inari Sámi but also to preserve and revive the minority's own language and culture. There is need for activities of this type in all municipalities of the Sámi Homeland, and in all Sámi languages. Language nest activities play a key role in preserving the Sámi language and culture in the current situation, where fewer than half of all Sámi people have learned Sámi as their first language. In this connection it has proved to be difficult to arrange a permanent financing system and to find and train staff.

In autumn 2004, the society of the Sámi people living in the Greater Helsinki area, *City-Sámit*, launched a language nest project for Sámi children with the support of the Sámi Parliament, which granted 3,000 euro for the project. The funds were used for recruiting an instructor for the nest. Two hours of language nest activities are provided weekly on Mondays at a day care centre maintained by the City of Helsinki. So far, 5–10 children with their parents have attended the activities.

Pre-school education

The local authorities are under an obligation to provide all children residing in the municipality in question with at least 700 hours of pre-school education free of charge during the year immediately prior to the year when they start school. The pre-school education is covered by the provisions of the Basic Education Act, and the local authorities may arrange it at schools, day care homes or in some other way. Attendance at pre-school education is voluntary and subject to a decision by the person having the care and custody of the child. The language of instruction is either Finnish or Swedish, but it may also be Sámi, Roma or the sign language. In addition, education may be provided in other languages. The local authorities must ensure that day care of children can be provided in Finnish, Swedish or Sámi, whichever is the mother tongue of the child.

Morning and afternoon care

In August 2004, the Act on Morning and Afternoon Care for First and Second Grade Pupils and Children Receiving Special Education (1136/2003) entered into force. The youth activities provided by the Ministry of Education supplement this statutory service. The Ministry supports afternoon clubs for pupils of grades 3–9 with a state subsidy to be applied for separately. Clubs are also maintained for Swedish-speaking and Sámi-speaking children in their mother tongue.

Basic education and general upper secondary education

The teaching in and of the Sámi language started in Finland in the 1970's. According to the Basic Education Act (852/1998) and the General Upper Secondary Schools Act (629/1998), Sámi shall, as a mother tongue, be comparable with the national languages, Finnish and Swedish. Sámi may be studied as mother tongue or as an optional language at comprehensive schools and general upper secondary schools within the Sámi Homeland. Sámi may also be used as the language of instruction in basic education. The Sámi-speaking pupils residing in the Sámi Homeland must be taught mainly in Sámi.

The State covers the costs of the teaching in and of Sámi within the Sámi Homeland – i.e. the municipalities of Utsjoki, Enontekiö, Inari and Sodankylä – with a separate statutory subsidy. It is granted on the condition that the teaching groups comprise an average of three pupils per provider of teaching. The subsidy corresponds to the average costs of employing staff for this teaching. In basic education, general upper second-

dary education and vocational education the subsidies cover the costs incurred by the providers of teaching almost completely.

Sámi people move increasingly away from the Sámi Homeland, and this causes problems in the provision of education. Innovative measures, such as distant and network learning, are required in order to solve these problems. For example, more than half of all Sámi children under 10 years of age reside outside the Sámi Homeland. Outside this region Sámi pupils in basic education may receive teaching of their mother tongue in the cities of Rovaniemi and Oulu., but the provision of such teaching is insufficient at present.

The new core curriculum for basic education was adopted on 16 January 2004, and it will be introduced in all grade levels on 1 August 2006 at the latest. The new core curriculum takes separately into account the teaching of different linguistic and cultural groups, especially the Sámi population. The underlying values of basic education are human rights, equality, democracy, preservation of natural biodiversity and the viability of the environment, and the endorsement of multiculturalism. The teaching must take account of the national and local particularities and the national languages, the two national churches, the Sámi as an indigenous people and the national minorities. The provider of teaching must adopt a separate curriculum for teaching provided in Sámi.

In the teaching of Sámi pupils it has to be taken into account, in accordance with the curricula, that the Sámi are an indigenous people with a language and culture of its own. For some pupils Sámi (North, Inari or Skolt Sámi) is their mother tongue and language of instruction, and for others the language is taught as a foreign language. Sámi-speaking pupils are mainly taught in Sámi. The teaching has to support the pupils' original identity and enable them to learn their own language and enhance their linguistic capacities. Basic education has to promote Sámi pupils' knowledge of their own culture and history and the Nordic Sámi cooperation. It has to raise their awareness of the Sámi as a people and one of the indigenous peoples of the world. The teaching has to support pupils' identification with their national cultural heritage and the unity between Sámi people residing in different countries.

Sámi pupils' right to education in their own language is guaranteed properly at the lower level of comprehensive school (grades 0–6) for those pupils who are able to study in Sámi. In grades 7–9, Sámi-speaking pupils receive considerably less teaching in Sámi, because there are not enough qualified teachers and the pupil groups are small. At the upper level of comprehensive school, the teaching does not comply with the spirit of the Basic Education Act in all respects, because the Act provides that the teaching of Sámi-speaking pupils must be provided mainly in Sámi. There are only few teachers of Inari and Skolt Sámi, and therefore these languages cannot be taught as voluntary or optional languages.

The language of instruction may also be Sámi at upper secondary schools, but it is not compulsory. There are only few teachers of Inari and Skolt Sámi, and therefore these languages cannot be taught as voluntary or optional languages. The matriculation examinations cannot be taken entirely in Sámi. Since 1994, it has been possible to take the mother tongue and literature exams in North Sámi, and since 1980 a Sámi foreign language exam. In 1998, it became possible to take the mother tongue and literature exam in Inari Sámi. Exams of Sámi as a third foreign language have been arranged in North Sámi for a long time, and in the past few years also in Inari Sámi. In spring 2005 three students took the exam in Skolt Sámi.

Vocational education

Under the Act on Vocational Education (630/1998), the language of instruction in vocational colleges may be Sámi, and Sámi may also be taught as mother tongue.

The Sámi Training Centre²⁴, located in the Inari municipality, provides training leading to a basic diploma in various professional fields. The purpose of the Centre is to provide vocational education mainly for the needs of the Sámi Homeland, to maintain and develop the Sámi culture and the traditional means of livelihood of the Sámi, and to enhance the production of teaching materials in Sámi. The Centre also provides courses in the Sámi language and culture and handicraft courses. The languages of instruction at the Centre are Finnish and Sámi, but also other languages may be used.

University and other higher education

²⁴ <http://www.sogsakk.fi>

In Finland, the Sámi language and culture can be studied at the universities of Oulu, Lapland and Helsinki. In Oulu, the Sámi language and culture can be studied as a major subject and at the universities of Helsinki and Lapland, as a minor subject. Sámi language courses are provided in the training of teachers and administrative officials.

The Giellagas Institute in the University of Oulu²⁵ was established in 2001. The Institute is a separate unit of the University's Faculty of Humanities. It gives instruction on the Sámi language and culture, which can be studied as separate major subjects. The institute gets its funding directly from the Ministry of Education.

The Giellagas Institute coordinates the training of subject teachers provided in Sámi (see below) and the international student exchanges World Indigenous Graduate Exchange and Nordplus (Tromsø-Umeå-Kautokeino/the Sámi College). Since 2004 the Institute has run a researcher school of its own. The school has currently four instructors and thirteen post-graduate students, four of which are working in Norway.

In addition to the Sámi language degree programme, the Giellagas Institute provides instruction of Sámi as a foreign language and, in Inari, interpretation of the Sámi language. Most students of the Sámi language become teachers of the Sámi language and literature for the upper level of comprehensive school and general upper secondary schools.

At the University of Lapland it is possible to study Sámi as a minor subject. The University has one lecturer of Sámi. Furthermore, there is a quota for Sámi-speaking students in the Faculty of Law of the University.

At the University of Helsinki, Sámi may be studied as a minor subject at the Department of Finno-Ugrian Studies. The purpose of interdisciplinary Sámi research is to provide the basic knowledge and preparedness required for various duties relating to the Sámi, indigenous peoples, Nordic and international cooperation, Lapland and the Arctic Area in general. The programme consists of 20 credit units, but students with Sámi studies as their major subject may compile their degree studies from among the subjects taught in the Finno-Ugrian language studies and specialise in the Sámi language and culture²⁶. The University has one lecturer of Sámi.

The only Sámi University in the Nordic countries is *Sámi Allaskuvla*²⁷, established in 1989 and located in Kautokeino, Norway. The main language of instruction at the Sámi University is Sámi, and the University also educates Sámi-speaking class teachers. The Sámi University recruits students also from the neighbouring countries, i.e. Finland, Sweden and Russia.

Teacher training

All class teachers using the North Sámi language who are actively teaching are trained class teachers.

Sámi-speaking class teachers are trained at the Universities of Lapland and Oulu in Finland. A teacher's studies are possible also at the Sámi University in Kautokeino, Norway, and every year some Finnish students graduate as Sámi-speaking class teachers.

The teacher training unit of the University of Oulu has a quota for native Sámi-speaking applicants in the degree programme for early childhood education (2 places) and in class teachers' degree programme (5 places). Those who study the Sámi language as their major subject may also take a subject teacher's degree.

The University of Oulu started subject teacher training in the Sámi language in 1999, providing at first further training for teachers using the language. Most students are Sámi-speaking class teachers who supplement their earlier degree in respect of different subjects taught at school. Some students are recruited every year for this training, which is mainly arranged as distant studies to be taken simultaneously with the teachers' regular work. That is why the studies progress slowly and the training cannot meet the needs for subject teachers at schools. The training of Inari and Skolt Sámi teachers necessitates additional measures.

By spring 2004, 48 students had applied for the subject teacher's degree programme, and 39 were selected. Of these students, 18 study a certain subject, 13 supplement their earlier degrees, and studying a certain subject, 6 pursue basic studies in some field, 1 studies educational sciences and 1 subject teacher supplements earlier studies to be able to teach in the Sámi language. During the school year 2004–2005, 21 stu-

²⁵ <http://www.oulu.fi/giellagas/englindex.htm>

²⁶ <http://www.helsinki.fi/hum/sugl/opiskelu/oppiaineet.htm>

²⁷ (<http://www.samiskhs.no/>)

dents were actively studying in the degree programme either as basic students (7 persons) or distant students (14 persons). By 2004, 3 students had taken a subject teacher's degree (teachers of the Sámi language, mathematics and biology).

Further and continuing education

The Sámi Training Centre provides further training for adults in such fields as traditional handicraft skills and reindeer herding, preparing for studies leading to a professional diploma.

Several open colleges and workers' institutes, mainly in the Province of Lapland, arrange regular courses in the Sámi language and culture.

Production of teaching material

There is sufficiently material published in North Sámi for the teaching of the language at the lower level of comprehensive school there is sufficiently material published in Sámi, and the same is true for the teaching of humanities and natural sciences at the upper level of comprehensive school. More material is needed in respect of Inari and Skolt Sámi. Actual textbooks exist for the teaching of these languages. Teachers prepare teaching material mainly outside their regular work.

The State grants annually an appropriation for the production of teaching material in Sámi. The committee for education and learning material appointed by the Sámi Parliament allocates the appropriation. The committee is responsible for planning, producing and distributing Sámi teaching material and for Nordic cooperation on the production of such material.

The annual appropriation has amounted to 253,000 euro (2002 and 2003) and 258,000 euro (2004 and 2005). A full-time instructional materials secretary employed by the Sámi Parliament has been responsible for implementing the projects in practice. The appropriation has been used for producing basic textbooks and supplementary and audiovisual material, mostly for mother tongue teaching and based on translations of Finnish textbooks adapted for grades 1–9. The bulk of the appropriation has been used for producing material in North Sámi, but also in Inari and Skolt Sámi.

Other measures to develop the Sámi language

The State Provincial Office of Lapland has assigned an official, positioned in the municipality of Inari, with a duty to monitor and assess the position of the Sámi language and the teaching in Sámi, to develop the teaching and use of the language, to provide for the protection of the rights of pupils in comprehensive schools and general upper secondary schools within the Sámi Homeland, and to organise continuing education for Sámi teachers. The official works in the same premises as the Sámi Parliament and is able to use the Sámi language.

Research and planning of the Sámi languages

The new Language Board of the Research Centre for the Languages of Finland has representatives of all Sámi languages in Finland (North, Inari and Skolt Sámi). At the beginning of 2006, a separate department for minority languages will start working at the Research Centre.

A researcher working in the Utsjoki municipality in the Sámi Homeland continues the planning and research of North Sámi at the Research Centre. Compliance with the obligations of the Sámi Language Act is an additional challenge to the language planning. More researcher resources are needed.

The planning and research of Inari Sámi started by the Research Centre for the Languages of Finland has been of paramount importance. These activities support well the objectives of the Sámi Language Act. They are particularly significant to the schools, media and authorities of the Inari Sámi region, and they also improve the opportunities to produce teaching material. In autumn 2004, a position of Inari Sámi language planner was established to support the planning and research. A comprehensive dictionary of Inari Sámi and a doctoral thesis on specific names in Inari Sámi are nearly completed. Moreover, the Inari Sámi Association has received an award for studying the language of children taught in language nests.

There is no research and planning of Skolt Sámi in Finland.

ARTICLE 9: JUDICIAL AUTHORITIES

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. *The Parties undertake*
 - 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 court system

In their contacts with court offices located within the Sámi Homeland, Sámi people are entitled to use either Finnish or Sámi, according to choice.

Section 13(1) of the Sámi Language Act provides that, within the Sámi Homeland, a court or another authority shall issue a Sámi party to a matter on request with an application for a summons, a judgment, a decision, a record or another document in the Sámi language in so far as the matter concerns his or her rights, interests or obligations, except where the document is manifestly irrelevant to the resolution of the matter. Section 13(2) provides, however, that a document containing a decision shall be issued merely as an official translation into Sámi, if there are several parties to the matter and they are not unanimous regarding the use of the language.

Section 20(1) of the Sámi Language Act provides that if an application for a summons, a judgment, a decision, a record or another document in an administrative matter, a matter of administrative judicial procedure, or a criminal matter has been drafted in Finnish or Swedish, the court or other authority outside of the Sámi Homeland must on request, free of charge, give a Sámi party to the matter an official translation into Sámi of such a document in so far as the matter relates to his or her rights, interests or obligations, except if the document is manifestly irrelevant to the resolution of the matter. The translation shall be attached to a document containing a decision or other document.

Prosecutors

The Act on the Use of the Sami Language before the Authorities provides that the Sámi Homeland refers to the municipalities of Enontekiö, Inari and Utsjoki and the area of the Reindeer Herding Association of Lapland located in the municipality of Sodankylä.

The prosecution department of the Käsivarsi judicial district is responsible for prosecution in the Enontekiö area. The district court prosecutor reports that in 2003–2004 there were no cases of pre-trial investigation or consideration of charges where a client expressly requested or needed services in the Sámi language. The prosecutor estimates that the Sámi inhabitants in the Enontekiö area number approximately 250, and they know also Finnish. There are no Sámi-speaking officials in the Käsivarsi prosecution department, but the department is prepared to hire a local interpreter in case of a need to serve citizens in Sámi. One of the lay members of the local district court is a Sámi person.

The prosecution department of the Sodankylä judicial district is responsible for prosecution in the Sodankylä and Inari-Utsjoki areas. The senior district court prosecutor reports that the Sodankylä prosecution unit has currently no Sámi-speaking officials. During the reference period the unit had two office secretary vacancies, and the vacancy announcements were published also in Sámi, but it was not possible to appoint Sámi persons to the posts. Most Sámi-speaking clients of the prosecution unit reside in the Utsjoki municipality. Some lay members of the district court know Sámi, and they have been consulted for interpretation, when necessary, but usually the authorities in these areas use the interpreter and translator services provided by the Sámi Parliament.

A study carried out in the area showed that citizens receive appropriate services in Finnish, but many Sámi people would use Sámi if officials knew this language. However, the study also showed that most Sámi people speak Sámi but cannot read or write it sufficiently, which means that there is no corresponding need to produce documents in Sámi.

Police administration

The police administration has taken measures to arrange appropriate interpretation of minority languages other than Swedish and the regional languages, when a person speaking these languages contacts a police office.

The Border Guard

The Lapland Border Guard provides services in Sámi in the municipalities of Enontekiö, Inari, Sodankylä and Utsjoki, as required by the Sámi Language Act (1086/2003). If necessary, the Border Guard arranges inter-

pretation free of charge. When providing information to the public the Border Guard uses also Sámi. When recruiting staff, the Border Guard has ensured that it employs persons capable of serving clients in Sámi.

Legislation

According to section 9(1) of the Sámi Language Act, acts of primary concern to the Sámi, as well as other such statutes, treaties and other instruments and notifications published in the Statute Book of Finland, shall on the decision of the Government or the pertinent Ministry be published also as a Sámi translation. The same provision applies to orders, guidelines, decisions and notifications published in the document series of a Ministry or another state authority. A provision of the same tenor existed in the earlier Act on the Use of the Sami Language before the Authorities.

ARTICLE 10: ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES

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) *(iii) 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.*

General

In their contacts with the municipal and state authorities located within the Sámi Homeland, Sámi people are entitled to use either Finnish or Sámi, according to choice. These authorities are obliged by law to further the use of the Sámi language in their activities. Moreover, they must use Sámi in letters sent to a party or a person who under law is to be informed of a pending matter or a matter about to become pending, if they know that the recipient is a Sámi-speaking person or this can reasonably be ascertained. They must also use the Sámi language, without a separate request, when responding to written communications in the Sámi language. Compared to the earlier Act, Sámi people now have a more extensive right to use its own language within the Sámi Homeland. Earlier they could use it only in their own matters.

When contacting offices of authorities subject to the Sámi Language Act outside the Sámi Homeland, Sámi people are entitled to use Sámi only in their own matters or matters in which they are heard, unless the authority concerned is a state authority which hears appeals against decisions of authorities within the Sámi Homeland. In the latter case the right to use Sámi is as extensive as in contacts with authorities' offices located within the Homeland.

The Sámi Language Act is intended to make interpreting and translating gradually secondary means of communication between clients and authorities. The main rule should be that a matter is always processed in Sámi without interpretation, if possible. Because of practical needs, the Act contains, however, several provisions on interpreting and translating.

Section 19 of the Sámi Language Act provides that authorities must, if possible, both within the Sámi Homeland and outside it, assign the oral hearing of a matter to an official with knowledge of the Sámi language. If the authority does not have an official with knowledge of the Sámi language to take care of the matter, the authority shall arrange for interpretation free of charge, or itself see to the interpretation. According to section 27 of the Act, the Provincial Government of Lapland and the state regional and district authorities in the Sámi Homeland may have Sámi language advisors. The services of an advisor shall be free of charge to the customers.

Section 6 of the Sámi Language Act contains provisions on the right to use Sámi at meetings of multi-member bodies. When necessary, interpretation shall be arranged for such meetings.

Section 23 of the Act provides that if a Sámi-language document has been delivered to an authority of the State, a municipality or a joint municipal authority or to an ecclesiastical authority even though the customer does not have the right to use the Sámi language before the authority, the authority shall, when necessary, procure a translation of the document into the language of the authority. Before procuring the translation the authority must hear the opinion of the customer and inform him or her that the translation shall, according to the Act, be procured at the expense of the customer.

According to section 8(2) of the Act, official advertisements, notices and promulgations and other information releases to the public, as well as signs and forms intended for use by the public, with their instructions, shall in the Sámi Homeland be prepared and issued also in Sámi. This provision mainly corresponds to the earlier provisions.

Provincial administration

The State Provincial Office of Lapland has one official responsible for providing customer services in Sámi. The State Provincial Office has also started a Sámi language course for its officials. In early 2005, a working group with the task of examining the need for services in Sámi submitted its proposal as to what documents should be translated into Sámi in the first place. The aim is to translate all most frequently needed documents, such as application forms of the educational authorities and the permit administration of the police. The State Provincial Office of Lapland publishes its website also in Sámi and intends to translate it into both Inari and Skolt Sámi during 2005.

Local administration

The local authorities are, in the municipality in question, responsible for the provision and administration of public services required by law. According to section 2(1)(1) of the Sámi Language Act, the Act is applicable to the municipal organs of Enontekiö, Inari, Sodankylä, and Utsjoki, i.e. the municipalities located in the Sámi Homeland, as well as the joint municipal authorities where one or more of the said municipalities are members. According to section 2(1)(3), also the provincial government of Lapland and the organs attached to it are subject to the Act.

Section 16 of the Sámi Language Act provides that within the Sámi Homeland, the municipal organs, municipalities and joint municipal authorities shall, to the extent deemed necessary, use also the Sámi language in records and other documents not to be issued to private parties, but being of general concern. In the Utsjoki municipality, where the proportion of Sámi-speakers in the population exceeds one third, the Sámi language must always be used in such documents.

According to the repealed Act on the Use of the Sami Language before the Authorities, municipalities other than Utsjoki were not obliged to use Sámi in these documents. In the new Sámi Language Act, the obligation of Utsjoki municipality to use Sámi has been mitigated, because the municipality has had practical difficulties in fulfilling the obligation. According to the new Act the obligation concerns only documents of general concern. The amendment was made with the intention to avoid translating for the sake of translating, in other words unnecessary bureaucracy.

According to section 6 of the Sámi Language Act, the Sámi members of the representative bodies of all municipalities located entirely or partly within the Sámi Homeland have the right to use the Sámi language in meetings and in written statements to be appended to the records of these meetings. The same provision applies to the Sámi members of state boards, commissions, working groups and corresponding multi-member bodies in the Sámi Homeland and, when matters of special concern to the Sámi are being discussed, also outside the Homeland.

In the new Act, the Reindeer Herders' Association and its Committee are included among the bodies in the meetings of which it is possible to use the Sámi language. This is a major improvement considering the great significance of reindeer herding to the Sámi.

Defence administration

According to the Military Service Act, the language of training of conscripts is Finnish or Swedish. Thus, there is no training in Sámi in the Defence Forces. Nor are there units of the Defence Forces within the Sámi Homeland, although there is a radar station of the Air Force in the area. However, the call-up announcements referred to in the Military Service Act are translated into Sámi in the Sámi Homeland. Furthermore, in the municipalities of Lapland, instructions relating to conscription are sent to the conscripts not only in Finnish and Swedish, but also in North, Inari and Skolt Sámi. The language used in the context of reporting for military service is Finnish but there is interpretation available in Sámi, where necessary.

Sámi-speaking conscripts are mainly ordered to the Lapland Border Guard, which is administratively subordinate to the Ministry of the Interior. The Defence Force units have not had any particular need for Sámi translations and interpretation.

Language qualification requirements for the authorities

Section 14 of the Sámi Language Act contains a provision on the knowledge of the Sámi language required of the municipal and state authorities operating in the Sámi Homeland. When recruiting, these authorities shall see to it that the personnel in each office located in the Homeland are able to provide customer service also in Sámi. In addition, the authorities shall provide training or take other measures in order to ensure that the personnel have the knowledge of the Sámi language necessary for the performance of the functions of the authority (section 14(1)). For practical reasons, these obligations concern only the offices and other premises located in the Sámi Homeland. This means that the obligations do not concern the Sodankylä municipality to the extent it does not have offices or premises in the Homeland, i.e. in the area of the Reindeer Herding Association of Lapland.

Knowledge of the Sámi language may be required as a qualification of personnel of a state authority by an act or a by a Government decree or decree of the pertinent Ministry issued by virtue of an act, and concerning personnel of a municipal authority as provided in the Municipalities Act (365/1995), unless such a qualification requirement already appears in an Act or a provision adopted on the basis of an act. Knowledge of the Sámi language shall be considered a special merit also in the event that it has not been required as a qualification for the office, position or function in question (section 14(2)).

The provisions of the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003) apply, in so far as appropriate, on the qualification requirements concerning the Sámi language. Knowledge of the Sámi language can be demonstrated by an examination referred to in the Act on Public

Language Examinations (668/1994), by an examination passed in the context of studies, or by studies in an institution of tertiary education (section 14(3)). So far, it is not possible to take a language examination referred to in the Act in Inari and Skolt Sámi.

According to section 25(1) of the Sámi Language Act, an official of a state authority whose jurisdiction lies completely within the Sámi Homeland has the right to paid leave of absence for studies towards a knowledge in the Sámi language that is necessary for the performance of the service. The tenor of this provision corresponds to a provision in the earlier Act.

Labour administration

The Labour Administration aims at improving the access of Sámi to employment services in their own language in the Sámi Homeland by appointing officials responsible for services in Sámi in the regional organisation, by supporting the voluntary language studies of officials, and through its recruitment policy in general. Employment offices within the Sámi Homeland have managed to recruit Sámi-speaking officials, and they provide customer services in Sámi on a daily basis. Some information materials and brochures have been translated into the different Sámi languages. Frequently used forms and instructions needed in customer service are translated into the Sámi languages, although there are problems with finding skilled translators and language revisers. Another problem is that these languages have traditionally been spoken languages without a written form.

The Labour Administration cooperates with the self-government and cooperation bodies and organisations of the Sámi Homeland. This cooperation mostly concerns concrete matters such as coordination of subsidies and benefits, drafting of forms, project leader groups, Sámi language courses, lectures etc. There is also cross-border cooperation with such bodies as the Nordic Sámi Council.

The development targets identified by the Labour Administration in its own sector include increasing the provision of services in the Sámi languages and improving the related resources; coordinating and generally enhancing the employment services for Sámi customers, and cooperation between employment offices; recruiting Sámi-speaking staff; raising the awareness of cultural aspects in services; and producing brochures and other supportive material.

Sámi in the Evangelical Lutheran Church of Finland

The Church Act (1054/1993) contains several language-related provisions concerning the parishes and their members, the administrative boundaries of parishes, the language used by parishes and groups of parishes, the dioceses, the working language of the Church, and the office-holders and employees. The Sámi language is taken into account in the provisions of the Church Act. The Cathedral Chapter of the Diocese of Oulu and those parishes which are entirely or partly located within the Sámi Homeland apply the Sámi Language Act. It is possible to establish a bilingual (Finnish-Sámi) parish in the Homeland, and it is provided in the Church Act that, within the Homeland, parishes must arrange activities and provide services in Sámi.

The Evangelical Lutheran Church of Finland pays continuous attention to the religious needs of Sámi-speakers and allocates significant funds to this effect. In the parishes located in the Sámi Homeland, church services and other religious ceremonies are also held in North Sámi and Inari Sámi. No Finnish-Sámi parish has been established so far, but religious activities in Sámi have been arranged under other legal provisions supporting the Sámi culture.

Sámi literature has originally emerged from religious needs. The oldest church service material in Sámi dates from the 17th century, and is written in South Sámi. In the North Sámi area, there is still in use an old hymn book in Sámi, *Sálbmakirje*, which came out for the first time in 1897. It also contains a liturgy, a gospel and a prayer book, which are all still generally used, as are the hymns.

In the course of years, the Sámi church literature has been revised and edited. The edited church service material was introduced in August 2002. A translation of the Bible into North Sámi has been going on since 1986, in cooperation between the Nordic countries. The New Testament came out in 1986. The planning of and preparations for a project of reforming the language of the Old Testament started in 1998. The purpose of this project is to improve the access of Sámi-speakers to religious services in their own language. Since 1998, the Synod has contributed financially to the work with an yearly appropriation of 26,000 euro. The Evangelical Lutheran Church of Finland will continue to support the project in the coming years.

The status of the Sámi in the Evangelical Lutheran Church improved significantly in 2000, when the new Church Act permitted them, for the first time, to elect their own lay representative and two substitutes to the highest decision-making organ of the Church, the Synod. The election takes place through the Sámi Parliament. Since the beginning of 2004 the Sámi representative has had the right to vote in the election of the bishop for the Diocese of Oulu and the national archbishop. The Synod issues the materials related to church elections in North Sámi and Inari Sámi.

Sámi in the Orthodox Church of Finland

The Orthodox Church of Finland has a Sámi minority of approximately 300-400 Skolt Sámi-speakers, residing mainly in the municipality of Inari. The Skolt Sámi belong to the Orthodox Parish of Lapland, having its central office in Rovaniemi. For the religious needs of the Skolt Sámi, there are an itinerant priest and a Skolt Sámi-speaking cantor placed in Inari. The new Sámi Language Act applies also to the Chancery of the Diocese of Oulu and the Parish of Lapland.

The Orthodox Synod has supported and contributed to the translation of church literature into Skolt Sámi. The Gospel according to St. John and a prayer book have already earlier been translated into Skolt Sámi.

The church services have mainly been conducted in Finnish, but the priests have occasionally used Skolt Sámi. Cantors and church choirs have used Skolt Sámi more often than priests. The new translation of the liturgy into Skolt Sámi should increase the use of Sámi as the language of liturgies. The Finnish Broadcasting Company has at times broadcast church services and prayer moments in Skolt Sámi. Liturgies and hymns have also been taped in Skolt Sámi.

The Sámi Parliament has repeatedly proposed that a Skolt Sámi representative be nominated to the Synod of the Orthodox Church, like in the Evangelic-Lutheran Church.

Street names

The Population Register Centre is currently examining the possibilities to carry out the technical changes required for the registration of street names written in the Sámi language.

First and family names

In Finland it is possible to use Sámi first names and family names. Sámi family names have long traditions. The Names Act contains provisions on how family names are determined, adopted, changed and lost. Sámi-speakers have not encountered problems in the application of the Act.

In practice, however, problems have occurred in the use of Sámi names in writing, as there are no established methods for equipping computers and other technologies used by authorities to recognise Sámi letters. For example, it is not possible to use a Sámi name containing Sámi letters in the social security card.

ARTICLE 11: MEDIA

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.*

Improving the efficiency of the Finnish Broadcasting Company

A reform (635/2005) of Act on Yleisradio OY (1380/1993), entering into force at the beginning of 2006, is aimed at ensuring that the Finnish Broadcasting Company keeps abreast of the times and develops its provision of programmes in accord with the principles of public service, so as to meet the needs of the changing society and the changing public.

The Finnish Broadcasting Company's administrative model is revised at the same time, in order to better take into account the Sámi-speaking population in administration. The company's Board of Directors must hear the Sámi Parliament before submitting a report on its implementation of public service to the national Parliament every second year. The hearing obligation concerns the section dealing with the Sámi in the report, and it contributes to the strengthening of Sámi people's cultural autonomy.

The new Act will increase the diversity of the Finnish Broadcasting Company's tasks and improve its operating conditions. This may have positive effects on the implementation of the Charter in Finland, including the questions covered in both the recommendations of the Committee of Ministers and the report of the Committee of Experts.

Sámi Radio

The Finnish Broadcasting Company produces radio, television and Internet services in Sámi. It sends out 2,000 hours of programmes per year on its own channel in Northern Finland. Of this amount, 1,800 hours are produced in North Sámi and the remaining 200 hours in Inari and Skolt Sámi.

The radio has the most important role in the transmission of news in Sámi. The Sámi Radio²⁸ of the Finnish Broadcasting Company has operated since 1947. It broadcasts approx. 8 hours of programmes per day on weekdays in North, Inari and Skolt Sámi on its own channel in Northern Finland. The Sámi Radio sends out six regional news broadcasts and five Nordic news broadcasts every day. Additionally, it broadcasts current affairs programmes and different cultural and entertainment programmes, such as devotional programmes, and the *Binna báanna*-children's programme and the *Kákáos*-radio show for young people, both latter sent out a couple of times per week. The Sámi Radio plays mainly Sámi music, ranging from traditional yoik chants to rap and spiritual music.

²⁸ <http://lotta.yle.fi/srwebanar.nsf/sivut/frontpage>

The Sámi Radio works in close daily cooperation with the Sámi radios in Norway and Sweden. They aim at opening a Nordic digital full service radio channel in the next few years.

Internet services in Sámi

Internet services provided in Sámi have increased substantially in recent years. Many Sámi institutions and associations have websites in Sámi.

The Sámi Radio of the Finnish Broadcasting Company was the first actor to open a website in Sámi in October 1997, on its 50th anniversary. The Sámi Radio publishes all news immediately at its website. This Internet service reaches Sámi populations also outside the Sámi Homeland. The website is published in Finnish and English, too.

Television broadcasts

The Finnish Broadcasting Company started a regular news broadcast in Sámi, *Ođđasat*, in 2002. The news are broadcast once every weekday in Northern Lapland. The digital YLE24 channel of the company broadcasts Sámi news with Finnish subtitles twice a day, and these subtitled news are available on the Internet. The Sámi Radio produces the news in Nordic cooperation with the Norwegian NRK Sámi Radio and the Swedish SVT Sápmi. The news are made in Karasjok, Norway, and sent out to all Nordic countries at the same time. The Finnish Broadcasting Company does not produce other programmes in Sámi on a regular basis.

Sámi press

The oldest Sámi newspaper has been published since 1934. It is published by a non-profit association and distributed free of charge to all Sámi-speaking households. At present the newspaper comes out a few times a year.

A newspaper in Inari Sámi has been published since 1987. The publisher is an Inari Sámi language association, the members of which write most articles in the newspaper. It is distributed four times a year to Inari Sámi-speaking households. Lack of money is a problem to this newspaper.

In Norway, the Sámi press has gained strength in the last few years. There are plans to develop a newsletter published in Karasjok twice a week into a broader journal. The *Aššu* newspaper published in Kautokeino twice a week contains reportage and cultural articles. The Evangelic Lutheran Free Church of Norway and the Sámi Mission in Norway publish a religious newspaper entitled *Nuorttanaste*. Also Sámi people residing in Finland and Sweden subscribe to newspapers published in Norway.

The recommendations adopted by the Committee of Ministers pay attention to the lack of a newspaper published in Sámi. The leading principle of the Finnish Act on the Freedom of the Press is that everyone has 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 the Act are observed (section 1 of Act 308/1993). The current Finnish press, which is rather multi-faceted by international standards, operates mainly without public subsidies, also when it comes to Sámi press. Subsidies paid by the Ministry of Education are mainly allocated to certain political papers and Swedish papers, but media printed in Sámi is eligible for some types of these subsidies.

The Government grants, on application, subsidies to reduce the transport, distribution and other costs of newspapers. Subsidies may also be granted for projects introduced to develop newspapers.

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.*

Financing of Sámi culture

The Ministry of Education allocates annually a separate appropriation for Sámi culture and organisations. Since the Sámi enjoy cultural autonomy, the appropriation is allocated to the Sámi Parliament, which announces it for application and makes decisions on individual grants and awards for different fields of the Sámi culture and Sámi organisations. The conditions for obtaining the appropriation are set out in the rules of procedure of the Sámi Parliament. It is allocated as cultural grants (project grants, work and travel grants etc.) and grants for activities and publications of Sámi organisations. Moreover, a committee under the Sámi Parliament may grant a specific cultural award without application. The committee monitors and supervises the use of the appropriation.

In the State Budget for 2005 the appropriation amounts to 205,000 euro. Apart from the actual Sámi culture appropriation, support is provided through the Sámi Parliament for international activities such as those of the Nordic Sámi arts organisations and the Finnish Division of the Sámi Council and its national member organisation. In addition, the Ministry of Education may allocate other discretionary state subsidies to separate projects on Sámi culture.

The cultural appropriation means a significant support to the Sámi community, and it has helped to revive cultural activities in Sámi.

Culture for children and young people

One of the development targets defined in the policy programme for children's culture for 2003–2008 is the establishment of a network of children's cultural centres in Finland. The Sámi Children's Cultural Centre will support this target, and the Ministry of Education has granted a state subsidy of 70,000 euro for 2004–2005 for starting its activities. A separate decision will be made on the funding of the Centre for 2006–2008 within the limits of the State Budget. The Cultural Centre will continue the activities of the cultural *siida* communities, which ended in spring 2004, by providing cultural activities for children under school-age and at comprehensive school age.

The Ministry of Education has annually supported the basic activities of Sámi youth organisations and also separate projects, when considered necessary, with the aim of encouraging young indigenous people's voluntary civic activities.

Young Culture is an annual, nationwide series of cultural events, where young people's own cultural activities are presented for the public at large. The participants in the Young Culture events show their artistic know-how and receive arts professionals' feedback on how to continue their artistic pursuits. The Ministry of Education has allocated separate appropriations to the Sámi Parliament for arrangements of the regional Young Culture event for Sámi youth. The participation of young Sámi people in the nationwide Young Culture gathering is supported with a separate travel grant. This participation strengthens young Sámi people's right to preserve and develop their own culture.

Indigenous Film Centre

The Indigenous Film Centre²⁹ is a regional resource centre in the film and audio-visual field. It is situated in Inari and works under the auspices of the Sámi Parliament. At present its activities are financed through project funding from the European Social Fund and appropriations from the municipalities of Inari, Enontekiö and Utsjoki.

The Indigenous Film Centre promotes the Sámi language and culture. It helps to make the voice and images of the Sámi and other indigenous peoples audible and visible in film and in the media – on the terms and from the perspective of indigenous peoples. The Indigenous Film Centre promotes the planning, development and production of films and other media products by looking for funding and partners and by arranging training and film events within the Sámi Homeland. Furthermore, the Centre collects and maintains a database on indigenous film making and participates in the arrangements of the Skábmagovat Film Festival for indigenous peoples.

The Centre plans training for film professionals and develops film education for children and young people jointly with the schools in the Sámi Homeland. Currently, the Centre provides film education with the schools in the municipalities of Inari, Utsjoki and Enontekiö. In 2005, approximately 40 school pupils and teachers from different parts of the Sámi Homeland attended film education. Two short films, entitled "Joutojuttuja" ("Idle stories") and "Yöelämää Utsjoella" ("Nightlife in Utsjoki"), produced by the Utsjoki and Ivalo general upper secondary schools were presented at the Skábmagovat Festival.

Sámi Cultural Centre

The Sámi Parliament is planning to construct a Sámi Cultural Centre³⁰ in the Inari parish village, where a site of about 4 hectares has been reserved and planned for the Centre. This site will also be developed into an Arctic park. The financing of the Centre is still open.

The Centre will provide premises for the Sámi Parliament and other administrative activities and facilities for Sámi education and research, cultural activities and development of industries. It comprises the aforementioned Film Centre and many activities related to Sámi handicraft, music and industries. There will be a separate department for children and young people and a Sámi library. The Centre is intended to improve the independent opportunities of Sámi people to maintain and develop their language, culture and industries, to implement and develop their linguistic and cultural self-government, and to support the overall development of their living conditions. Further, the Centre is aimed to improve the opportunities of distributing and receiving information on the Sámi as an indigenous people.

²⁹ <http://www.samediggi.fi/skabma/englindex.html>

³⁰ <http://www.samediggi.fi/Sámilaiscultural/keskus/index.html>

Library services

It is provided in the Libraries Act (904/1998) that, in municipalities located within the Sámi Homeland, the needs of both the Finnish-speakers and the Sámi-speakers shall be taken into account on an equal ground (section 3).

The Sámi Library in Finland operates in connection with the Rovaniemi City Library. The task of this special library is to collect and distribute information related to the Sámi and their identity and culture, and to improve Finnish Sámi people's access to information and cultural pursuits. The Library cooperates with the Sámi libraries in the other Nordic countries and with the Murmansk Library in Russia. It maintains a Sámi information service and supports the activities of the municipal libraries within the Sámi Homeland. The Ministry of Education grants annually special subsidies for these activities.

The municipal libraries aim at providing services equitably to all citizens. Acquisition of library material published in Sámi is problematic compared to that of Finnish material, because there is no Sámi bookstore network in Finland. The Sámi Library acquires for its collections at least all literature and audiovisual material published in Sámi in Finland. Material published in Norway and Sweden is acquired, when considered appropriate. Sámi material can be borrowed at all libraries within the Sámi Homeland. The Aurora material register, covering three Sámi municipalities, is based on an operating system³¹ published in Sámi. The Utsjoki Library provides library services in Sámi regularly, but the other libraries only in individual cases.

There are four library vans operating in the Sámi Homeland, and two of these are jointly financed by the Nordic Countries. These services, supported by the Ministry of Education, are an important part of the library services, for they are available even to residents of scarcely populated areas.

Support to literature

In 2002 the Act on Public Lending Right Compensation Grants and Subsidies (236/1961) was amended by abolishing its earlier language criteria (Finnish, Swedish, Sámi). This amendment improved substantially the opportunities of writers and translators belonging to ethnic and linguistic minorities to apply for and receive public lending right compensation grants and subsidies. Writers and translators who reside or have resided permanently in Finland and whose literary work enriches the cultural life in Finland are eligible for these grants and subsidies.

At the same time, the Ministry of Education changed the composition of the board responsible for allocating public lending right compensation grants and subsidies so that, in addition to the national organisations of writers and translators, also the Sámi Parliament is entitled to nominate candidates for the board. Thus, the Sámi are represented in the Board for Public Lending Right Grants and Subsidies set up for 2003–2005. In 2004, 3 Sámi writers applied for and were awarded a public lending right grant. In respect of the literary artist awards starting in 2005 Sámi writers had a percentage of success of 33% (3 applicants, 1 granted), compared to 12% among Finnish-speakers.

The Finnish Literature Information Centre FILI supports translating Sámi literature and publishing it in other languages. In the application round in autumn 2004, one collection of poetry written in Sámi received a grant for translation into English and one translator's travel grant concerned the region where Sámi literature is produced. FILI maintains a list of translations of Sámi literature for Unesco and thus contributes to making this literature internationally known and visible. FILI's database on translations of Finnish literature naturally includes translations of Finland-Swedish and Sámi literature.

Museums

The Ministry of Education has designated the Siida Sámi Museum³² as a national special museum, and pays it a state subsidy increased by 10% and project support. The Museum documents in its collections the spiritual and material cultural heritage of the Finnish Sámi and displays this tradition in Siida's exhibitions.

³¹ <http://www.rovaniemi.fi/aurora>

³² http://www.siida.fi/english/en_menu.html

An encyclopaedia of the Sámi culture

The University of Helsinki has published an encyclopaedia of the Sámi culture³³. An electronic database for the encyclopaedia was completed in spring 2004. It contains systematically collected information about the culture, languages, history, rights, mythology, folklore, music, economy, nature, arts etc. of the Sámi. The database has also been published as a book. The project was carried out with support from the EU, the Finnish Ministry of Justice and the Finnish Cultural Foundation.

Vocabulary of the Sámi languages

The Research Centre for the Languages of Finland has launched a project entitled *Álgu*, researching the vocabularies of the Sámi languages and their origin. The Centre saves the vocabulary items in an electronic database to be arranged on an etymological basis. The database will serve as continuously updated etymological archives of the Sámi languages and be used as a basis for the compilation of dictionaries. The Centre is planning a concise popular etymological dictionary of North Sámi and a more comprehensive scientific etymological dictionary of all Sámi languages. Three researchers are working permanently on the project.

ARTICLE 13: ECONOMIC AND SOCIAL LIFE

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*
 - 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.*

Financing of social welfare and health care services in Sámi

The municipalities are responsible for providing social welfare and health care services for all inhabitants residing in their territories. For providing and developing services in the Sámi language, municipalities are entitled to obtain a specific state subsidy or state grant from development appropriations. Since 2002, the Finnish Parliament has approved a separate appropriation to be included in the national budget for guaranteeing the access of Sámi people to social and health services in their own language. The appropriation has developed in a positive direction (200,000 € in 2002, 300,000 € in 2003 and 600,000 € both in 2004 and 2005). This method of state financing derogates from the normal practice concerning state subsidies meant for municipalities. However, in respect of the provision of social welfare and health care services in Sámi, an additional appropriation is justified as being necessary for maintaining the language and culture of the Sámi as an indigenous people, as required by the Constitution. The appropriation may only be used to cover the costs of providing such services in the municipalities of the Sámi Homeland, referred to in section 4 of the Act on Sámi Parliament (974/1995). It is allocated as state subsidies through the intermediary of the Sámi Parliament.

The Sámi Parliament prepares annually a plan on the use of the appropriation. In 2004, its use focused on early education and old-age care. The appropriation was divided between the municipalities as follows: Utsjoki 217,500 €, Enontekiö 98,000 €, Inari 264,500 € and Sodankylä 20,000 €.

³³ http://www.helsinki.fi/~sugl_smi/senc/en/index.htm

Within the framework of a social welfare development project started in 2003, municipalities may additionally, on application, be granted appropriations for 2005–2007 for the development of services to linguistic and cultural minorities. In respect of the Sámi language, also the development of the Sámi vocabulary and terminology of the social and health sector constitutes a challenge.

Patients' rights

The Act on the Status and Rights of Patients (785/1992) contains a provision under which the patient's mother tongue as well as his or her individual needs and culture shall, where appropriate, be taken into account in his or her care and treatment. According to the Language Act (423/2003), an authority shall ensure in its activity and on its own initiative that the linguistic rights of private individuals are secured in practice. The same concerns a private individual to whom a public administrative task has been assigned by or under law.

On the basis of the Sámi Language Act (1086/2003), health care professionals are obliged to provide information to a patient in such manner that he or she can sufficiently understand its content. If the health care professional does not have a sufficient knowledge of the patient's language, an interpreter has to be used, if possible.

ARTICLE 14: TRANSFRONTIER EXCHANGES

The Parties undertake:

- 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 cooperation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

The Sámi are an indigenous people residing in the territories of four different states. Transfrontier exchanges take frequently place among Sámi people in the frontier areas between Finland, Sweden and Norway.

The Sámi Parliaments of Finland, Sweden and Norway cooperate through such fora as the Parliamentary Sámi Council. The joint Sámi Language Board of the Parliaments carries out Nordic cooperation relating to the Sámi languages, including those spoken in Russia. In autumn 2005, the Nordic countries completed a draft proposal for a Nordic Sámi convention.

A number of Finnish Sámi students study to become class teachers at the Sámi University in Kautokeino, Norway. The qualification requirements for class teachers are identical in Finland, Sweden and Norway. It is also possible to study media science at the Sámi University.

The Agreement on the Foundations of Relations between the Republic of Finland and the Russian Federation (Finnish Treaty Series 63/1992) contains an article on the preservation of national identities. According to Article 10 of the Agreement, "the Parties shall give their support to the preservation of the identity of Finns and Finno-Ugric peoples and nationalities in Russia and, correspondingly in Finland, the identity of persons originating in Russia. They shall protect each other's languages, cultures and historical monuments." The Agreement also applies to the Sámi. The programme covers the promotion of the Sámi language and culture in the Kola Peninsula in Russia. Due to this programme and the activity of Sámi associations, contacts between the Sámi peoples in Finland and Russia have increased in such fields as culture, school education, vocational training and continuing education.

ANNEX 1

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

Recommendation RecChL(2004)6 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Finland

(Adopted by the Committee of Ministers on 20 October 2004 at the 900th meeting of the Minister's Deputies)

The Committee of Ministers,

In accordance with Article 16 of the European Charter for regional or Minority Languages;

Bearing in mind the instrument of Acceptance submitted by the republic of Finland on 9 November 1994;

Having taken note of the evaluation made by the Committee of Experts of the Charter with respect to the application on the Charter by Finland;

Bearing in mind that this evaluation is based on information submitted by Finland in its second periodical report, supplementary information given by the Finnish authorities, information submitted by bodies and associations legally established in Finland and the information obtained by the Committee of Experts during its "on-the-spot" visit;

Having taken note of the comments submitted by the Finnish authorities on the content of the report of the Committee of Experts;

Recommends that Finland take account of all the observations of the Committee of Experts and, as a matter of priority:

1. *vigorously pursues the current efforts to improve education in the Sami language and in particular take immediate measures to ensure the survival/viability of the Inari and Skolt Sami languages, which are in grave danger of extinction;*
2. *encourage and/or facilitate a positive development regarding the availability of a newspaper in Sami;*
3. *ensure the availability of health and social care services in Swedish and Sami;*
4. *further implement measures for the protection and promotion of the Romani language and provide favourable conditions in particular in education, teacher training, radio and television.*

ANNEX 2

APPENDICES IN ENGLISH (in electronic format)

Legislation:

- Language Act (423/2003). Link: <http://www.finlex.fi/pdf/saadkaan/E0030423.PDF>
- Sami Language Act (1086/2003) (separate pdf file)
- Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003)
Link: <http://www.finlex.fi/pdf/saadkaan/E0030424.PDF>

Reports:

- Government Report to Parliament on the Human Rights Policy of Finland 2004. Publications of the Ministry for Foreign Affairs 5/2004. Helsinki 2004.
Link to report: <http://formin.finland.fi/doc/eng/policies/human-rights04.pdf>
- The Second periodic report on the application of the framework convention on the protection of national minorities. December 2004.
Link to report:
http://www.coe.int/t/e/human_rights/minorities/2_framework_convention_%28monitoring%29/2_monitoring_mechanism/3_state_reports_and_unmik_kosovo_report/2_Second_cycle/2nd_SR_Finland.asp#TopOfPage