



Strasbourg, 20 September 2001

ECRML (2001)3

European Charter for Regional or Minority Languages

APPLICATION OF THE CHARTER IN FINLAND

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Finland**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of the regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15.1, an outline for the initial periodical report that a Party is required to submit to the Secretary General. The report should be made public by the State. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the initial periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, so as to attempt to obtain a just and fair overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee submits, if necessary, a number of questions to each Party to procure supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot visit" of a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee to better evaluate the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers together with suggestions for recommendations that the latter could decide to address to one or more Parties as may be required.

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Strasbourg, 20 September 2001

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European Charter for Regional or Minority Languages

A. Report of the Committee of Experts on the application of the Charter

presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

FINLAND

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Chapter 1. Background information

1. The Republic of Finland signed the European Charter for Regional or Minority Languages (hereafter referred to as the Charter) on 5 November 1992 and accepted it on 9 November 1994. It was brought into force by a Decree in Finland on 27 February 1998 (Treaty Series 23/1998) and entered into force on 1 March 1998.
2. In accordance with Article 15.1, the Finnish authorities presented their Initial Periodical Report to the Secretary General of the Council of Europe in April 1999. They published the text of the Charter in the official publication Treaty Series 23/1998. The Initial Periodical Report was made available on the official website of the Finnish government but only in English. Given the economic situation and the language skills of most of the speakers of Sami or Romany, the Committee considers that the Report has not been made public in accordance with the requirement in Article 15.2. A limited distribution of printed copies of the draft report in Finnish was made among the experts, authorities and associations involved in the consultation process leading to the acceptance.
3. The instrument of acceptance of the Republic of Finland is set out in Appendix I to this report. This instrument specifies the languages covered by Part III of the Charter and those that, in the view of the authorities, are covered by Part II.
4. This report was adopted by the Committee of Experts on 7 February 2001.

1.1. Work of the Committee of Experts

5. After the Committee of Experts had made its preliminary examination of the report, a questionnaire was drawn up and addressed to the Finnish authorities. The Committee organised its “on-the-spot visit” in Finland in December 1999. It met the authorities responsible for and/or concerned by the implementation of the Charter as well as representatives of the speakers of the relevant languages: the Sami Parliament, the Swedish Assembly, the Ombudsman, the representatives of the ministries of justice, education, culture, transport, foreign affairs, social affairs as well as representatives of the different language groups concerned by the Charter. On the basis of the information gathered from the initial periodical report, the questionnaire and the “on-the-spot-visit”, the Committee of Experts was better able to prepare its evaluation of the application of the Charter in Finland.
6. The Committee has established a list of general proposals for the preparation of recommendations from the Committee of Ministers to Finland, as provided for in Article 16.4 (Chapter 3.2 of this report). The Committee has furthermore in this report made, where necessary, more detailed observations which it encourages the State to take into consideration when developing its policy with regard to regional or minority languages.
7. This report is based on the political and legal situation at the time when the Charter was accepted by Finland (March 1998) and at the time when Finland presented its initial periodical report to the Council of Europe (April 1999). It is also based on the information obtained by the Committee.

1.2. Presentation of the regional or minority language situation in Finland

8. According to the information gathered by the Committee, the languages covered by the Charter on the territory of Finland are the Sami languages (North, Skolt, and Inari Sami), the Romany language, Russian, Tatar, Yiddish, (Article 1 of the Charter) and Swedish (Article 3 of the Charter).

9. All these languages are covered under Part II of the Charter, while the Swedish and Sami languages have also been granted protection under Part III with paragraphs and sub-paragraphs chosen for each language separately as indicated in the instrument of acceptance.

10. According to the Finnish Constitution Act, the national languages of Finland are Finnish and Swedish, Swedish being the less widely used official language in Finland. The Swedish-speaking Finns are the largest minority group in Finland and they make up 5.71% of the population (about 293.700 according to the 1997 census). Most of the Swedish-speaking Finns live on the southern, south-western and western coasts and on the Åland Islands.

11. The Sami language as identified in the instrument of acceptance consists of three different variants, namely the North, Skolt and Inari Sami languages. The Finnish authorities decided to identify these three variants in the instrument of acceptance as one language, the Sami language. Most of the users of the Sami language are situated in the northern parts of Finland and live in the Sami Homeland in Northern Lapland. The municipalities of the Sami Homeland are Enontekiö, Inari, Utsjoki and the northernmost part of Sodankylä. There are about 6,900 Samis, of whom about 2,400 live outside the Homeland. According to the 1997 census, there are about 1.700 registered speakers of the Sami language. Most of them speak North Sami. Inari Sami and Skolt Sami are spoken by some 200 people respectively. According to the Sami Parliament estimates, the number of the speakers is higher (about 2.450).

12. There seem to be about 10,000 Kalo Roma in Finland. There is no evidence about the number of speakers of the Romany language. It seems, however, that much of the middle-aged and younger adult Romany population has either lost or has retained only a passive command of the language. Legislative amendments and education have helped to reinforce the Romany language and culture. Most of the Romanies live in the settlements of Southern Finland, although they are present throughout the country.

13. The Tatars are a very independent and self-preserving group of approximately 850-900 persons, of whom all speak the Tatar language. Tatar is one of the Turkic languages. The Finnish Tatars use the Latin alphabet.

14. Russian is a traditional language in Finland. The Russian-speakers form a rather heterogeneous group of about 5.000 so-called Old Russians, of whom only a part has maintained the Russian language, and 15.000 - 25.000 New Russians, depending on the time of their arrival in Finland. The Committee has however decided to consider this language without the distinction of whether its users are "new" or "old".

15. Jews have been present in Finland for several centuries. Their community counts today about 1500 members, but owing to various historical and other factors, only a few have managed to preserve Yiddish and they have not -so far- requested any support to encourage its use.

16. The general legal framework governing the use of regional or minority languages and of Swedish consists of the following:

- a. the Constitution Act, of 1919, section 14.
- b. the Language Act (148/1922),
- c. the Decree on the Implementation of the Language Act (311/1922),
- d. the Act on the Language Qualifications of Public Officials (14/1922),
- e. the Act on the Use of the Sami Language before Authorities (516/1991).

17. The Charter has been introduced into the Finnish legal system by a Decree. According to the Finnish authorities, the choice of paragraphs and sub-paragraphs was made in accordance with the situation of regional or minority languages at that time, since various legal acts already existed in the Finnish legal system. Therefore, no new legal provisions were adopted at the time of acceptance.

1.3. Particular issues arising in the evaluation of the application of the Charter in Finland

18. The instrument of acceptance submitted by Finland to the Council of Europe provides an extensive and detailed presentation of the protection granted to the Swedish and Sami languages. For these languages protected under Part III, separate paragraphs and sub-paragraphs were identified as being applicable.

19. In its acceptance instrument, Finland has specified that it will, in accordance with article 3.1 of the Charter, apply a number of protective measures under Article 2.2 to Swedish as its less widely used official language. According to the legal acts in force in Finland, the right to use Swedish is assured in private and in public life. The public use is, however, based on two fundamental principles: the principle of territoriality and the personal principle. According to the former, Swedish can be used in public in the territory designated as monolingual Swedish and bilingual administrative units. According to the personal principle, the Swedish speakers can use their language in their dealings with the relevant State authorities in the whole territory of Finland.

20. The Sami are an indigenous people in the northern parts of Finland, Norway, Sweden and Russia. According to the Finnish Constitution Act, the Sami living in Finland have the right to preserve their language and culture. This right was enacted through specially designed laws on Sami matters, including the Sami Language Act and the Act on the Sami Parliament, thus providing the basic legal and organisational structure for the protection and promotion of the Sami language. Based on the acceptance instrument and the initial periodical report, the Committee's evaluation of the situation of Sami as a regional or minority language within the meaning of the Charter, will, in general, be restricted to the territory of the Sami Homeland.

21. The Åland Islands have had a special status since 1921 as a self-governing province within Finland. The Åland Islands have the right to enact their own laws and to have their own provincial administration, which provides many central government services. All Åland authorities work in Swedish, which is also the language of education on the islands. The Government of Åland was consulted before the Charter was accepted.

22. Aside from the Swedish and the Sami languages, the Romany, Russian, Yiddish and Tatar languages are protected under Part II in accordance with the general objectives and principles in Article 7. Clearly the situation of these four languages is

very different. Not only are the languages used to different degrees but the wishes of the users of the languages vary. Russian and Romany speakers have asked for and obtained support from the authorities, whereas the Jewish and Tatar communities have not so far requested any specific support from them.

23. During its “on-the-spot” visit, the Committee noted with satisfaction that a new Language Bill is currently being drafted and that it is intended to remedy some of the problems identified by the Committee in the present report. This and other ongoing improvements are expected to be presented by Finland in its next periodical report, due in 2002. The Committee has not taken them into consideration in its evaluation of the language situation in Finland, since its task was to consider the situation as it was in April 1999.

Chapter 2. The Committee’s evaluation in respect of Part II and Part III of the Charter

24. The text of the Charter, when read in conjunction with the instrument of acceptance, indicates in some detail the exact undertakings that apply in respect of the different languages in the areas covered by the Charter. The Committee has therefore evaluated how the State has fulfilled each undertaking in Article 7 for Part II and in Articles 8-14 in Part III, using the paragraphs and sub-paragraphs specified in the instrument of acceptance.

2.1. The evaluation in respect of Part II of the Charter

25. Part II of the Charter (Article 7) sets out a number of general objectives and principles that a Party is obliged to apply to all the regional or minority languages on its territory. Within its instrument of acceptance, Finland declares, referring to Article 7, paragraph 5, that it undertakes to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 of the said Article to the Romany languages and to the other non-territorial languages in Finland. From the initial periodical report of Finland and from other sources of information consulted by the Committee, it appears that these other languages are: Russian, Tatar and Yiddish.

26. In the paragraphs that follow, the Committee presents its evaluation of the application of Article 7 to the Romany, Russian and Tatar languages as well as to Yiddish. As the Swedish and Sami languages are concerned by both Part II and Part III of the Charter, some of the observations concerning these two languages are further developed under Chapter 2.2.

Article 7 - Objectives and principles

“ 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;”

27. The Finnish Constitution Act in its Section 14 declares the second national language to be Swedish. Under paragraph 3 of Section 14 of the Constitution Act, the Sami as an indigenous group as well as the Romanies and other groups have the right to maintain and develop their own language and culture. The Committee interprets “other groups” as referring to Tatar, Russian and the Jewish community. Furthermore, by including these languages within the scope of the Charter, Finland fully recognises their importance 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;”

28. The administrative municipalities where the Swedish language is used are either “monolingual” or “bilingual”. Where the entire population speaks the same language, or where the linguistic minority is less than 8%, the municipality is designated as monolingual. When the linguistic minority diminishes, the municipality remains bilingual as long as the speakers represent more than 6% of the population. If the linguistic minority consists of over 3,000 people, the municipality is designated as bilingual, irrespective of the percentage of minority language speakers. At present there are 389 Finnish-speaking, 5 Swedish-speaking and 42 bilingual municipalities in mainland Finland. The language status of municipalities is determined anew every ten years on the basis of the census.

29. The administrative boundaries in the Sami Homeland were legally established in 1973, following the recommendations of a special Committee that chose the municipalities with the highest number of users of the Sami language. At that time, a very small number of Sami lived outside of the Sami Homeland, while today approximately 2,400 Sami live outside this area. Later legislation has maintained the limits of this region in spite of important movements out of it.

30. The establishment, creation or changes of administrative boundaries have no influence on the use of the Romany, Russian, Tatar and Yiddish languages because these languages do not have a territorial base in Finland. Therefore, this obligation is not relevant to these languages.

“c. the need for resolute action to promote regional or minority languages in order to safeguard them;”

31. The Finnish Government has taken resolute action to promote the Swedish language, which even has the legal status of an official language of Finland.

32. As for the Sami language, the Finnish authorities have recognised the need to promote it as a living language. This will be developed in Chapter 2.2.

33. Resolute action has been taken to promote the Romany language by the establishment of a Romany Language Board with the aim of studying and developing the language. The Committee encourages the Finnish authorities to continue and follow up on the work of this Board.

34. So far, the Jewish and Tatar communities have not requested the authorities to take any action to promote these languages and there has not been any initiative from the authorities in that sense. The Committee has been informed that work is in progress to establish an advisory board for regional or minority languages, which could be especially welcomed by Russian-speakers.

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

35. The right to use Swedish in official contacts is determined by both the official language of the administrative unit and the language of the person.

36. The right to use the Sami language in public and private life is determined by law.

37. According to the information available, the Committee recognises the efforts made by the authorities to facilitate and encourage the use of the Romany language. However, it must be noted that it is still scarcely used in public life, with the exception of the media (weekly radio programmes and a couple of bulletins). This is also due to the fact that there is resistance from the Romany community to the public use of their language. It is the wish of the speakers that their language remains accessible only to the members of their community. The Committee understands the position of the Finnish authorities, which prefer to respect this wish.

38. There is no use of the Tatar and the Yiddish languages in public life, which is however in accordance with the wishes of the users of these two languages in Finland so far. For the Tatar language, education and cultural activities aimed at preserving the language are organised and financed exclusively by the Islamic Congregation.

39. The Russian language is used in the media, with one radio station, one television station and the publication of one newspaper. These initiatives are, however, dependent on private resources and are not subsidised by the authorities.

“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 language;”

40. The Sami and the Swedish languages are represented in various bodies that encourage links such as required in this undertaking, but this matter will be further developed in the next section of this chapter.

41. The speakers of the Russian, Tatar and Romany languages develop these kinds of contacts through their respective networks and cultural associations.

42. The representative bodies of all the historical minority languages in Finland cooperate within the Finnish Committee of the European Bureau for Lesser-used Languages (FIBLUL).

“f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;”

43. Education matters in respect of the Swedish and the Sami languages are dealt with in Chapter 2.2 of this report.

Romany Language

44. On the basis of the Constitution Act, the Romanies have the right to maintain and develop their own language and culture. Support is given for teaching Romany at different levels of education, from pre-school to secondary school. The amendment of the Act on the Research Institute for the Languages of Finland of 1996 included the study and maintenance of the Romany language. A Romany Language Board has been established with the aim of developing and carrying out research ofn the Romany languages.

45. At present, there are 250 Roma pupils in 9 municipalities in Finland who receive teaching of Romany. According to estimations, there are 1,500 to 1,700 Roma children who are of the compulsory school age and could benefit fromof the teaching of their languages in primary school.

The Committee encourages the Government to further develop its support for education in the Romany language and especially to explore possibilities of promoting the teaching of Romany and the relevant teacher training.

Yiddish

46. As a private initiative, the Jewish Congregation provides for teaching of Yiddish, but it has never asked the authorities for any kind of support in this field. The Committee considers that the absence of a request for support from the users of a language does not, in principle, release the State from the obligation to fulfil the undertakings of the Charter. Nevertheless, the obligation may be considered fulfilled if the speakers have access to information concerning the support measures and legislation they may invoke if they so wish and if the speakers have informed the authorities that they need not take action in a given field.

Tatar language

47. The users of the Tatar language have organised education on their own initiative. As with the Yiddish language, the users of the Tatar language have not requested the authorities to support education in Tatar.

48. As explained above, the Committee considers that, in the absence of special measures taken by the State, an obligation may be considered fulfilled if the speakers have access to information concerning the support measures and legislation they may invoke if they so wish and if the speakers have informed the authorities that they need not take action in a given field.

Russian Language

49. According to the information available to the Committee, there is some primary and secondary education in Russian. Pre-school education is mostly organised privately. The Committee considers that further efforts should be made to secure

both teaching in Russian for Russian-speaking children and integration of those children.

The Committee encourages the Finnish Government to explore further possibilities of resolute action to promote the use of the Russian language, in particular by subsidising Russian day-care centres and increasing the possibilities for instruction in Russian in areas where there is a greater concentration of Russian-speakers.

“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;”

50. There are facilities enabling non-speakers of Swedish and Sami to learn these languages. This is also true for all the other languages except for Romany.

“h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;”

51. The situation of the Swedish and Sami languages will be examined in Chapter 2.2 of this report.

52. Study of or research on Romany is not provided at the university level. However, the Research Institute for the Languages of Finland provides for language development and research for the members of the Roma community.

53. Russian is taught at the university level and it is possible to study and research the Tatar and Yiddish languages.

“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.”

54. The situation of the Swedish and the Sami languages will be presented in Chapter 3. The Romany speaking community has participated freely in the transnational exchanges of activities with Romany from other countries and has received governmental support for this purpose.

55. The users of the Russian language have received support from the Finnish authorities to participate in cultural events abroad. They have exchange programmes and organise various cultural events with Russian-speakers from the Russian Federation.

56. The Jewish and the Tatar communities organise their own transnational exchanges in the various fields covered by the Charter. The users of the Tatar language have close links with the users of that language in Tatarstan. There are close links between the Jewish communities in Sweden and Finland. These are likely to encourage transnational exchanges for the promotion of Yiddish.

“Paragraph 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.”

57. The Finnish Constitution Act contains a non-discrimination clause relating also to discrimination based on language. In 1997 the Act on Tolerance was promulgated, promoting racial and ethnic tolerance.

“Paragraph 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.”

58. The Finnish authorities have by legal provisions and regulations underlined the importance of the recognition of Finland's regional or minority languages. Their support for bodies and associations that represent these languages is clearly evident. Nevertheless, according to the information obtained, there is still some discrimination and intolerance. Therefore, the Committee encourages the Finnish authorities to continue their efforts to remedy this situation.

“Paragraph 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.”

59. The Swedish Assembly supports the Swedish-speakers in their realisation of activities that are related to language matters. The Sami Parliament is responsible for dealing with questions relating to the Sami language and culture, by taking initiatives and making proposals to the authorities. Its activities are regulated by the Act on the Sami Parliament. It gave a written opinion on the Finnish Initial Periodical Report. The Finnish Islamic Congregation, representing the Tatar language, the representatives of the Russian-speakers and the Advisory Board on Romany Affairs all have among their objectives the promotion of the respective languages. FIBLUL plays an important role in this field.

60. All these bodies and associations, and more, were consulted at the time the Finnish authorities presented their Initial Periodical Report to the Council of Europe.

“Paragraph 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.”

61. In the case of Finland, the Romany, Russian, Tatar and Yiddish languages are considered as non-territorial languages. In its appreciation of their situation vis-à-vis paragraphs 1 to 4 of article 7, the Committee has kept in mind that those principles should be applied *mutatis mutandis*.

2.2. The evaluation in respect of Part III of the Charter

62. The Committee of Experts examined in more detail the existing protection of the languages that have been identified under the protection mechanism of Part III of the Charter. The languages in question are Swedish and Sami.

63. The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by the Republic of Finland.

2.2.1. The Swedish language

Article 8 - Education

“Paragraph 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:

Pre-school Education

“a.i. to make available pre-school education in the relevant regional or minority languages;”

64. The Children’s Day Care Act (36/1973) provides the legal guarantee that pre-school education be provided in Swedish by the municipal social welfare authorities. In practice, the Swedish day-care centres are organised in a satisfactory number and quality. The Committee considers this undertaking fulfilled.

Primary Education

“b.i to make available primary education in the relevant regional or minority languages;”

65. The Comprehensive School Act (628/1998) guarantees that primary education is made available in the Swedish language. There are 335 Swedish comprehensive schools. The Committee considers this undertaking fulfilled.

Secondary education

“c. i. to make available secondary education in the relevant regional or minority languages;”

66. In addition to the Comprehensive School Act, the Upper Secondary School Act provides the same language rights in secondary education. The Matriculation Examination Decree guarantees that the matriculation exam is made available either in Finnish or Swedish in the relevant unilingual and bilingual municipalities. There are 35 Swedish upper secondary schools. The Committee considers this undertaking fulfilled.

Technical and vocational education

“d. i. to make available technical and vocational education in the relevant regional or minority languages;”

67. The Finnish Government has provided instruction in Swedish in technical or vocational education. There are several bilingual or Swedish-language polytechnics. The Committee considers this undertaking fulfilled.

University and higher education

“e. i. to make available university and other higher education in regional or minority languages;”

68. According to the report, university and higher education is provided in the Swedish language as the language of instruction and examination. Sometimes special measures are prescribed in order to ensure that a sufficient number of Swedish-speaking students are educated at upper levels. The Committee considers this undertaking fulfilled.

Adult and continuing education

“f. i. to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages;”

69. There are many institutions of continuing education and open colleges that provide adult and continuing education in Swedish, mostly in bilingual municipalities. The Committee considers this undertaking fulfilled.

Teaching of history and culture

“g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;”

70. In general, the Swedish contribution to Finnish history and culture is shown in history books. The Committee considers this undertaking fulfilled.

Basic and further education of teachers

“h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;”

71. Separate training is organised for Swedish-speaking teachers at all levels of education. As the number of teachers with sufficient skills is still not satisfactory, the number of trainees had to be increased in 1998. The Committee considers this undertaking fulfilled.

Monitoring

- “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.”*

72. According to the information provided by the authorities, the Swedish Department of the National Board of Education has certain supervisory functions with regard to the teaching of Swedish. In addition, the Swedish Assembly is the national body with the competence to look after the interests of the Swedish speaking population. Therefore, the Committee considers this undertaking partially fulfilled.

The Committee suggests to the Government to encourage the drawing up of periodic reports and make them available to the public.

“Paragraph 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.”

73. There are some schools outside the Swedish-speaking area. Children who wish to go to these schools do not have to pay for the transport costs, since they are covered by the State. However, sometimes, the distances from children’s homes to the schools are so great that their parents forego to take advantage of this opportunity. The Committee considers this undertaking fulfilled.

Article 9 - Judicial authorities

“Paragraph 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:

In criminal proceedings:

- “a.i. to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;”*

74. The language of the court depends on the official language of the district. Nevertheless, the right to use Swedish in judicial procedures is prescribed in the Language Act. Every party to the proceedings, whether a physical or legal person, has the right to use his/her language, whether Finnish or Swedish, in a case which concerns him/her or in which he/she is being heard, independently of the language of the court.

75. There are no unilingual Swedish judicial districts in mainland Finland. In unilingual Finnish judicial districts, the Swedish language can be used whenever a Swedish party is concerned or is being heard. The judgement is given in Finnish but it is possible to obtain a translation free of charge. In bilingual judicial districts, a

Swedish-speaking defendant always has the right to ask for the proceedings to be conducted in Swedish.

76. In practice, this right cannot always be exercised for two main reasons. Firstly, the lack of officers, lawyers and judges with sufficient command of Swedish makes the choice of the Swedish language too difficult to manage for the proceedings. As Swedish-speakers are bilingual, they prefer not to ask for their mother tongue to be the language of the proceedings, as they may risk not being correctly understood or even being seen as "trouble-makers". The Public Prosecutor and other State agents use the language of the defendant if they are required to know this language. Secondly, according to the information gathered by the Committee, the language chosen by the police in its statements depends on the officer's mother tongue and not on that of the defendant. As the instruction language remains the same during the proceedings that may follow this, in practice excludes the possibility for the defendant to use a different language (as he or she has a sufficient command of the language of the proceedings). Swedish-speakers are very often confronted with this situation.

77. The Committee considers this undertaking is formally fulfilled, but in practice its implementation is not fully satisfactory

"a. ii. to guarantee the accused the right to use his/her regional or minority language; if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;"

78. As stated above, the legislation in force guarantees the right to every Finnish citizen to use his or her own language in a matter in which he/she is being heard. In bilingual districts the language of the defendant is used. If the defendants use different languages, the language of the majority of the population is used. However, for the reasons put forward above, there are many problems in the practical implementation of this legislation.

79. The Committee considers this undertaking is formally fulfilled but in practice its implementation is not fully satisfactory.

"a. 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" - if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;"

80. Requests and evidence written in any national language are admissible. Translations and interpretations are provided without extra expense for the applicant in the Swedish language when a State agent or another State official is pursuing an action as a part of his/her official duties. The Committee considers this undertaking fulfilled.

"a. 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;"

81. Documents are issued in the language of the court. In bilingual judicial districts, the courts must issue documents in the language of the defendant. In unilingual districts, a translation is issued if the party who has the right to use another language has asked for it. The Committee considers this undertaking fulfilled.

in civil proceedings:

“b.i. to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;”

82. The rules on the use of Swedish in civil proceedings are similar to those for criminal proceedings. The language of the court depends on the official language of the judicial district. Nevertheless, the right to use Swedish in judicial procedures is prescribed in the Language Act. Every party to the proceedings, whether a physical or legal person, has the right to use his/her own language, whether Finnish or Swedish, in a case which concerns him/her or in which he/she is being heard, independently of the language of the court. In bilingual judicial districts, the language of the parties is used. If the parties use different languages, the language of the majority of the population of the judicial district is used.

83. However, according to the information at its disposal, the Committee concludes that there is a lack of staff with a sufficient command of Swedish among the judicial authorities responsible for civil proceedings in bilingual judicial districts. De facto, this situation obliges the Swedish-speakers to forego their right to request the proceedings to be conducted in Swedish.

84. The Committee considers this undertaking is formally fulfilled but in practice its implementation is not fully satisfactory.

“b.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;” - if necessary by the use of interpreters and translations;”

85. The Committee considers this undertaking fulfilled

in proceedings before courts concerning administrative matters:

“c.i. to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;”

86. The same legal language guarantees apply also to the administrative judicial procedure. Nevertheless, the Committee noticed the same implementation problems. There is a lack of persons with a sufficient command of Swedish among the judicial authorities responsible for administrative matters in unilingual districts. De facto, this situation obliges the Swedish speakers to renounce to forego to request the proceedings to be conducted in Swedish.

87. The Committee considers this undertaking formally fulfilled.

“c. 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;”

88. According to the legislation in force in Finland, a public authority shall arrange for interpretation and translation for a party entitled to use the other national language in a matter which is initiated by that authority. The Committee considers this undertaking fulfilled.

“c. iii. to allow documents and evidence to be produced in the regional or minority languages,” - if necessary by the use of interpreters and translations;”

89. In unilingual districts, official documents are issued in the official language of the district. However, in bilingual districts, official documents are issued in the language of the parties or in the language agreed by them. Nevertheless, a valid translation is required of the original document if the party who has the right to use another language has asked for it.

90. In bilingual districts, documents produced in the Swedish language are allowed on the same basis as those produced in Finnish. In unilingual districts, requests and evidence written in a language different from the official one, are admissible. The Committee considers this undertaking fulfilled.

“d. to take steps to ensure that the application of sub-paragraphs 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.”

91. Translations and interpretations are provided in the Swedish language without extra expense for the applicant when a State agent or another State official is pursuing an action as a part of his/her official duties within a unilingual Finnish-speaking district. In other matters the applicant is required to bear the costs of interpretation or translation. The Committee considers this undertaking fulfilled.

“Paragraph 2

“The Parties undertake:

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

92. In accordance with the Language Act the authorities do not deny the validity of documents drafted in Swedish. The Committee considers this undertaking fulfilled.

“Paragraph 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.”

93. All national statutory texts are translated into Swedish. This undertaking is considered fulfilled.

Article 10 - Administrative authorities and public services

“Paragraph 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;”

94. The use of Swedish by administrative authorities depends on the official language(s) of the district. Administrative authorities are obliged to use Swedish in Swedish-speaking or bilingual municipalities. Before a State authority, a Swedish speaker can always use Swedish in a case that concerns him or her. The problems

that arise are connected with the practical and real language skills of the public officials and other employees, which could be improved. The Committee concludes that this obligation is formally fulfilled, but in practice its implementation is not fully satisfactory.

“b. to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;”

95. Legal documents and forms are in general available for all kinds of administrative questions. The Committee concludes that this undertaking is fulfilled

“c. to allow the administrative authorities to draft documents in a regional or minority language.”

96. The use of Swedish by administrative authorities depends on the official language(s) of the district. Administrative authorities are obliged to use Swedish in Swedish-speaking or bilingual municipalities. The Committee considers this undertaking fulfilled.

“Paragraph 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;”

97. The use of Swedish is guaranteed in Swedish and bilingual local authorities. The Committee considers this undertaking fulfilled.

“b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;”

98. In Swedish-speaking and bilingual municipalities, a citizen may submit an oral or written application in the Swedish language. The Committee considers this undertaking fulfilled.

“c. the publication by regional authorities of their official documents also in the relevant regional or minority languages;”

99. The regional authorities use Swedish as a rule when dealing with Swedish municipalities. The Committee considers this undertaking fulfilled.

“d. the publication by local authorities of their official documents also in the relevant regional or minority languages;”

100. Official notifications (including road and street signs) in unilingual municipalities are given in Swedish or Finnish and in bilingual municipalities in both official languages. The Committee considers this undertaking fulfilled.

“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;”

101. The administrative division in Finland does not include elected regional authorities. Therefore, this undertaking seems redundant.

- “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;”***

102. The use of Swedish, being the second national language, is guaranteed in Swedish and bilingual local authorities. The Committee considers this undertaking fulfilled.

- “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.”***

103. There is no special law governing explicitly the question of place names in Finland, but usually bilingual municipalities use bilingual place names and signs, decided by the municipal council. Unilingual municipalities use names only in one official language, Finnish or Swedish. The same happens with regard to other administrative or autonomous districts. However, sometimes the traditional Swedish names are translated into Finnish, thus losing their historical background. This undertaking is considered fulfilled.

“Paragraph 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;”***

104. Public services in Finland comprise all kinds of services directed to the general public. If the providers of the services are owned by the State, they are under the legal obligation to provide their services also in Swedish. However, the privately owned sector also often provides bilingual services. This undertaking seems to be fulfilled.

“Paragraph 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;”***

105. On the basis of the previous paragraphs, this undertaking is considered fulfilled.

- “b. recruitment and, where necessary, training of the officials and other public service employees required;”***

106. Recruitment and, where necessary, training of the officials and other public service employees in Swedish is undertaken in accordance with the Act on the Language Qualifications of Public Officials. Depending on the position and whether the person is posted in a unilingual or a bilingual district, he or she is required to show either satisfactory oral skills or both oral and written skills in Swedish. Every person with a university degree should meet the requirement because students are obliged to pass the language examination in the other national language before they graduate. However, in practice it seems that the language qualifications of public officials are not monitored adequately. This undertaking seems partly fulfilled.

The Committee encourages the Finnish authorities to solve the problems observed in practical implementation of the undertaking of paragraph 1, in particular by improving the level of competence in Swedish of the officials and public employees.

“Paragraph 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.”

107. The use or adoption of family names in Swedish is in no way prevented or impeded. The Committee considers this undertaking fulfilled.

Article 11 - Media

“Paragraph 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:

to the extent that radio and television carry out a public service mission:

“a. iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;”

108. The freedom to use Swedish is covered by the general clause on the freedom of expression of the Constitution Act and by the relevant provisions of the Act on the Freedom of the Press. In addition, the Act on the Finnish Broadcasting Company provides that the Finnish-speaking and the Swedish-speaking citizens shall be treated equally. The Swedish speakers are represented on the Board of Directors of the Company. Therefore, the Committee considers this undertaking fulfilled.

“b. i. to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages;”

109. There are two nation-wide radio channels and a number of local ones in Swedish. The Committee considers this undertaking fulfilled.

“c. ii. to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;”

110. There are specific TV programmes in Swedish produced by the Swedish branch of the National Broadcasting Company. They are broadcast regularly, while the news in Swedish is broadcast daily. The Committee considers this undertaking fulfilled.

“d. to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;”

111. The national production aid for audiovisual works in Swedish applies the same criteria as for productions in Finnish. According to the information gathered, the Committee considers this undertaking fulfilled.

“e. i. to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;”

112. Several newspapers are published in Swedish. Most of them appear more than once a week. The Committee considers this undertaking fulfilled.

“f. ii. to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;”

113. National aid or subsidies can be granted for the production and distribution of audio and audio-visual works in Swedish on the same basis as for Finnish language productions. Where necessary, measures of positive discrimination may be applied. The Committee considers this undertaking fulfilled.

“Paragraph 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.”

114. Two television channels broadcasting in Sweden can be watched in the western coastal area, while one can be seen in southern Finland. The Committee considers this undertaking fulfilled.

“Paragraph 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.”

115. The representation of the Swedish-speakers is ensured on the basis of the Act on the Finnish Broadcasting Company. They are represented on the Board of Directors of the Company. Therefore, the Committee considers this undertaking of Article 11 fulfilled.

Article 12 - Cultural activities and facilities

“Paragraph 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;”*

116. The government reserves special funds for the promotion of cultural activities and publications of groups representing minority cultures for preserving their own cultures and identities. Financial support can be given for a variety of activities which promote cultural traditions, communication within the group itself, personal artistic and other cultural activities, improving cultural interaction between the minority cultures and the majority population, providing information on minority issues and combating racism and xenophobia. The Committee considers this undertaking fulfilled.

- “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, post-synchronisation 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;”*

117. The Committee has not received any specific information as to these specific undertakings, other than the general policy statement summarized in the previous paragraph. Accordingly, the Committee is in no position to judge whether these undertakings are fulfilled or not.

- “f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;”*

118. According to the information received by the authorities, the minority groups themselves have the right to choose the appropriate means for their activities. This undertaking is considered fulfilled.

- “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;”**

119. As concerns the collection of works published, the Helsinki university library receives a copy of printed documents published in the country, including those in the Swedish language. The Committee received no information with regard to audio or audiovisual and other works. Therefore, the Committee considers this undertaking fulfilled with respect to printed works.

- “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.”**

120. The Research Institute for the Languages of Finland was established with the aim to promote and develop languages used in Finland, including Swedish. The Committee considers this undertaking fulfilled.

“Paragraph 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.”

121. Some of the measures under paragraph 1 cover also activities outside the traditional Swedish-speaking territories. The Committee considers this undertaking fulfilled.

“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.”

122. According to the information available, the Finnish cultural centres abroad also reflect the contribution of the Swedish culture. However, the view of the Swedish-speakers is that the way it is done could be improved. The Committee considers this undertaking fulfilled.

Article 13 - Economic and social life

“Paragraph 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;”**

123. Swedish may be used in contracts of employment. Collective agreements are currently being translated into Swedish. In addition, the Ministry of Labour has translated into Swedish the most important laws, regulations and provisions in labour law. However, sometimes in practice, especially in some larger enterprises, there is no real incentive to use Swedish. Nevertheless, the undertaking is fulfilled.

“c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;”

124. The use of the Swedish language is guaranteed by the Constitution and other legal Acts as a national language. The Committee considers this undertaking fulfilled.

“d. to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.”

125. The Committee received no information on any additional measures undertaken by the Finnish authorities.

“Paragraph 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;”

126. According to the financial and banking regulations, Swedish can be used for drafting financial documents, if so agreed. This undertaking is fulfilled.

“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;”

127. The use of the Swedish language in the public sector is required by the Finnish Constitution Act and by subordinate language legislation. In 1997 the Prime Minister issued a Circular reminding the ministries and other State authorities of the language legislation and asking them to use both national languages in providing their services to the public. The Committee considers this undertaking fulfilled.

“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;”

128. Despite a number of acts that establish the right to obtain health care in the patient's mother tongue, the report made by the Swedish Assembly showed that there were still problems in practice. In order to overcome them, a new legal provision has been accepted that gives a patient a right to choose a health care unit where health service can be provided in his/her language. The Committee considers this undertaking is partially fulfilled but the implementation is not satisfactory.

“d. to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;”

129. According to the available information, the safety instructions are in general published also in Swedish. The Committee considers this undertaking fulfilled.

“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.”

130. Information about consumer protection is provided in Swedish in accordance with the Language Act. The Committee considers this undertaking fulfilled.

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;”

131. Transfrontier exchanges exist between Finland and Sweden at different levels and concerning a great variety of activities. All five Nordic Countries concluded a cultural co-operation treaty in 1971 for the fields of education and culture, in which language is a central element. In addition, there is an agreement between the same countries concerning the Nordic Common Labour Market. The issue of language is important with regard to the free movement of workers. The Committee considers this undertaking fulfilled.

“b. for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.”

132. The transfrontier co-operation between Finland and Sweden is carried on in a satisfactory manner in accordance with the long tradition of co-operation and open borders between the Nordic countries. The Committee considers this undertaking fulfilled.

2.2.2. The Sami language

Article 8 - Education

“Paragraph 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:

Pre-school education

“a. i. to make available pre-school education in the relevant regional or minority languages;”

133. The Children's Day Care Act of 1973 specifically provides that day care may be provided in the Sami language. However, the Government admits that it is not an established practice yet. Pre-school is financed by municipalities or privately. There are only a few pre-schools that use the North Sami language. The problem with the Skolt and Inari Sami is the lack of speakers - most of the Sami people have lost the use of their languages as a result of an aggressive assimilation policy in the past. The “language nests” initiative has improved the situation a little, but the problem of funding remains. This project, originally financed by the European Union, permitted

the elderly to work with pre-school children, teaching them traditional songs and games in the Sami language. This activity is unfortunately no longer financed by the European Union in Finland and its future is uncertain, as the municipalities cannot afford its costs.

134. The Committee recognises that valuable efforts have been undertaken to make pre-school education available in Sami but believes that initiatives such as the language nests should be supported since they seem to address the needs expressed.

The Committee encourages the Finnish authorities to make special efforts to strengthen the learning of languages at pre-school level, for instance through the medium of language nests, which seem to have given good results.

Primary education

“b.i. to make available primary education in the relevant regional or minority languages;”

135. The right to receive primary education is based on the Comprehensive School Act. Primary schools function fairly well with respect to North Sami. All three Sami languages have been taught as the mother tongue. Many of the courses are given in North Sami, covering 20% of the school children. The Committee considers this undertaking fulfilled.

Secondary education

“c.i. to make available secondary education in the relevant regional or minority languages;”

136. There is a possibility to learn Sami as the mother tongue in secondary education. However, only some courses in certain schools are taught in North and Inari Sami. It is also possible to study Sami as an optional language. Matriculation examinations can be taken also in North and Inari Sami. Mother tongue exams have been arranged both in Inari and North Sami. The Committee considers this undertaking partly fulfilled.

The Committee encourages the authorities to extend the offer of the teaching in upper-secondary education also to Skolt Sami.

Technical and vocational education

“d. ii. to make available a substantial part of technical and vocational education in the relevant regional or minority languages;”

137. There is one vocational school, the Training Centre for the Sami Region, where only one subject is taught in the Sami language (handicrafts) to the Sami-speaking students. The Committee considers that this undertaking is not fulfilled.

The Committee encourages the authorities to extend the number of subjects taught in Sami languages in the field of technical or vocational education.

University and higher education

“e. ii. to provide facilities for the study of these languages as university and higher education subjects;”

138. There is a possibility to study the Sami language as well as the Sami culture as a major or minor subject or as a foreign language at a few universities in Finland. The Committee considers this undertaking fulfilled.

Adult and continuing education

“f. ii. to offer such languages as subjects of adult and continuing education;”

139. Language education in Sami is available in the Training Centre for the Sami Region in Lapland. It offers Sami language courses. The Committee considers this undertaking fulfilled.

Teaching of the history and the culture

“g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;”

140. The Sami contribution to Finnish history is not adequately shown. In primary education there is general information on the Sami people, but at higher levels of education teachers do not have the necessary materials or they are obliged to create it themselves. According to the available information, the problem is under review by the relevant national authorities.[M1] The Committee considers this undertaking partially fulfilled.

Basic and further training of teachers

“h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;”

141. There are quotas for students speaking the Sami language in the training of primary school teachers. However, the training of teachers of and in the Sami language is not satisfactory, especially for the higher levels of education. According to the report, the government is working to mitigate the problem. The Committee considers this undertaking partly fulfilled.

The Committee encourages the government to increase its efforts to develop the training of teachers in order to strengthen the position of Sami within the education system.

Monitoring

“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.”

142. There is no specially established supervisory body other than the Sami Parliament and its Office on Education and Instruction Material. According to the Act on the Sami Parliament, it has a general competence to look after the Sami language and culture, especially regarding the decisions on the use of budget allocated to their promotion. The Committee welcomes the efforts of the Sami Parliament in monitoring the measures taken but is of the opinion that access to the

results of their evaluation should be improved. The Committee considers this undertaking partially fulfilled.

“Paragraph 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.”

143. There is very little teaching of any of the Sami languages outside the Sami Homeland, other than at universities. In the opinion of the Committee, the teaching of Sami should be increased, since at least 1/3 of the Sami population lives outside the Sami Homeland. The Committee considers this undertaking partially fulfilled.

Article 9 - Judicial authorities

“Paragraph 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:

In criminal proceedings:

“a. ii. to guarantee the accused the right to use his/her regional or minority language; and/or if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”

144. The Act on the Use of the Sami Language before Authorities gives every Sami-speaker the right to use Sami before a judicial authority whose jurisdiction covers all or part of the Sami Homeland. In criminal proceedings, Sami may be always used when the speaker is heard. In a matter initiated by a public authority, a State civil servant or employee shall, upon request by the Sami party, use the Sami language in the Sami Homeland if the former is required to know this language. However, since judges or officials do not speak Sami, the Act is usually implemented by using interpretations and translations, without, however, incurring any extra expense for the Sami-speaker.

145. The Committee notes that in practice, Sami speakers only very seldom use their languages before the judicial authorities. This is due essentially, to the lack of language skills of these authorities and to the fact that Sami-speakers are bilingual and requests for documents in Sami languages may make the proceedings much longer.

146. The Committee considers this undertaking only formally fulfilled, since there exist difficulties in its implementation.

“a.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 if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”

147. Requests and evidence are admissible in Sami. The Committee considers this undertaking fulfilled.

“a. iv. to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,”

148. Official documents or translations thereof are issued in the Sami language upon request from a Sami-speaker. The Committee considers this undertaking fulfilled.

In civil proceedings:

“b. 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 if necessary by the use of interpreters and translations;”

149. The same rules of the Act on the Use of the Sami Language before Authorities apply to civil proceedings. The Committee considers, as for criminal proceedings, that this undertaking is only formally fulfilled since there exist serious problems in its implementation.

“b.iii. to allow documents and evidence to be produced in the regional or minority languages, and/or or if necessary by the use of interpreters and translations.”

150. Documents and evidence are admissible in Sami. The Committee considers this undertaking fulfilled.

In proceedings before courts concerning administrative matters:

“c.ii. o 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 or if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”

151. The same rules of the Act on the Use of the Sami Language before Authorities apply to proceedings before courts concerning administrative matters, since the Sami Homeland is covered by the jurisdiction of the administrative court, too. Nevertheless, the same problems in implementation also arise. The Committee considers this undertaking partly fulfilled.

“c.iii. o allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;”

152. Documents and evidence are admissible in Sami. The Committee considers this undertaking fulfilled.

“d. to take steps to ensure that the application of sub-paragraphs 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.”

153. Since judges or officials do not speak Sami, the Act on the Use of the Sami Language before Authorities is usually implemented by using interpretations and translations, without, however, entailing any extra expense for the Sami speaker. The Committee considers this undertaking fulfilled.

“Paragraph 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;”***

154. In accordance with the Act on the Use of the Sami Language the authorities do not deny the validity of documents drafted in Sami. However, if Sami is used before an authority outside the scope of the Act, the authority shall obtain a valid translation at the expense of the submitting party. The Committee considers this undertaking fulfilled.

“Paragraph 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.”

155. The main national statutory texts are available in Sami. Most national statutory texts of especial interest or related to the Sami people (on reindeer, forestry, fishing, etc.), are translated into North Sami and published. Although there are very few translations in Inari and Skolt Sami, this undertaking seems to be fulfilled.

Article 10 - Administrative authorities and public services

“Paragraph 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;”***

156. The Act on the Use of the Sami Language before Authorities applies to State administrative authorities which handle appeals brought in matters that have been initiated before the authorities covered by the same Act as well as other State authorities in the administrative districts which cover all or part of the Sami Homeland. The Committee considers this undertaking fulfilled.

- “b. to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;”***

157. Widely used administrative texts and forms are made available in North Sami or in bilingual versions. However, because of the poor command of the written Sami language, most people fill them in Finnish. The Committee considers this undertaking fulfilled for North Sami.

- “c. to allow the administrative authorities to draft documents in a regional or minority language.”***

158. The Act on the Use of the Sami Language allows the authorities in the Sami Homeland to draft documents in Sami. Public notifications, announcements and proclamations or other documents are written in Sami. The Committee considers this undertaking fulfilled.

“Paragraph 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;”

159. The Act on the Use of the Sami Language before Authorities applies also to regional and local authorities in the administrative districts that cover all or part of the Sami Homeland as well as to the municipal authorities in the four municipalities of the Sami Homeland. It also applies to the Lapland Union, a consortium of municipalities. A member of a municipal or joint municipal council, executive council or other corresponding body has the right to use the Sami language. The Committee considers this undertaking fulfilled.

“b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;”

160. The users of Sami may submit their applications in Sami in the Sami Homeland. The Committee considers this undertaking fulfilled.

“c. the publication by regional authorities of their official documents also in the relevant regional or minority languages;”

161. According to the Act on the use of the Sami Language before the authorities, the County of Lapland is obliged to use Sami when addressing Sami matters. The Committee considers this undertaking fulfilled.

“d. the publication by local authorities of their official documents also in the relevant regional or minority languages;”

162. The official documents are published in Sami by some local authorities. The Committee concludes that this undertaking seems to be fulfilled.

“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;”

163. According to the Finnish administrative division, there are no regional elected bodies or assemblies. Therefore, this undertaking does not apply.

“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;”

164. Sami can be used in debates in local assemblies. However, this is rarely done in practice, since interpretation is not always available and the speakers would allegedly be stigmatised. Although the use of Sami in local assemblies is, according to the information received, within the competence of the local authorities, the Committee considers that the Finnish national authorities are still obliged to encourage the use of Sami in the concerned assemblies. The Committee has not received information on the existence of any measures of encouragement in that respect and must therefore conclude that this undertaking seems not to be fulfilled.

“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.”

165. The place names in the Sami Homeland are available in North Sami and, sometimes, in Skolt and Inari Sami. The Committee considers this undertaking fulfilled.

“Paragraph 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”

166. In providing the public services the administrative authorities have a legal obligation to use the Sami language. However, the report states that this is not always done in a satisfactory manner, since the personnel does not speak Sami. The Committee considers this undertaking formally fulfilled but is aware of the need for measures enabling this right to be operational.

“Paragraph 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;“

167. According to the State report, the language rights of the Sami speakers are mainly implemented by means of interpretation and translation. In practice, however, interpretation is not always available in meetings of municipal authorities and bodies. The Committee considers this undertaking partially fulfilled but observes a need to make its implementation operational.

“b. recruitment and, where necessary, training of the officials and other public service employees required;”

168. The number of people who would be qualified to work in the public service and who would have sufficient command of Sami is very low. Therefore, in practice, there is generally no language requirement in the recruitment of the civil servants. However, under law, a civil servant may obtain paid leave to study Sami and get a raise in his/her salary if he/she proves a command of Sami. This right seems to be restricted to the State officials.

169. The Committee acknowledges the efforts made in the field of training, but they will prove their effectiveness only in the medium term. Further initiatives should be taken to secure the necessary language skills of public servants. These initiatives could be a part of those taken to diminish the unemployment rate among Sami.

170. The Committee considers that this undertaking seems to be fulfilled as regards state officials, but not in respect of other public officials.

“Paragraph 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.”

171. The use or adoption of family names in Sami is in no way prevented or impeded. The Committee considers this undertaking fulfilled.

Article 11 - Media

“Paragraph 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:

to the extent that radio and television carry out a public service mission:

“a.iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;”

172. The freedom to use Sami is covered by the general clause of the Constitution Act on freedom of expression and by the relevant provisions of the Act on the Freedom of the Press. In addition, the Act on the Finnish Broadcasting Company obliges the company to produce services in the Sami language as a part of its minority language service. The Committee concludes that this undertaking is fulfilled.

“b.i. to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages;”

173. In Northern Finland, there is a Sami language radio station. Almost 90% of its programmes are in North Sami, but some programs are in Skolt and Inari Sami. Sami Radio broadcasts 8 hours a day five days a week. However, it is faced with a lack of human resources. The radio will soon be able to have digital technology. Today internet services exist in the three Sami languages, in Finnish and in English. They supplement radio services outside of the coverage area of Sami Radio. The Committee concludes that this undertaking is fulfilled

“c.ii. to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;”

174. There is no TV programme in Sami on a regular basis. However, there are occasionally some programmes in Sami on national TV. There is a Sami language teletext service which provides daily news and service pages. However, the users complain of the very high fees for decoders. The Committee concludes that this undertaking is not fulfilled as, according to the information received, programmes in Sami are not broadcast on a regular basis.

<p><i>The Committee suggests to the authorities to take the necessary measures to encourage or facilitate the broadcasting of programmes in Sami on a regular basis.</i></p>

“d. to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;”

175. According to the information gathered, the government finances the audio-visual productions in the form of production aid. The Committee concludes that this undertaking is fulfilled.

“e.i. to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;”

176. There are no newspapers in Sami printed in Finland. Subscription to Norwegian newspapers in North Sami is possible. The Committee concludes that this undertaking is not fulfilled.

The Committee suggests to the authorities to take the necessary measures to encourage or facilitate the creation of at least one newspaper in Sami.

f. ii. to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;”

177. The grants for production and distribution of audio and audio-visual works in Sami apply the same criteria as for Finnish language productions. The government claims that, if necessary, the strategy of positive discrimination is applied. The Committee concludes that this undertaking is fulfilled.

“Paragraph 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.”

178. Norwegian and Swedish radio stations collaborate with the Sami Radio, though no specific legislation exists on transfrontier transmissions. However, TV programmes from Norway or Sweden cannot be received and are very rarely transmitted. The Committee considers that Finland has fulfilled this undertaking but would encourage the government to look into the possibilities of retransmitting the programmes of neighbouring countries in order to improve reception of programmes in Sami.

The Committee considers that, in view of the significant costs of production of programmes in the Sami languages, every effort should be made to enable programmes in Sami from Norway and Sweden to be received in Finland. The Committee suggests that the Finnish authorities provide the necessary means to support the Nordic Sami TV Channel.

“Paragraph 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.”

179. The Board of Directors of the Finnish Broadcasting Company is a parliamentary body supervising the programme objectives and projects and their support. There is, at present, no Sami-speaking member of this body. However, the director of Sami Radio is a native Sami speaker. The Committee has received no information as to how the interests of the Sami are taken into account. Therefore, the Committee is not in a position to judge whether this undertaking is fulfilled or not.

Article 12 - Cultural activities and facilities

“Paragraph 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;”***

180. The Constitution Act of Finland guarantees the right of the Sami people “to maintain and develop their own languages and cultures”. Funding of the activities is secured from the fund for the promotion of cultural activities and publications of groups representing minority cultures for preserving their own cultures and identities. In addition, a separate appropriation is granted annually in the national budget, for the promotion of the Sami culture and the activities of Sami organisations. In 1998, it amounted to FIM 1.000.000. Also, the 1998 Library Act states that “the needs of both the Sami and Finnish-speaking population have to be met on an equal basis in the municipalities of the Sami Homeland”. The Committee considers this undertaking fulfilled.

The Committee recognises the efforts made by the authorities to allocate a special fund for the Sami culture (as a part of the budget of the Sami Parliament). However, the existing fund should not exclude the possibility for Sami-speakers to apply for other funding as well.

- “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, post-synchronisation and subtitling activities;”***

181. The subsidised activities include translations of written works, publications of books, films and music presentations and other cultural events. The Committee considers this undertaking fulfilled.

- “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;”***

182. On the basis of information obtained, the Committee concludes that access is made available also to works in other languages. The Committee considers this undertaking fulfilled.

“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;”

183. On the basis of information obtained the Committee considers this undertaking fulfilled.

“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;”

184. The Committee received no specific information on this undertaking other than the general policy statement summarized under sub-paragraph a.

“f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;”

185. The body responsible for proposing the allocations of the budget is the Sami Parliament. The Committee considers this undertaking fulfilled.

“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;”

186. The Helsinki University library and the Provincial Library of Lapland in Rovaniemi specialise in collecting printed works published in Sami. The Committee received no information with regard to audio or audiovisual and other works. Therefore, the Committee considers this undertaking fulfilled as regards written materials. The Committee cannot judge whether this undertaking is fulfilled in respect of other works.

“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.”

187. The Research Institute for the Languages in Finland was established with the aim of promoting and developing languages used in Finland including the Sami languages. The Committee considers this undertaking fulfilled.

“Paragraph 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”.

188. The Sami Parliament is autonomous in deciding about the cultural activities outside the Sami Homeland. Their cultural activities cover the entire Finnish territory. The Committee considers this undertaking fulfilled.

“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.”

189. The Finnish cultural centres abroad also comprise Sami art and culture. The Sami Parliament provides the necessary assistance. The Committee considers this undertaking fulfilled.

Article 13 - Economic and social life

“Paragraph 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;”

190. There are no provisions in Finnish legislation prohibiting the use of Sami in economic and social activities. The Committee considers this undertaking fulfilled.

“c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;”

191. The use of Sami in practice is threatened by the predominance of Finnish even in typical Sami affairs, such as reindeerling. As there are more non-Sami speakers working in these affairs, contracts, laws and other documents are issued or used only in Finnish. The very rich traditional Sami terminology is therefore disappearing due to its absence from economic life. The Committee estimates that positive action is necessary to reverse this tendency.

192. Owing to the lack of information, the Committee is not in a position to judge whether this undertaking is fulfilled or not.

“d. to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.”

193. The Committee has received no information that any such special measure is being undertaken.

“Paragraph 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;”

194. According to the information provided by the government, the Finnish authorities are promoting the use of Sami through the school and language legislation. Nevertheless, the Committee has not received any concrete information on the kind of activities organised within the public sector.

- “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;”**

195. According to the information available it is not always possible to obtain social and health services in Sami, since there is a lack of staff speaking the language. The existing salary bonus for persons with the necessary language skills does not seem to result in an increase of such skills. The Committee considers that positive action is necessary to improve this situation.

The Committee encourages the Finnish authorities to ensure that the number of staff speaking Sami makes the access to health care and social services possible in this language.

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;”**

196. There are many transfrontier exchanges between the Sami people of the Nordic countries through various bodies, such as the Sami Council, the Parliamentary Sami Council, the Arctic Council or the Nordic Sami Institute, in the field of education, labour relations, culture or economy. Therefore, the Committee concludes that this undertaking is fulfilled.

- “b. for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.”**

197. Finland has treaties with Nordic countries and with the Russian Federation. The purpose of the latter is to support the preservation of the indigenous nature of the Finnish and Finno-Ugric peoples in Russia. The Sami language and culture in the Kola Peninsula in Russia fall under the scope of this agreement. The Committee concludes that this undertaking is fulfilled.

Chapter 3. Findings and proposals for recommendations

The Committee hereby presents its general findings on the application of the undertakings of the Charter in Finland.

A. The protection of regional or minority languages in Finland is an important long-term policy of the Finnish authorities. Finland has two national languages, Finnish and Swedish, the latter being the less widely used official language. Finland has therefore elaborated a consistent legal framework and important policy measures to promote the use of Swedish. Finland has also provided for the protection and promotion of the Sami language and culture through both legal acts and policy measures.

B. The authorities have furthermore underlined the importance of protecting other traditionally used languages on the Finnish territory. While the existing legal framework has mainly been constructed for the Swedish and Sami languages, the needs of the other languages (mainly Russian and Romany) have been addressed through constitutional and legal provisions and through various state regulations covering mainly the fields of education, justice, administration, media, cultural and social life. Policy measures have also resulted in the improvement of the status of the languages in other fields, such as transfrontier exchanges and economic life. This approach to the existing regional or minority languages in Finland is confirmed by the different level of protection granted to these languages within the Charter.

C. Within their instrument of acceptance, the Finnish authorities identified Swedish and the "Sami language" as the languages to be protected under Part III of the Charter. According to the information gathered by the Committee, there are three variants of the Sami language: Inari, Skolt and North Sami. Most of the measures taken so far by the authorities concern only North Sami, which is the most widely used variant. Owing to the assimilation policy of the past, a rapid decline of social and economic status and the widespread stigmatisation of Sami speakers, the number of Sami-speaking population in general and the size of the Inari and Skolt Sami-speakers in particular, has considerably decreased. As a result of these factors, Skolt and Inari Sami are in danger of extinction and need an immediate positive action.

D. According to the information gathered by the Committee, the languages concerned by Part II of the Charter are the Russian, Romany and Tatar languages as well as Yiddish. The Committee noted that whereas the needs of Romany language have been addressed through different measures by the authorities, this has only been partly the case for Russian, and not at all yet for Yiddish and the Tatar language (apart from the university level). According to the authorities, the reason for the lack of support for these last two languages, is that their speakers have not so far requested any support. The Committee considers that the State has an obligation to continue informing speakers of all regional or minority languages of the possibilities and the existing measures aimed at protecting these languages and to give them the possibility of being consulted. Structures such as the Swedish Assembly, the Sami Parliament and the Advisory Board on Roma Affairs are involved in the decision-making process concerning their respective languages. Representatives of the Russian, Tatar and Yiddish languages can advocate their rights within the framework of FIBLUL, which understands the Committee, is consulted by the Finnish authorities in the matters related to minority languages policies.

E. According to the information gathered, the Committee observed that Romany community at large is reluctant to accept a broader implementation of some of the undertakings accepted by Finland in respect of this language. The main fields of interest so far have been education and the media. The Committee acknowledges the important efforts made by the Finnish authorities to support the Romany language, while respecting the wishes of its speakers. Nevertheless, the Committee observes that there is still a need for teaching materials and trained teachers.

F. Even if the status of the Swedish and Sami languages is on a different level, the Committee has observed that there are obstacles to the implementation of the Charter with regard to both languages. In spite of the satisfactory legal framework, it must be stated that there is, sometimes, a serious lack of adequate means of implementing the existing legislation and therefore many of the concrete objectives of the official policy are difficult to attain.

G. In the field of education, the Committee notes that the lack of trained teachers and of teaching materials are serious impediments attaining the relevant objectives for Sami. This applies to all school levels, but particularly to pre-school and secondary education. Owing to the loss of the language by a whole generation, the teaching of Sami to adults and in particular to parents plays a significant role in the process of preserving and revitalising the language. The Committee noted that much also needs to be done in relation to the Part II languages.

H. In judicial matters, there are serious practical problems due to a lack of language skills on the part of the relevant authorities. One of the reasons identified is the low level of language skills required for judges and employees in Swedish. There are no language requirements for judges and other staff (clerks, police, prosecutors, etc) posted in the Sami Homeland or with jurisdiction over the Sami Homeland. The result is that Sami-speakers can only rarely use Sami before the courts. As Sami and Swedish-speakers are bilingual, the above-mentioned obstacles oblige them to forgo the possibility of using those languages. The use of language in relations with the administrative authorities faces similar problems to those concerning the judiciary.

I. The situation with the media and culture in Swedish is very satisfactory, while there is still room for improvement with regard to Sami. The lack of regular newspapers and television programmes has a particularly negative impact in the case of languages which, like Sami, very much need the contribution of media to revitalise them.

J. The Committee took note that the Finnish authorities are aware of some of the above-mentioned difficulties in implementation and are already taking some concrete steps to remove the obstacles identified. The Language Act and the Sami Language Act are under revision and working groups have been established to suggest amendments likely to improve, inter alia, the situation of languages within the judicial and administrative fields.

The Finnish government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Finland. At the same time it emphasised the need for the Finnish authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 765th meeting on 19 September 2001, the Committee of Ministers adopted its Recommendation addressed to Finland, which is set out in Part B of this document.

APPENDIX I

INSTRUMENT OF ACCEPTANCE



Finland :

**Declarations contained in the instrument of acceptance, deposited on
9 November 1994 - Or. Engl.**

Finland declares, according to Article 2, paragraph 2, and Article 3, paragraph 1, that it applies to the Saami language which is a regional or minority language in Finland, the following provisions of Part III of the Charter:

In Article 8 :

Paragraph 1, sub-paragraphs a (i), b (i), c (i), d (ii), e (ii), f (ii), g, h, i
Paragraph 2

In Article 9 :

Paragraph 1, sub-paragraphs a (ii), a (iii), a (iv), b (ii), b (iii), c (ii), c (iii), d
Paragraph 2, sub-paragraph a
Paragraph 3

In Article 10 :

Paragraph 1, sub-paragraphs a (iii), b, c
Paragraph 2, sub-paragraphs a, b, c, d, e, f, g
Paragraph 3, sub-paragraph b
Paragraph 4, sub-paragraphs a, b
Paragraph 5

In Article 11 :

Paragraph 1, sub-paragraphs a (iii), b (i), c (ii), d, e (i), f (ii)
Paragraph 2
Paragraph 3

In Article 12 :

Paragraph 1, sub-paragraphs a, b, c, d, e, f, g, h
Paragraph 2
Paragraph 3

In Article 13 :

Paragraph 1, sub-paragraphs a, c, d
Paragraph 2, sub-paragraphs b, c

In Article 14 :

Paragraph a
Paragraph b.

Period covered: 01/03/98 -

The preceding statement concerns Article(s): 10, 11, 13, 14, 2, 3, 8, 9

**Declaration contained in the instrument of acceptance, deposited on 9 November 1994
- Or. Engl.**

Finland declares, according to Article 2, paragraph 2, and Article 3, paragraph 1, that it applies to the Swedish language which is the less widely used official language in Finland, the following provisions of Part III of the Charter:

In Article 8 :

Paragraph 1, sub-paragraphs a (i), b (i), c (i), d (i), e (i), f (i), g, h, i
Paragraph 2

In Article 9 :

Paragraph 1, sub-paragraphs a (i), a (ii), a (iii), a (iv), b (i), b (ii), b (iii), c (i), c (ii), c (iii), d
Paragraph 2, sub-paragraph a
Paragraph 3

In Article 10 :

Paragraph 1, sub-paragraphs a (i), b, c
Paragraph 2, sub-paragraphs a, b, c, d, e, f, g
Paragraph 3, sub-paragraph a
Paragraph 4, sub-paragraphs a, b
Paragraph 5

In Article 11 :

Paragraph 1, sub-paragraphs a (iii), b (i), c (ii), d, e (i), f (ii)
Paragraph 2
Paragraph 3

In Article 12 :

Paragraph 1, sub-paragraphs a, b, c, d, e, f, g, h
Paragraph 2
Paragraph 3

In Article 13 :

Paragraph 1, sub-paragraphs a, c, d
Paragraph 2, sub-paragraphs a, b, c, d, e

In Article 14 :

Paragraph a
Paragraph b.

Period covered: 01/03/98 -

The preceding statement concerns Article(s): 10, 11, 12, 13, 14, 2, 3, 8, 9

**Declaration contained in the instrument of acceptance, deposited on 9 November 1994
- Or. Engl.**

Finland declares, referring to Article 7, paragraph 5, that it undertakes to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 of the said Article to the Romanes language and to the other non-territorial languages in Finland.

Period covered: 01/03/98 -

The preceding statement concerns Article(s): 7

APPENDIX II

COMMENTS BY THE GOVERNMENT OF THE REPUBLIC OF FINLAND CONCERNING THE REPORT OF THE COMMITTEE OF EXPERTS

The Committee of Experts has evaluated the measures taken by the Government of Finland for the implementation of the requirements set out in the European Charter for Regional or Minority Languages. In the light of this, the Committee of Experts has made proposals to the Committee of Ministers for the preparation of the recommendations that the latter might wish to address to Finland. The Report of the Committee of Experts is based on the situation as it was when the Charter entered into force in Finland (in March 1998) and when the Government of Finland submitted its initial periodic report on the application of the European Charter for Regional or Minority Languages (in March 1999), and on later information given to the Committee of Experts e.g. on the occasion of the visit made by the Committee to Finland on 19 to 21 December 1999.

The periodic reports of Finland on human rights conventions are based on the principle of openness. The reports should not only give account of improvements made but also openly admit the problems that may exist. In the light of this, the Government of Finland finds it important to maintain an open and constructive dialogue with the bodies responsible for monitoring the implementation of the Charter, i.e. the Committee of Experts and the Committee of Ministers.

The Report of the Committee of Experts has been subject to careful consideration by various authorities. These comments by the Government of Finland have been prepared in the Legal Department of the Finnish Ministry for Foreign Affairs, and are based on written opinions submitted by the following authorities: Ministry of Justice, Ministry of Social Affairs and Health, Ministry of the Interior, Ministry of Education, Ministry of Labour, Ministry of Transport and Communications and Provincial Government of Åland.

It may be concluded from the said opinions that the Committee of Experts has succeeded in the identification of the legal and de facto status of the minority languages falling within the scope of application of the Charter in respect of Finland. The Committee of Experts has in fact paid attention to and suggested improvements in respect of such questions and problems for which solutions have constantly been sought in Finland in order to fully implement the rights of national minorities in the continuously developing society. The Government notes with satisfaction that the Committee emphasises the positive measures taken by Finland to improve the status of those languages.

With respect to the Report of the Committee of Experts, it may be observed in general that the legislative framework given in the initial report was based on the earlier Constitution Act of 1919, as the new Constitution (731/1999) did not enter into force until on 1 March 2000. However, the provisions on fundamental rights were already reformed in 1995 and were included as such in the new Constitution.

Both the Sami language and the Roma language, as well as the sign language, enjoy a special status based on law. The other minority languages referred to in the Report of the Committee of Experts, i.e. Russian, Tatar and Yiddish, are not particularly protected by the law. With respect to the educational system in Finland, the same

applies to such languages as Vietnamese and Somali which are spoken by significant numbers of refugees, and Estonian which is spoken by a large number of immigrants. All persons speaking one of the languages falling within this category are, under certain circumstances, taught their native language and supported in respect of teaching materials, training of teachers and interpretation, in cooperation between the home and the school.

It may indeed be observed that the education offered to minorities in Finland is at a high European level and public funds have been allocated for that purpose to a significant extent, with due consideration to the freedom of choice. In its Report, the Committee of Experts does perhaps not in all respects pay enough attention to the needs and special wishes that the minorities themselves have. As regards Tatar and Yiddish, the Committee of Experts has taken into account the fact that these minorities have not themselves expressed any specific wishes concerning education. The Committee has also paid attention for example to the difficulties in increasing the availability of teaching materials in the Roma language due to cultural restrictions.

However, the Committee does not adopt any position on the danger of social exclusion and unemployment that children speaking Inari and Skolt Sami might later have, when finding that these children must be ensured education in their own language throughout the educational system, including vocational education. The Government observes that many Sami parents seem to rather place their children in Finnish groups even in those municipalities where education is offered in the different Sami languages. The parents apparently want that the children learn Finnish already at an early stage, in order to ensure their later possibilities of employment. It would also seem that many Russian parents feel the same way.

Apart from Finnish, Swedish is an official language of Finland, the status of which is based on law. The English text of the Report gives reason to suspect that the Committee of Experts has not fully taken account of the fact that the Finnish educational system operates in two languages, Finnish and Swedish. In the Swedish-speaking school sector, including the training of teachers, all education is given in Swedish. A great part of public officials working in the Swedish Department of the National Board of Education are Swedish-speaking. The Committee of Experts has not given many suggestions for the improvement of the status of the Swedish language.

The Government wishes to correct a possible misunderstanding in paragraph 191 of the Report, where it is stated that the “contracts, laws or other documents” relating to typical Sami affairs “are issued or used only in Finnish”. By virtue of the Act on the Use of the Sami Language before Authorities (516/1991), the most important Acts and Decrees relating to the Sami have regularly been translated either into North Sami or Skolt Sami, depending on the target group of the statute.

In paragraph 34 the Committee mentions that it “has been informed that work is in progress to establish an advisory board for regional or minority languages, which could be especially welcomed by Russian-speakers”. However, the Government is not aware of such work. This might be a misunderstanding based on the fact there have also been representatives of the Russian-speaking minority participating in the work of the Finnish section (FIBLUL) of the European Bureau for Lesser Used Languages (EBLUL). It may further be observed in this respect that, apart from the Tatar and Jewish minorities and certain other minorities, also the Russian-speaking minority is represented in the Advisory Board for Ethnic Relations (ETNO) which is a representative consultative body subordinate to the Ministry of Labour, working with issues pertaining to refugees, immigrants, racism and ethnic relations. The Advisory

Board further aims at enhancing interaction between the relevant authorities and non-governmental organisations and immigrants and ethnic minorities.

The Committee of Experts criticises the Government of Finland for not having complied with its obligation under Article 15, paragraph 2 of the Charter to publish its initial report. The initial report of the Government of Finland on the application of the European Charter for Regional or Minority Languages has been published in English on the Internet home pages of the Ministry for Foreign Affairs (at <http://virtual.finland.fi>). There is also a paper copy available in Finnish, Swedish and English. A copy of the Finnish text was sent out to the relevant authorities and non-governmental organisations after it was published. Upon request, the Ministry for Foreign Affairs has also delivered any language version of the report in the form of a paper copy or electronic file to other authorities, non-governmental organisations or individual persons. The Ministry has often enclosed the text of the Charter which has been translated into Finnish, Swedish and Sami. As regards the following periodic reports, more attention will be paid to their publication and general and increased availability.

The European Charter for Regional or Minority Languages is a dynamic instrument. Its spirit, which is reflected in both the Explanatory report and in the aims and principles set out in Article 7, requires continuing measures in order to improve the status of the languages falling within its scope of application.

Under Article 3, paragraph 2, any Party may, at any subsequent time, raise the level of protection of any of the languages falling within the scope of application of the Charter in respect of that Party. When the amendments to legislation proposed by the Language Act Committee and the Sami Language Board have been made, Finland might be able to consider to submit a notification to that effect to the Secretary General.

In 2000 the Legal Department of the Ministry for Foreign Affairs has started with intensified monitoring of the implementation of recommendations given by treaty bodies. As a first step, the Department discusses the matter with the competent authorities for the purpose of assessing what kind of measures will be necessary for the implementation of the recommendations. This intensified monitoring will also encompass any recommendations given by the Committee of Ministers of the Council of Europe, with respect to the implementation of the European Charter for Regional or Minority Languages.



European Charter for Regional or Minority Languages

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Finland

(adopted on 19 September 2001 at the 765th meeting
of the Ministers' Deputies)

COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

Recommendation RecChL(2001)3
on the application of the European Charter for Regional or
Minority Languages by Finland

(Adopted by the Committee of Ministers
on 19 September 2001
at the 765th meeting of the Ministers' 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 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 of the Charter by the Republic of Finland;

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

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

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

1. take immediate measures to strengthen the position of the Sami language in the field of education. Special efforts should be devoted to pre-school and primary education and to making available the necessary teacher training and teaching materials for Skolt and Inari Sami which seem to be in danger of extinction;
2. increase the presence of Sami within the media, in particular by encouraging, through concrete measures, the creation of newspapers and the broadcasting of regular television programmes;
3.
 - a. provide favourable conditions to encourage the use of Swedish, the less widely used official language, before the judicial and administrative authorities, in particular by taking measures aimed at improving the Swedish language skills of legal officials and administrative personnel;
 - b. provide favourable conditions to encourage the use of Sami before judicial and administrative authorities in the Sami Homeland, in particular by taking

measures aimed at improving the Sami language skills of legal officials and administrative personnel;

4. ensure the provision of services in Swedish and Sami in the health care and social welfare sectors to those who so wish;

5. make its periodical reports on the application of the Charter public, thus ensuring that organisations and persons concerned are informed of the rights and duties established under the Charter and its implementation.

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[M1]The Committee proposed to move this comment to Article 7.3. I still believe that this sentence has its place here, as the explanatory report says: "The history and regional or minority culture constitutes a component of Europe's heritage. It is accordingly desirable that non-speakers of the languages concerned should have access to it too"