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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN FINLAND

2nd monitoring cycle

- 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 examine the real situation of the regional or minority languages in the State, to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers has adopted, in accordance with Article 15.1, an outline for the periodical reports that a Party is required to submit to the Secretary General. The report should be made public by the government concerned. 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 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, with a view to obtaining a just and fair overview of the real language situation. After a preliminary examination of a periodical report, the Committee submits, if necessary, a number of questions to the Party concerned on matters it considers unclear or 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.

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 the Party concerned.

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A. 2nd Report of the Committee of Experts on the application of the Charter in Finland

adopted by the Committee of Experts on 24 March 2004
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1 - Background information

1.1 The ratification of the Charter by Finland and the initial monitoring round

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. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers.¹ The Finnish authorities presented their second periodical report to the Secretary General of the Council of Europe on 14 January 2003.

3. In its initial evaluation report on Finland (ECRML (2001) 3), the Committee of Experts of the Charter (hereinafter referred to as "the Committee of Experts") outlined particular areas where the legal framework, policy and practice could be improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations (RecChL (2001) 3), which were addressed to the Finnish authorities.

1.2. The work of the Committee of Experts

4. This second evaluation report is based on the information the Committee of Experts obtained through the second periodical report of Finland and through interviews held with representatives of the regional or minority languages in Finland and the Finnish authorities during the Committee of Experts' "on-the-spot" visit which took place on 26-28 May 2003. The Committee of Experts received a number of comments from bodies and associations legally established in Finland, submitted pursuant to Article 16, paragraph 2 of the Charter.

5. This report focuses on the issues raised and on the related observations made by the Committee of Experts in its first evaluation report as well as on the measures taken by the Finnish authorities to respond to the findings of the Committee of Experts and to the recommendations addressed to the Finnish Government by the Committee of Ministers. The present report also highlights new issues which the Committee considers of particular importance in the context of this second monitoring cycle.

6. The Committee of Experts has in the present report presented detailed observations which the Finnish authorities are urged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a second set of recommendations of the Committee of Ministers to Finland, as provided in Article 16, paragraph 4 of the Charter (see Chapter 4.3 of this report).

7. The general approach of the Committee of Experts in its evaluation reports is to base the report on the political and legal situation at the time when the Committee of Experts carries out its "on-the-spot" visit. The Committee of Experts carried out its second "on-the-spot" visit to Finland on 26-28 May 2003. However, as both the Finnish authorities, in their second periodical report, and the representatives of the languages concerned, during the "on-the-spot" visit, strongly emphasized that new language legislation was under process and soon to be adopted by the Parliament, the Committee of Experts considers it to be of relevance to reflect this recent

¹ MIN-LANG (2002) 1, Outline for three-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

language legislation, even if this legislation entered into force only in January 2004, but without evaluating the legislation itself or its implementation. These changes will be evaluated in the next monitoring round.

1.3. General/specific issues arising in the evaluation of the report

8. On 1 January 2004, the Language Act 423/2003 (hereafter referred to as the Language Act) entered into force. Its objective is to ensure the protection of the rights of the Finnish-speaking and Swedish-speaking populations to use their own languages as required by the Constitution.

9. On 1 January 2004 the Sami Language Act (1086/2003) entered into force. The objective of this act is to ensure the right of the Sami to maintain and develop their own language and culture (Inari Sami, Skolt Sami or North Sami), and use their language before courts of law and other public authorities.

10. The Finnish authorities have in the second periodical report (pp. 27-32) given a detailed historical account of both these acts, although it should be underlined that the Bills described in the report had not yet been adopted by the Parliament at the time of presentation of the periodical report. The authorities have therefore not yet been able to report on the eventual effects of the Acts.

11. This report was adopted by the Committee of Experts on 24 March 2004.

Chapter 2 - Presentation of the regional or minority language situation in Finland: an up-date

2.1. Territorial languages in Finland

12. The territorial languages covered by the Charter in Finland are the less widely used national language (Swedish) and Sami, including North, Skolt and Inari Sami. The Swedish language used by 5.6% (290.771)² of Finnish citizens is localised to the southern, south-western and western coasts of Finland. The Sami language is used in the Sami Homeland, but also to some extent in other parts of Finland. The North Sami variant is spoken by 1,700 persons, Skolt Sami by 400 and Inari Sami by 300. These facts have not changed significantly since the Committee's previous evaluation. More detailed information may be obtained from the second periodical report of Finland and from the previous evaluation report of the Committee of Experts.³

2.2. Non-territorial languages in Finland

13. The non-territorial languages in Finland are the Kaló language of the Roma people (hereafter referred to as Romani), and the Russian, Tatar and Yiddish languages.

14. There is an estimated number of 10,000 Roma, but there are no reliable recent figures of the number of speakers of Romani in Finland. Most of the persons speaking the Roma language are elderly. Middle-aged and young Roma mostly use Finnish in their every-day communication but they understand spoken Roma.

15. There are 31,000 speakers of Russian in Finland.⁴ This figure includes the so-called "old Russians", "new Russians" who are migrants, as well as the Ingrian returnees. The situation of the first two groups was described in the Committee's previous report (para. 14). The Ingrian population of Finnish origin has been returning to Finland since the early 1990's and as most of them are Russian-speaking, they have been integrated into the Russian-speaking language group in Finland.

16. The Finnish authorities provided new and more comprehensive information on the situation of speakers of Yiddish in their second periodical report. At the time when Jews migrated to Finland in the early 19th century, Yiddish was their official language, which is no longer the case. The Yiddish language is at present only used in private communication and a rough estimate indicates that the speakers amount to no more than 50, and are mostly elderly people.

17. The situation of the Tatar language has not changed since the Committee of Experts' previous evaluation and the number of speakers has remained stable, at around 800. The speakers of the language do not request any sponsor or support from outside the community itself and would like to maintain their financial independence which has helped them to preserve their mother tongue into the fifth generation. Due to the favourable situation of the Tatar language, and their express wish to be left outside any government support, the Committee of Experts has not seen a necessity to focus on this language in this report, but does reserve its right to do so in future reports.

2.3. General legal framework

18. Since the previous evaluation report of the Committee of Experts (para. 16), it is important to mention a number of new legal measures which have been introduced in Finland. A new Constitution was adopted in 1999, which entered into force on 1 March 2000. The second periodical report of Finland (pp. 14-16) gives a brief overview of the changes which the adoption has brought about for the regional or minority languages and the national languages in Finland. These changes will be discussed in the body of this report, where relevant.

19. Another important change in the legislative field was the adoption of the new Language Act (423/2003), stipulating the use of the national languages of Finland: Finnish and Swedish. This act came into force on 1 January 2004. The Finnish authorities have in the second periodical report (pp. 27-30) given a detailed historic

² Figures provided by the Finnish authorities dated 31 December 2001.

³ All reports can be obtained from the Secretariat of the European Charter for Regional or Minority Languages, Council of Europe, Strasbourg Cedex 67075, France or through its internet website: <http://www.coe.int/minlang>

⁴ Statistics of Finland, 2001.

account of the act. As pointed out above (para. 7 and 10) the Committee of Experts decided to reflect on the provisions of the new Act without evaluating the legislation itself or its implementation in this monitoring round.

20. As stated by the authorities in their second periodical report (p. 29) the purpose of the Language Act is to guarantee the right of the Finnish-speaking and Swedish-speaking populations to use their own languages as required by the Constitution. The Language Act will generally be applied to Finnish and Swedish, but will contain references to legislation concerning other languages and to other legislation containing provisions on languages.

21. The Language Act will have a wide scope of application and would be binding not only on the authorities referred to in the Act, but also on State-owned companies and, subject to certain conditions, on such service providers in respect of which the State or local authorities exercise powers. As regards the provision of services, the Act will concern not only authorities but also any private entities providing public services. Under the Language Act, the fact that it is a private entity that provides the services should not prevent access to services in one's own language.

22. The purpose of the Sami Language Act (1086/2003), which also came into force on 1 January 2004, is to ensure the constitutional right of the Sami to maintain and develop their own language and culture. It contains provisions on the right of the Sami to use their own language before the courts and other public authorities, as well as on the duty of the authorities to enforce and promote the linguistic rights of the Sami. The goal is to ensure the right of the Sami to a fair trial and good administration irrespective of language and to secure the linguistic rights of the Sami without them needing specifically to refer to these rights. The Act also applies to State enterprises, companies and private entities fulfilling public functions. As pointed out above (para. 7 and 10) the Committee of Experts decided to reflect the provisions of the new Act without evaluating the legislation itself or its implementation in this monitoring round.

Chapter 3 - The Committee of Experts' evaluation of Part II and Part III of the Charter

3.1. General remarks

23. The Committee of Experts would like to underline the continued excellent level of co-operation with the Finnish authorities who, since the initial evaluation, and even before that time, have been very positive at national level as well as at international level, in introducing policy and taking legal measures to further the situation of regional or minority languages.

24. The Committee of Experts will focus its evaluation on the provisions of Part II and Part III of the Charter, which were specifically found to be problematic in the Committee's previous evaluation report. The Committee of Experts will evaluate in particular how the Finnish authorities have reacted to its observations and to the Recommendations addressed to Finland by the Committee of Ministers of the Council of Europe. The Committee of Experts will also examine and take into consideration any new information that has been supplied during this second monitoring round which has had an impact on the application of the Charter.

25. The Committee of Experts will not comment on provisions where no major issues have been raised in the first evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess or to present differently the implementation of the Charter. The same also applies to provisions the Committee of Experts has previously considered fulfilled, and if no changes have occurred the Committee of Experts will not make reference to that specific undertaking. The Committee of Experts does however reserve the right to carry out at a later stage a new, comprehensive evaluation of the implementation of Part II and Part III of the Charter.

3.2. The Committee of Experts' evaluation of the application of Part II of the Charter

26. In the paragraphs presented in this Chapter, the Committee of Experts will examine the provisions of Part II of the Charter (Article 7), presented in bold letters and italics. For clarification purposes, the Committee of Experts decided to insert the relevant provisions of Article 7. The non-territorial languages are dealt with under the relevant provisions of Article 7.

Article 7

"Paragraph 1

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

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

27. The New Finnish Constitution Act in its Section 17, whose wording corresponds to Section 14 of the repealed Constitution Act, declares the national languages to be Finnish and Swedish. Under paragraph 3 of Section 17 of the Constitution Act, the Sami as an indigenous group as well as the Roma and other groups have the right to maintain and develop their own language and culture. The Committee of Experts interprets "other groups" as referring to Tatar, Russian and the Jewish community.

Sami

28. The representatives of the Sami language informed the Committee of Experts that they considered the reference to the Sami language in the Finnish Constitution to be an asset for the position of the language. They also stated that the position of the Sami language as an official language in the Sami Homeland was rather marginal in practice; this will be commented on more closely under Part III of this report.

Romani

29. Romani speakers find it disappointing that there has been no mention of their language in the new Language Act and regard this as a certain lack of recognition of the importance of promoting their language. During their consultation with the Romani speakers on the Language Act, the Constitutional Committee of the Parliament recognised that apart from mentioning the Roma in Section 17 of the Constitution there were no legal provisions guaranteeing the promotion and protection of Romani. The Constitutional Committee furthermore encouraged the authorities to take measures to ensure that there would be a legal framework for the Romani language. The Committee of Experts would encourage such a step.

Russian

30. The Committee of Experts noted in its previous evaluation report (para. 34) that it was envisaged to establish an advisory board for regional or minority languages. The second periodical report of Finland (p. 32), reports that an Advisory Board for Ethnic Relations has been set up, comprising two members from the Russian minority. An ad hoc working group, set up under the Advisory Board's competence to evaluate the linguistic needs of the Russian speakers, has asked for official recognition of the existence of the Russian language group in Finland, and in practice for legislation that would guarantee the possibility for the Russian language minority to maintain its language, cultural traditions and religion.

"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;"

Swedish

31. Paragraph 28 of the previous evaluation report of the Committee of Experts gives an overview of the way in which the bilingual and monolingual municipalities in Finland operate. This structure has not been changed as such. However, Article 122 of the new Constitution stipulates that "in the organisation of administration, the objective shall be suitable territorial divisions, so that the Finnish-speaking and Swedish-speaking populations have an opportunity to receive services in their own language on equal terms." This provision has been criticised as it could be interpreted in such a way that it does not create an obligation to pay attention to the language of administrative districts in the context of rearrangement of the administrative boundaries (see p. 26 of the second periodical report of Finland).

32. Section 5 of the Language Act stipulates - in a very similar way to the previous legal situation (see para. 28 of the previous evaluation report) - that each municipality is either unilingual or bilingual, as determined by the Government every ten years on the basis of official statistics. A municipality is designated bilingual if the population includes both Finnish and Swedish speakers and the minority comprises at least eight percent of the population or at least 3,000 persons. A bilingual municipality is designated unilingual in Finnish or Swedish if the minority comprises less than 3,000 persons and its proportion has decreased below six percent. On the recommendation of the municipal council the Government may determine by a Government Decree that the municipality is bilingual for the following ten-year period even if the municipality were otherwise unilingual.

Sami

33. The Sami Parliament has criticised the fact that the administrative districts defined by law do not conform to the limits of the Sami Homeland. In the opinion of the Sami Parliament, this is an obstacle to the maintenance and development of the Sami language. Another problem is that linguistic rights are limited to the Sami Homeland although in the meanwhile many Sami live outside the Homeland. According to the new Sami Language Act, authorities have special duties in the Sami Homeland. Nevertheless, there are also some language rights that apply outside these boundaries.

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

Swedish

34. The Committee of Experts previously considered this undertaking fulfilled, but feels that it is important to mention that the Finnish authorities have in fact taken the protection of the Swedish language further with the adoption of the Language Act. In 1999, the authorities established a Language Act Committee with the mandate of drafting a proposal for an overall reform of the Language Act of 1922; the work of this Committee was based on extensive consultations and research with speakers and public officials. The Committee finally submitted its report to the Government in 2001. On the basis of this report the Ministry of Justice prepared the reform of the 1922 Language Act, today adopted as the Language Act of 2003, which came into force on 1 January 2004 (see above para. 8)

Sami

35. A number of recent events have underlined the resolute action taken by the Finnish authorities in respect of Sami. In the first place, the new Sami Language Act was adopted (see above para. 9). Secondly, new guidelines on the curricula for pre-school education entered into force in 2001, providing for pre-school education in all three Sami languages. A project, encouraging the use of all three Sami languages through specific cultural communities, is being financed by the Sami Parliament, the partner municipalities involved, the State Provincial Office of Lapland and the European Union. This project is encouraging the use of the three Sami languages by strengthening Sami families' knowledge of their language and culture, and providing support to Sami parents and the community to use the language as an every day language, inside and outside the home.

Romani

36. The authorities have acknowledged that the situation of Roma is still very weak due to prejudice, discrimination and the lack of education (p. 13 in the second periodical report of Finland). In its previous evaluation report, the Committee of Experts noted, in paragraph 33, that resolute action had been taken to promote the Romani language with the establishment of the Roma Language Board in 1997, under the auspices of the Research Centre for the Languages of Finland, and encouraged the Finnish authorities to continue and follow up on the work of this Board. The authorities claim, in the second evaluation report (p. 32), that the Research Centre has two researchers working on the Romani language, one of whom is of Roma origin. The Committee of Experts considers this to be a positive development.

Russian

37. The Board for Ethnic Relations, where the Russian minority has two members, set up an *ad hoc* working group with the mandate of evaluating the linguistic needs of the Russian speakers (see above para. 30). In 2001, this working group made various proposals, including a recommendation to set up a special Advisory Board for Russian speakers. However, the Russian speakers informed the delegation of the Committee of Experts during the "on-the-spot" visit, that this special board for Russian speakers has not yet been set up.

Yiddish

38. The Committee of Experts was informed during the "on-the-spot" visit that the representatives of the Yiddish language had not thought of protecting their language actively until the language was represented in FIBLUL (Finland Member State of the European Bureau for Lesser Used Languages), which encouraged the Jewish community to take up the teaching of Yiddish. The Yiddish community first made contact with FIBLUL as a result of the first "on-the-spot" visit of the Committee of Experts to Finland in 1999. This revival of the Yiddish speaking community in Finland for the preservation of their language is a positive step forward. The Committee of Experts looks forward to constructive co-operation between the Yiddish speakers and the authorities with a view to protect and promote the language.

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

Swedish

39. See the information given for paragraph c above (para 34) and Part III.

Sami

40. See the information given for paragraph c above (para. 35) and Part III.

Romani

41. In the previous evaluation report (para. 37) the Committee of Experts noted that the Romani language was scarcely used in public life, apart from in fields such as the media and, as pointed out in the second report of Finland, in church services. This situation has not changed significantly since the last monitoring round, although initiatives have been taken recently to facilitate and/or encourage the use of Romani in public and private life.

42. To mention a few, Radio Suomi broadcasts a twelve-minute news and current affairs programme in Romani every week. The Advisory Board for Roma Affairs has suggested to increase this broadcast time to 15 or 30 minutes per week. The authorities also point out that information on the Roma culture and language is included in television and radio programmes in Finnish and Swedish. For the printed media it should be mentioned that three magazines, one of which is financed by the Ministry of Education, regularly publish articles in Romani.

The Committee of Experts acknowledges the initiatives undertaken by the authorities and encourages the authorities to facilitate the increase of broadcasting time in Romani on public radio and television.

43. The representatives of the Romani speakers have pointed out that there would be a need to encourage the involvement of Romani speakers in municipalities where there are ample possibilities to use the language in both the spoken and written forms. The National Board of Education pointed out to the Committee of Experts that there is a special development programme for the Romani language that they would like the municipalities to support. In the view of the Committee of Experts, it would be important to involve municipalities more in the promotion of the Romani language in Finland.

The Committee of Experts encourages the authorities to take measures to involve relevant municipalities in the promotion of the Romani language, e.g. according to the special development programme proposed by the National Board of Education

Russian

44. In its first evaluation report (see para. 39) the Committee of Experts noted that all initiatives in the field of media were privately financed. That being said, the Committee of Experts was pleased to note that a number of new positive developments have taken place in respect of the Russian language as pointed out in the second periodical report of Finland (p. 34).

45. In 2001, the Finnish Broadcasting Company initiated a daily 50-minute broadcast in Russian, as has been elaborated in more detail in the second periodical report of Finland (p. 34). The Committee of Experts considers this an improvement and encourages the authorities to maintain and strengthen such initiatives. Radio Sputnik is entirely privately funded. It is a chain of radio stations covering southern Finland. Another new initiative is a Radio station called Radio Satellite Finland Oy, a commercial station diffusing Russian programmes which can be listened to in southern Finland.

46. There are no special programmes in Russian on national public service television. In Tampere, there is a weekly two-hour news programme, organised by the Russian speakers themselves. Television channels in Russian, broadcasting from Russia, are available in eastern Finland through cross border viewing and in other parts of the country through satellite and cable television.

47. For newspapers, the situation has much improved. Over the past three years, *Spektr* has received increased funding from the Ministry of Education. Grants have increased from €3.000 per annum to €14.000 in 2002 and to € 17.000 in 2003, which is an excellent improvement even if it still does not cover all costs. The representatives of *Spektr* informed the delegation of the Committee of Experts that they would like to initiate a joint project with the Ministry, where the latter would use *Spektr* as an information channel to the Russian speakers.

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

48. The Committee did not find it necessary to comment on this sub-paragraph in this monitoring round

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

Romani

49. The Committee of Experts was pleased to receive comprehensive information on the situation of the Romani language in Finland in the second state report, in particular as the Committee had pointed out a certain deficiency in the fulfilment of this undertaking in the first evaluation report. The Committee of Experts had notably encouraged the Government to further develop its support for education in the Romani language and especially to explore the possibilities of promoting the teaching of Romani and the relevant teacher training. The Committee of Experts stated in its findings that there was especially need for teaching materials and trained teachers.

50. A comprehensive study made by the National Board of Education on Roma pupils shows that the participation of Roma children in pre-schools is around 2%, which is considered to be very low. In Spring 2003, the Ministry of Social Affairs and Health prepared a project for pre-school education and made an information campaign for parents. The Finnish language is used in pre-schools but efforts have been made to have more activities in the Romani language. The Committee of Experts felicitates the authorities for these kind of initiatives and would encourage them to maintain and strengthen such activities even further.

51. The organisation of the teaching of Romani, as pointed out in the second periodical report by Finland (p. 36), is regulated by the Basic Education Act of 1998 which allows schools to choose Romani as the language of education. The State has undertaken to pay for 86% of the education in Romani at pre-school level, leaving only 14% of the costs to the municipality.

52. The Roma people have severe social difficulties which inevitably have repercussions on the promotion of the language. The authorities, in the second periodical report (p. 36), have pointed out that the Roma have insufficient knowledge not only of the Romani language but also of the Finnish or Swedish languages. The lack of language competences of Roma children inevitably creates difficulties for Roma children, resulting in continued social exclusion and inequality in society.

53. The Committee of Experts was informed that the drop-out rate of Roma children is at present 18 % in primary and secondary schools, which from a Finnish point of view is bad but is still an improvement on the past. The amount of teaching of the Romani language has decreased over the past few years. In 1998, there were still as many as 240 Roma pupils attending Romani language lessons. Cuttings on municipalities' budgets are one reason for the reduction in teaching. The authorities have informed the Committee of Experts that the Romani language and culture was taught in 20 schools in nine municipalities, representing only 5% of schools that have Roma pupils. Only 8.5% of Roma pupils had the possibility of studying the Romani language, and finally it is

recognised by the authorities that a severe shortcoming is that Romani is taught outside the regular school hours.

54. This negative situation is mainly due to a serious and persistent lack of Roma teachers and of teaching materials, a fact clearly recognised by the education authorities. Even in schools where a class of two hours a week in Romani could be provided, teachers cannot be found. It is difficult for the Roma to break out of this vicious circle.

55. Only one institution offers a two-year vocational course recognised in the national qualification system. It consists of basic teacher training, including teachers of Romani, consultants and cultural secretaries. The examination leads to a qualification to instruct Romani language and culture at comprehensive schools, vocational colleges and open colleges. The diploma obtained also gives the participants in this education programme access to higher education. It should be pointed out that the participants do not receive teaching qualifications. A very thorough presentation of this project is provided in Finland's second periodical report (pp. 37-38). The National Board of Education has also proposed that quotas be introduced for the admission of Roma students in teacher training and in language studies. An interesting initiative on the part of the Ministry of Education is the labour market training where the Romani language is taught.

56. The Romani language spoken in Finland was standardised thirty years ago. The National Board of Education has published books on the Romani language and today, the basic materials exist but some more updated materials are needed. In 2001 and 2002, the Roma training unit within the Ministry of Education produced teaching materials for the purpose of supporting the teaching of the language, including children's story books, a children's song book and a CD, as well as a teacher's guidebook.

The Committee of Experts encourages the authorities to further facilitate and strengthen education at all levels in Romani including providing sufficient financing and teacher recruiting and training.

Russian

57. The Finnish authorities provided comprehensive information on education in Russian in their second periodical report (pp. 37-39). The Committee of Experts was therefore better able to evaluate the improvements that have taken place in Finland for Russian in this particular field. The Committee of Experts had in its initial evaluation report (para. 49) encouraged 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.

58. The authorities have informed the Committee of Experts that there are seven Russian/Finnish day care centres in Helsinki. They are all privately funded, but receive funding in accordance with regular funding possibilities within municipalities. There has been no change in pre-school education since the Committee of Experts' previous evaluation.

59. During the "on-the-spot" visit, the education authorities informed the Committee of Experts that the Russian-speakers study in the same schools as the Finnish-speakers. Russian is taught as a subject in regular schools and last year, 3 300 pupils learned Russian as a mother tongue. There are two schools in Finland teaching Russian as a mother tongue: one in Helsinki and one in the eastern part of the country. The Ministry of Education confirmed that solutions could be found for a more effective teaching of the language.

60. As pointed out in the second periodical report of Finland (p. 38), the municipalities have a very important role to play in the organisation of education, both at pre-school level, as referred to in the previous paragraph, and also at comprehensive school level (primary and secondary school level). The authorities confirm that there is a need to convince the municipalities of the importance of providing education in and of Russian. The Finnish authorities have projects with a number of municipalities to encourage the increased awareness for the need to teach Russian and to teach in Russian. These kinds of initiatives need to be improved even further in co-operation with the municipalities. The representatives of the Russian language have informed the Committee of Experts that they consider few developments to have taken place in respect of education at pre-school and comprehensive school level, although they consider that substantial improvements have been made for adult education.

61. It is evident that in order to improve access to education in and of Russian, there is a need for competent teachers. The authorities have informed the Committee of Experts that in the University of Oulu, a special teacher-training programme has been introduced, leading to a Masters degree in the Russian language and culture. The Committee of Experts considers this to be a very positive step.

The Committee of Experts encourages the authorities to involve relevant municipalities in the promotion of education in and of the Russian language and to improve the availability of pre-school education and access to education at primary and secondary level in Russian where there is sufficient demand.

Yiddish

62. As stated above (para. 38) there has recently been a growing awareness of Yiddish in Finland. The Committee has been informed that the University of Helsinki has had a special research programme on Yiddish for 3 years now and Yiddish is taught at a Jewish school. Around 40 persons are taking Yiddish classes, most of whom have some connection with the language. There have also been literature classes and conversation groups. These classes are mainly financed through private sources. The Yiddish school has received a modest contribution from the Ministry of Education.

The Committee of Experts encourages the Finnish authorities to further facilitate the teaching of Yiddish.

"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;"

Romani

63. The Committee of Experts pointed out in its initial evaluation report that no facilities were available enabling non-speakers of Romani to learn the language. The authorities have reacted to this comment under Article 7, paragraph 5 of their second periodical report (p. 43), where it is stated that it has been the wish of the Roma community in Finland to maintain the teaching of the language within the community itself. The authorities have respected this wish and all teaching materials that have been produced by the Ministry of Education have been distributed only to the Roma.

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

Romani

64. According to the second report (p. 37) there is no university-level education available in respect of Romani. The Research Centre for the Languages of Finland provides for language development and research for the members of the Roma community. The Roma training unit of the National Board of Education has proposed that quotas be introduced for the admission of Roma students in teacher training and in language studies.

The Committee of Experts encourages the Finnish authorities to pursue further university level education in and of Romani.

"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."

65. The Committee of Experts does not find it necessary to comment on this sub-paragraph in this monitoring round.

"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."

66. The Committee of Experts does not find it necessary to comment on this paragraph in this monitoring round.

"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."

67. The objectives of comprehensive school education in Finland underline the principle of equality in society; in addition, one of the national objectives of upper secondary school education is to increase the pupils' knowledge of different cultures (see second periodical report of Finland, p. 42).

68. Under the auspices of the European Year of Languages, the Finnish government organised a special week for minority languages in Finland (second periodical report of Finland, p. 33) which included all the languages covered by the Charter. A concrete result of this week was the adoption of a Recommendation addressed to the Ministry of Education, encouraging the development of teacher training with a compulsory module for national minorities. This kind of initiative is aimed at improving mutual understanding between all linguistic groups in the country. The Committee of Experts will be interested to know, in Finland's next report, how this recommendation has been implemented.

69. However, the Committee of Experts was informed that there is still a lack of awareness among the general Finnish population of the needs of the speakers of the Romani language and the Russian language.

"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."

70. The Committee of Experts does not find it necessary to comment on this paragraph in this monitoring round.

"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."

71. The Committee of Experts does not find it necessary to comment on this paragraph in this monitoring round.

3.3 The Committee of Experts' evaluation of the application of Part III of the Charter

3.3.1 Swedish language

72. In the evaluation that will follow, and with reference to paragraph 24 above, the Committee of Experts will not comment or evaluate on the following articles/provisions:

Article 8, para. 1, a.i, b.i, c.i, d.i, e.i, f.i, h, and para. 2

Article 9, para. 1, a.iii, a.iv, b.ii, c. ii, c. iii, d, and para. 2 and 3

Article 10, para. 1, b and c; para. 2a,b,c,d,e,f,g, para. 4, a ; para. 5.

Article 11

Article 12

Article 13, para.1,a,c,d ; para.2a,b,d and e

Article 14

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:

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

73. The Committee of Experts considered this undertaking fulfilled in its initial evaluation. It was however brought to the attention of the Committee of Experts in the second periodical report of Finland, that the speakers of Swedish would wish for the history of Swedish in Finland to be more visible in the curriculum. The Committee of Experts has not had the opportunity to examine this particular question, and will look forward to further information in the next Finnish report.

"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."

74. The Committee of Experts, in its previous evaluation report (para. 72), noted that two public bodies had certain supervisory functions with regard to the teaching of Swedish, but it only considered the undertaking partially fulfilled, and furthermore it suggested to the Government to encourage the drawing up of periodic reports and make them available to the public. Article 8.1.i. requires certain specific measures to be taken by the State Party. This includes the creation of one or more monitoring bodies, responsible for examining the measures taken and results obtained in the teaching in or of Swedish, and drawing up reports to be made public. During the "on-the-spot" visit, the authorities were hesitant to publish reports comparing schools. The Committee of Experts underlines that the obligation under (*i.*) is not to publish reports comparing schools but reports on measures taken and progress achieved in establishing or developing the teaching of regional or minority languages.

75. The second evaluation report of Finland (p. 48) gives a very good overview of a new mechanism that has been established to monitor and assess the quality of education. This assessment is described in detail, but it is not clear to the Committee of Experts whether the above required periodic reports have been prepared or made public. The Committee of Experts will therefore maintain its observation and would like the authorities to examine how it intends to fulfil this undertaking.

The Committee of Experts encourages the Finnish authorities to draw up periodic reports on measures taken and progress achieved in establishing or developing the teaching of Swedish and make these reports available to the public.

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:

- a** ***in criminal proceedings:***
 - i** ***to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/***
 - 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;***

- b** ***in civil proceedings:***
 - i** ***to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; if necessary by the use of interpreters and translations;***

- c** ***in proceedings before courts concerning administrative matters:***
 - i** ***to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;"***

76. One of the major difficulties in the application of the Charter in Finland, as pointed out in the previous evaluation report of the Committee of Experts, was the implementation of the regulations on the use of the Swedish language before the judicial authorities (para. 74 to 93). In particular the Committee of Experts pointed out the severe need for personnel with sufficient language skills as well as the urgent need to improve the language skills of these officials (see previous report, findings H. and J.) This deficiency was also the object of the Committee of Ministers' recommendation no. 3.a. (RecChL (2001) 3). The Committee of Experts considered that in bilingual municipalities, the speakers of Swedish felt constrained to give up using Swedish, or requesting to use Swedish, because it created an atmosphere which is not always very positive in judicial proceedings, the individual having the feeling that he or she may be considered as a "trouble maker".

77. As a general remark, the Language Act (see above para. 8) will require public bodies to treat Swedish as a national language in Finland with an obligation for the authorities to address Swedish-speakers systematically in Swedish. The Language Act should in theory change the *laisser-faire* attitude previously taken by official bodies and make the authorities more pro-active, thus requiring them to consult national registers to find out whether a person is Swedish- or Finnish-speaking. In individual cases the authorities should therefore know if they should address the citizen in Finnish or in Swedish.

78. The drafting of the Language Act came about because of the difficulty of using Swedish before judicial authorities. It is evident that the effective use of the Swedish language depends on the actual language competence of the authority, in addition to the official language(s) of the municipality, which is the basic unit for the language division (see above para. 31); a court is bilingual according to the new Language Act (Section 6), if its district covers at least one bilingual municipality. Taking into consideration Article 7, paragraph 1 b, the

authorities should ensure that any changes in the borders of judicial districts do not affect the use of Swedish, for instance should there be plans to merge judicial districts.

79. It should also be pointed out that since the conclusion of the working group on the Swedish language in 1999 which assessed the use of Swedish before courts, the authorities have taken other practical steps to try to improve the language skills of judicial officials: the language training of judges has been increased, and problems in the use of Swedish have been discussed in the profession (see second periodical report of Finland, pp. 52-53). This indicates that there is a certain level of awareness of the problem of implementation, but it seems not to be solved yet.

80. At the time of the "on-the-spot" visit, the Committee of Experts was informed that there were serious problems regarding implementation of this undertaking because of the lack of language skills of judicial officials. The Language Act and the Act on the Knowledge of Languages Required of Personnel in Public Bodies propose a stronger legal basis for the use of Swedish. However, due to the recent entry into force of these Acts the Committee of Experts cannot pronounce itself on their implementation now, but will do so in the next monitoring round. The Finnish authorities are however to be complemented for having taken the resolute step of passing legislation with a view to promoting implementation of these articles, where other methods have not been successful.

81. Based on the information available, the Committee of Experts concludes that the undertaking is formally fulfilled and is looking forward to receiving further information on the application of the Language Act in the next monitoring round.

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;"

82. The Committee of Experts considered in its previous evaluation report (para. 94) that this undertaking was in fact formally fulfilled, while in practice there were problems with implementation. The Language Act seems to provide a solid legal basis for the use of the Swedish language, and does put the public authority in the position of needing to address an individual, at first hand, in his or her preferred language. For rather obvious reasons, the fact that the law has been adopted does not necessarily mean that public officials are now mastering the Swedish language. Concrete measures are needed to ensure that employees are available to use the language when necessary, or to provide for training for public officials.

83. In various sectors, the authorities have taken steps to enhance the use of Swedish, such as employing translators/interpreters, or offering training classes. The Committee of Experts is aware of the fact that various activities to improve the use of Swedish within State administration are taking place, but was informed that there are problems regarding the availability of public officials mastering the Swedish language.

84. Based on the information available, the Committee of Experts concludes that the undertaking is formally fulfilled and is looking forward to receiving further information on the application of the Language Act in the next monitoring round.

"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;"*

85. The Committee of Experts in its previous evaluation report (para. 104) regarded this undertaking fulfilled. During its "on-the-spot" visit, the Committee was made aware of new information directly linked to the fulfilment of this undertaking. This relates to the power of the state or municipalities to contract or sell part of the public service to public enterprises or private entities. The Language Act contains provisions (Sections 24 and 25) regarding the obligation to provide services in both national languages. The Committee of Experts finds this approach innovative and looks forward to observing the implementation of these provisions in the next monitoring round.

"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:

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

86. As has been pointed out by the Committee of Experts above and in its previous evaluation report, in practice it seems that the language qualifications of public officials are not monitored adequately, and thereby the undertaking was considered only partly fulfilled (para.106). The Committee of Experts furthermore underlined this need in a particular observation stating that it encourages the Finnish authorities to solve the problems observed in the practical implementation of the undertaking of paragraph 1, in particular by improving the level of competence in Swedish of the officials and public employees. This deficiency was also the object of the Committee of Ministers' recommendation no. 3.a. (RecChL (2001) 3).

87. Firstly, the authorities have adopted the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003), which entered into force – together with the Language Act (see above para. 8) – on 1 January 2004. The Committee of Experts takes the same approach when evaluating this Law as it did for the new Language Act (see above para. 7). The wording of this law is quite explicit in the sense that it stipulates the need for relevant employees to improve their knowledge of the national languages, through different means to be offered by the authorities. It is clear that the State authorities are taking measures to improve the language skills of its employees.

88. Based on the information available, the Committee of Experts concludes that the undertaking is partly fulfilled in practice and is looking forward to receiving further information on the application of the Language Act in the next monitoring round.

Article 13 - Economic and social life

"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:

- 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;"*

89. The Committee of Experts, in its previous evaluation report (para. 128) underlined that this undertaking was only partly fulfilled and that the implementation was not satisfactory. This deficiency was also the object of the Committee of Ministers' recommendation no. 3 a (RecChL (2001) 3).

90. Various legal measures have been taken to try to improve access to the services stipulated in this undertaking. A report on access to social and healthcare services in one's own language, which is presented in the second periodical report of Finland (pp. 63-64) observed that there are problems in having access to social and healthcare services in one's own language, despite the fact that the Constitution and the language legislation protect the clients' and patients' rights thereto.

91. The public health care sector is under economic pressure unrelated to the use of language. There are serious needs to reorganise the health sector, for economic reasons. In this kind of situation it tends to be difficult to improve the language problem. Helsinki's largest hospital has a lot of Swedish-speaking and Finnish-speaking staff, but even with staff having the necessary language competencies, it is difficult to use Swedish. The Language Act (Section 4) refers additionally to special legislation on health care and social welfare which contains provisions on the linguistic rights of patients and social welfare clients. The Committee of Experts has however received information that these rights are in many cases not fulfilled in practice. This negative situation is aggravated by the centralisation trend in the hospital sector. The authorities informed the Committee of Experts that the Ministry of Education organises language courses specifically aimed at nurses and doctors.

92. The organisation of emergency call centres has created problems for Swedish speakers. Call centres which cover large areas including Swedish-speaking areas do not always have Swedish-speaking personnel to take the calls and direct emergency aid where it is needed. The Committee has been informed by the Swedish-speakers that the call centres should be situated in areas where it is possible to recruit bilingual staff, so that both language communities can benefit fully from this service.

93. The Finnish authorities recognise that there are problems in this field despite the fact that the Constitution and the language legislation protect clients' and patients' rights in this regard. The Committee of Experts calls for information on how the authorities intend to solve these difficulties, and considers the undertaking partly fulfilled.

The Committee of Experts encourages the Finnish authorities to take resolute further steps in order to ensure the possibility of the use of Swedish in social and health care facilities.

3.3.2. Sami language

94. In the evaluation that will follow, and with reference to paragraph 24 above, the Committee of Experts will not comment or evaluate on the following articles/provisions:

Article 8, para. 1 b i, e ii, f ii,
Article 9, para. 1, a iii, a iv, b iii, c iii, d, para. 2 a.
Article 10, para. 1, a iii, c, para. 2 a, b, c, d, e, g, para. 5
Article 11, para. 1 a iii, b i, d, f ii
Article 12, para. 1, a, b, c, d, e, f, h, para. 2 and para. 3.
Article 13, para. 1 a
Article 14

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;"

95. In its previous evaluation report (para. 134), the Committee of Experts encouraged 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 seemed to have given good results in Finland.

96. This deficiency was also the object of the Committee of Ministers' recommendation no. 1 (RecChL (2001) 3) stipulating the need to take immediate measures and special efforts in pre-school education.

97. In the second periodical report (p. 67), the Finnish authorities provide a comprehensive overview of the legal acts stipulating how the Sami languages should be taught at pre-school level. There are two kinds of pre-school education provisions, firstly in the Children's Day Care Act of 1973 (36/1973) which specifically provides that day care may be provided in the Sami language and secondly in an amendment to the Basic Education Act (628/1999, amended as 1288/199). In practice there are three municipalities providing pre-school education: the municipality of Inari, Utsjoki and Enontekiö (except for Hetta). The local school authorities have also received new guidelines since 2000 for pre-school education, which state that education must be provided in the three Sami languages.

98. The authorities confirm that many initiatives are being taken at both local and national level to encourage the use of Sami languages at pre-school level, including the setting up of a co-operative body, consisting of representatives of the Sami Parliament, municipalities in the Sami Homeland, the State Provincial Office of Lapland and the Ministry of Education. One of the obligations of this body is to develop the use of Sami languages in education. It is clear from the information provided by the authorities that steps are being taken. The Committee of Experts, however, points out that these are long-term measures and that in the short term practical problems need to be addressed. Due to the difficult situation of the three Sami languages, serious immediate efforts are needed to ensure pre-school education on a permanent basis in all the languages.

99. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts encourages the Finnish authorities to take immediate steps to ensure that pre-school education is made available in all three Sami languages on a permanent basis.

Secondary education

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

100. In its first evaluation report (see para. 136), the Committee of Experts concluded that this obligation was only partly fulfilled. The Committee encouraged the Finnish authorities to extend the offer of the teaching in upper-secondary education also to Skolt Sami.

101. In their second report (pp. 67-70), the Finnish authorities have given an extensive presentation of the emphasis in the new education policy, in accordance with the Basic Education Act and the Upper Secondary Schools Act where Sami shall be taught in the Sami Homeland in the same way as Finnish or Swedish. It is however regrettable that these intentions are difficult to fulfil as teachers and teaching materials are seriously lacking.

102. A new interesting initiative, well adapted to the local situation in the Sami Homeland, is the development of teaching in and of Sami through virtual teaching, launched jointly by the municipalities in the Sami Homeland. Virtual teaching makes it possible to provide teaching in schools and areas where it is difficult to find Sami speaking teachers. The National Board of Education has supported the municipalities in this initiative.

103. The authorities have pointed out that due to the long distances in the Sami Homeland, it has been difficult to have the minimum number of pupils to form a class in any of the Sami languages, which has recently been changed from five to three (also applicable for primary education). The schools, receiving a special subsidy for this teaching, can therefore not count on being able to organise the classes because a regular difficulty is the lack of students. The authorities are at present examining the possibility of decreasing this minimum number of pupils.

104. A special regional curriculum is also being developed by the municipalities in the Sami Homeland, the Provincial Board of Lapland and the Sami Parliament. This kind of a common regional curriculum has the aim of standardising the number of teaching hours and the contents of the teaching in the different municipalities, thereby creating a certain language policy to be used over the whole of the Homeland. This kind of curriculum also has the advantage of taking into consideration the special needs and traditions of the Sami, which are very different from the rest of the Finnish population.

105. The subsidies for the production of teaching materials proved inadequate and the Sami Parliament proposed a significant raise for 2003 (see p. 69 of the second periodical report). This should have a positive effect on the teaching of the language, but there still remain difficulties in providing this material.

106. The Committee of Experts considers that serious efforts are being made to try to improve the education in the Sami languages at secondary level of education. It however looks forward to receiving more concrete information on the number of classes organised in Sami, and especially also in Skolt, in the Sami Homeland in the next periodical report to be presented by Finland. The Committee of Experts considers this undertaking partly fulfilled.

Technical and vocational education

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

107. In paragraph 137 of its previous evaluation report, the Committee of Experts pointed out that there was only one subject taught in Sami in the only vocational school (the Sami Training Centre) in the Sami Homeland. The Committee of Experts furthermore encouraged the authorities to extend the number of subjects taught in Sami languages in the field of technical or vocational education.

108. In the second periodical report (p. 70), the authorities have provided detailed information on this training centre, which focuses on professional education for Sami in handcrafts and reindeer herding. According to the information provided by the authorities, many courses focus on the merit of the Sami culture, but the courses are

not necessarily taught in Sami. The Committee of Experts takes note of the good initiatives made by the training centre but at the same time encourages the authorities to ensure that a substantial part of the education is taught in the Sami languages and to inform the Committee of Experts of the steps taken, in particular for Inari and Skolt Sami.

109. The Committee of Experts considers that this undertaking is partly 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;"

110. In its previous evaluation report (para. 140) the Committee of Experts concluded that this provision was partly fulfilled, because the Sami contribution to Finnish history is not adequately shown. The authorities have not provided any further information regarding a development in this field (see p. 71 of the second periodical report of Finland). It does however underline the fact that ECRI (the European Commission Against Racism) has in its report on Finland (ECRI (2002) 20) recommended an increased awareness among school children of the existence of national minorities, including the Sami. This recommendation by ECRI is in line with the view of the Committee of Experts and it encourages the Finnish authorities to take immediate steps to improve the representation of Sami history and culture in the history curriculum for Finland. The Committee of Experts considers this undertaking partly 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;"

111. The Committee of Experts noted in its previous report that the training of teachers was not satisfactory, in particular at higher levels of education. The Finnish authorities informed the Committee of Experts that measures were being taken to try to improve this situation. The observation made by the Committee of Experts encouraged the government to increase its efforts to develop the training of teachers in order to strengthen the position of Sami within the education system. Strengthening teacher training is one factor towards strengthening the position of Sami, which should not be considered in isolation from the development of teaching materials. The Committee of Experts has been informed that many of the teachers of Sami in Finland are making enormous personal efforts to improve their own teaching methods and to develop teaching materials.

112. The University of Oulu set up a programme in 1999 with the aim of improving the qualification of Sami teachers, train new teachers and develop teaching materials with the assistance of new technologies. The Giellagas Institute at the University of Oulu offers training in Sami language and Culture. The education provided is a good foundation for those who wish to become teachers. The Committee of Experts considers that there is a continuous cause for concern in this field and would encourage the authorities to maintain and strengthen the efforts that are being made at present.

113. The Committee of Experts 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."

114. The Committee of Experts considered this undertaking to be partly fulfilled in its previous evaluation report (see para. 142), in particular because no institution was especially given this task and that it was difficult to have access to the results of the kind of monitoring carried out by the Sami Parliament within its general competence.

115. The Finnish authorities did not present any additional information in their second periodical report in respect of this provision. During the “on-the-spot” visit, the Committee of Experts was informed by representatives of the Sami Parliament that it would be interested in assuming the role of monitoring education in the Sami language. At present, according to the Ministry of Education, such a role is performed for higher education institutions, in general by the Evaluation Council. Even if there is a requirement to publish reports on the outcome of the evaluation of this council, no such reports have been published.

116. In the new Sami Language Act, Section 28, there is a monitoring obligation for the relevant authorities, and a general monitoring obligation for the Sami Parliament but it is not clear to the Committee of Experts whether this also covers the field of education because Section 32 states that separate provisions apply to the right of the Sami to receive education in their language.

117. The Committee of Experts is unable to conclude whether this undertaking is fulfilled or not and looks forward to receiving further information in the next periodical report.

“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.”

118. In the previous evaluation report (para. 143) the Committee of Experts considered this undertaking partly fulfilled, because there is very little teaching of any of the Sami languages outside the Sami Homeland, other than at universities. The representatives of Sami brought to the attention of the Committee of Experts the need to evaluate education of Sami languages outside the Sami Homeland. Scattered efforts are being made to teach Sami, essentially at primary school level. There is however no concrete action being taken by the education authorities. Even if the situation inside the Sami Homeland is difficult, especially in respect of teachers, it should be kept in mind that outside the Homeland, the same kind of difficulties remain. In general, steps are being taken, but the Inari and Skolt Sami languages are still neglected. It is true that there is a lack of language continuum, which the education authorities are encouraged to make efforts to improve. The Committee of Experts considers this undertaking partly fulfilled.

Article 9 - Judicial authorities

119. The Committee of Experts concluded in its finding (H.) of the previous evaluation report that there were serious practical problems in the implementation of Article 9 due to a lack of language skills on the part of the relevant authorities. 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 has been that Sami-speakers have only rarely used Sami before the courts, as described in the Committee of Experts’ previous evaluation report (see para. 144 to 155). This deficiency was also the object of the Committee of Ministers’ recommendation no. 3 b. (RecChL (2001) 3), where it asked the authorities to 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.

120. The Committee of Experts refers to its statement regarding the new Sami Language Act (see above para. 9). Under Section 12, a Sami has the right to use the Sami or the Finnish language. In Sections 14, 24 and 25, there are special provisions regarding the knowledge of the Sami language and language requirements of the personnel of the authorities. The authority shall provide training or take other measures in order to ensure that the personnel have the necessary knowledge of the Sami language for the performance of the functions of the authority. The latter has the obligation to ensure that the linguistic rights guaranteed in the language act are secured in practice. Under Section 4, an authority must not restrict or refuse to enforce the linguistic rights provided in this Act on the grounds that the Sami speaker also knows another language, such as Finnish or Swedish.

121. At the time of the "on-the-spot" visit, the Committee of Experts was informed that there were serious problems regarding implementation of the undertakings in all proceedings before courts because of the lack of language skills of judicial officials. The Sami Language Act proposes a stronger legal basis for the use of Sami. However, due to the recent entry into force of the Act, the Committee of Experts cannot pronounce itself on its implementation now, but will do so in the next monitoring round.

"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;"***

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;"***

In proceedings before courts concerning administrative matters:

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

122. The old act on the use of the Sami Language before authorities was substituted by the new Sami Language Act. According to this new Act the regulation is as follows:

Section 12 of the Sami Language Act provides the right to use Sami before courts whose jurisdiction covers the municipalities in full or in part of Enontekiö, Inari, Sodankylä, and Utsjoki. According to Sections 19 to 22, if the Sami language is being used in oral hearings the matter shall be assigned to an official with knowledge of the Sami language. If the authority does not have an official with knowledge of the Sami language, the authority shall arrange for interpretation, and where relevant for translation, free of charge.

123. With regard to the question of problems in implementation see reference to para. 119 and 121 above.

124. The Committee of Experts considers these undertakings only formally fulfilled, since there exist difficulties in its implementation.

"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."

125. In addition to the various statutory texts which have already been translated into Sami mentioned in the Committee of Experts' previous evaluation report (see para. 155), the Committee of Experts notes that the new Sami Language Act has also been translated into North, Skolt and Inari Sami. The Committee of Experts considers this undertaking fulfilled.

Article 10 - Administrative authorities and public services

126. The Committee of Experts concluded in its finding (H.) of the previous evaluation report that there were serious practical problems in the implementation of article 10; the Committee of Experts found that the use of language in relations with the administrative authorities faces similar problems to those concerning the judiciary, although the situation is overall a little bit better in contact with the administrative authorities (see first report para. 156 to 171). This deficiency was also the object of the Committee of Ministers' recommendation no. 3 b. (RecChL (2001) 3), where it asked the authorities to provide favourable conditions to encourage the use of Sami also before administrative authorities in the Sami Homeland, in particular by taking measures aimed at improving the Sami language skills of legal officials and administrative personnel.

127. The Sami Language Act defines in Section 2 its scope of application and applies to various administrative authorities in the Sami Homeland and also to some authorities situated outside the Homeland. In Sections 14, 24 and 25, there are special provisions regarding the knowledge of the Sami language and language requirements of the personnel of the authorities (see above para. 115).

"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:

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

128. According to Section 8 of the Sami Language Act official advertisements, notices and promulgations and other information releases to the public, as well as signs and forms intended for use by the public, with their instructions, shall in the Sami Homeland be prepared and issued also in the Sami language. The Committee of Experts has been informed of examples of forms in North Sami. However, the Committee of Experts has not been informed about practical examples of how this undertaking has been fulfilled in practice for Inari and for Skolt Sami, and considers this undertaking only partly 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:

- 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;"***

129. The Committee of Experts notes that there has been a certain awareness of the need to use the Sami languages actively in public life, including in assemblies. According to Section 6 of the Sami Language Act, the Sami members of the representative bodies of the municipalities of Enontekiö, Inari, Sodankylä and Utsjoki have the right to use the Sami language in meetings and in written statements to be appended to the record. The same provision applies to the Sami members of State Boards, Commissions, working groups and corresponding multi-member bodies in the Sami Homeland and, when matters of special concern to the Sami are being discussed, also outside the Sami Homeland. Correspondingly, a Sami participating in a meeting of the Reindeer Herders' Association or its committee has the right to use the Sami language in the meeting. When necessary, interpretation shall be arranged for a meeting referred to above in this section.

130. In the first evaluation report, the Committee of Experts (para. 164) pointed to the practical problems regarding implementation of this undertaking. The Sami Language Act proposes a stronger legal basis for the use of Sami. However, due to the recent entry into force of this Act, the Committee of Experts cannot pronounce itself on its implementation now.

131. Based on the information available, the Committee of Experts concludes that the undertaking is only partly fulfilled and is looking forward to receiving further information on the application of the Sami Language Act in the next monitoring round.

"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"

132. According to Sections 17 and 18 of the Sami Language Act, there are obligations for state enterprises and state and municipality-owned companies as well as private entities that carry public administrative functions to provide services in the Sami language.

133. The Sami Language Act proposes a legal basis for the use of Sami. However, due to the recent entry into force of this Act the Committee of Experts cannot pronounce itself on its implementation now, but will do so in the next monitoring round.

134. Acknowledging the adoption of Sections 17 and 18 of the Sami Act, the Committee of Experts asks the authorities to develop in the forthcoming report how these sections in the Sami Act are implemented in practice. The Committee will therefore not form a conclusion as to the fulfilment at this stage.

"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;"

135. According to Sections 19 to 22 of the Sami Language Act, if the Sami language is being used in oral hearings the matter shall be assigned to an official with knowledge of the Sami language. If the authority does not have an official with knowledge of the Sami language, the authority shall arrange for interpretation, and where relevant for translation, free of charge. The Committee of Experts has been informed that although there is some capacity to provide translations and interpretations, it is insufficient to meet the demand. The Committee of Experts must therefore conclude that the undertaking is only partly fulfilled.

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

136. In Sections 14, 24 and 25 of the Sami Language Act there are special provisions regarding language and language requirements of the personnel of the authorities. The authority shall provide training or take other measures in order to ensure that the personnel have the necessary knowledge of the Sami language for the performance of the functions of the authority. The latter has the obligation to ensure that the linguistic rights guaranteed in the language act are secured in practice.

137. In a study made by the Working Group for the Language Act on the language skills of public officials, out of 815 public officials, 12 % could use the Sami language in their work, while 75 % did not understand Sami at all and 5.5% said they could write in the Sami language. 8% were able to speak a little Sami but could not use the Sami language in their daily work. These figures, provided by the speakers of Sami, show that the Sami language cannot be used in practice without difficulty.

138. The officials in question are employed by the municipal authorities (social and welfare workers, education sector, judicial authorities, district public officials, police and customs, tax offices, border control).

Most of the 8% are professionals in the Sami Parliament and in Utsjoki, but this municipality is almost all Sami-speaking. In other municipalities the situation is much weaker.

139. The Sami Language Act proposes a stronger legal basis for the use of Sami. However, due to the recent entry into force of this Act the Committee of Experts cannot pronounce itself on its implementation now, but will do so in the next monitoring round.

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:

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

140. The Committee of Experts considered in its initial evaluation report that this undertaking was not fulfilled, that there was ample space for improvement, and suggested to the authorities to take the necessary measures to encourage or facilitate the broadcasting of programmes in Sami on a regular basis. The Committee of Ministers, in its recommendation no. 2, found reason to encourage an improvement in this field.

141. The second periodical report of Finland (p. 80) gives an overview of the development in television broadcasts since the previous evaluation, which can be considered good. The Finnish Broadcasting Company broadcasts ten-minute daily news programmes five days a week, of both regional news and Nordic news (part of the Nordic co-operation). There is a teletext in North Sami. There are however no children's programmes in the Sami languages. Users of the Sami languages expressed to the Committee of Experts grave concerns about the lack of children's programmes in the Sami languages on television, and underlined the importance of such programmes in the maintenance and promotion of the languages.

142. The Committee of Experts was informed about initiatives relating to the introduction of new digital broadcasting techniques that would further increase the offer of programmes in Sami on the basis of a Nordic co-operation.

143. The Committee of Experts acknowledges that progress is being made in TV broadcasting in Sami, in particular in North Sami. Steps should in particular be considered for Inari and Skolt Sami.

144. The Committee of Experts considers this undertaking partly fulfilled.

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

145. The Committee of Experts has observed (para. 176 of the initial evaluation report) and suggested to the authorities to take the necessary measures to encourage or facilitate the creation of at least one newspaper in Sami.

146. The second periodical report on Finland (p. 80) states that there is no Sami newspaper published yet. The Government grants subsidies on a yearly basis to newspapers upon application. These subsidies however, does not seem adequate for the requirements of the Sami population as no newspaper exists; and even the periodical "Sapmelas" that has traditionally been published in Sami is endangered. Subsidies may also be granted for projects introduced to develop newspapers. This has however not succeeded. The grant system does not seem to apply to Nordic co-operation in the same form as that carried out within radio and TV broadcasting.

147. Among representatives of the media sector which the Committee of Experts met during its “on the spot “ visit, a positive attitude was expressed towards a Norwegian – Finnish newspaper. The Norwegians appear to have the same openness towards this idea. The Committee of Experts encourages the Finnish authorities to develop, in co-operation with the Sami speakers, this initiative.

148. The Committee of Experts concludes that this undertaking is not 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."

149. The Committee of Experts made in its first evaluation report the observation that (para. 178), 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 of Experts suggests that the Finnish authorities provide the necessary means to support the Nordic Sami TV Channel.

150. In their second periodical report, the authorities provide information on co-operation activities with Sweden and Norway in radio broadcasting, indicating that in 2002, the Sami Radio broadcast approx. 2.000 hours of programmes in the three Sami languages, and part of the programmes were co-productions with Norway and Sweden. Co-production in TV news broadcasting has also been increased with Norway and Sweden.

151. The Committee of Experts considers the 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."

152. The Committee of Experts has received no information as to how the interests of the Sami are taken into account in the administration of the Finnish Broadcasting Company or in other bodies as may be established with the responsibility to ensure the freedom and the pluralism of the media, although it has requested information in its first evaluation report (para. 179). The Committee of Experts does not consider the undertaking 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

- 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;"***

153. The Provincial Library of Lapland in Rovaniemi, has been assigned with the duty of hosting a Sami Library, which will collect audiovisual materials such as video tapes, slides, audiovisual books, and cd-roms. This information completes the overview requested by the Committee of Experts in its previous report (para. 186). The Committee considers the undertaking fulfilled.

Article 13 - Economic and social life

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

154. Due to a lack of information, the Committee of Experts did not consider itself to be in a position to conclude whether this undertaking was fulfilled or not (see para. 191 and 192 of the initial evaluation report).

155. In the second periodical report the Finnish authorities give examples (p. 83) of various fields in which the use of Sami is encouraged in connection with economic and social activities, such as social, welfare and health care services. In addition, under Section 18 of the Sami Language Act there are certain obligations for private entities to provide linguistic services. This implies that the Finnish authorities actively oppose practices designed to discourage the use of minority languages. The Sami Language Act reflects in Section 4 the intention that bilingualism must not restrict linguistic rights.

156. Based on the information received the Committee of Experts 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."***

157. The Committee of Experts did not receive any information in respect of this article during its last evaluation, nor did it receive any new information in the second report. The Committee acknowledges that the scope of this provision is rather open and that it does not give much indication as to what kind of measures should be taken. It can indeed be confirmed that the measures envisaged should be positive, and not only, as in the preceding paragraphs, to eliminate or discourage negative practice. The measures envisaged could for example be to facilitate and/or encourage the use of the regional or minority language on buildings, the oral use of the language in public areas, such as in railway stations or airports, use of bilingual brochures in tourism, giving rewards to companies that are effectively using the regional or minority language, initiating a campaign of bilingualism etc.

158. The Committee of Experts is not in a position to evaluate whether this undertaking is fulfilled or not, and repeats its encouragement to the authorities to provide information in the forthcoming report.

"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;"***

159. Under Section 17 of the Sami Language Act a State enterprise and a service-producing company in which the State or one or more of the municipalities referred to in Section 2, subsection 1, paragraph 1, exert authority, shall in the Sami Homeland provide the linguistic service referred to in this Act and provide information to the public also in the Sami language to the extent warranted by the nature and context of the activity and in a manner that cannot be deemed unreasonable to the enterprise or company when assessed as a whole. The

provision in this Act regarding authorities applies also to a State enterprise which fulfils the function of an authority.

160. The Sami Language Act proposes a legal basis for the use of Sami. However, due to the recent entry into force of this Act the Committee of Experts cannot pronounce itself on its implementation now, but will do so in the next monitoring round.

"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;"

161. The Committee of Experts considered in its previous evaluation that serious difficulties existed in the health sector, due to the lack of staff competent in the Sami language. The Committee of Experts encouraged the Finnish authorities to ensure that the number of staff speaking Sami make access to health care and social services possible in Sami. This difficulty was also the subject of recommendation no. 4 of the Committee of Ministers (RecChL (2001) 3).

162. The Finnish authorities provided a comprehensive overview of the situation in the health and social welfare sector in respect of these obligations and how they are fulfilled (pp. 84-86 in the second periodical report). Firstly, under objective 7 of the Finnish Target and Action Plan for Social Welfare and Health Care for 2000-2003, local authorities shall provide Sami speaking people with services in their language, to the extent possible. The authorities make reference to the conclusions in a report on access to these services in one's own language, which states that provisions of services in two languages is expensive and that state subsidies are not adequate to cover the additional costs. It is confirmed that the situation in the Sami Homeland is most difficult. In practice there are very few employees in these sectors who speak Sami. Earmarked financing has been provided by the central authorities to the municipalities in their attempt to try to improve the situation.

163. The Committee of Experts concludes that the situation in this sector still remains critical, but acknowledges at the same time that the authorities are taking serious steps to try to improve the fulfilment of this undertaking, and that there are examples of certain services being provided in the Sami languages. The Committee of Experts therefore considers the undertaking partly fulfilled.

Chapter 4 - Conclusions

4.1 Conclusions of the Committee of Experts on how the Finnish authorities reacted to the recommendations of the Committee of Ministers

Recommendation no. 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.”

164. The Finnish authorities have taken some steps to improve the accessibility of education in North Sami, although much still needs to be done. The Committee of Experts acknowledges the difficulty of adopting appropriate measures due to the demographic situation of the Skolt and Inari Sami languages. The precarious situation of Skolt and Inari Sami has not changed and the need for action is even more urgent. Teacher training has improved, although there are still problems with the number of teachers available to provide the teaching, and of candidates for teacher training programmes.

Recommendation no. 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.”

165. Positive steps have been taken in the broadcasting of television and radio programmes, but the newspaper question remains unsolved.

Recommendation no. 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;”

166. The Committee of Experts recognises the enactment of the Language Act and the Act on the Knowledge of Languages Required of Personnel in Public Bodies as a positive measure which may contribute to the use of Swedish before judicial and administrative authorities. At present it is too early to evaluate how the new legislation will work in practice.

“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.”

167. The Committee of Experts recognises the enactment of the new Sami Language Act as a positive measure which may help to reverse the decline of the language. At present it is too early to evaluate how the new legislation will work in practice.

Recommendation no. 4:

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

168. The Finnish authorities initiated a study in this field which confirmed that the situation in the health care and social welfare sectors is very problematic for Swedish and even more so for Sami. The authorities have taken steps to try to implement this recommendation, but there remains much work to be done.

Recommendation no. 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."

169. The Finnish authorities have reacted well to this recommendation and ensured that the second periodical report is made widely available, in particular to the minority language speakers and the Swedish speakers.

4.2. Findings of the Committee of Experts in the context of the second monitoring round

A. As already indicated in the first evaluation report, Finland has a good record regarding measures to protect and promote languages covered by the Charter. The introduction of the new language legislation for Swedish and Sami is an example of the continuous positive development in this field, and testifies to the determination of the Finnish authorities to respond to the needs of the speakers of these languages in a satisfactory manner. Some features of the new legislation are innovative: it introduces obligations not only for public authorities, but also for private entities to provide services in these languages. The authorities also have a positive obligation to ensure that the linguistic rights guaranteed are implemented in practice.

B. The Committee of Experts has not been in a position to evaluate the impact of the new legislation in this monitoring round, but it has made references to the new provisions in order to be able to present a richer view of the legal standards in Finland. This was especially motivated by the fact that both the authorities and the speakers brought the new legislation to the attention of the Committee of Experts, even though it was not yet enacted at that time. The new language acts appear to impose pertinent standards for the use of Sami and Swedish in public life; however, at present it is too early to evaluate how the new legislation will work in practice.

C. For the use of Swedish in the courts, public services, administration and health care, there still remain difficulties in implementing the undertakings chosen by Finland in this field.

D. Furthermore, owing to budgetary restrictions in the public sector, changes have been introduced in the courts of law, in administrative divisions and in health-care-related services which seem to have a detrimental effect on the use of Swedish in situations where it has traditionally been used, for example in the case of emergency call centres.

E. The teaching of history and culture within the curriculum of Finnish schools does not take sufficient account of the Swedish, Sami or other minority languages and their related cultures.

F. The Sami language is endangered and particularly Inari and Skolt Sami are on the verge of extinction. This has prompted the Committee of Experts to examine carefully the implementation of measures adopted, especially in the education field, to ensure the survival of these languages. The Committee of Experts is aware that such measures by themselves cannot ensure the survival of a language with a very low number of speakers. It underlines the need for additional measures of encouragement for these two languages so that they can develop in the future.

G. The Committee of Experts has noted recently some resolute action, especially the passing of new guidelines on the curricula of pre-school education. However, in respect of education in Sami, it considers that serious difficulties still exist, in particular in pre-school education, secondary, technical and vocational education. The publication of periodic reports of the results of the national monitoring is not being carried out satisfactorily.

H. With respect to the use of the Sami language in judicial and administrative authorities, public services and health care services, there still remain difficulties in the implementation of the undertakings chosen by Finland in this field.

I. Improvements have been made in the broadcasting of television programmes in North Sami. Further steps should be considered for Inari and Skolt Sami, where difficulties remain. The Committee of Experts notes the importance that the users of the Sami language attach to the production of children's programmes in minority

languages, as they can serve as a means to attract children to learn the minority language, and are therefore important to language maintenance. The Committee of Experts has also noted a positive development of co-operation between the Nordic countries, in the field of radio and television broadcasting. So far no such developments have been reported regarding the printed media.

J. In the field of social care facilities in the Sami Homeland, the situation still remains critical, but the authorities have taken serious steps to improve the use of Sami in this sector.

K. The situation of the Romani language remains very weak. The Committee of Experts acknowledges that the authorities are aware of the problem and of the need to promote the Romani language. Significant efforts have been made to provide teaching materials and vocational training for the teachers of Roma language and culture. The Committee of Experts considers this as good practice. Areas that require continuous attention are teacher training, education at all levels, radio and television.

L. The Committee of Experts has noted increased co-operation and an on-going dialogue between the authorities and the speakers of the Russian language. However, efforts are still needed to cater for the Russian language in education. The municipalities are an essential partner in developing tools to ensure the use of the Romani and Russian languages in public life, especially in pre-school education.

M. The Committee of Experts has been informed that since the first monitoring round there has been a growing awareness of the importance of Yiddish and it welcomes this development.

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 900th meeting on 20 October 2004, 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 Finland

GENERAL

The Committee of Experts has examined the requirements laid down by the European Charter for Regional or Minority Languages and the measures taken by Finland to meet these requirements, and it has issued proposals and recommendations concerning some needs for improvement to the Committee of Ministers of the Council of Europe. The report of the Committee of Experts is based on the second interim report submitted by Finland in December 2002 and the additional information received by the Committee during its visit to Finland in May 2003.

The Finnish authorities have examined the report of the Committee of Experts. The following compilation of comments by the Finnish Government was prepared by the Legal Department of the Ministry for Foreign Affairs. The comments and the accompanying additional information are based on written statements by the following authorities: the Ministry of Justice, the Ministry of Defence, the Ministry of the Interior, the Ministry of Transport and Communications, the Ministry of Social Affairs and Health, and the Ministry of Labour. Further, the Ministry of Social Affairs and Health has delivered a statement by the Advisory Board on Romani Affairs.

On the whole, it can be concluded from the statements received that the Committee of Experts has succeeded very well in identifying the legal status and the *de facto* situation of those languages spoken in Finland which fall under the scope of the Charter. The Committee has again paid attention to, and proposed correction of, issues and groups of problems for which the ever developing Finnish society is continuously seeking and developing means to fully implement the rights of national minorities. The Government notes with satisfaction that the Committee of Experts underlines in its report the positive measures which Finland has taken in favour of minority languages.

The new Language Act (423/2003), which entered into force at the beginning of 2004, the Act on the Use of the Sámi Language before the Authorities (1086/2003), the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003), the Government Decree on Proving Knowledge of the Finnish and Swedish Languages in State Administration (481/2003), the Administration Act (434/2003) and the Non-Discrimination Act (21/2004), which entered into force in February 2004, have all contributed to improving the status of minority languages and minority populations.

The Non-Discrimination Act is intended to foster and safeguard equality and enhance the protection provided by law to those who have been discriminated against in cases of discrimination that fall under the scope of the Act. The commentary to the bill for this Act states, *inter alia*, that authorities drafting anti-discrimination plans must not only take into account immigrants but also the traditional national minorities in Finland. The Act contains provisions on prohibited grounds of discrimination, and one of them is language. According to the Act, discrimination based on language is prohibited in connection with work, education and trade union activities. The Act also provides legal safeguards for persons discriminated against.

THE SWEDISH LANGUAGE

The Ministry of Justice monitors the implementation and application of the new Language Act and issues recommendations on questions concerning legislation on the national languages. This statutory task of the Ministry involves permanent and long-term activities to improve the conditions for using both the Finnish and the Swedish language. For performing these tasks, two positions have been established at the Department of Central Administration of the Ministry: a senior adviser responsible for the implementation of the Language Act and a senior officer monitoring the implementation. Moreover, the Information Unit of the Ministry has a bilingual information officer expressly specialised in providing information about the Language Act and the ensuing obligations.

The Government Decree on the Implementation of the Language Act (433/2004) entered into force on 15 June 2004. According to the Decree, there shall be an Advisory Board on Language Issues at the Ministry of Justice. The Board is a permanent expert and drafting body. It consists of expert representatives from different sectors of

society where the implementation of linguistic rights is particularly important, such as the judicial system, social welfare and health care, and education. The first Advisory Board on Language Issues has been set up for the period from 15 June 2004 to 31 December 2007, and it starts working in August 2004.

One task of the Advisory Board is to draft proposals for measures to support the implementation of the Language Act in order to advance the use and status of the national languages. The proposals to advance the implementation of linguistic rights must be expressly other than legislative measures. In autumn 2004, the Board will prepare a working plan and, in that connection, take a stand on questions such as what measures it will recommend to improve the availability of social and health services provided in the Swedish language.

According to the Language Act, the Finnish Government reports to the Parliament each electoral period, as supplemental material to its Report on Governmental Measures, on the application of language legislation and on the securing of linguistic rights and, as necessary, on other linguistic conditions. The first report will be submitted in 2006. The Advisory Board on Language Issues assists the Government to prepare the report. In autumn 2004 the Board will take a stand on the content of the first report. The Government has not yet determined the content of the report but considers it important in principle that the report should deal, among other things, with the provision of education in Swedish.

As part of its tasks, the Ministry of Justice provides authorities with training in the content of the Language Act. Training is also provided in the qualification requirements of civil servants in respect of language proficiency, or the language proficiency required of them in practice and the consideration of it in the recruitment of personnel. New and updated qualification requirements in respect of language proficiency have been provided by law for, among others, the judicial system, where they concern both judges responsible for the administration of justice, expert members and office staff. Further, similar qualification requirements have been prescribed by law at least for civil servants responsible for the enforcement of punishments, and for policemen and officers. The Ministry of Justice has increased its provision of Swedish language courses tailored for judges.

Moreover, the Ministry of Justice has drawn the attention of authorities to the provision of information directly to the public and to the availability of information, particularly in Swedish. Authorities have, especially in their Internet communications, improved the access of citizens to information on authorities' activities, pending matters, their own rights and bringing up matters for consideration, for instance on forms printed in Swedish. Further, the Public Management Department of the Ministry of Finance has published a working group memorandum on quality criteria for public net services (*Julkisten verkkopalvelujen laatukriteerit*, No 8/2004). Among other things, this memorandum pays attention to the information obligations prescribed by the Language Act as part of the quality criteria for public net services.

According to section 92 of the report by the Committee of Experts, the Committee has been informed that the location of emergency response centres in Finland has caused problems to the Swedish-speaking population of the country. Similarly, the observations put forward in the fourth part of the report suggest that the reorganisation of the centres has harmed the Swedish population (section 4.2.D).

When the emergency response centres in Finland were reorganised, the country was divided into larger response areas than before, and at the same time the emergency response services were transferred from the police and the municipalities to the state. When the reorganisation will have been completed by the beginning of 2006, there will be in all 15 response areas. The emergency response centres receive calls for aid around the clock in all kinds of emergencies, in cases of illness requiring urgent medical care and in urgent police matters. The enlarged emergency response units are capable of serving the public better than the previous smaller units, because now more people work in one shift at the same time. Another advantage is that different authorities and fire, ambulance and police services can be alerted at the same time, and the aid arrives more quickly.

The obligation of the emergency response centres to provide services in both Finnish and Swedish is determined in accordance with the Language Act in a government decision concerning the division of the country into emergency response areas. Bilingual authorities are the state authorities of central administration and all other authorities whose administrative district contains municipalities with different official languages, or at least one bilingual municipality. The ability of bilingual emergency response centres to serve the public in Swedish is ensured by placing Swedish-speaking duty officers in each shift. For instance, the area of the Ostrobothnia centre contains many bilingual municipalities, and therefore the majority of its employees are

bilingual, and many of them speak Swedish as their native language. Also most unilingual centres are capable of providing services in Swedish. In the training of new duty officers for emergency response centres, particular attention is paid to the command of Swedish. The knowledge of Swedish of the duty officers already in office is being improved by means of staff training arranged by the employer.

For the aforementioned reasons, the Finnish Government cannot share the view of the Committee of Experts that the reorganisation of the emergency response centres has had adverse effects on the supply of services in Swedish.

The Ministry of Labour has prepared instructions for applying the new Administration Act. They concern, among other things, the application of the new obligations derived from the Language Act. The instructions underline that attention must be paid to the real knowledge of languages of information officers, telephonists and other personnel serving the public, and to the improvement of it. The labour administration must also pay attention to the practical language proficiency of personnel recruited. Recruitment advertisements must state both formal requirements of language proficiency and any knowledge of languages considered an advantage.

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

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

However, the examination showed that all employment office services were not equally available in both languages. Therefore, the examination report proposed among others the following measures to ensure the availability of services in both languages:

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

The employment offices observe the new language legislation in all vocational development services that they provide (training and vocational information services and the related production of vocational information material, vocational guidance and career planning services, vocational rehabilitation, labour market training). Further, they aim at safeguarding the rights of populations speaking minority languages to the extent that it is appropriate and possible from the viewpoint of labour policy. Client services and labour market training are available in Swedish in the coastal regions, and all material published by vocational development services is translated also into Swedish to the extent permitted by the available resources.

THE SÁMI LANGUAGE

The Act on the Use of the Sámi Language before the Authorities, which entered into force at the beginning of 2004, is intended to safeguard the constitutional right of Sámi people to maintain and develop their native language and culture. The Act contains provisions on the right of Sámi people to use their own language before

authorities and on the obligations of public authorities to implement and advance the rights of Sámi-speaking people. Because the Act is a so-called home district act, it mainly concerns the public services provided in the home districts of Sámi people, i.e. in the municipalities of Enontekiö, Inari, Sodankylä and Utsjoki. The Act contains detailed provisions on the rights of Sámi people to use their native language before authorities, in courts, in representative tasks, when providing data to the national population information system, when providing public information etc. Similarly, there are provisions on the obligations and staff qualification requirements of authorities in the home districts of Sámi people.

As to social and health services provided in the Sámi language, the Finnish Government states that, in the last few years, the government budget has allocated separate appropriations for safeguarding the provision of services in the Sámi language. In the budget of 2004, a government grant of 600 000 euros was allocated to secure social and health services in the Sámi language. For children, aged people and people with mental problems it is particularly important to obtain social and health services in their own native language. The Government assesses that the new language legislation will have a positive effect on the availability of health services in the Sámi language.

In many social and health services, especially those provided to children, aged people and people with mental problems, communication through an interpreter or staff with only a fair knowledge of the Sámi language does not guarantee the patient a high-quality service. In this respect, the reports and recommendations of the Committee of Experts are appropriate. They also support the central government in its attempts to improve social and health services provided in Swedish and the Sámi language.

The Government considers that Article 11 of the Charter, concerning media, has been implemented mainly successfully in Finland. However, the Committee of Experts takes up in its report four specific areas where it considers that Finland has not fully met the obligations of the Charter in respect of the Sámi language.

The Committee of Experts notes with satisfaction in its report that Finland has made active efforts to encourage and facilitate regular television broadcasts in the Sámi language. Still, the Committee is concerned about the total lack of regular Sámi television programmes targeted especially at children. Children's television programmes in the Sámi language are of great significance to the promotion and status of the language. The Committee considers that such broadcasting should be promoted particularly in respect of the Inari Sámi and Skolt Sámi languages.

The Norwegian Broadcasting Corporation (NRK) sends out children's television programmes in the Sámi language twice a week, and it has offered them also to Finland, but so far the Finnish Broadcasting Company Ltd has not started sending out Sámi programmes targeted especially at children. At present, Sámi language programmes for children are broadcast on the radio for 25 minutes per week.

The report of the Committee of Experts pays attention to the position of the Sámi language in the Finnish media. The Committee expresses its concern about the fact that, at present, no Sámi language newspapers are published in Finland.

The Finnish constitution guarantees all citizens freedom of expression. Freedom of expression entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. All Finns have a statutory freedom of establishing a newspaper. In this connection, it is important to underline that in Finland the state does not establish newspapers. The existing Finnish press, which is rather many-sided also by international standards, operates as a rule without public support. The Government grants, on application, subsidies to reduce the costs for transporting and distributing newspapers and other related costs. Such subsidies can also be used for projects to develop the press.

Thus, there are no legislative barriers to establishing Sámi newspapers in Finland. The establishment of such newspapers depends completely on the activeness of citizens, especially Sámi-speaking citizens. There are no obstacles, either, to applying for and obtaining press subsidies, granted by the state, for Sámi newspapers.

The European Charter for Regional or Minority Languages contains an undertaking 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. The Committee of Experts states in its report that, at present, it has no access to sufficient information to assess whether the undertaking is being fulfilled in Finland in respect of the Sámi people and the Sámi language.

The Act on Yleisradio Oy (the Finnish Broadcasting Company Ltd) (1380/1993) contains provisions on minorities, concerning both the operations and the administration of the company. According to section 7 of this Act, the company, providing public broadcasting service, shall support democracy by providing a wide variety of information, opinions and debates on social issues, also for minorities and special groups, and it shall treat in its broadcasting Finnish- and Swedish-speaking citizens on equal grounds and produce services in the Sámi and Romani languages and in sign language and, where applicable, also for other language groups in the country.

Section 6 of the Act contains a provision stating that the Board of Directors of the Finnish Broadcasting Company Ltd shall be elected so that it represents both language groups and sufficient expertise in the handling of the public service duties in accordance with section 7 of the Act. Thus, according to the Act, the Board of Directors of the company shall be elected so that its members are capable of representing the interests of both regional or minority languages and the population groups concerned in the provision of public broadcasting service.

When it comes to the administration of the Finnish Broadcasting Company Ltd and the protection by the company of interests of people speaking regional or minority languages, it must be added that the Ministry of Transport and Communications has set up a parliamentary working group with the task of reviewing the public broadcasting service and considering a revision of the administration of the company. The working group should submit its final report in September 2004.

The labour administration makes efforts to improve the availability of employment services in the Sámi language in the Sámi areas by nominating in its regional organisation persons responsible for such services, by gearing its recruitment policies to the purpose and by supporting independent studies of the Sámi language among the staff. Employment offices in the Sámi areas in Lapland have managed to recruit Sámi-speaking staff. Forms and handbooks needed centrally for client service are continuously being translated into the Sámi language, although there are problems with finding skilled translators and language revisers.

THE ROMANI LANGUAGE

The measures of the Finnish Government to promote the Romani language have produced positive results. The production of Romani teaching material has been increased by producing text and exercise books for the needs of pre-school education, the lower grades of comprehensive school, and upper secondary school. More teaching material is being produced continuously. Finland has participated in the project of the Council of Europe to harmonise teaching material published in the Romani language. The teaching material Unit at the National Board of Education has applied for ESF financing from the European Union to increase its production of teaching material and to harmonise the teaching of the Romani language. Although teaching material published in the Romani language is reasonably well available at present, the *de facto* materialisation of the language teaching at different school levels remains a challenge. The Romani Education Unit at the National Board of Education continues its work to improve the awareness of both Romani people and municipalities of the right to learn the Romani language and the existing teaching material.

It is expected that persons who have completed a Romani culture instructor's diploma – which are also mentioned in the interim report – will bring some relief to the teaching of the Romani language. The first course leading to this diploma started in autumn 2003, and one of its option lines is the Romani language.

The Ministry of Social Affairs and Health has, by virtue of the Government Decree on Social Welfare and Health Care Resources, granted financing for the development of early childhood education of Romani children as part of a national project to develop the social sector. Romani people themselves have strongly contributed to the ideas and implementation of the project. The project contains a Romani worker's field inventory of Romani families in the areas concerned, provision of information directly to these families and information provided to early childhood education staff. Further, each area has an itinerant Romani worker, who plays and sings with children at day-care centres in the Romani language. The project started on 1 May 2004 in the cities of Turku

and Vantaa, which are among the largest cities in Finland and have substantial Romani populations. In 2005, two other municipalities/regions will probably join the project. The purpose is to increase the attendance of Romani children at day-care centres and pre-school education. A parallel purpose is to develop early childhood education services so that the Romani language and culture are taken into account as part of normal services. The national project to develop the social sector will be completed in 2007.

The experience gained from the project on early childhood education of Romani children will be utilised in the overall reform of the legislation on early childhood education. The purpose is to create operating models where language and culture are taken into account and which can be applied nationally at day-care centres and in pre-school education.

On the whole, the media interest in the Roma has increased, and it has been positively toned. The media wants to present and interview common Romani people. Many presentations of such people have included an overview on the history of the Roma and general information about their cultural habits and language. The neutral and positive attitude of the media towards Romani people has increased the knowledge of the majority population about the Roma. The Advisory Board on Romani Affairs has noticed that, for instance, the major newspapers have given up mentioning the ethnic origin of the parties concerned in their reports on crime and police affairs. The Advisory Board has wished that the radio programme entitled *Romanihelmiä* (Romani Pearls), sent out by the Finnish Broadcasting Company Ltd, be given more programme time, in order that it could be developed further and the provision of Romani information could be deepened.

To assess the current situation of employment services for Romani people, the Ministry of Labour examined in 2003 their situation as employment office clients. The Ministry requested the employment offices to mention, among other things, the three most important and best measures or methods to support the consideration of the specific features of Romani clients and the improvement of their employment.

The following means to improve Romani employment won most support:

- vocational education,
- supported employment,
- completion of comprehensive school,
- trainee work/training for working life/work try-outs and
- guidance for working life as adult training provided by labour authorities.

Other important measures mentioned by employment offices were a change of attitude among the employment staff and teaching of the Romani language as part of labour market training. Further, brochures on the employment office services in the Romani language and Finnish were also regarded as an important means to increase the utilisation of the services by Romani people.

The regional organisation of the labour administration has been invited to nominate a contact person for Romani affairs in all employment offices and the labour market departments of all Employment and Economic Development Centres. This person could be, for instance, an official who works as a contact person for equality affairs. Moreover, the regional organisation has been invited to arrange staff training on ethnic equality, the Romani culture and the consideration of these aspects in the work of employment offices. Vocational training and language training should be arranged in cooperation with a Romani representative. Brochures in the Romani language on, *inter alia*, employment office services will be produced jointly with the Advisory Board on Romani Affairs at the Ministry of Social Affairs and Health.

The Ministry of Labour monitors regularly the implementation of the aforementioned proposals. Among other measures, it will send a new inquiry to the employment offices in 2005.

THE RUSSIAN LANGUAGE

Sections 30 and 37 of chapter 3.2 in the Committee of Experts' report refer to the recommendation for measures issued in the report *Suomen venäjänkielisen väestönosan kysymyksiä 2002* (Questions concerning the Russian-speaking population in Finland 2002) of the ad hoc working group set up by the Advisory Board for Ethnic Relations (ETNO), which works under the Ministry of Labour. According to this recommendation, a separate

advisory board for the Russian-speaking population should be established under the Prime Minister's Office. The Committee states that such an advisory board has not yet been established.

The Ministry of Labour sent the report of the working group out for comment to a great number of authorities on 6 May 2003. None of the Ministries which commented the report or the central government under them supported the setting up of a separate advisory board. They considered that affairs of the Russian-speaking population in Finland should be dealt with in the existing bodies, when necessary.

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

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

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

*(Adopted by the Committee of Ministers on 20 October 2004
at the 900th meeting of the 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 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 Finland;

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

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

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

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