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Addendum 1

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Addition to the fifth periodical report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter

FINLAND



6 March 2018

Committee of Experts on the European Charter for Regional or Minority Languages

Additional information and clarifications to the Committee of Experts on
the Fifth Periodic Report by the Government of Finland

Referring to the meeting of 9th February 2018 with the Committee of Experts the Government of Finland wishes to submit the following additional information and clarifications by the Ministry of Justice and the Ministry of the Interior to the Committee of Experts on the European Charter for Regional or Minority Languages on the Fifth Periodic Report by the Government of Finland. The additional information provided by the Association of Finnish Local and Regional authorities will be submitted separately.

Additional information and clarifications provided by the Ministry of Justice

PART I

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

4.7 Sign language

According to section 17, subsection 3 of the Constitution of Finland, the Sami, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sami to use the Sami language before the authorities are laid down by an Act. The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act.

There are provisions about the linguistic rights of persons using sign language in the special legislation concerning different administrative branches. The objective of the Sign Language Act is to promote the linguistic rights of sign language users. According to section 3 (1) of the Sign Language Act, the authorities must promote in their activities the opportunities of sign language users to use their own language and receive information in their own language (Sign Language Act (359/2015)).

The Ministry of Justice has established a cooperation group on sign language for 2017–2018. This group discusses issues related to sign languages that are topical within the Government and promotes a good flow of information between key stakeholders. In addition, the group monitors the realization of the Sign Language Act and tries to add the awareness of different actors about the content and the application of the Act. The Ministry of Justice, the Ministry of Education and Culture, the Ministry of Social Affairs and Health, the Ministry of Finance, The Finnish Association of the Deaf, the Association of the Finnish-Swedish Sign Language users, the Finnish Deafblind Association and the Association of Finnish Local and Regional Authorities are being represented in the group. There is more information about the sign languages in Finland in the report of the Government on the application of language legislation 2017 and the report of the Government on the application of language legislation 2013.

5. GOVERNMENT PROGRAMME, STRATEGIES, STUDIES, REPORTS AND INVESTIGATIONS

5.4/5.5 The Strategy for the National Languages of Finland/Action Plan for the Strategy for the National Languages of Finland

The Strategy for the National Languages of Finland was adopted in 2012. However, the current government of Finland decided to extend its validity to cover the current government term 2015–2019. The purpose of the Strategy is to ensure that Finland will continue to have two viable national languages also in the future. However, as not all of the measures were implemented, an Action Plan for Strategy for the National Languages was accepted in February 2016. The terms of reference of the Action plan are 2015-2019. It consists of eight components and includes measures covering several administrative branches. Furthermore, it points out the responsible ministry for every measure. The timetable for the implementation is either 2018 or 2019 depending on the measure. The Ministry of Justice is coordinating and supervising the implementation of the Action Plan together with the National Languages Network.

Tietojärjestelmät 4. Kulttuuri: audiovisuaaliset palvelut 5. Hyvä kielitaito 6. Turvallisuus ja terveys 7. Terveysten- ja sairaanhoito 8. Valtion työhönottomenettely

The main themes for the measures are: to increase the visibility and awareness of national languages, to ensure that both national languages are present in planning for the future, to take national languages into account in information systems and audiovisual services, to ensure good language skills, to take into account national languages in the fields of security, social and health care as well as in government's recruitment process.

The Ministry of Justice is also responsible for several measures in the action plan. The action plan includes for example the following measures:

- Training on linguistic rights of the government officials and state civil servants (In March 2018 the Ministry of Justice is launching web courses on linguistic rights for civil servants and updated info material on linguistic rights)
- Assessment tool for linguistic impacts (in February 2016 the Ministry of Justice published and updated version of a guideline for assessment tool for linguistic impacts)
- Follow-up indicators for linguistic rights (the Ministry of Justice is preparing indicators which will be implemented during the spring of 2018)
- Promoting linguistic rights in health care together with the Ministry for Social Affairs and Health

5.6 Report of the Government on the application of language legislation 2017

The Report of the government on the application of language legislation 2017 deals with the following themes: linguistic conditions in Finland, amendments to statutes and legislative projects relevant to languages, the attitudes climates related to languages, the realization of linguistic rights in social and health care and in state-owned companies as well as future opportunities from the viewpoint of linguistic rights, with emphasis on integration and digitalisation. The report discusses key observations related to each theme, giving proposals for development and identifying essential challenges related to each theme. There are key observations that, besides national languages, Sámi languages and sign languages, also concern other languages. These key observations are, for example:

- A positive attitude climate towards different language and population groups should be promoted. The authorities should give more consideration to what customer situations look like from the perspective of each language group. It would be important for the authorities to provide information on the rights of language groups and actively encourage them to use their own languages. A public official may also promote a positive atmosphere by attempting to use the customer's language, even if not personally fluent in it.
- The authorities should be more knowledgeable about linguistic rights and the obligations ensuing from them. It is also important to take any needs for interpretation and translation services into account. Awareness of the linguistic rights of different population and language groups should be raised among the authorities and citizens. In addition, the authorities should be encouraged to inform different language groups about their services.
- The visibility of linguistic diversity and awareness of it should be increased.

Promoting and monitoring the realisation of linguistic rights is one of the tasks assigned to the Ministry of Justice. It monitors the implementation and application of the Language Act issues and recommendations and, if necessary, makes initiatives and takes other action to rectify shortcomings. Educating and raising awareness of the authorities about the linguistic rights are part of these tasks. This concerns mainly national languages but also other languages. For example, the Ministry of Justice educates other authorities about the linguistic rights and raises their awareness of different linguistic groups in Finland.

8. STRUCTURES PROMOTING LANGUAGE AFFAIRS

8.1 Advisory Board on Language Affairs

The Advisory Board on Language Affairs is an expert body that operates in conjunction with the Ministry of Justice, supports the ministry and represents different sectors of society whose task is to promote linguistic rights.

According to the Government Degree on the Implementation of the Language Act (433/2004), the Advisory Board on Language Affairs consists of a chairman, a vice chairman and not more than 12 other members, each of which has a personal substitute. In the Advisory Board, there has to be representatives of expertise in judicial matters and in matters concerning social welfare and healthcare, education and culture, foreigners and immigration, municipal administration and language planning or research.

The present Advisory Board on Language Affairs consists of seven members and five substitutes. There are also permanent experts in the Advisory Board on Language Affairs: the Office of the Non-Discrimination Ombudsman, the Swedish Assembly of Finland, the Sámi Parliament and the Association of Finnish Local and Regional Authorities. The Secretariat of the Advisory board consists of the civil servants of the Ministry of Justice. Among other things, the Advisory Board on Language Affairs monitors reforms that affect linguistic conditions and the implementation of linguistic rights. In 2018 the Advisory Board will focus on education. The purpose of the Advisory Board is also to get more information about Karelian language in Finland.

9. IMPLEMENTATION OF THE COMMITTEE OF MINISTERS' RECOMMENDATIONS

9.1 Communication about the recommendations

The Committee of Ministers' recommendations on the application of language legislation 2013 have been discussed in the governments fifth report. Ministry of Justice has referred to the recommendations in its statements and presented them in several occasions.

9.6 Recommendation - awareness of regional or minority languages

Ministry of Justice as a promoter of linguistic rights

Following and monitoring the implementation of the linguistic rights is one of the main tasks the Ministry of Justice has been assigned to and it has taken following actions to increase awareness and tolerance to Swedish language since 2012:

- The governmental network for the National Languages was assigned for its second terms of reference period for the years 2015-2019. The main task of the network is to increase the awareness of both national languages in every ministry.
- An Action Plan for the Strategy for the National Languages of Finland was given in February 2016. The action plan includes 8 themes and several of them include concrete measures to increase the visibility and awareness of national languages and the fact how they are present in planning for the future.
- The Ministry of Justice has organized education on linguistic rights for civil servants and for public authorities and taken part in different activities to promote linguistic rights and groups. The Ministry of Justice is also producing web courses on linguistic rights, mainly for civil servants, but in the future also for the broader public.
- The Ministry of Justice has participated in funding a campaign in year 2017 to promote bilingualism and awareness of our national languages. The second part of the campaign will be published during this year.
- An event on the Swedish Day (6th November) was organized for the first time in 2007 for all ministries. The purpose of the event was to increase the awareness of the Swedish language and culture in Finland. This event will be organized hereafter annually.

- The report of the government on the application of language legislation 2017 includes key observations. Some of these key observations are also taking note of the fact that authorities need to take action to improve the language climate and tolerance between different language groups. For example, authorities should raise awareness of linguistic rights.
- At the moment the Ministry of Justice is preparing together with different language groups indicators for following-up the language legislation. The objective is to improve the supervision of implementation of the languages legislation and at the same time create a tool for indicators for language affairs that can be used in a broader sense

PART II

The Åland Islands – A new Act on the Autonomy of Åland is under preparation.

ARTICLE 7 – OBJECTIVES AND PRINCIPLES

1 b) Administrative divisions – Administrative changes and legislative amendments frequently have some impacts on languages. While individual changes may appear minor, the joint effects of legislative amendments and, in particular, administrative changes may have a significant impact on the practical realization of linguistic rights. When looking at linguistic rights, formal linguistic rights and the actual realization of the rights must be kept apart. Formally, the standard of linguistic rights in Finland is high, and recent legislative amendments have not undermined these rights, at least not intentionally. The actual realization of linguistic rights, on the other hand, is affected by administrative decisions, the availability of staff with language skills and, for example, IT solutions. Assessing the impacts of administrative changes that have taken place during the period 2013 - 2016 is challenging at this point.

Regional administrative reform

Linguistic rights in the health and social services reform - The reform formally, takes account of linguistic rights very well. The assessment of impact on linguistic rights has not been made in a way the assessment tool requires, so it is difficult to say what the real impact of the reform will be on services in Swedish or Sámi.

Reform of the district court network

The Government submitted its proposal (HE 270/2016 vp) on reforming the district court network to Parliament at the beginning of 2017. In November 2017 the Parliament decided that this reform will be implemented from the beginning of 2019. In its report, the Legal Affairs Committee of the Finnish Parliament paid attention, for example, to the realization of the linguistic rights and ensuring that the bilingual district courts would have sufficient numbers of both Finnish and Swedish speaking staff. The Legal Affairs Committee paid a particular attention to the language skills of trainee district judges (the report of the Legal Affairs Committee 11/2017), and “the Act on the court training” (674/2016) was amended. The main rule is, as the Courts Act (673/2016) prescribes concerning judges, that a trainee district judge shall have excellent oral and writing skills in the majority language of the population in the jurisdiction and (1) in a monolingual court, satisfactory skills in understanding and oral skills of the other language, and (2) in a bilingual court, satisfactory oral and writing skills in the other language. However, in order to safeguard the linguistic rights, a bilingual district court can have a sufficient number of

trainee district judges who shall have excellent oral and writing skills in the language spoken by the minority of the population in the jurisdiction, and satisfactory oral and writing skills in the majority language (amendment 867/2017). The number of posts in each bilingual district court shall be determined under a government decree. This amendment entered into force on 1 January 2018.

The new Local Government Act Linguistic division of municipalities - Monolingual municipalities that were no longer entitled to the language increment have changed their linguistic status to bilingual by a local council decision. The consequence of this was that the last unilingual Swedish municipality turned bilingual in the beginning of 2016.

Further measures to ensure the accessibility of social and health care in Swedish and Sámi

In the Report of the Government on the application of language legislation 2017 one of the main themes selected is the realization of linguistic rights in social welfare and healthcare services. The report states that Finnish-speaking minorities give a higher rating for the availability of services in their own language, both in social welfare and healthcare services than Swedish speakers do. Based on surveys conducted and requests for an opinion made by the Ministry of Justice it can be noted that Finnish speakers are also more satisfied with the linguistic standard of social welfare and healthcare services in general than Swedish speakers.

A link between satisfaction and proportion of the minority: Satisfaction with linguistic services varies between municipalities. Earlier language reports have dealt with a link between the relative proportion of the minority and realization of linguistic rights. In particular, this applies to the proportion of Swedish speakers in a municipality. This correlation was observed again in Language Barometer 2016 Survey.

Services in Sámi: The exceptionally sparse population and the large surface areas of the municipalities set challenges to the organization of social and healthcare services in the Sámi Homeland at the general level. The general level of satisfaction with the services among the Sámi and the availability of services in their Homeland are significantly below the national average. Contributing factors to this include distance from the services and the trend to replace services delivered “face to face” by telephone or online services.

Social welfare services in Sámi: Studies show that on average, Sámi-speaking social welfare services are more readily available than healthcare services. The availability of social welfare services in Sámi has also improved somewhat in recent years, but as a whole, the supply remains low.

The Health and social services reform: Formally the reform takes account of linguistic rights very well. The assessment of impact on linguistic rights has not been made as the assessment tool requires, so it is difficult to say what the real impact of the reform will be on services in Swedish or Sámi.

1c) Action to promote regional and minority languages in order to safeguard them Annual consultation on language affairs

The Advisory Board on Language Affairs organizes annual consultations to discuss language affairs in order to promote dialogue between the government and linguistic groups.

Previously, essential themes of the consultations have been the attitude climate and linguistics conditions in Finland, the implementation of linguistic rights in social welfare and healthcare and the reform of Finland's regional government, health and social services. This year, the purpose is to concentrate on education.

3. Respect, tolerance and mutual understanding between all linguistics groups

General language atmosphere

The Ministry of Justice is aware of the changes in the general language climate and atmosphere between and also inside the language groups. It is concerned about this development. The change in the language climate was reflected clearly in the background material (e.g. language barometers, surveys, interviews, statements) while the Government report on the application of language affairs (2013/2017) was prepared. The latest Government report on the application of language affairs includes several key observations on how to improve the language climate. Increasing the knowledge of language rights and also of the different language groups is needed. The Ministry of Justice is already taking measures to improve the knowledge of the government officers' language rights by producing material on them and producing web based education on language legislation. The Ministry of Justice has developed during recent year's a policy for good relations. One of the main goals is to increase dialogue between language groups and enhance the general atmosphere between groups.

Hate speech

The Ministry of Justice has funded a report on hate speech in 2016. In this report it was stated that persons belonging to minority groups are more often targeted by harassment or by hate speech. The discrimination monitoring system coordinated by the Ministry of Justice aims at fact based policy making. The activities include collecting up to-date information and research on discrimination, an annual discrimination study and a report on discrimination in Finland published once every electoral term (every 4 years). One of the focus areas of the Second National Action Plan on Fundamental and Human Rights for the years 2017-2019 is, therefore, equality and non-discrimination. The Action Plan also includes measures against hate speech and hate crimes.

The Ministry of Justice is planning to facilitate a national dialogue and networking on the implementation of the Code of Conduct on Countering Illegal Hate Speech, published by certain IT companies and the European Commission in May 2016. The plan is to involve authorities, NGO's as well as the private sector. In February 2018 the Ministry of Justice also launched an EU funded project called "Against hate". The objectives of this two-year project are to 1) develop practical measures to identify, prevent and tackle hate crime and hate speech; 2) to establish national networks of diverse actors to monitor and combat online hate crime and hate speech; 3) to develop monitoring systems for online hate speech and hate crime; 4) to share information between public authorities at the EU-level on successful measures taken to monitor and fight hate crime and hate speech and 5) to develop services assisting victims. As of April 2017 Finland is also taking part in an EU funded project called PROXIMITY. The objective of the project is to increase the capacities of local authorities and especially municipal police to identify and intervene in hate crimes and different forms of intolerance. The goal is among other things to identify best practices of awareness raising, training etc. at the local level in various European cities.

PART III

III.1 SWEDISH: THE LESS WIDELY USED NATIONAL LANGUAGE

ARTICLE 8: EDUCATION

Early childhood education, care, and basic education: Swedish speaking are generally satisfied with how the linguistic rights are fulfilled in daycare and education. This probably has to do with that these services are monolingual.

Vocational education: There is a great need of persons with vocational degree that know Swedish. The national strategy action plan contains a measure for increasing motivation to learn Swedish among vocational students. This is also mentioned in the fifth Periodic Report of Finland

ARTICLE 10: ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES

Emergency Response Centres – The Emergency Service College organizes an Emergency Response Centre Operator – education period in Vasa for bilingual (Finnish – Swedish) students.

Signs and place names – The Ministry of Justice is making a survey of the possibilities to prepare an act for place names.

ARTICLE 13: ECONOMIC AND SOCIAL LIFE

State-owned companies - The Governments language reports contains exhaustive information about state-owned companies and linguistic rights.

Additional information and clarifications provided by the Ministry of the Interior

The Committee's first question concerning the police relates to the language used by patrols first when meeting persons during the patrolling.

The language first used by police patrols largely depends on the internal language of the police district where the patrolling takes place. Upon the reform of the police administration (PORA III), there are five local police units in the south-western and western parts of the country (located within the geographical areas of two police departments), where the internal language of communication of the unit is Swedish. In the patrolling areas of those local units, Swedish is commonly used but the patrols have preparedness to use either Finnish or Swedish depending on the language used by the persons met during the patrolling. In the case of patrols in other geographical police districts, the first language used would usually be Finnish. However, all police officers in Finland have to learn the basics of Swedish as part of the police training.

In addition, according to the applicable Finnish legislation, the police officer should have certain skills in both Swedish and Finnish before he/she could be appointed to work as a police officer. In the districts or geographical areas where the main part of the population speak Finnish as their mother tongue, the police officer should have fluent skills in Finnish and at least moderate skills in Swedish. In those areas where the main population's language is Swedish, the officer should have fluent Swedish and at least moderate Finnish.

The Committee's second question concerning the police relates to the language services offered to minorities other than the Swedish-speakers, including the question of whether the recruitment of police officers representing other minorities has been taken up.

Whereas the provision of police services in Finnish and Swedish is guaranteed on a regular basis, the provision of services in the languages of other minorities largely relies on interpretation. It would be rare for police officers to command other minority languages. According to the information available, interpretation services have mainly worked well. However, there has been discussion both among the authorities and in the media on the question of what kind of measures could be taken to enhance the recruitment of police officers representing minority languages other than Swedish, but no solution has been found yet.

In paragraph 417, we draw your attention to the following additions to put the safeguarding of the provision of services in both official languages better in the context.

417. [-] In the reform of the police administration structure (PORA III), **reorganising the police districts, one of the aims was at the same time** that the provision of police services in both **Finnish and Swedish** will be safeguarded and that the status of Swedish will not be weakened. The police contribute to achieving the objectives determined in the Strategy for the National Languages of Finland. As the network of police service points and services is assessed, compensatory measures are taken and, for example, permanent offices will be replaced by mobile units to ensure that the standard of police services will not be lowered.

In paragraph 448 of the Fifth Periodical Report, is stated that the new Emergency Response Centre information system ERICA will be introduced in 2018. According to the latest information, ERICA will be introduced in Finland **during the spring 2019**.

In the end of paragraph 452 of the Report is a mistake concerning the number of simultaneous interpretation. Corrections are indicated in bold:

452. The Emergency Response Centre Administration ensures that the employees it recruits have sufficient language skills. By means of communications, an effort has been made to attract students to the training from different parts of the country, including the Swedish speaking areas. The employees' language skills are also supported by means of training and personnel policy measures. Work shifts are arranged to ensure that employees who speak Swedish are available, and if necessary, calls are directed to them. The Emergency Response Centres also have the possibility of using simultaneous interpretation at all times of the day and night under a separate service agreement. Situations requiring interpretation come up **several** times a year, and they involve a number of different languages. **For example in 2017 there were 69 interpretations in 9 different languages.**

Paragraph 476 of the Report could be better understood by taking account of the following clarifications. The sentence relating to the local dialect, which is not a dialect of Swedish (part III of the draft Report relates to the Swedish language, and the dialect close to Finnish is not very commonly used), should be deleted.

476. The Finnish and Swedish police engage [...] **frequently in bilateral** cooperation in the northern border zone between the two states. Joint patrolling **has been planned** on the Finnish-Swedish border, **which** would be unique in Europe. Common training for joint patrolling has been attended by 150 Finnish and Swedish police officers. [-] [-] During the training, the officers have learned about differences in such areas as penalty practices and the norms for technical and tactic police investigations. **Common language is**

relevant for joint patrolling, and as part of the offered training, the Finnish and Swedish police officers have attended language training (in Finnish and Swedish). The joint continuing training for police officers began with EU support in 2014 and ended in summer 2016. In the future, the inclusion of a special course on joint patrolling in police education is being planned.

Erillinen sivu elektronisen version käsittelyyn:

Oikeuspalvelu

OIK-40

Päivi Rotola-Pukkila

06.03.2018

Asia

EN; Alueellisia kieliä tai vähemmistökieliä koskeva eurooppalainen peruskirja; täydentävät tiedot Suomen viidennen määräaikaisraportin käsittelyyn

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| Asiasanat | IHMISOIKEUSSOPIMUKSET, MÄÄRÄKAISRAPORTIT, VÄHEMMISTÖT |
| Hoitaa | OIK-40 |
| Hoitaa UE | ENE |
| Koordinoi | |
| Tiedoksi | AVS-KEO; AVS-PAL; AVS-POL; EUR-30; OIK-01; POL-01; POL-02; POL-10; POL-40; STU-00; UKKMI-00; UMI-00; VIE-10 GEN; YKE OM; SM |
| Laatija jakanut | |
