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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

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

FINLAND

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

NOVEMBER 2002

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INTRODUCTION

The European Charter for Regional or Minority Languages was opened for signature by the member States of the Council of Europe in Strasbourg on 5 November 1992 when it was also signed by Finland. The Charter was ratified by Finland on 9 November 1994, and it entered into force on 1 March 1998. By November 2002, the Charter had been ratified by 17 member States of the Council of Europe.

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

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

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

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

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

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

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

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

In the context of monitoring the implementation of the Charter, the committee of experts visited Finland in December 1999, meeting representatives of the Government and of the non-governmental sector. Finland was the first country visited by the committee of experts.

When considering the implementation of the Charter in Finland, the committee had access to the Initial Report of the Government of Finland, the information given by the Government in reply to additional questions, supplementing the Initial Report, as well as information given by the Government during the visit of the committee of experts. Bodies and associations legally established in Finland had an opportunity to draw the attention of the committee of experts to matters of interest for the body or association in question. Having considered the Initial Report, the committee of experts submitted its opinion and made proposals to the Committee of Ministers at the beginning of 2001, for the preparation of the recommendations that the latter might wish to address to Finland. The Government was provided with an opportunity to comment on the report and proposals prepared by the committee of experts.

On 19 September 2001, the Committee of Ministers adopted its first Recommendation on the application of the European Charter for Regional or Minority Languages by Finland. The Recommendation is attached to the present report.

The present report is the Second Report by the Government of Finland on the Application of the Charter. It was prepared in October/November 2002.

Further information:

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

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GENERAL PART

1. BASIC INFORMATION ON FINLAND

History

Finland was part of the Swedish empire from the 12th century until 1809. As a result of the 1808-1809 War, Finland was ceded to Russia and made an autonomous Grand Duchy. However, the constitutional laws and certain other laws enacted by Sweden were maintained as the foundation of government in Finland. In 1809, an independent central government was created for Finland.

Finland was declared independent on 6 December 1917.

Population

At the end of 2001, the population of Finland was 5,194,901 persons, of whom 5,096,324 were Finnish nationals and 98,577 had some other nationality. The Russians and nationals of other States belonging to the Commonwealth of Independent States (nearly 25,000), the Estonians (11,662), the Swedes (7,999) and the Somalis (4,355) were the largest groups of foreigners residing in Finland. The share of foreigners of the entire population was 1.9%. (source: Statistics Finland¹, 2001)

Form of government and administration

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

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

In Finland, respect for the rule of law is a principle governing all public sector activities.

EU membership

Finland became a Member State of the European Union on 1 January 1995. As stated in the Programme of Prime Minister Paavo Lipponen's second Government (15 April 1999-), "Finland shall take full advantage of the possibilities offered by the European Union to enhance European cooperation in accordance with the principle of respect for democracy and human rights and the rule of law and with the principles guiding market economy. The

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

Government shall support the strengthening of the Union's capacity to better meet the challenges presented by globalisation and to promote security, sustainable economic development, employment, equality, conservation of the environment and social justice."

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

Religion

The Constitution of Finland (731/1999) guarantees the freedom of religion and conscience for all, including the right to profess and practice a religion, the right to express one's convictions, and the right to belong or not to belong to a religious community. Religious education is provided by comprehensive schools and upper secondary schools, in accordance with the pupils' religion. The Church has the right to levy church tax at a fixed rate, on the basis of income as defined for the purpose of the collection of municipal tax on income. Of the population in Finland, 84.9% belong to the Evangelical Lutheran Church, 1.1% to the Orthodox Church and 1.1% to other religious communities, and 12.9% do not belong to any religious community. (source: Statistics Finland, 2001)

Languages

The national languages of Finland are Finnish and Swedish.

At the end of 2001, there were 109,197 persons having a foreign language as their mother tongue. The number of persons speaking a foreign language is now approx. four times larger than it was at the beginning of the 1990's. Russian is the most usual foreign language spoken in Finland, with 31,000 persons having it as their mother tongue. The other significant foreign languages are Estonian (more than 11,000 persons speaking it), English (7,406 persons), Somali (6,920 persons) and Arabic (5,301 persons). (source: Statistics Finland, 2001)

Special status of the Åland Islands

Åland, consisting of more than 6,500 islands, is a province of Finland where only the Swedish language is used. The status of the Swedish language, the extensive autonomy and the competence of the Åland legislative assembly are provided for in a specific Act on the Autonomy of Åland (1144/1991). There are 26,000 persons living on the islands. Åland has a neutral and demilitarised status, which means that no military headquarters or forces may be placed on the islands.

The special status of the Åland Islands is based on a decision given by the League of Nations in 1921. Between 1917 and 1921, the residents of the islands aimed at having the islands ceded back to their former mother country, Sweden. However, as Finland was not willing to

lose the islands, they were offered an autonomous status instead of reannexation. The residents did nevertheless not approve the offer, and the dispute over the islands was finally submitted to the League of Nations. The latter decided that the Åland Islands were part of Finland but found that they should be made an autonomous area. Finland is under an obligation to ensure the residents of Åland islands a right to maintain the Swedish language, as well as their own culture and local traditions. At the same time, an international treaty was concluded on the neutral status of Åland, under which it is prohibited to place military headquarters or forces on the islands.

A protocol on the Åland Islands (Protocol No 2) was also attached to the afore-mentioned Act of Accession. The special status that the Åland islands enjoy under international law is taken into account in the Protocol. It is provided, *inter alia*, that the provisions of the EC Treaty shall not preclude the application of the existing provisions on restrictions, on a non-discriminatory basis, on the right of natural persons who do not enjoy *hembygdsrätt/kotiseutuoikeus*²(regional citizenship) in Åland, and for legal persons, to acquire and hold real property on the Åland islands without permission by the competent authorities of the Åland islands.

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

2. REGIONAL OR MINORITY LANGUAGES IN FINLAND

Swedish

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

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

Sámi language

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

² Italics added.

The definition of 'Sámi' is based on the Act on the Sámi Parliament (974/1995; section 3). Data on the number of Sámi and on the numbers of persons speaking Finnish and/or Sámi, respectively, were last compiled by the Sámi Parliament for the Sámi Parliament elections in 1999. According to information provided by the people entitled to vote in the elections, there were approx. 7,500 Sámi in Finland in 1999. Of them, 3,842 lived in the Sámi Homeland in northern Finland (including the municipalities of Enontekiö, Inari and Utsjoki as well as the reindeer herding association of Lapland in the municipality of Sodankylä). Thus, approx. 3,000 Sámi lived outside the Sámi Homeland and the rest lived in other countries. In the Sámi Homeland, the Sámi constitute approx. one third of the whole population of the area.

The Sámi of Finland, Sweden and Norway are represented in each country by a Sámi Parliament (*Samediggi*), consisting of 21 Sámi members and four substitutes elected by the Sámi themselves. The Sámi Parliament is elected every four years. The following elections will take place in September 2003. The Ministry of Justice, as the Government authority responsible for coordinating matters concerning the Sámi in general, also takes care of Government-level matters relating to the Sámi Parliament. Due to its autonomous nature, however, the Sámi Parliament is not a state authority although its budget is financed by the State. The Sámi Parliament is responsible for maintaining the Sámi language and culture and for certain duties pertaining to the status of the Sámi as an indigenous people, being part of the autonomy of the Sámi people. In addition, the Sámi Parliament represents the Sámi in official national and international fora. The Sámi have a flag and a national anthem of their own.

According to section 17, subsection 3, of the Constitution, the Sámi, as an indigenous people, have the right to maintain and develop their own language and culture. The Sámi culture, within the meaning of the Constitution, is understood as comprising the traditional forms of livelihood, such as reindeer herding, fishing and hunting. The right of the Sámi to use their own language before authorities is specified in an act of Parliament (Act No 516/1991). With a view to strengthening the right to use the Sámi language before authorities and the access to services in Sámi, the Sámi Parliament submitted a proposal for a new Sámi Language Act in 2002. On the basis of this proposal and taking into account comments given thereon, the Government intends to submit a bill to the Finnish Parliament in the spring of 2003, and the Act is scheduled to enter into force on 1 January 2004. The contents of the proposal are given account of in part I.1 of the present report. According to section 121, subsection 4, of the Constitution, the Sámi shall have autonomy in respect of their language and culture, within the Sámi Homeland, as provided by law.

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

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

Swedish-speaking Finns

Of the Finnish population, the share of Swedish-speaking Finns is 5.6% (on 31 December 2001, there were 290,771 Swedish-speaking Finns³). Considering that Swedish is one of the

³ Statistics Finland, 2001.

two national languages of Finland, the Swedish-speaking Finns are not considered a minority as such but rather a *de facto* language minority.

Sámi

There are a total of ten Sámi languages which belong to the group of Finno-Ugrian languages, and there are three different Sámi languages spoken in Finland: North Sámi, Inari Sámi and Skolt Sámi. Of those speaking Sámi as their native language, approx. 1,700 speak North Sámi, 400 speak Skolt Sámi and 300 speak Inari Sámi. North Sámi is also the most commonly used Sámi language in Sweden and Norway, and 70 to 80% of all the Sámi in Finland and Scandinavia speak it. Apart from the Skolt area, Skolt Sámi is also spoken in the Kola Peninsula. Inari Sámi is only spoken in Finland. Since 1992, people speaking Sámi have had the possibility to have Sámi entered into the population register as their mother tongue. By 1999, less than 1,700 persons had done so (in 1995, there were still more than 1,700 such persons registered).

Persons speaking a regional or minority language

"Persons speaking a regional or minority language" are defined on the basis of data registered into the population information system maintained by the Population Register Centre⁴ and local register offices. The registration of data is based on declarations made by citizens themselves and by those made *ex officio* by the authorities under law. The data to be entered into the register include name and identity code, address, nationality and native language, family relations, and dates of birth and death. Statistics Finland⁵ compiles statistics, *inter alia*, on the basis of nationality, native language and country of origin. These statistics are based on information provided by the Population Register Centre. The underlying principle applied to the registration of languages is that each person has only one language of his or her free choice. Thus, the language of each person is defined in accordance with the declaration made by himself or herself. It is possible to later change the information included in the population information system.

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

Roma

There are approx. 10,000 Roma in Finland. It is only possible to give an estimated figure as the Finnish law on the protection of personal data⁶ prohibits the registration of sensitive information indicating e.g. race or ethnic origin. In addition, there are approx. 3,000 Finnish Roma living in Sweden. There are Roma in all parts of Finland but most of them live in the largest cities of southern Finland. The Róma dialect used by the Finnish Roma is *Kàlo*. Most of persons speaking the Roma language are old and they also have the best command of the

⁴ <http://www.vaestorekisterikeskus.fi>

⁵ <http://www.tilastokeskus.fi>

⁶ Personal Data Act (523/1999; section 11). The prohibition is not absolute but sensitive information may be registered subject to certain conditions provided by an act of Parliament or decree. There are further provisions of law on the publicity of such information.

language. Middle-aged and young Roma mostly use Finnish in their every-day communication but they understand spoken Roma.

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

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

Russian

While Swedish-speakers are the largest language minority in Finland, the Russian-speaking persons constitute the largest non-territorial language group. There are approx. 31,000 Russian-speaking persons in Finland, of whom 22,700 are Russian citizens⁷. The historical Russian-speaking minority in Finland has been joined by a large number of immigrants in the past decades.

Due to the heterogeneousness of the Russian-speaking population group, it is challenging to enhance the use of the Russian language in Finland. While paying attention to the possibilities of those Russian-speaking persons who have lived in Finland for a long time, and who often have a perfect command of either Finnish or Swedish or both, to maintain their own native language, it is at the same time important to take account of the needs of new immigrants who also need to learn Finnish in order to integrate into Finnish society.

In statistical terms, also many Ingrian returnees, who have returned to Finland within the framework of the return programme applied since the beginning of the 1990's, are included in the Russian-speaking population group. Their return is based on an initiative taken by President Mauno Koivisto, to accept those Ingrians who are of Finnish origin as returnees. In the course of their history, the contacts of Ingrian Finns with Finland have been disrupted on several occasions but many of them have nevertheless wished to maintain their Finnish identity. Ingrian Finns living currently in Finland wish to underline their relationship with the Finnish language. However, because the Ingrian Finns have faced various problems after moving to Finland, including unemployment, the criteria applied to the acceptance of their applications for returning to Finland have later been reviewed, *inter alia*, insofar as the required knowledge of one of the national languages of Finland is concerned.

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

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

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

⁷ Statistics Finland, 2001.

Tatar

There are approx. 800 Tatars in Finland, who are descendants of the tatars who moved to Finland from Russian Tatar villages at the end of the 19th century and at the beginning of the 20th century. The Tatars are the oldest Islamic minority in Finland. Tatars, having their historical origins in Turkey, speak a language which belongs to the group of Turkic languages. Most of Finnish Tatars live in Helsinki and in its surroundings. The maintenance of the Tatar culture and language is enhanced by the Islamic Congregation in Finland, established in 1925. A cultural society and a sports club operate with the support of the Congregation.

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

Yiddish

Yiddish entered Finland in the 19th century. The Jewish people in Finland speak a dialect of northeastern Yiddish, which may also be called Lithuanian Yiddish. Originally, Yiddish was the official language of the Jewish community in Finland but it has been replaced by Finnish, Swedish, Hebrew and English. Considering that Yiddish is only used in private communication between individuals, there is no reliable information on the number of persons speaking Yiddish. However, according to a rough estimate, there are less than 50 persons, mainly old ones, who are able to understand and speak Yiddish.

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

The Jewish Congregation in Helsinki has undertaken to revive the use of Yiddish. The congregation provides courses to adults and holds a discussion club in Yiddish. At present, there are approx. twenty adults participating in them. In addition, a newsletter published by the Jewish congregation contains regularly an article written in Yiddish. A specific year of the Yiddish language has also been planned, to be implemented by the Congregation in cooperation with the Jewish School in Helsinki.

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

5. RECENT GOVERNMENT STATEMENTS AND REPORTS

Government Programme

The protection of the rights of language minorities is part of the Government Programme in Finland. In accordance with the Programme of Prime Minister Paavo Lipponen's second Government (15 April 1999-) (policy on the protection of fundamental rights and equality), in the context of the reform of the language legislation, the Government shall ensure the protection of the interests of language minorities. In particular, the Government shall ensure that the language and cultural rights of the Sámi are guaranteed.

Human rights and Finnish foreign policy

According to the Report on the Government's Human Rights Policy⁸, submitted by Foreign Minister Erkki Tuomioja to the Parliament Foreign Affairs Committee, promotion of the rights of minorities shall be one of the core areas of the Finnish Government's human rights policy. Persons belonging to minorities still face discrimination more than others. It is important for minorities to be able to participate in decision-making concerning them, at all levels of administration.

Services in Swedish

With the support of the Ministry of Trade and Industry, a report on services in Swedish was completed in 2000⁹. It is the final report of a working group set up to assess the de facto access of Swedish-speakers to services in their own language at three Employment and Economic Development Centres using both national languages. Another aim was to develop the services in the course of the assessment project. The report contains several concrete proposals for the improvement of services in Swedish.

Strategies of the policy on Roma

A report on '*Strategies of the Policy on Roma*'¹⁰, prepared on the initiative of Advisory Board for Roma Affairs and implemented by the Ministry of Social Affairs and Health, was completed in September 1999. According to the report, the status of the Roma in Finland is still weak because of inadequate education, discrimination and general prejudices. The report takes positions on various issues and contains concrete proposals on measures to be taken for the improvement of the status and rights of Roma in Finland. One of the most relevant strategies of the policy on Roma is enhancement of effective participation.

Ensuring access to social and health services in one's own language

On 1 September 1999, the Ministry of Social Affairs and Health appointed a reporting official to give account of the access of minorities to health care services in their own languages. The mandate also included the assessment of how the experiences gained in projects financed by the Ministry could be used to improve access to such services. The report of *Margita Lukkarinen*, '*Social and healthcare services in one's own language*'¹¹, gave account of the existing legislation concerning the provision of health care services and other legislation applicable to social welfare and health care services, relating to the right to use one's own language. The report was written from the customers' point of view, paying

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

⁹ Reports of the Ministry of Trade and Industry 2/2000.

¹⁰ Suonoja Kyösti and Väinö Lindberg: *Strategies of the Policy on Roma*. Reports of the Ministry of Social Affairs and Health 2000:8. Helsinki 2000.

¹¹ Lukkarinen Margita: *Social and healthcare services in one's own language*. Summary. Publication of the Ministry of Social Affairs and Health 2001:1. Helsinki 2001.

particular attention to the problems faced by the Swedish-speaking Finns and the Sámi. The report is reverted to in part III.1 of the present report, under Article 13 of the Charter.

PART I

I.1 MAIN LEGAL ACTS WHEREBY THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES HAS BEEN IMPLEMENTED IN FINLAND

New Constitution

Since the submission of the Initial Report of the Government of Finland, a new Constitution was adopted in Finland on 11 June 1999, and it entered into force on 1 March 2000. The new Constitution repealed the earlier constitutional laws: the Constitution Act of Finland of 1919, the Parliament Act of 1928, the Act on High Court of Impeachment (273/1922) and the Act on the Right of Parliament to Inspect the Lawfulness of the Official Acts of the Members of the Council of State, the Chancellor of Justice and the Parliamentary Ombudsman (274/1922).

Section 17 of the Constitution protects the right to one's language and culture. Subsections 1 and 2 of section 17 recognise the equal position of Finnish and Swedish as national languages and guarantee the related individual and collective rights. Instead of "native language", the Constitution speaks of "one's language". "Public authorities" is understood as including both the State and the local authorities. The provision concerning public authorities has particularly relevance in the provision of public services, education and other cultural activities, as well as in the provision of public information in one's own language. Subsection 3 provides for the right of minorities - i.e. of the Sámi as an indigenous people, of the Roma, and of other minority groups - to maintain their own languages and cultures. The wording of section 17 corresponds to that of section 14 of the repealed Constitution Act as adopted in the context of the reform of the constitutional provisions on fundamental rights in 1995. Section 17 reads as follows:

Section 17 – Right to one's language and culture

The national languages of Finland are Finnish and Swedish.

The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.

The Sámi, 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 Sámi to use the Sámi 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.

The other language-related provisions of the Constitution are included in section 6, subsection 2, concerning equality, in section 51 concerning the languages used by Parliament, in section 79, subsection 4, concerning the publication and entry into force of acts of Parliament, in section 121, subsection 4, concerning the right of self-government of the Sámi within the Sámi Homeland in respect of their language and culture, and in section 122, subsection 1, concerning administrative divisions. The said provisions read as follows:

Section 6 - Equality

...

No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.

...

Section 51 - Languages used in parliamentary work

The Finnish or Swedish languages are used in parliamentary work.

The Government and the other authorities shall submit the documents necessary for a matter to be taken up for consideration in the Parliament both in Finnish and Swedish. Likewise, the parliamentary replies and communications, the reports and statements of the Committees, as well as the written proposals of the Speaker's Council, shall be written in Finnish and Swedish.

Section 79 – Publication and entry into force of Acts

...

Acts are enacted and published in Finnish and Swedish.

Section 121 - Municipal and other regional self-government

...

Provisions on self-government in administrative areas larger than a municipality are laid down by an Act. In their native region, the Sámi have linguistic and cultural self-government, as provided by an Act.

Section 122 - Administrative divisions

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.

...

Language legislation

The provisions of the Language Act (148/1922) and of the Act on the Use of the Sámi Language before Authorities (516/1991) were given account of in the Initial Report of the Government of Finland.

Information on the pending reform of the language legislation is given in Part II of the present report, under Article 7 of the Charter.

Minority Ombudsman

A new office of Minority Ombudsman was established and placed under the auspices of the Ministry of Labour on 1 September 2001, replacing the office of the Ombudsman for Aliens. The Minority Ombudsman has a wider range of duties, including the promotion of good ethnic relations in general, and the monitoring of the status of aliens and persons belonging to minorities and of respect for their rights. The Minority Ombudsman may mainly issue recommendations, instructions and advice. He may also take initiatives aimed at removing deficiencies observed in the status of certain ethnic groups or aliens or in society in general. The competence of the Minority Ombudsman does not directly extend over language minorities but his duties may indirectly relate to the protection of the rights guaranteed by the Charter. The competence, duties and powers of the Minority Ombudsman are defined in an act of Parliament (660/2001), supplemented by a decree (687/2001).

Directives adopted by the Council of the European Union

A Council Directive (2000/43/EC) implementing the principle of equal treatment of persons irrespective of racial or ethnic origin was adopted on 29 June 2000. A Council Directive (2000/78/EC) establishing a general framework for equal treatment in employment and occupation was adopted on 27 November 2000. The preparatory work for the enactment of national legislation implementing these two directives has nearly been completed, and the Government intends to submit the relevant bills to Parliament during the first months of 2003. Although the directives primarily provide protection against racism and discrimination in employment, their implementation may occasionally involve questions relating to the position of regional or minority languages.

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

RESEARCH CENTRE FOR THE LANGUAGES OF FINLAND

The Research Centre for the Languages of Finland (*Kotus*) is a linguistic research institute maintained by the State. Research is carried out on Finnish, Swedish, the Sámi languages, Roma and the sign language. The Research Centre also provides linguistic counselling, and carries out dictionary projects and various research projects.

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

FiBLUL - FINNISH BUREAU FOR LESSER USED LANGUAGES

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

Address: Unioninkatu 45 H 110, 00170 Helsinki
Telephone: +358 9 6844 250
Telefax: +358 9 6844 2550
E-mail: folktinget@folktinget.fi
Web site: <http://www.folktinget.fi>

SVENSKA FINLANDS FOLKTING (SWEDISH ASSEMBLY)

The Swedish Assembly in Finland, *Svenska Finlands folkting*, promotes the implementation of the rights of the Swedish-speaking Finns and aims at improving their position. The Assembly gives, *inter alia*, opinions on questions concerning the use of the Swedish language in administrative bodies and education, as well as on the status of the Finnish language in Sweden.

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

SÁMI PARLIAMENT

The Sámi Parliament is responsible for promoting the Sámi language and culture and the status of the Sámi as an indigenous people, being part of the right of self-government

protected by the Constitution. The Sámi Parliament is a preparatory and consultative body in matters falling within the scope of self-government. As a representative body elected by the Sámi themselves, the Sámi Parliament also represents the Sámi both in national and international official fora.

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

ADVISORY BOARD FOR ROMA AFFAIRS

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

Address: Sosiaali- ja terveystieteiden ministeriö, PL 33, 00023 Valtioneuvosto
Telephone: +358 9 160 74308 (Secretary General)
Telefax: +358 9 160 74312
Web site: <http://www.stm.fi/suomi/organisa/orga01fr.htm>

FINNISH ASSOCIATION OF RUSSIAN-SPEAKING ORGANISATIONS

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

Address: c/o SADKO, Unionikatu 39 A 4, 00170 Helsinki
Telephone: +358 19 544 868 (*president of the Association, Mikko Novitsky*)
Telefax: +358 19 544 868 (*president of the Association, Mikko Novitsky*)

FINNISH ISLAMIC CONGREGATION

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

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

JEWISH CONGREGATION IN HELSINKI

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

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

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

The present report has been drafted at the Ministry for Foreign Affairs on the basis of opinions given by different ministries and authorities. The role of the non-governmental sector has been significant at all stages of preparation of the report. Before its drafting, all relevant authorities and non-governmental organisations were requested to submit written opinions on the issues to be included in the report.

Opinions were requested from the following bodies and organisations representing minorities: Advisory Board for Roma Affairs, Advisory Board for Ethnic Relations, Advisory Board for International Human Rights Affairs, Human Rights League, Swedish Assembly, Sámi Parliament, Islamic Community in Finland, Central Council of Jewish Communities in Finland, Finnish Association of Russian-speaking Organisations, Association of Ingrians in Finland (*Suomen Inkeri-liitto*), Finnish section of the Minority Rights Group, Multicultural Association *Familia Club*, Central Union for Child Welfare in Finland, Mannerheim League for Child Welfare, Northern Institute for Environmental and Minority Law (University of Lapland), and Institute for Human Rights (Åbo Akademi University).

Written opinions were received from the following bodies: Advisory Board for Roma Affairs, Advisory Board for Ethnic Relations, Swedish Assembly, Sámi Parliament, Finnish Association of Russian-speaking Organisations, Association of Ingrians in Finland, Finnish section of the Minority Rights Group, and Northern Institute for Environmental and Minority Law.

A total of 40 authorities and organisations were invited to send their representatives to a public hearing on the draft report, held at the Ministry for Foreign Affairs on 27 November 2002. The following authorities and organisations were represented: Ministry of Justice, Ministry of Education, Ministry of Social Affairs and Health, Ministry of Labour, Evangelical Lutheran Church, Advisory Board for Roma Affairs, Minority Ombudsman, Swedish Assembly, Finnish Association of Russian-speaking Organisations, Islamic Congregation (Tatar Community) in Finland, and FiBLUL.

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

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

The Charter, together with translations into Finnish, Swedish and North Sámi, has been published in the Finnish Treaty Series which is available in the largest public libraries. In addition, the text of the Charter is available in the FINLEX database of legislation, at <http://www.finlex.fi>, and at the home pages of the Ministry for Foreign Affairs, at <http://formin.finland.fi>. The Internet may be used free of charge at public libraries.

The Initial Report of the Government of Finland was published on the Internet, on the then home pages of the Ministry for Foreign Affairs at <http://virtual.finland.fi>. The Ministry's web site has later been moved to <http://formin.finland.fi>, containing periodic reports on human rights. The present report will also be published on the web site as soon as possible. It will further be published in the form of a bound paper copy which is easy to distribute and reproduce. The report will be sent out to a large number of authorities and non-governmental organisations.

The Division for Human Rights Conventions and Consular Issues at the Ministry for Foreign Affairs of Finland will be able, upon request, to provide materials relating to the Charter, to its implementing legislation and to the monitoring of its implementation, and to respond to enquiries concerning the rights and the duties deriving from the application of the Charter.

I.5 IMPLEMENTATION OF RECOMMENDATIONS

Various measures have been taken by the Government for the implementation of recommendations given by the Committee of Ministers. The language legislation is undergoing a reform which will, once implemented, apply not only to the national languages of Finland - Finnish and Swedish - but also to the use of the Sámi language, and thereby partly contribute to the implementation of the recommendations.

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

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

- 1. take immediate measures to strengthen the position of the Sámi 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 Sámi which seem to be in danger of extinction;*

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

The Sámi Parliament has set up a cooperative body consisting of representatives of the Sámi Parliament, the municipalities in the Sámi Homeland, the State Provincial Office of Lapland and the Ministry of Education/National Board of Education, with a duty to develop the teaching in and of the Sámi language, and to enhance the provision of information and joint projects for the development of education.

The Sámi culture is still supported by means of an appropriation included in the yearly budget of the Ministry of Education, on the use of which the Sámi Parliament decides. Further information on the appropriation is given in part III.2 of the present report, under Article 12 of the Charter.

In each municipality in the Sámi Homeland, there is a specific cultural community (*siida*) for the promotion of the Sámi language and culture, financed by the Sámi Parliament, the municipalities, the State Provincial Office of Lapland and the European Union (within the framework of the European Social Fund Objective 1). The purpose of these cultural communities is to enhance and maintain the use of the Sámi language and the maintenance of the Sámi culture among Sámi families.

As far as the local school authorities are concerned, new guidelines (2000) on the curricula for pre-school education entered into force in 2001. It is provided in these guidelines that pre-school education may also be provided in one of the three Sámi languages spoken in Finland, i.e. in Inari Sámi, Skolt Sámi or North Sámi.

The measures taken also include a long-term project for the development of education provided for children speaking one of the three Sámi languages. Significant efforts have been made in the past few years in respect of the improvement of teaching in and of the Sámi language. However, it is not easy to achieve lasting results within a short period of time. There are less than two hundred people speaking Inari Sámi and the number is about the same in respect of Skolt Sámi, and only a few persons of these bear the whole responsibility for the teaching in and of the Sámi language. Thus, both the teacher training and children's education and the production of teaching materials depend on a very limited number of persons. Also, the number of children attending education provided in Sámi is small.

2. increase the presence of Sámi within the media, in particular by encouraging, through concrete measures, the creation of newspapers and the broadcasting of regular television programmes;

The Finnish Broadcasting Company started a regular news broadcast in Sámi on 7 January 2002. The ten-minute news, *TV-uddasat*, are broadcast live from Monday to Friday in those parts of Lapland as are located north of Rovaniemi. The news are produced in Karasjok, Norway, and are also broadcast in Norway and Sweden. The regional news broadcasting stations are placed in Kiiruna, Sweden, and in Inari, Finland. The texts of the news are also available in the evenings on the web site of the Sámi Radio owned by the Finnish Broadcasting Company (<http://www.yle.fi/uutiset>). More specific information on the Sámi news and the Sámi Radio is given in part III.2 of the present report, under Article 11 of the Charter.

3. a) *provide favourable conditions to encourage the use of Swedish, the less widely used official language, before the judicial and administrative authorities, in particular by taking measures aimed at improving the Swedish language skills of legal officials and administrative personnel;*
- b) *provide favourable conditions to encourage the use of Sámi before judicial and administrative authorities in the Sámi Homeland, in particular by taking measures aimed at improving the Sámi language skills of legal officials and administrative personnel;*

In the context of the ongoing reform of the Language Act and of the Sámi Language Act, the Government aims at taking the recommendations given by the Committee of Ministers into account to a larger extent.

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

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

Further measures are needed to guarantee access to social welfare and healthcare services in Swedish and Sámi.

The access of citizens to services in one's own language has been assessed in Finland. With the support of the Ministry of Social Affairs and Health, a report on '*Social and healthcare services in one's own language*'¹² was prepared in 2000. The report gives account of the access of persons belonging to minorities to healthcare services in their own languages. The report is reverted to in part III.1 of the present report, under Article 13 of the Charter.

A reporting official designated by the Ministry of the Interior, *Jukka Pekkarinen*, observed in his report¹³ on the financing of basic services provided by local authorities that the language conditions in municipalities affect the costs of social welfare and healthcare. Thus, the system of State financing should be reviewed with a view to assessing whether additional subsidies could be allocated to bilingual municipalities.

The availability of social welfare and health care services in Swedish is given account of in the context information given under Article 13 of the Charter.

In the budget for 2002 adopted by Parliament, an additional appropriation has been reserved for the purpose of guaranteeing the availability of social welfare and health care services in Sámi. The appropriation amounts to 200,000 euro, and may only be used to cover the costs of providing such services in the municipalities located in the Sámi Homeland, referred to in section 4 of the Act on Sámi Parliament (974/1995). The appropriation is allocated as state subsidies through the intermediary of the Sámi Parliament.

This method of state financing derogates from the normal practice concerning state subsidies meant for municipalities, as the municipalities may normally freely decide on how to use the

¹² Ibid.

¹³ Pekkarinen Jukka: Financing of basic services provided by local authorities. Publications of the Department of Municipal Affairs 1/2000. Ministry of the Interior.

subsidies but must at the same time contribute to the payment of costs for which the state financing is provided. However, in respect of the provision of social welfare and health care services in Sámi, an additional appropriation is justified as being necessary for the purposes of maintaining the language and culture of the Sámi as an indigenous people, as referred to in the Constitution.

An additional appropriation has already been proposed to be included in the budget for 2003. The appropriation would still be 200,000 euro.

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.

The Initial Report of the Government of Finland was published in English on the web site of the Ministry for Foreign Affairs (<http://virtual.finland.fi>). In addition, the report is available as paper copies in Finnish, Swedish (unofficial translation) and English. Paper copies of the Finnish version of the report were handed out to the relevant authorities and non-governmental organisations immediately after its publication. The Legal Department of the Ministry for Foreign Affairs has also transmitted the report, either as a paper copy or in the form of an electronic file, to all authorities, non-governmental organisations and individuals who have requested it. The text of the Charter, which has been translated into Finnish, Swedish and North Sámi, has often been provided together with the report.

As regards future periodic reports, the Government will pay more attention to their publication and to enhancing a wider access to them. The present report will be available in both Finnish and English by the end of 2002. It will be published on the Internet, on the new human rights pages of the Ministry for Foreign Affairs at <http://formin.finland.fi>. Furthermore, a large volume of paper copies will be printed. The report will be sent out to a large number of authorities and non-governmental organisations.

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

On 24 September 2001, the Ministry for Foreign Affairs gave out a press release (No 277) concerning the recommendations given by the Committee of Ministers on account of the Initial Report of the Government of Finland. The press release summarised the recommendations, the aims of the Charter and the monitoring mechanism. The press release was also available on the Ministry's web site at <http://formin.finland.fi>.

The recommendations were translated soon after their adoption into both national languages of Finland, i.e. into Finnish and Swedish. The recommendations, together with the report of the Committee of Experts, were communicated on 24 October 2001, *inter alia*, to the President of the Republic, the Prime Minister's Office, all the Ministries, Parliament, the Parliamentary Ombudsman, the Chancellor of Justice, the Office of the Prosecutor General, the Supreme Court and the Supreme Administrative Court, various Advisory Boards, the Association of Local Authorities in Finland, and research institutes specialised in human rights, as well as to a number of representative bodies of minorities and non-governmental organisations. They were accompanied by a note in which it was recommended that the

recommendations given by the Committee of Ministers be widely disseminated by the said bodies.

The recommendations are available in Finnish on the web site of the Ministry for Foreign Affairs at <http://formin.finland.fi> (>human rights>conclusions and recommendations).

The recommendations have also been translated into North Sámi, and the translation was communicated to the Sámi Parliament, the Sámi Council, the Association of Local Authorities in Finland, the State Provincial Office of Lapland, and all the municipalities located in the Sámi Homeland, on 1 October 2002.

The Advisory Board for International Human Rights Affairs, operating under the auspices of the Ministry for Foreign Affairs, held a seminar on 1 February 2002, addressing the conclusions and recommendations of the Committee of Ministers concerning the implementation of the Charter and of the Framework Convention for the Protection of National Minorities in Finland. The seminar was attended by nearly 80 persons representing State administration, the mass media, associations and communities of minorities, and research institutes. The seminar was also attended by *Vesna Crnic Grotic*, member of the Committee of Experts, and *Regina Jensdottir*, secretary of the Committee of Experts.

I.7 CONTRIBUTION TO THE IMPLEMENTATION OF RECOMMENDATIONS

As regards the contribution of authorities to the implementation of the recommendations given by the Committee of Ministers, the Government refers to the information given above. The recommendations have been communicated to a large number of authorities, and each sector of administration is responsible for taking measures in implementation of the recommendations.

PART II

ARTICLE 7: OBJECTIVES AND PRINCIPLES

Article 7, setting out the objectives and principles, is applied to the Sámi language and Swedish. Upon ratification of the Charter, Finland also declared that it undertakes to apply, *mutatis mutandis*, the principles listed in Part II of the Charter to the Roma language and other non-territorial languages.

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

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

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

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

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

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

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

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

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

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

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

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

4. In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are

encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

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

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

The Finnish Constitution recognises the right to one's language and culture. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis. The Sámi, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own languages and cultures.

1.b) Respect of the geographical area of each regional or minority language

When the Initial Report was submitted in 1999, the 1919 Constitution Act of Finland, including provisions on the rearrangement of the boundaries of administrative districts and its implications on language, was still in force. The respective provisions were not adopted as such into the new Constitution. The existing provisions on administrative divisions are included in section 122 of the new Constitution, according to which, "in the organisation of administration, the objective shall be suitable territorial divisions, so that the Finnish-speaking and Swedish-speaking populations shall have an opportunity to receive services in their own language on equal terms". This provision is designed to ensure equal opportunities for both language groups to have access to services in one's own language.

The Swedish Assembly has, however, criticised the wording of section 122 of the Constitution. According to the Swedish Assembly, the new provision is weaker than the repealed provisions because it does not provide for any obligation to pay attention to the language of administrative districts in the context of rearrangement of their boundaries.

As regards the use of Swedish, there are also certain special administrative divisions. For example, the Evangelical Lutheran Church is divided into parishes on linguistic grounds so that, in cases where there is a significant Swedish-speaking population in a municipality, the Swedish-speaking population constitutes a parish of its own. Since 1923, all Swedish parishes have belonged to the same autonomous Swedish diocese. In the field of defence, there is a Swedish detachment (*Uudenmaan prikaati; Nylands brigad*). The status of this detachment is described in more detail in the context of information given under Article 10 in respect of the Swedish language.

In paragraph 29 of its Report, the Committee of Experts has expressed concern over the fact that the administrative boundaries in the Sámi Homeland have not been changed since 1973

despite that an increasing part of the Sámi resides outside that area. In this respect, the Government reminds that many provisions of the Sámi Language Act are applicable irrespective of the place of residence of the person speaking the language, although the rights of those living in the Sámi Homeland are more extensive. Even the right to teaching in and of the Sámi language applies to the entire country, although in practice the right may be best ensured in the Sámi Homeland. Outside this area, there is very little teaching in and of the Sámi language. Municipalities are, however, entitled to a specific state subsidy for the purpose of arranging supplementary teaching for two hours a week. The financial resources of municipalities are fairly modest, and also the lack of teachers, the weak position of the language outside the Sámi Homeland, and the small number of Sámi children in each school make it more difficult to provide teaching in and of the Sámi language. In the pending reform of the Sámi language Act, this difference in the enjoyment of rights in the Sámi Homeland in comparison with other parts of the country will nevertheless be maintained.

The Sámi Parliament has criticised the fact that the administrative districts defined by law do not conform to the limits of the Sámi Homeland. In the opinion of the Sámi Parliament, this is an obstacle to the maintenance and development of the Sámi language.

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

Proposal for a new Language Act

On the basis of an opinion expressed in the Programme of Prime Minister *Paavo Lipponen's* second Government, the Government set up a committee on 26 August 1999, for the purpose of preparing a new Language Act and related legislation (hereinafter referred to as ‘the Language Act Committee’). The committee was to draft a proposal for an overall reform of the Language Act of 1922, as its provisions are fairly general in nature and have proved difficult to interpret and apply. While preparing its proposal, the committee was to examine the provisions of the existing Language Act and of related legislation in the light of the Finnish Constitution and the international obligations of Finland. The committee was also to submit concrete proposals for measures to better ensure the implementation of language rights. The purpose of the reform was to make both the structure and the language of legislation more systematic.

The Language Act Committee aimed at working transparently, by providing information on its work and by hearing the public in the context of three open seminars held in Helsinki, Joensuu and Vaasa. The committee also published reports relating to its work on the Internet, on the web site of the Ministry of Justice (<http://www.om.fi>).

The Language Act Committee produced four extensive reports on the historical, cultural and sociological origins of the national languages, on the international obligations concerning language legislation and laws of other countries¹⁴, on every-day use of the languages, and on language rights under domestic law, respectively.

The Language Act Committee further commissioned a report on the language qualifications required by local authorities from public officials and on the requirements imposed by EU law on the qualifications of public officials. The National Road Administration prepared, on

¹⁴ Language legislation. International obligations and laws of other countries. Publications of the Law-drafting Department of the Ministry of Justice 1/2001.

the Language Act Committee's request, a report on the practice applied to road signs and on its costs, presenting views with regard to the possibilities to change the practice.

In accordance with its mandate, the Language Act Committee heard the Ministry of the Interior, the Ministry of Finance, Parliament, the Åland Government and the mass media and, as a linguistic interest group, the Finnish Alliance, in the course of its work. The Language Act Committee further heard the Prime Minister's Office, the Ministry of Transport and Communications, the Ministry of Defence, the Ministry of Social Affairs and Health, the Ministry for Foreign Affairs, the Office of the Prosecutor General, the Evangelical Lutheran Church, universities and other educational establishments, the Association of Local Authorities in Finland, the National Road Administration, and Genimap Oy (company producing maps), as well as experts on sociology, socio-linguistics, language legislation and constitutional law.

Having finished its work, the Language Act Committee submitted a report (Committee Report 2001:3) to the Government on 15 June 2001.

Further preparation of the reform was carried out at the Ministry of Justice on the basis of the Committee Report and comments submitted thereon. Comments on the Committee Report were requested from the Prime Minister's Office, the Ministries, the Parliament Office, the Parliamentary Ombudsman, the Chancellor of Justice, the Supreme Court, the Supreme Administrative Court and certain other courts, several central administrations, State Provincial Offices and municipalities, political parties, linguistic interest groups, various experts, and companies partly owned by the State. In total, 155 authorities and organisations were requested to comment on the Committee Report. Of these, 120 submitted their comments which have been summarised by the Ministry of Justice¹⁵.

Most authorities and organisations commenting on the Committee Report welcomed the underlying principles and most relevant proposals presented by the Language Act Committee. However, they also provided fairly detailed comments on the proposed provisions of law. Attention was also drawn to the fact that the Act could not be applied without ensuring adequate resources for its implementation. Many courts noted that it would be important to pay officials significant wage increments for good language skills. The inadequate number of Swedish-speaking lawyers was also a source of concern. It was estimated that the need for such lawyers will further increase as many district court and court of appeals judges will retire within a few years' time.

On the basis of the comments received, structural and substantial adjustments were made both to the draft Language Act and to the draft Act on Language Requirements of Public Officials. It was possible to take most of the comments into account in the final Government Bill.

On 28 June 2002, the Government submitted a bill (HE 92/2002 vp.) to Parliament, for a new Language Act and related legislation, with a view to have the Bill passed by Parliament before the parliamentary elections in the spring of 2003. Thus, the new Act would enter into force at the beginning of 2004.

¹⁵ Summary of the comments on the Report of the Language Act Committee (KM 2001:3). Publications of the Ministry of Justice/ Measures and administration, 2002:1.

The purpose of the new Language Act is to ensure the protection of the of the Finnish-speaking and Swedish-speaking populations to use their own languages as required by the Constitution. The new Act would be generally applied to Finnish and Swedish, but would contain references to legislation concerning other languages and to other legislation containing provisions on languages.

The new Language Act would 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 would concern not only authorities but also any private entities providing public services. Under the new 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.

The difference between municipalities with one language and bilingual municipalities would still be maintained. The criteria according to which the language status of a municipality is determined would also remain the same. According to the new provisions, however, public authorities would also be defined as using one or two languages.

According to the Government Bill, the authorities should ensure *ex proprio motu* that the citizens have an effective right to use their own language. The access to services in Finnish and Swedish would be guaranteed as a fundamental right in the new Language Act.

The new Language Act will include specific provisions on the right to use Finnish and Swedish before courts of law and other authorities, as well as provisions on the working language and language of documents of authorities. Under the Government Bill, an authority which has been defined as being bilingual must be able to provide public information in both Finnish and Swedish.

The Act would also contain basic provisions on the language to be used in signs, traffic signs, town names and in the informative labels on products, as well as a specific provision on measures to be taken for the promotion of language rights. The Ministry of Justice would be responsible for monitoring the implementation and application of the Act and would thus, where necessary, take initiatives and other measures for the purpose of ensuring compliance with the Act.

According to the Government Bill, a Government report would be submitted to each elected Parliament on the implementation of the Language Act and language rights. Apart from Finnish and Swedish, the reports would address at least the situation in respect of Sámi, Roma and the sign language.

At the same time with the Language Bill, the Government submitted to Parliament a bill for the enactment of a new Act on Language Requirements of Public Officials. The new Act would repeal the existing Act on Language Requirements of State Officials. The Act would provide for the required language proficiency of public officials and other personnel employed by the State, municipalities or joint municipal boards and independent public institutions. It is proposed that the Act contain provisions, *inter alia*, on the obligation of authorities to ensure that their personnel have adequate language skills, to inform of the language requirements and of the way in which they may be demonstrated, to verify the language skills in the context of recruitment, to decide on any exemptions from the

requirements, to hold Finnish and Swedish language exams and to provide for the administration and implementation of such exams.

Amendments have further been proposed to the Code of Judicial Procedure, Criminal Procedure Act, Criminal Investigations Act, Act on the Status and Rights of Social Welfare Clients, Act on the Status and Rights of Patients, Social Welfare Act, Public Health Act, Act on Specialised Medical Care and Act on Local Authority Boundaries.

The new Language Act and the Act on Language Requirements of Public Officials are scheduled to enter into force on 1 January 2004.

The Ministry of Justice is also preparing a proposal for the enactment of a Decree on the Linguistic Proficiency of State Officials in Åland. Under section 42, subsection 1, of the Act on the Autonomy of Åland (1144/1991), "the provisions on the linguistic proficiency of a State official in Åland shall be issued by Decree with the consent of the Government of Åland".

The Decree would clarify the application of the provisions on language requirements of public officials as there would be specific provisions concerning State Officials in Åland, as required by section 42, subsection 1, of the Act on the Autonomy of Åland. Thereafter, Åland would no longer fall within the scope of application of the Language Act. The idea is to define the language requirements of public officials in such a way as makes it possible to take the special needs of Åland into account and arrange language exams in Åland.

Proposal for a new Sámi Language Act

On 11 June 1997, the Sámi Parliament set up a working group to draft a proposal for the reform of the Sámi Language Act, with a view to assessing how the language-related fundamental rights and human rights be better implemented under the Act. The Sámi Parliament invited the Ministry of Justice to designate a permanent expert to participate in the work. According to the initial schedule, the working group was to complete its work by the end of 1998. However, as proposed by the working group, the Sámi Parliament extended its mandate until November 2001. The Sámi Parliament adopted the proposal of the working group on 14 December 2001 and submitted it to the Ministry of Justice on 20 February 2002.

The purpose of the reform of the Sámi Language Act is to remove the deficiencies that are caused by the fact that the present Act is inefficient, and to harmonise the language-related rights of the Sámi with the amended fundamental rights provisions of the Constitution and with the relevant international obligations. Another aim is to include in the act, as far as possible, the same principles as in the new Language Act, in the same way as the existing Sámi Language Act (516/1991) is based on the principles set out in the Language Act of 1922, taking nevertheless into account the fact that Finnish and Swedish are the national languages of Finland and Sámi is a regional minority language.

The Sámi Parliament proposes that a new Sámi Language Act be enacted, repealing the Act on the Use of the Sámi Language before Authorities adopted on 8 March 1991. The new Act would ensure the right of the Sámi to maintain and develop their own language and culture and to use their own language (Inari Sámi, Skolt Sámi or North Sámi) before courts of law and other authorities, as required by the Constitution and international agreements binding on Finland.

The Act would not only be applied to administrative functions but to any public functions of authorities referred to in the Act. The authorities covered by the Act would mainly be the same as those falling within the scope of application of the existing Act. The new Act would further be binding on state-owned companies and certain private entities providing public services within the Sámi Homeland. The procurement of services from private entities should not affect the right of the Sámi to use their own language. Under the new Act, the authorities should ensure *ex proprio motu* the implementation of this right.

According to the proposal, Finnish and Sámi would have an equal status before local and state authorities within the Sámi Homeland and would have the right to use either Finnish or Sámi in accordance with their own choice. These authorities would be under a general obligation to enhance the use of the Sámi language in their work. They should also use Sámi in written communications sent to the parties concerned and to those who, under the law, must be informed of a pending or new case. Sámi would also be used in replies to communications written in Sámi. Furthermore, local authorities would have to use both Sámi and Finnish in such official documents as do not need to be served upon a party, in official correspondence between authorities, and in accounting.

The proposal also contains a provision on the required language proficiency of local and state authorities within the Sámi Homeland. These authorities would be under an obligation, when recruiting new personnel, to ensure that the personnel in each office located within the Sámi Homeland be able to serve customers in Sámi. The authorities should also, by arranging training and by taking other measures, ensure that the personnel have adequate Sámi language skills for that purpose. Permanent officials would have the right to take a paid leave of absence for the purpose of studying the Sámi language.

Each authority would itself be responsible for ensuring compliance with the Sámi Language Act. The Sámi Parliament would monitor the application of the Act and, where necessary, issue recommendations and take initiatives for improvements.

The Ministry of Justice requested 128 authorities and organisations to comment on the proposal of the Sámi Parliament. Comments were received from 87 of them, and they have been summarised by the Ministry¹⁶.

Most authorities and organisations commenting on the proposal welcomed the reform. It was generally found that the new Act would implement the right of the Sámi, as an indigenous people, to maintain and develop their own language protected by the Constitution, as well as the provisions of international agreements binding on Finland and of recommendations given by the treaty bodies. The proposal was found particularly good in respect of Skolt Sámi and Inari Sámi. However, there were also comments according to which the proposal was in some respects incomplete and contains contradictory elements, and several proposals for amendments were given.

On the basis of the proposal of the Sámi Parliament and of comments given thereon, as well as on the basis of consultations with the Sámi Parliament, a Government Bill is being prepared at the Ministry of Justice. The Act is scheduled to enter into force at the beginning of 2004, at the same time with the Language Act.

¹⁶ Proposal for a new Sámi Language Act. Summary of Comments. Publications of the Ministry of Justice/Opinions and reports, 2002:16.

The Government discussed the implementation of the existing Sámi Language Act and the preparation of the new Act, as well as other issues relating to the Sámi, in an informal session on 22 May 2002 where also representatives of the Sámi Parliament had for the first time been invited.

Sámi language

As far as the local school authorities are concerned, new guidelines (2000) on the curricula for pre-school education entered into force in 2001. It is provided in these guidelines that pre-school education may also be provided in one of the three Sámi languages spoken in Finland, i.e. in Inari Sámi, Skolt Sámi or North Sámi.

In each municipality within the Sámi Homeland, there is a specific cultural community (*siida*) which provides culture-oriented activities in the Sámi language for Sámi families. Such communities have been established in various parts of the Sámi area: North Sámi communities in Enontekiö, Inari, Utsjoki and Vuotso, a Skolt Sámi community in Sevettijärvi and an Inari Sámi community in Ivalo. The communities are part of a three-year project financed by the Sámi Parliament, the municipalities, the State Provincial Office of Lapland and the European Union (within the framework of the European Social Fund Objective 1), aimed at enhancing the Sámi language and culture and lasting until February 2004. The purpose of the project is to strengthen the knowledge of Sámi families of their own language and culture, to support Sámi parents and the whole Sámi community in using Sámi as an every-day language both at home and outside home. The project focuses on the traditional forms of Sámi culture and all the activities take place in the Sámi language. In 2002, the Ministry of Education allocated a specific subsidy to the University of Helsinki, for the purpose of financing a project on the production of an encyclopaedia of the Sámi language and culture.

Finland, Norway and Sweden intend to enter into negotiations on the conclusion of an agreement concerning the Sámi. The agreement would provide for cooperation to enhance the use of the Sámi language.

Roma language

In 1997, a Roma Language Board was established under the auspices of the Research Centre for the Languages of Finland, for the purpose of maintaining and developing the Roma language and carrying out research thereon. In the Research Centre, there are two temporary researchers of the Roma language, of whom one is of Roma origin. As of January 2003, one of the researchers will be employed on a permanent basis.

Russian

The Advisory Board for Ethnic Relations set up an ad hoc working group to assess the cultural and linguistic needs of the Russian-speaking population in Finland. The working group will submit its proposal to the Advisory Board by the end of 2002. In this context, the working group will hold a seminar at the beginning of December 2002 for State authorities and other relevant bodies working with issues relating to the Russian-speaking population.

'Week for minority languages'

In the context of the European Year of Languages in 2001, organised jointly by the Council of Europe and the European Union, there was a special week for minority languages in Finland. The main event was attended by representatives of the Swedish, Sámi, Roma, Tatar, Russian and Yiddish languages. On that occasion, a joint recommendation was given to the Ministry of Education, to develop the training of teachers in general so that there will be a compulsory module concerning national minorities. It was further suggested in the joint recommendation that information on minorities be included in teaching materials. The aims of the joint recommendation are in line with the objectives set by the Ministry of Education.

Finnish-Swedish minority language working group

The Ministry for Foreign Affairs of Finland and *Näringsdepartementet* of Sweden set up a joint minority language working group in the summer of 2001, to monitor the development and implementation of laws and regulations concerning minorities and minority languages, both at the national and international levels. The purpose of the working group is to be a forum for the exchange of views and experiences, with a view to identifying and resolving problems. The working group may provide opinions, proposals or recommendations on the basis of observations made.

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

Swedish

The Swedish Assembly (*Svenska Finlands folkting*), representing the Swedish-speaking population in Finland, started a campaign of promoting the use of Swedish, '*Svenska på stan*' (<http://www.svenska-pa-stan.info/>). The campaign aims at creating a positive attitude towards the Swedish language, for example by means of humoristic advertising, and a bilingual theatre play to be shown in cooperation with Swedish and Finnish schools.

Roma language

Roma is still not used in public, with the exception of the mass media and church service. The most popular radio station in Finland, *Radio Suomi*, broadcasts every week a twelve-minute news and current affairs programme in Roma. Information on the Roma culture or other information touching upon the Roma is also included in television and radio programmes in Finnish and Swedish. The news in Roma on a nationwide radio channel have been a positive contribution to the maintenance and development of the Roma language, to the modernisation of the vocabulary, and to an increased interest in the Roma language. The Roma training unit and the Advisory Board for Roma Affairs have had discussions with the Finnish Broadcasting Company on the possibilities to have more programmes concerning the Roma.

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

The Evangelical Lutheran Church has aimed at increasingly using the Roma language in the church service. Within the framework of the social work of the Church, a specific working group, 'The Church and the Roma', was set up in November 1994 for the purpose of increasing contacts between the Church and the Roma and preventing racism and discrimination. The working group intends to translate various texts and songs relating to religious ceremonies into Roma, including the catechism, as well as support the translation of the New Testament by the Finnish Bible Society. So far, three Gospels have been translated into Roma.

Russian

As regards the Russian media, certain positive developments may be observed. As of March 2001, the Finnish Broadcasting Company has broadcast in Russian for 50 minutes every day. There is a 45 minutes long Russian news programme every night, covering the southern Finland. The programme is rebroadcast later on the same night. In addition, there is an abridged version of the programme every day, covering the cities of Helsinki, Turku, Lahti and Kuopio. A brief news programme is broadcast every day on a nationwide radio channel. Apart from the programmes produced by the Finnish Broadcasting Company itself, the Company also transmits programmes produced by BBC World Service (in London and Moscow) and *Golos Rossii* (in Moscow). Some of these programmes may be received digitally in the Helsinki area and neighbouring areas, and some of them also on FM frequency in the Helsinki area.

Apart from the programmes of the Finnish Broadcasting Company, at least *Radio Satellite Finland Oy* has a commercial radio channel on which Russian programmes are broadcast, and which has been available in southern Finland for more than a year.

As far as Russian newspapers are concerned, the Government refers to the Finnish Constitution (731/1999) protecting the freedom of expression (section 12). It is provided in section 12 that everyone shall have the freedom of expression. It is a leading principle of the Finnish Act on the Freedom of the Press (308/1993) that everyone has the freedom to publish printed matter in accordance with law (section 1 of the Act). As regards newspapers, the Government observes that the existing newspapers in Finland, of which there is a large selection when compared with other countries, mainly operate without public support. The Government has, however, granted on a yearly basis subsidies to newspapers upon application. The subsidies are mainly allocated to certain political papers and Swedish papers. The Ministry of Education has also provided support to several publications in Russian, including a regular newspaper called *Spektr*. This Finnish-Russian newspaper comes out ten times a year with a volume of 20,000 copies. The newspaper is distributed free of charge at various places. In 2002, a subsidy of 14,000 euro was given to *Spektr*. Another example of Russian newspapers is *Russkij Svet* published by the Russian Club in Tampere.

There has been for a long time a Russian minority in the Finnish Orthodox Church, mainly within the diocese of Helsinki and in particular within the Orthodox parish of Helsinki. In the

past few years, a significant number of Russians has immigrated to Finland, many of whom have joined the Orthodox Church.

In Helsinki and in certain other cities, there is a regular Slavic church service. Priests having command of the Russian language have provided pastoral care for Russian-speaking parish members, and the Parish of Helsinki employs a Russian-speaking priest. The Church Council has also established a position of Russian-speaking priest and the vacancy will be filled as soon as possible. The said priest is to serve the Russian-speaking immigrants.

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

A large number of texts relating to the Mass exist in Russian in Finland, and the parish newspaper of the Orthodox parish in Helsinki, *Ortodoksiviesti*, regularly contains articles and news in Russian. Also the parish newspaper of the Orthodox parishes of Tampere, Turku and Hämeenlinna, *Analogi*, publishes articles in Russian on a regular basis.

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

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

The Ministry of Justice allocates each year state subsidies for the purpose of supporting minority cultures and combating racism. In 2002, subsidies for various activities and projects were given, *inter alia*, to the Russian Democratic Cultural Association, the Russian clubs in Tampere and Turku, the Russian Culture Association and the Russian Theatre Association¹⁷.

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

FiBLUL has been assigned with a duty to enhance contacts among groups using a regional or minority language, and other groups. The following languages are represented in FiBLUL: Swedish, Sámi, Roma, Russian, Tatar and Yiddish.

The Swedish Assembly arranged, in cooperation with the Commission of the European Communities, the National Association of Finns in Sweden and the Welsh Language Board, a high-level international conference, '*Creating a Common Structure for Promoting Historical Linguistic Minorities within the European Union*', in Helsinki on 11 to 12 October 2002. The conference addressed, *inter alia*, the implications of the enlargement of the European Union on the protection of minority languages.

¹⁷ <http://www.minedu.fi/opm/avustukset/myonnetyt2002/vahemmistokulttuuri.html>

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

Swedish and Sámi

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

Roma

The teaching of the Roma language began at comprehensive schools in 1989. This has revived the use of the language in general and increased for example newspaper articles published in Roma. However, despite the framework provided by law for the teaching of the Roma language and culture, the provision of education has been difficult because of a lack of teachers and teaching materials and because of deficiencies in the training of Roma language teachers.

Under the Basic Education Act (628/1998), schools may choose Roma as the language of education. Furthermore, Roma may also be taught as mother tongue in accordance with the choice of the pupils' custodians. The Upper Secondary Schools Act (629/1998) contains corresponding provisions. However, it is not possible to take a matriculation exam in the Roma language as mother tongue. According to the national guidelines for school curricula, the Roma language may also be taught within the framework of pre-school education. The State has undertaken to pay 86% of the costs of teaching, the share of the municipality providing the education thus being 14%.

In 2002, the Roma training unit of the National Board of Education prepared a report on the school attendance of Roma children. According to the report, in 2000-2001, the Roma language and culture was taught at a total of twenty schools in nine municipalities, constituting 5% of all schools that have Roma pupils. Of the total of 859 Roma pupils, 73 (8.5%) had an opportunity to study their traditional language at comprehensive school. It is nevertheless a shortcoming that the Roma language is mainly taught outside the normal school hours. The amount of teaching of the Roma language has decreased in the past few years. In 1998, there still were as many as 240 Roma pupils attending Roma language lessons. Cuttings on the budgets of municipalities are one reason for the reduced amount of teaching.

The Roma training unit has produced teaching materials for the purpose of supporting the teaching and learning of the Roma language. The most recent publications include a children's story-book (2001), a Roma children's songbook and a CD meant to be used for children's daycare and primary school education, presenting the Roma culture, a beginner's workbook in the Roma language and a teacher's guidebook (2002).

It has been observed in the context of teaching the Roma language that the Finnish language used by Roma families is very deficient as to the vocabulary and concepts. This is one reason for the difficulties faced by Roma children at school and for school dropouts. A deficient command of the Roma language and of Finnish together lead to continued social exclusion and inequality in society.

A possibility for a diploma of Roma culture instructor has existed since 15 December 2001 (Decision No 54/011/2001 of the National Board of Education). The diploma consists of

three alternative programmes: Roma language instructor, consultant, and cultural secretary. The diploma does not provide the same teacher's qualifications as teacher's training at universities does, but those choosing the alternative of teaching the Roma language would mainly work as Roma language and culture instructors at comprehensive schools, vocational colleges and open colleges. The consultants would have various guiding and consultative duties, and would also be able to guide and motivate their customers in respect of social skills. They could be employed e.g. by different consultative organisations, rehabilitation institutions, social welfare and health care institutions, cultural institutions maintained by municipalities, and educational establishments, as well as work as private consultants. The cultural secretaries, having knowledge of Roma art and handicraft, would have various duties relating to projects promoting the Roma culture and cultural diversity, leisure activities, and education. The diploma of Roma culture instructor is obtained by taking examinations for the demonstration of professional skills, irrespective of how the professional skills have been obtained. The first exams will be arranged in the autumn of 2003.

There is no university-level education available in respect of the Roma language. The research and development of the Roma language is at the responsibility of the Research Centre for the Languages of Finland.

There is also labour market training available to the Roma, including courses in the Roma language, and language courses are also available in some prisons. Financial support for the teaching of the Roma language in prisons has been provided by the Roma training unit of the National Board of Education.

Russian

The Committee of Experts encourages the Finnish Government to explore further possibilities of resolute action to promote the use of the Russian language, in particular by subsidising Russian daycare centres and increasing the possibilities for instruction in Russian in areas where there is a greater concentration of Russian speakers (paragraph 49 of the Report).

There are seven private Russian/Finnish-Russian daycare centres in the capital district (*Teremok*, *Kalinka* and *Matrjoshka*, which have been established and are maintained by an association supporting the Finnish-Russian School, a daycare centre called *Mishka*, and three daycare centres owned by a cooperative society called *Idelia*). The newest one, *Matrjoshka*, was opened in Vantaa in August 2002. *Kalinka* and *Matrjoshka* have concluded an agreement with the city on the provision of daycare places on behalf of the city, and the daycare fee is the same as in daycare centres maintained by the city. *Teremok*, *Mishka* and the daycare centres maintained by *Idelia* operate under financial guarantees by the city and with the support of private daycare fees. Parents may receive financial assistance for a private daycare place, the amount of which varies depending on the municipality. As the number of Russian families in the capital district constantly increases, part of the families need to wait for some time for a daycare place in a Russian daycare centre. There is also a Russian daycare centre in Turku and in Joensuu.

Due to the size of the Russian-speaking population and its concentration in southern Finland, the possibilities for the development of Russian schools are more favourable than for example for the development of schools for Skolt Sámi and Inari Sámi. However, many Russian parents, who have a positive attitude towards education in general, choose to place

their children in Finnish schools for example for reasons of employment opportunities. The Finnish school legislation provides good opportunities to establish private Russian schools but in practice the maintenance of such schools is difficult for private entities. However, there has been interest in establishing private Russian schools in different parts of the country. At present, there is no lack of teachers of the Russian language in Finland, whereas there is a shortage of teachers who speak Russian as their native language.

Comprehensive schools increasingly provide opportunities for studying the Russian language. At the end of 1999, the National Board of Education launched a project of increasing the number of pupils studying Russian, in particular as the first foreign language, at comprehensive schools and upper secondary schools. The project, which started with developing the teaching of Russian as the first foreign language, was changed in the autumn of 2001 so as to develop the teaching of Russian in general. At the same time, new schools and municipalities were included in the project. There are now seven municipalities participating in it (Helsinki, Kotka, Lahti, Oulu, Tampere, Tohmajärvi and Turku) and four schools (*Helsingin Suomalainen Yhteiskoulu*, *Itä-Suomen suomalais-venäläinen koulu*, *Joensuun normaalikoulu* and *Suomalais-venäläinen koulu*). Whereas the original focus was on increasing the studying of Russian as the first foreign language, the project now aims at increasing the studying of Russian in general.

Russian is the language of comprehensive school education in a few schools. In Helsinki, for example, there is a Finnish-Russian school¹⁸ maintained by the State. This school provides teaching in and of Russian. In the context of teaching the Russian language, information is also provided on the Russian culture. The school is mainly meant for Finnish pupils but there are both Finnish and Russian ones. Of all the pupils of the school, 20% speak Russian as their native language (545 Finnish-speaking and 145 Russian-speaking pupils). The school has aimed at arranging the education so that the Russian pupils would have possibilities to learn Finnish and integrate into Finnish society. The school has a class of pre-school education for six-year old children, and provides both comprehensive school and upper secondary school education. Apart from providing the normal education required by the national guidelines for school curricula, the school offers a possibility for the pupils to learn the Russian language and culture. Under its new curriculum, the Russian language plays a central role in the objectives of the Finnish-Russian school. The number of hours dedicated to the teaching of Russian as mother tongue is larger than in any other school in Finland, i.e. five hours a week for grades 1 to 4, four hours a week for grades 5 to 7 and five hours a week for grades 8 and 9, instead of the normal two weekly hours.

Where necessary, it is possible to establish a private school for the purpose of providing education in Russian, and obtain normal State subsidies for this purpose. Another possibility to try and convince the local authorities of the need to establish Russian-speaking or bilingual classes. The municipalities have the primary responsibility for the arrangement of comprehensive school education for all pupils residing in the municipality in question. In eastern Finland, there is a private Finnish-Russian school obtaining State subsidies, having both Finnish and Russian pupils.

According to the Finnish experience, integration of immigrants does not only require promotion of the immigrants' own language and culture but also strengthening of the command of the national languages of the country, Finnish and Swedish, without delay. Immigrant children face a higher risk of social exclusion if they do not have a sufficient

¹⁸ <http://www.svk.edu.hel.fi>

command of these languages. In the opinion of the National Board of Education, the strong cultural identity of Russian parents, good transport connections to Russia, traditional educational cooperation between Finland and Russia, active work of Russian organisations and arrangements made by the Finnish schools (special classes for Russian-speaking pupils, bilingual classes, preparatory education for vocational studies, teaching of the mother tongue) should be sufficient in bigger residential areas in order to meet with the need for providing education to the present Russian minority in Finland. The future development of virtual schools and university should provide further possibilities in this respect.

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

It is possible to study Russian at Finnish universities.

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

Swedish

Swedish is taught as the other domestic language, and it is a compulsory language both at comprehensive schools and upper secondary schools for Finnish-speaking pupils, and a compulsory subject in the matriculation exams. It is possible to learn Swedish at all levels of education, and the selection of education and courses is extensive.

Sámi

Sámi may be studied as an optional language at comprehensive schools and upper secondary schools located within the Sámi Homeland. Sámi is also taught and used partly as the language of education at the Universities of Helsinki, Oulu and Lapland. In many open colleges, mainly in the Province of Lapland, there are regularly courses held in the Sámi language. The only Sámi university, *Sámi Allaskuvla* (<http://www.Sámiskhs.no/>), is located in Norway and it was established in 1989. The Sámi University uses Sámi as the principal language of education, and provides e.g. teacher training. The Sámi University also admits students from the neighbouring countries, Finland and Sweden.

Roma

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

Russian

Russian is taught as a foreign language at all levels of education (comprehensive school, upper secondary school, vocational education, universities, and further education).

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

Roma

It is not possible to study Roma at universities. In order to increase education given in the Roma language, the Roma training unit of the National Board of Education has proposed, *inter alia*, that quotas be introduced for the admission of Roma students in teacher training and in language studies.

Russian

The teacher training unit of the University of Oulu, in Kajaani, has introduced a three-year training programme, the purpose of which is to provide a Master's degree in the Russian language and culture, supplementing the teacher's training. The purpose of this experiment is to assess, develop and organise future training in the Russian language and culture and pedagogy. Twenty students will be admitted in the training which will start in January 2003.

The Finnish Institute for Russian and East European Studies is a research institute maintained by the State, in accordance with Act No 857/1992. A new Government Decree (1100/2001) entered into force at the beginning of 2002, according to which the Institute shall promote cultural and educational cooperation related to Russia and East Europe, and support related research. The Institute shall also, *inter alia*, support the languages and cultures of Russian and East European immigrants in Finland, maintain a library and information service, provide public information and produce publications related to its field of research.

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

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

Swedish

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

Sámi

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

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

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

Roma

Transfrontier cooperation in Roma affairs takes place within the framework of the Council of Europe, the Organization for Security and Co-operation in Europe (Office for Democratic Institutions and Human Rights), the European Union and European non-governmental Roma organisations.

Russian

The Agreement on the Foundations of Relations between the Republic of Finland and the Russian Federation (Finnish Treaty Series 63/1992) contains an article on the preservation of national identities. According to Article 10 of the Agreement, "the Parties shall give their support to the preservation of the identity of Finns and Finno-Ugric peoples and nationalities in Russia and, correspondingly in Finland, the identity of persons originating in Russia. They shall protect each other's languages, cultures and historical monuments."¹⁹ An agreement has also been concluded between Finland and Russia on cooperation in the fields of culture, education and research (Finnish Treaty Series 100/1992). The Parties shall encourage contacts between their nationals and their interest in each other's cultures and in science, and shall promote the teaching of and research on the languages of their nations. The Ministry of Education has, within the framework of its budget reserved for international cooperation, provided financial assistance for the purpose of cultural exchanges between Russian associations in Finland and Russian regions.

There is also a programme of promoting cooperation between Finns and Finno-Ugric peoples, based on the Agreement on the Foundations of Relations between the Republic of Finland and the Russian Federation. The programme focuses on cooperation in the fields of education, continuing education, information services and cultural exchanges. The programme has helped achieve good results among the Finno-Ugric peoples in Russia, with the support of Finland, and particularly in the promotion of continuing education and production of educational materials in the different languages involved.

In 2000, a Finnish-Russian cultural forum was introduced, with a view to activating cultural cooperation between Finland and Russia and to developing new forms of cooperation between the Finnish Ministry of Education and the Ministries of Culture in Russia and the cultural administrations of Northwest Russia. The authorities have mutual cooperation and there are various projects between cultural associations.

¹⁹ Unofficial translation.

Finland has also inter-regional cooperation with Russia, in which context financial assistance is mainly given to Northwest Russia.

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

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

The 16th Periodic Report of the Government of Finland (CERD/C/409/Add.2) on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination (660 *United Nations Treaty Series* 195) gives account of the legislative and other measures taken to reduce discrimination. The Report provides information on the bodies monitoring compliance with the prohibition of discrimination, on various advisory boards, on the Government's Plan of Action against Ethnic Discrimination and Racism, and on the national system of monitoring racism and discrimination on account of ethnic origin.²⁰ The 16th Periodic Report is attached to the present report.

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

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

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

The objectives of comprehensive school education in Finland underline the principle of equality in society (Basic Education Act 628/1998; section 2, subsection 3). Furthermore, respect for human rights is one of the general objectives pursued in pre-school education and comprehensive school education (Government Decree 1435/2001). Pupils are taught to act in a way that shows tolerance towards and trust in different groups of people, nations and cultures. Correspondingly, one of the national objectives of upper secondary school education (Government Decree 955/2002) is to increase the pupils' knowledge of different cultures.

The Ministry of Education has, in cooperation with the Finnish sports associations, implemented a programme for the promotion of tolerance by means of sports activities in 1996-2002. Within the framework of the programme, financial assistance has been given to different sports projects for the purpose of increasing mutual tolerance between different ethnic groups and for the purpose of making it possible to better take into account the needs of different ethnic groups. The Ministry of Education further supports projects introduced by other non-governmental organisations to increase tolerance and prevent racism.

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

In this context, the Government refers to the afore-mentioned facts concerning the Swedish Assembly, the Sámi Parliament, the Advisory Board for Roma Affairs and the Research

²⁰ See the 16th Periodic Report, pages 9-15.

Centre for the National Languages of Finland, as well as the Roma Language Board subordinate to the Centre.

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

As far as the Roma and Russian languages are concerned, the Government refers to information given above.

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

PART III

III.1 SWEDISH - THE LESS WIDELY USED NATIONAL LANGUAGE

ARTICLE 8: EDUCATION

Finland has undertaken to provide education in Swedish as follows:

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

a i) to make available pre-school education

b i) to make available primary education

c i) to make available secondary education

d i) to make available technical and vocational education

e i) to make available university and other higher education

f i) to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in Swedish

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

h) to provide the basic and further training of the teachers required to implement the paragraphs a to g

i) to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

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

Daycare

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

Pre-school education

By virtue of an amendment (1288/1999) made to the Basic Education Act (628/1999), the local authorities are under an obligation to provide all children residing in the municipality in question with pre-school education during the year immediately prior to the year when they start school. The amendment became effective on 1 August 2001. Children attend pre-school education, consisting of 700 hours of teaching free of charge, on a voluntary basis. The local authorities may arrange the education at schools, daycare homes or in some other way. The pre-school education is covered by the provisions of the Basic Education Act. The language of education given at schools or in some other way shall be either Finnish or Swedish. The language of education may also be Sámi, Roma or the sign language. In addition, education may be provided in other languages. In municipalities with both Finnish and Swedish-speaking inhabitants, the local authorities must arrange pre-school education in both languages.

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

Comprehensive school and upper secondary school education

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

According to section 10, subsection 1 (628/1998) of the Basic Education Act, the language of school education and of other basic education shall be either Finnish or Swedish. The local authorities are under an obligation to arrange education in Swedish irrespective of the number of pupils attending such education.

It is further provided in section 12 (628/1999) of the Act that Finnish, Swedish or Sámi may be taught as the pupils' mother tongue. Roma, the sign language or other native language of pupils may also, in accordance with the choice of their custodians, be taught as their mother tongue.

The Upper Secondary School Act (629/1998) contains similar provisions. The language of education at upper secondary schools may be either Finnish or Swedish and, apart from these languages, Sámi may also be taught as the pupils' mother tongue (section 8).

According to the Matriculation Examinations Decree (1000/1994), the languages of the matriculation examinations arranged in educational establishments providing upper secondary school education shall be Finnish and Swedish. The mother tongue and literature exam shall be arranged in Finnish, Swedish and Sámi (section 11; 1192/1998). The exam in the second domestic language shall be arranged in Finnish or Swedish, depending on the pupils' mother tongue.

According to information provided by the National Board of Education, there were 3,850 educational establishments (comprehensive schools and specialised schools) providing comprehensive school education in 2002 (3,916 in 2001) and 440 providing upper secondary school education (including upper secondary schools for adults) (441 in 2001). Comprehensive school education is given in Swedish by 290 comprehensive schools (295 in 2001), and upper secondary school education by 35 schools (35 in 2001).

In the past few years, there has been a public debate on the necessity of having Swedish as a compulsory subject at school. For example the Minister of Education, Maija Rask, has been in favour of an experiment with having Swedish as an optional subject. However, the Swedish Assembly has underlined in its statements the need of maintaining Swedish as a compulsory subject at both comprehensive school and upper secondary school, in order to protect the status of Swedish as the other national language in accordance with the Constitution. The Swedish Assembly finds it important to develop the teaching of Swedish and to experiment with new methods of teaching.

Vocational training

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

maintained by the State. Some educational establishments provide vocational education in Swedish so that either all or part of the education is in Swedish. The Vocational Education Act (630/1998) contains similar provisions on the language of education and the mother tongue as the Basic Education Act and the Upper Secondary School Act.

According to statistics provided by the National Board of Education, there were 210 vocational colleges in 2002 (223 in 2001). At present, there are approx. 125,000 students attending vocational education leading to a diploma (126,000 in 2001). Of these, approx. 5,000 are Swedish-speaking (5,200 in 2001).

University and other higher education

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

The language of education and examination of the universities is in most cases Finnish. However, in respect of the following universities, the language of education and examination and the working language is Swedish:

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

The following universities have both Finnish and Swedish as languages of education and examination:

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

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

country. For example, in respect of the law school and the medical school, the University has reserved quotas for Swedish-speaking students in the intake of students.

However, full implementation of university education in Swedish requires additional resources. There is still not, for example, enough course literature available in Swedish.

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

Swedish is the language of education in four polytechnics, and there are four others in which both Finnish and Swedish are used:

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

In 2002, there were a total of 40 programmes of education available in Swedish at polytechnics. There were 85 programmes available in Finnish and 25 in foreign languages.

Further education for adults and continuing education

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

Teacher training

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

Teaching of history and culture

The Swedish Assembly has underlined the importance of teaching more profoundly the history of Finland before 1809, i.e. when Finland was part of Sweden. In the Assembly's

view, the school books at upper secondary schools, in particular, are deficient in this respect. Understanding the origins of the status of the Swedish language in Finland helps get motivation to study Swedish.

Assessment of the quality of the teaching of languages

The Ministry of Education has prepared a development plan for education and research for the years 1999-2004²¹. Due to increased attention given to the results of education, and to the reform of the system of financing education, increasing attention has also been paid to the monitoring and assessment of results. In order to ensure a good quality of education, provisions on the assessment of education have also been included in the amended school legislation. Under the new provisions, the assessments are partly carried out by the providers of education themselves and partly by external bodies whose working methods are being developed. The providers of education are under an obligation to assess their own work. The Ministry of Education has concluded an agreement with the National Board of Education and the State Provincial Offices on the assessment of education.

The quality of education is assessed at all levels (local, regional, national and international levels) and in all forms of education. At the local level, the assessments are made by local authorities and educational establishments, and at the regional level by State Provincial Offices. The results of assessment are used for the purpose of developing the education.

Under the State Provincial Offices Act (348/2000; section 2, subsection 2), the State Provincial Offices shall, as provided by law, perform duties relating to education and culture. Subject to instructions given by the competent Ministries, the State Provincial Offices shall assess the quality of services falling within their competence.

The assessment of higher education is at the responsibility of the polytechnics and of the universities. The Finnish Higher Education Evaluation Council (Decree on the Finnish Higher Education Evaluation Council, 1329/1995) assists the universities and the Ministry of Education in the assessment of university education.

ARTICLE 9: JUDICIAL AUTHORITIES

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

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

a) in criminal proceedings:

²¹ Education and research 1999-2004. Development plan. Ministry of Education. Helsinki 2000.

i) to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;
ii) to guarantee the accused the right to use his/her regional or minority language;
iii) to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;
iv) to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

b) in civil proceedings:

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

c) in proceedings before courts concerning administrative matters:

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

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

2. The Parties undertake:

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

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

Report of the Committee of Experts

The Government draws attention to paragraph 76 of the Report of the Committee of Experts, concerning judicial authorities. It is stated by the Committee of Experts that, 'as the Swedish-speakers are bilingual, they prefer not to ask for their mother tongue to be the language of the proceedings, as they may risk not being correctly understood or even being seen as "trouble-makers"'. The Government wishes to correct this statement. Most Swedish-speakers are indeed bilingual but some of them only understand Swedish or are not able to use Finnish to the extent of being understood. There are tens of thousands of such Swedish-speakers (even when Åland is excluded). This fact is also indicated in the Government Bill for the enactment of the new Language Act (HE 92/2002 vp).

In the same paragraph, the Committee of Experts pays attention to the language of interrogations in the context of pre-trial investigation. In the afore-mentioned Government Bill, it is suggested that the Pre-trial Investigation Act (449/1987) be amended to the effect of explicitly mentioning the right of suspects to use their own language, i.e. Finnish or Swedish, when interrogated during the pre-trial investigation, and the records of the interrogations should be written in that language.

Police

Recommendation 3 of the Committee of Ministers, according to which the Republic of Finland should, as a matter of priority, provide favourable conditions to encourage the use of Swedish and Sámi (in the Sámi Homeland) before the judicial and administrative authorities, in particular by taking measures aimed at improving the Swedish language skills of legal officials and administrative personnel, also concerns the police.

In the context of the ongoing reform of the Language Act and of the Sámi Language Act, the Government aims at taking the recommendations given by the Committee of Ministers into account to a larger extent.

However, in its opinion given on the Report of the Language Act Committee, the Ministry of the Interior observed that a full implementation of the recommendations concerning services requires not only improved language skills of officials but also increased translation resources at the different levels of police administration. In the same way, in the context of submitting its opinion on the proposal of the Sámi Parliament for the enactment of the new Sámi Language Act, the Ministry of the Interior observed that, in the light of the existing Sámi language skills of public officials, it would seem to be difficult to meet the new requirements proposed by the Sámi Parliament. In respect of the police, for example, the provision of possibilities for studying Sámi at the Police College, or the introduction of a quota for persons with Sámi language skills in the intake of students, would not alone be adequate to meet the objective set out in the proposal.

In 1997, the police carried out an assessment of access to services in Swedish. According to the results, 55.6% of the staff of those police departments which served municipalities with one language or bilingual municipalities, could use Swedish to some extent. Thus, these police departments provided services in Swedish, where necessary. It was further found out that 44.5% of the staff of the police departments that served municipalities with Finnish as the only language, could also use Swedish to some extent. Not all of these police departments

provided services in Swedish but most of them were able to arrange interpretation, where necessary. On account of the results of the assessment, the supreme police command issued instructions for police departments in 1998, to increase access to services in Swedish. The instructions impose on the police departments an obligation to ensure that their staff improve their Swedish skills, for example by arranging training at the workplace and by supporting self-motivated studies.

The language skills of police officers are considered an asset in their recruitment. Under the Decree on Police Training, the language of education at the Police School and the Police College is Finnish. However, basic and further training, as well as specialised training, is also continuously provided in Swedish. In special cases, other languages may be used in the training of police officers.

Prosecutors

After the submission of the Initial Report, no new provisions have been enacted on the use of Swedish within the prosecution service.

The prosecution service is divided into the Office of the Prosecutor General, as the superior prosecuting authority, and local prosecution units. Most of the local units have been ordered to cooperate with one or more other local units. The purpose of such cooperation is to ensure adequate resources. As of the beginning of 2003, there will be 16 cooperative entities. In the organisation of the cooperative entities, attention has also been paid to that each entity has at least one prosecutor being able to use Swedish.

There is a training system for junior prosecutors, the purpose of which is to provide training and instructions that prepare the junior prosecutors for their duties. At the same time, the system makes it possible to assess whether the junior prosecutors may be permanently employed by the prosecution service. The training lasts one year. In 2002, there were 25 junior prosecutors recruited, who were placed in 20 local prosecution units. The status of the Swedish language was taken into account by ordering one of the junior prosecutors to a district with Swedish as the main language.

Possession of Swedish language skills has also been taken into account in the recruitment of individual prosecutors.

Parliamentary Ombudsman

Under section 109 of the Constitution, the Parliamentary Ombudsman monitors the implementation of fundamental rights and human rights, in the performance of his or her duties. The rights of minorities constitute an important part of the rights monitored by the Ombudsman. In respect of language rights, the Ombudsman has mostly addressed the right to use Swedish, particularly with regard to the application of the Language Act. The scope of application of the Act as such is extensive enough but there still are deficiencies in its application.

As of 1998, the Annual Report of the Parliamentary Ombudsman has contained a separate chapter on decisions given on account of complaints concerning the right to use one's own language. Since 2001, separate statistics have been compiled on complaints concerning

minority rights. The statistics and reports on complaints will be useful when the significance of the Charter for the work of the Parliamentary Ombudsman is assessed in future.

As regards opinions given on language rights, the Annual Reports of the Parliamentary Ombudsman contain e.g. an initiative made in 1998, concerning the right of suspects to use their own language during pre-trial investigation, and a decision given concerning the same issue in 2000, as well as a decision concerning the use of a quota in the admission of students, given in 1999.

In 2001, the Parliamentary Ombudsman made decisions on 19 complaints concerning the use of languages. In four of these cases, the Parliamentary Ombudsman gave a recommendation on the measures to be taken. All four recommendations concerned the Swedish language. Also the other decisions concerned mainly Swedish.

Problems in the use of Swedish before courts

The Ministry of Justice set up a working group to assess the possibilities of Swedish-speaking persons to use Swedish before courts, which submitted its report in December 1999.

According to the working group, the Swedish language skills of court officials are too weak in relation to the requirements imposed by the present judicial procedure. Swedish-speaking defendants often content themselves with having proceedings in Finnish, even if their Finnish language skills are deficient.

It was proposed by the working group, *inter alia*, that cases concerning Swedish-speaking persons be assigned to judges having command of Swedish and that the language-training of judges and prosecutors be intensified. Furthermore, the right of suspects to use their own language in pre-trial investigations should be ensured better than today.

The report of the working group is based on a proposal submitted by the Parliamentary Ombudsman to the Government in view of information provided by the presidents of the Courts of Appeal of Turku, Helsinki and Vaasa. According to the Parliamentary Ombudsman, the equality of languages protected by the Constitution has not been achieved in all respects in present-day criminal proceedings. The reformed criminal procedure, with increased emphasis on an oral hearing, imposes higher requirements on the language skills of officials.

It is further proposed by the working group that the existing practice applied by the courts, under which cases concerning Swedish-speakers are mainly assigned to judges and prosecutors having a good command of the Swedish language, should be further extended. In order to be prepared for the use of Swedish already before the trial, the fill-in forms used in pre-trial investigations should, according to the working group, indicate the mother tongue of the suspect and the language he or she wishes to use in the court proceedings. Furthermore, the fill-in form should indicate whether the suspect has been informed of his right to use his or her own language during the pre-trial investigation.

In the view of the working group, the numbers of judges and prosecutors having command of the Swedish language should be increased. As an incentive for studying Swedish, the working group suggests that the wage increments based on good language skills could be raised. In the appointment of judges in districts where both Finnish and Swedish are used,

attention should be paid to the command of both languages. Furthermore, the exchange of officials could be intensified and increased among the Nordic Countries.

The working group also proposes that public legal counsels be placed under an obligation to advise their clients to contact another legal aid office or a private legal counsel in case they are not able to provide services in the client's mother tongue. Furthermore, town councils should, when appointing lay judges, ensure that both national languages are evenly represented as required by the District Courts Act. Before a court hearing, the District Courts should make sure that the lay judges understand Swedish where necessary.

The possibilities to use external interpretation services should also be more efficiently assessed. However, interpretation should not be arranged at the expense of the language requirements of judges. Furthermore, judges and prosecutors should be provided with professional and rapid translation services to support the drafting of documents in Swedish, as well as with linguistic revision services.

The Ministry of Justice has already undertaken to implement the proposals made by the working group. The Government Bill for the enactment of the new Language Act and related legislation contains an amendment to the Pre-trial Investigation Act as proposed by the working group. Of other measures taken so far, it is worth mentioning that the Swedish-language training of judges has been increased, problems in the use of Swedish have been discussed among the presiding judges of courts, and the customer services of courts has been improved in respect of access to services in Swedish. The entry into force of the new Language Act will entail further measures to improve the status of Swedish in courts.

ARTICLE 10: ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES

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

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

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

- a) the use of regional or minority languages within the framework of the regional or local authority;*
- b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

- c) the publication by regional authorities of their official documents also in the relevant regional or minority languages;*
- d) the publication by local authorities of their official documents also in the relevant regional or minority languages;*
- e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- g) the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

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

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

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

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

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

Defence administration

Section 19 of the Language Act (148/1922) and section 9 of the Decree on the Implementation of the Language Act (311/1922) contain provisions on the languages to be used by the defence administration. According to section 51a of the Conscription Act (452/1950), the language used in the training of conscripts is either Finnish or Swedish, and Finnish and Swedish-speaking conscripts have the right to be ordered to a detachment having his or her mother tongue as the language of training. However, military orders are always given in Finnish.

The different detachments of the defence forces use Finnish, with the exception of Uusimaa Brigade (*Nylands brigad*) in Dragsvik where the language of training is Swedish and all the decisions concerning conscripts and other documents are written in Swedish. The staff is mainly Swedish-speaking and also the other staff members are able to use Swedish. In order to ensure the quality of the basic military training also in future, it is necessary to require

adequate command of the Swedish language in the context of recruiting superior officers responsible for the training.

Most official fill-in forms of the defence forces, meant for the public at large, are available in Swedish. Considering that not all detachments have staff with adequate Swedish-language skills, it is not always as easy to get services in Swedish as at Uusimaa Brigade. However, the participation of staff in language courses and self-motivated studies are supported. This concerns both Swedish and other languages needed in the performance of official duties.

Labour administration

The authorities subordinate to the Ministry of Labour mainly use Finnish. However, considering that the customers must have access to services in their own language, various measures have been taken to enhance the use of Swedish.

There are twenty bilingual employment agencies and one using only Swedish, at which Swedish-speakers are provided with services in their own language. The Ministry of Labour also publishes information materials on employment services in Swedish. Access to services in Swedish within the labour administration is monitored and coordinated by a cooperative body, *Svenska utvecklingsgruppen*, in which not only the labour authorities but also municipalities and social partners are represented. It has a subordinate coordinative body, *Svenska koordinationsgruppen*, consisting of representatives of the labour administration, which monitors the implementation of plans.

A report on the supply of and demand for services in Swedish at three bilingual Employment and Economic Development Centres was prepared within the framework of a joint project financed by the Ministry of Trade and Industry. On the basis of the report, a proposal was made for the employment of a translator to work for the three Centres, for measures to improve the Swedish-language skills of the staff by means of training, and for raised wage increments based on good language skills.

In accordance with the proposal, the bilingual Employment and Economic Development Centres employed a translator in 2001 on a permanent basis. The information materials, instructions and other documents meant for customers of the employment administration are translated into Swedish. At the same time, efforts are made to serve any groups of customers in Swedish, where necessary, and to ensure that the Swedish terminology used within the employment administration is consistent.

The translator serving the bilingual employment districts is also responsible for planning and developing the Swedish language training of the staff. The training is voluntary and it is financed by the employer.

The need of persons belonging to minorities to get training in their own language has been taken into account in the training provided by labour authorities. Courses are held in Swedish by various organisations, for example by a foundation established by Finland, Sweden and Norway, which has offered further training for adults mainly within the Arctic area of the Nordic Countries. Due to the fact that persons residing in the Swedish-speaking coastal areas of Finland are now admitted to this training, the quota of Finnish students has been increased.

The Ministry of Labour has paid attention to the small number of officials of the labour administration being able to use actively both Finnish and Swedish. Therefore, the ability to speak Swedish is at present considered an asset in the recruitment of new staff.

Local authorities

Finland is divided into 448 municipalities, five of which have Swedish as the only language and 42 are bilingual. Apart from these municipalities, there are sixteen municipalities in the Swedish-speaking province of Åland. In 22 of the bilingual municipalities, Swedish is the majority language.²²

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

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

Church administration

The Evangelical Lutheran Church and the Orthodox Church in Finland, as well as their parishes, are public-law entities with the status of a public authority. These two Churches have certain official duties, such as those relating to the maintenance of the population register, the examination of impediments to marriage, and funeral services. Section 17 of the Language Act provides for the language to be used by the Church administration and in Church legislation. The following two sections give account of the status of the Swedish language in the Evangelical Lutheran Church and in the Orthodox Church. Correspondingly, information on the status of the Sámi language within the Church administration is given in part III.2 of the present report, under Article 10.

Swedish in the Evangelical Lutheran Church of Finland

The Language Act is applied by the Church Administration in accordance with section 17 of the Act. The Church Act (1054/1993) also contains several language-related provisions concerning the parishes and their members, the administrative boundaries of parishes, the language used by parishes and groups of parishes, the dioceses, the working language of the Church, and the office-holders and employees.

²² Statistics Finland, 2001.

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

As a bilingual authority, the Church Council provides public information and advice in both Finnish and Swedish. There is no Swedish-speaking unit in the Church Council but services are provided in Swedish through the intermediary of a working unit called *Stiftsrådet i Borgå stift*, the costs of which are covered by the Church Council. However, there are ongoing discussions on transferring the unit to the Church Council. The proposals and initiatives made by the Church Council to the Church Assembly, as well as committee reports, are translated. The decisions included in the protocols of the Church Assembly are available in both Finnish and Swedish.

The proposed new Language Act (Government Bill 92/2002) and the proposed Sámi Language Act, which would not apply to the Church administration unless specifically referred to in the Church Act, are nevertheless meant to be implemented within the Church administration by including such references in the existing Church Act. The new language legislation does not entail any substantial or structural changes to the present situation. The Church Council has already undertaken to prepare the implementation of the new provisions, with a view to bring the amendments to the Church Act into force at the same time with the language legislation.

Swedish in the Orthodox Church

There is a small minority of Swedish-speakers within the Orthodox Church of Finland, residing mainly within the diocese of Helsinki, in particular in the Parish of Helsinki. The Orthodox Parish of Helsinki holds the Mass and has also other activities regularly in Swedish. The priests and cantors of the Orthodox Parish have adequate Swedish language skills. The liturgies of the Orthodox Church mainly exist in Swedish.

The Finnish Broadcasting Company broadcasts the Mass and prayers in Swedish. The Orthodox Parish of Helsinki has a publication in which news and other articles are published in Swedish.

Section 229 of the Decree on the Orthodox Church contains provisions on the required Swedish language skills of the Councillor of the Church Council, who must have a university degree in law, as well as of the vicars of the parishes of Helsinki, Turku and Vaasa.

Motion for the enactment of a new Act on the names of places and authorities

A motion (TPA 15/2002 vp) was submitted to Parliament in February 2002, for the enactment of a new Act on the names of places and authorities. It is proposed that a new Act

covering the use of place names in maps and road signs, the planning and verification of place names, as well as the planning and verification of the names of authorities and state-owned companies be enacted. The purpose of this motion is to ensure that established or historical place names in Swedish do not disappear as maps, navigational charts and other forms of displaying names are renewed. The existing provisions on the use of place names and names of authorities are not consistent. The motion will probably be discussed by Parliament in the context of discussing the Language Bill.

ARTICLE 11: MEDIA

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

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

iii) to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

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

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

d) to encourage and/or facilitate the production and distribution of audio and audio-visual works in the regional or minority languages;

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

f ii) to apply existing measures for financial assistance also to audio-visual productions in the regional or minority languages;

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

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

Swedish radio and television productions

The Act on Yleisradio Oy (*the Finnish Broadcasting Company*) (1380/1993) contains provisions on minorities, relating to both the activities and the administration of the Company. As special duties involving public services, the company shall, according to section 7 of the Act, "(1) support democracy by providing a wide variety of information, opinions and debates on social issues, also for minorities and special groups" and "(4) treat in its broadcasting Finnish and Swedish-speaking citizens on equal grounds and produce services in the Sámi and Romany languages and in sign language as well as, where applicable, for other language groups in the country". Furthermore, section 6 of the Act contains a provision according to which the Administrative Council shall "elect the Board of Directors of the company 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]". After the submission of the Initial Report of the Government of Finland, the Act on Yleisradio Oy was amended by an Act (492/2002) which entered into force on 1 July 2002. The amendments had no effect on the duties of the company in respect of minority languages.

The Swedish productions constitute a separate administrative unit of the company. The director of the unit is a member of the Board of Directors. The main duty of the unit is to serve the Swedish-speaking population of the country with nationwide productions on the two analogue television channels and, since August 2001, on a digital television channel (FST) which is entirely Swedish and reaches 70% of the population of the country.

The total number of hours used for the Swedish television productions by the Finnish Broadcasting Company amounts to 2,100 hours in 2002. In addition, the company has nearly 20,000 hours of Swedish radio productions on two channels, and regional radio productions in five areas with a significant Swedish-speaking population. There are also Swedish text television and Internet services provided by the company, and it has a licence to transmit productions of the television company of Sweden to the Swedish-speaking areas of Finland. Furthermore, part of Finnish television programmes are subtitled in Swedish, and almost all Swedish programmes are subtitled in Finnish.

Upon the introduction of digital radio and television services, the supply of services in Swedish has improved in 2001 and 2002, as there are e.g. prime time programmes in Swedish, including a long news broadcast, as well as digital radio services in Swedish, including educational programmes.

In 2002, the budget of the Finnish Broadcasting Company amounts to 410 million euro. The share of the Swedish productions of the total amount of the budget is 13.7%, i.e. 56.3 million euro.

ARTICLE 12: CULTURAL ACTIVITIES AND FACILITIES

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

a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, postsynchronisation and subtitling activities;

c) to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

e) to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

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

g) to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

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

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

Financing of cultural activities

Financial support for cultural activities is provided from both public and private funds, as well as through the system of copyrights. The share of arts and other forms of culture of the yearly State budget is approx. 293 million euro, of which 70% is financed with Lottery proceeds. The cultural activities of the Finnish-speaking and Swedish-speaking populations are supported on equal grounds.

Cultural cooperation between the Nordic Countries

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

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

Library services

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

Promotion of arts

For the purposes of the promotion of arts, the State has established arts commissions (the Promotion of Arts Act; 328/1976). There are also regional arts commissions. It is ensured, to the extent possible, that the different forms of art are represented in the commissions, while taking into account regional and linguistic needs (section 3 of the Act, as amended by Act No 712/1991).

Foundations and funds supporting cultural activities in Swedish

There is a large number of foundations and funds supporting cultural activities in Swedish, such as a cultural fund, an arts society and a literature society.

ARTICLE 13: ECONOMIC AND SOCIAL LIFE

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

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

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

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

Access to services in one's own language

Article 10, paragraph 3(a), on the one hand, and Article 13, paragraph 2(c), on the other, place the Parties under an obligation to use regional or minority languages in the provision of services, as far as this is reasonably possible. Under objective No 7 (*access to services*) of the Finnish Target and Action Plan for Social Welfare and Health Care (TATO) for the years 2000-2003, the local authorities shall provide the Finnish-speaking and Swedish-speaking populations, the Sámi, persons using the sign language and, to the extent possible, immigrants with services in their own languages. These services are supported within the framework of different national projects and through the development of information technology.

Access to services in one's own language, particularly in the field of social welfare and health care, requires nevertheless further measures.

Rights of social welfare clients

The Act on the Status and Rights of Social Welfare Clients (812/2000) entered into force on 1 January 2001. The Act provides for the most relevant legal principles applied to the hearing, treatment and protection of the rights of social welfare clients in the context of decision-making concerning them. The Act is in many respects closely related with the protection of fundamental and human rights. The entry into force of the new Act makes it easier to change practices and attitudes of authorities.

The purpose of the Act is to enhance respect for the wishes of clients, the trust of clients in the authorities, and the right of clients to good services and fair treatment in the field of social welfare. The afore-mentioned facts are part of good governance. Individuals should be aware of their rights and of access to services. Thus, the access of clients to information is one of the objectives of the Act.

The Act on the Status and Rights of Social Welfare Clients contains a provision on the client's right to good-quality social welfare services and fair treatment without discrimination. Of the fundamental rights provisions of the Constitution, at least the right to equality before the law, the right to respect for private life, the freedom of religion and conscience, and the language-related rights are of relevance in this respect. Furthermore, the inviolability of human dignity is an essential part of fair treatment in the field of social welfare. In the implementation of social welfare, the mother tongue and cultural background of the client must also be paid attention to.

The authorities have been provided with considerable training concerning the application of the Act on the Status and Rights of Social Welfare Clients, and a brochure (2001:1) has been published for the clients in different languages, including Finnish, Swedish, Russian, English, German and Somali. There is also an abridged informative brochure available. Furthermore, a handbook (2001:11) has been made to provide support for the authorities and private service-providers in the provision of social welfare services, and thereby improve the quality of services.

Patients' rights

The Act on the Status and Rights of Patients (785/1992) also contains a provision under which the patient's mother tongue as well as his or her individual needs and culture shall, where appropriate, be taken into account in his or her care and treatment.

Report on access to social and healthcare services in one's own language

On 1 September 1999, the Ministry of Social Affairs and Health appointed a reporting official to give account of the access of minorities to health care services in their own languages. The mandate included the assessment of how the experiences gained in projects financed by the Ministry could be used to improve access to such services. The report of

Margita Lukkarinen, 'Social and healthcare services in one's own language'²³, gave account of the existing legislation concerning the provision of health care services and of other legislation applicable to social welfare and health care services, relating to the right to use one's own language. The report was written from the customers' point of view, paying particular attention to the problems faced by the Swedish-speaking Finns and the Sámi.

It is observed in the report that there are problems in Finland in having access to social and healthcare services in one's own language, despite that the Constitution and the language legislation protect the clients' and patients' rights thereto. Social and healthcare services are usually produced in accordance with the needs of the majority of residents in the municipality and with the resources of the staff. Furthermore, the expectations as to the language skills of the staff are often too optimistic. Nor are the patients and the staff sufficiently aware of the patients' right to obtain services in the patients' mother tongue. The provision of services in two languages is expensive and the state subsidies are not adequate to cover the additional costs. In this respect, the situation is the most difficult in the Sámi Homeland. However, financial factors are not always the only reason for the lack of services in one's own language. The report underlines the importance of changing attitudes.

The report contains a proposal for the development of administration and practices applied by authorities with regard to the use of different languages. It is further noted that, in order to ensure respect for the rights protected by the Constitution, it is particularly important to maintain the teaching in and of Finnish, Swedish and Sámi at comprehensive schools and upper secondary schools. In the education and training given in the field of social welfare and healthcare, particular attention should be paid to the role of language and culture in the provision of care and treatment.

In this context, it is worth mentioning that the proposal for the enactment of a new Language Act includes proposals for amendments to be made to the Act on the Status and Rights of Social Welfare Clients (812/2000), the Act on the Status and Rights of Patients (785/1992), the Social Welfare Act (710/1982), the Public Health Act (66/1972) and the Act on Specialised Medical Care (1062/1989). The proposed amendments mean that references to the Language Act and to the Agreement between Finland, Iceland, Norway, Sweden and Denmark on the right of their citizens to use their own languages in other Nordic Countries (Finnish Treaty Series 11/1987) would be added to the social welfare and healthcare legislation, which would clarify the existing situation.

Bank services

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

²³ Lukkarinen Margita: Social and healthcare services in one's own language. Summary. Publication of the Ministry of Social Affairs and Health 2001:1. Helsinki 2001.

ARTICLE 14: TRANSFRONTIER EXCHANGES

Finland has undertaken to apply the following provisions:

The Parties undertake:

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

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

As mentioned in above, there are transfrontier exchanges between Finland and Sweden at all levels and in all forms of cooperation.

Finland has concluded agreements with Sweden, Denmark, Norway and Iceland on cultural cooperation (Finnish Treaty Series 60/1971; as amended by Agreement 21/1990), on cooperation between local authorities (Finnish Treaty Series 1-2/1979) and on the right of their citizens to use their own languages in other Nordic Countries (Finnish Treaty Series 11/1987). Through the conclusion of an agreement between the Nordic Countries on social services (Finnish Treaty Series 69/1996), the right of citizens of the respective countries to use their own languages in other Nordic Countries was extended in some respects within the field of social welfare and healthcare.

The agreement concluded by the Nordic Countries on cultural cooperation in 1971 encompasses cultural, educational and scientific cooperation. This cooperation takes place in bodies and committees subordinate to the Nordic Council of Ministers. Most of the projects introduced within this framework have concerned various forms of cultural, information and educational cooperation, and the language has played an important role in this respect.

The Ministry for Foreign Affairs of Finland and *Näringsdepartementet* of Sweden set up a joint minority language working group in the summer of 2001, to monitor the development and implementation of laws and regulations concerning minorities and minority languages, both at the national and international levels. The purpose of the working group is to be a forum for the exchange of views and experiences, with a view to identifying and resolving problems. The working group may provide opinions, proposals or recommendations on the basis of observations made.

III.2 SÁMI - REGIONAL MINORITY LANGUAGE

ARTICLE 8: EDUCATION

Finland has undertaken to provide education in Swedish as follows:

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

a i) to make available pre-school education

b i) to make available primary education

c i) to make available secondary education

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

e ii) to provide facilities for the study of these languages as university and higher education subjects

f ii) to offer such languages as subjects of adult and continuing education

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

h) to provide the basic and further training of the teachers required to implement the paragraphs a to g

i) to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

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

Daycare

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

There is daycare available in Sámi in families and daycare groups in Hetta in the municipality of Enontekiö, and in Ivalo and Inari in the municipality of Inari. There are also bilingual daycare groups in the municipality of Utsjoki, and in Karesuvanto in the municipality of Enontekiö.

Daycare in the form of so-called 'language nests' may significantly contribute to the development and maintenance of Sámi as the child's language. There is a Sámi language nest for Inari Sámi in the municipality of Inari. The municipality has bought the daycare places from a private service-provider. There is need for this type of daycare in the municipalities of the Sámi Homeland. However, the lack of permanent financing and competent staff, and their training, create problems.

Pre-school education

By virtue of an amendment (1288/1999) made to the Basic Education Act (628/1999), the local authorities are under an obligation to provide all children residing in the municipality in question with pre-school education during the year immediately prior to the year when they start school. The amendment became effective on 1 August 2001. Children attend pre-school education, consisting of 700 hours of education free of charge, on a voluntary basis. The local authorities may arrange the education at schools, daycare homes or in some other way. The pre-school education is covered by the provisions of the Basic Education Act. The language of education school education or other basic education shall be either Finnish or Swedish. The language of education may also be Sámi, Roma or the sign language. In addition, education may be provided in other languages.

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

Pre-school education is provided in Sámi in the context of comprehensive school education in the municipalities of Inari and Utsjoki as well as in the municipality of Enontekiö, with the exception of Hetta.

As far as the local school authorities are concerned, new guidelines (2000) for the curricula for pre-school education entered into force in 2001. It is provided in these guidelines that pre-school education may also be provided in one of the three Sámi languages spoken in Finland, i.e. in Inari Sámi, Skolt Sámi or North Sámi.

Comprehensive school and upper secondary school education

The teaching in and of the Sámi language started in Finland in the 1970's. The status of Sámi and the need to develop the language have been taken into account in reforming the school legislation. According to section 10, subsection 2, of the Basic Education Act (1288/1999) which entered into force at the beginning of 1999, the language of education of children speaking Sámi as their mother tongue shall, within the Sámi Homeland, be mainly Sámi. Because the new legislation for the first time defined to which extent education was to be

given in Sámi, it marked significant progress. Also children at pre-school age (6 years) had already before the reform of legislation a possibility to attend education given in Sámi.

Under the Basic Education Act and the Upper Secondary Schools Act, Sámi shall, as a mother tongue, be comparable with Finnish and Swedish. Sámi may be studied as mother tongue or as an optional language at comprehensive schools and upper secondary schools within the Sámi Homeland. Sámi may also be used as the language of education at comprehensive school. The studying of Sámi as an optional subject entails an increased number of school hours for the pupils. Within the Sámi Homeland, all comprehensive schools and upper secondary schools (with the exception of one) teach the Sámi language. For grades 0 to 6 at comprehensive school, the right to education in Sámi is guaranteed well in respect of those pupils who are able to study in Sámi. However, in respect of grades 7 to 9, the amount of education given in Sámi is significantly smaller, which is mainly due to the lack of competent teachers and the small groups of pupils. Thus, in respect of secondary school, the aim of the Basic Education Act, according to which the education of children living within the Sámi Homeland should mainly be given in the Sámi language, has not been fully achieved. Outside the Sámi Homeland, the amount of education given in Sámi is still very small, and the Sámi language is only taught in a few schools (in Rovaniemi and Oulu).

The language of education may also be Sámi at upper secondary schools, but it is not compulsory. Under the Matriculation Examinations Decree (1000/1994), the languages of the matriculation examinations arranged in educational establishments providing upper secondary school education shall be Finnish and Swedish. The mother tongue and literature exam shall be arranged in Finnish, Swedish and Sámi (section 11; 1192/1998). The exam in the second domestic language shall be arranged in Finnish or Swedish, depending on the pupils' mother tongue. It is not possible to take the whole exams in Sámi. Since 1994, it has been possible to take the mother tongue and literature exam in North Sámi, and since 1980 it has been possible to take a Sámi exam as a foreign language. In 1998, it became possible to take the mother tongue and literature exam in Inari Sámi. Exams of Sámi as a third foreign language have for a long time been arranged in North Sámi and in the past few years also in Inari Sámi. In the matriculation examinations of 2001, there were four pupils taking the mother tongue and literature exam in North Sámi and one in Inari Sámi. Sixteen pupils took the exam of Sámi as a foreign language.

On 20 December 2001, the Government adopted a Decree on the National Objectives for Basic Education and the Number of Hours Allocated to Each Subject (1435/2001) which should contribute to increased teaching of Sámi as mother tongue. Apart from the duty of schools to provide basic education, the Decree underlines objectives relating to the teaching of manners, respect and social skills, as well as to the general knowledge to be provided by schools, to the promotion of equality in education and to the principle of lifelong learning. Pupils are taught to learn responsibility and cooperative skills, and to trust and have tolerance towards other people, nations and cultures.

The provisions on the number of hours to be allocated to each subject taught at schools are implemented through the adoption of National Guidelines for School Curricula by the National Board of Education. The Guidelines, which are being reformed, also provide for the teaching in and of the Sámi language. The providers of education shall adopt a separate curriculum for teaching in Sámi. The objective is that the new curricula may be implemented in respect of grades 1 and 2 as of 1 August 2002, but must in any case be implemented by 1 August 2003. In respect of other grades, the new curricula will be implemented as soon as possible, so that all providers of education apply them by August 2006.

Upon the entry into force of the Act (1186/1998) on the amendment of the Act on the Financing of Education and Culture, at the beginning of 1999, the financing of the teaching in and of Sámi was separated from the regular financing system based on the number of pupils. The State covers the costs of the teaching in and of Sámi in Utsjoki, Enontekiö, Inari and Sodankylä by means of a separate state subsidy. The subsidy corresponds to the average costs of employing Sámi teachers in these municipalities. The municipalities must use the subsidy for this particular purpose, which is an exception to the normal practice concerning state subsidies. The grounds for the allocation of the subsidy are defined in more detail in a Government Decision (191/1999). The subsidies reserved for the teaching in and of Sámi concern all the three Sámi languages spoken in Finland. Although the numbers of pupils have not increased, the separate state subsidy has significantly increased teaching in Sámi in the past few years.

As for the comprehensive school, upper secondary school and vocational education, the State covers the costs of the teaching in and of Sámi, incurred upon municipalities and providers of education. However, it is required for State subsidies that there are on the average five pupils in each group taught by the school. This restriction may create problems in the provision of education as e.g. the fact that people increasingly move away from the municipalities in the Sámi Homeland and the long distances between homes and schools affect the groups of pupils. Where the required size of a group is not reached, the provider of education does not get a full subsidy, which in fact affects the possibility to arrange the education. Therefore, the Sámi Parliament and the municipalities in the Sámi Homeland have proposed to the Ministry of Education that the conditions be changed so that state subsidy would no longer be conditional on the average number of pupils in the groups. The Ministry of Education is preparing a decision, under which the required average number of pupils would be reduced to three.

In the State budget for 2002, the appropriation reserved for the production of teaching materials in Sámi amounts to 253,000 euro (in 2001, the appropriation was approximately the same, amounting to FIM 1.5 million). The production of materials is at the responsibility of the Sámi Parliament and of a subordinate board having this particular duty. The board decides on the use of the appropriation reserved for the production of teaching materials in Sámi. The need for such materials has increased upon the increased teaching in and of Sámi. However, there still is a lack of teaching materials in respect of some subjects. The teaching materials are in practice produced by qualified Sámi teachers get a remuneration paid with the subsidy, but who nevertheless plan the materials at the side of their normal teaching duties as there only is a limited number of qualified teachers. Thus, the production of teaching materials for this language group, which is very small, is a long-term process.

Furthermore, the subsidy reserved for the production of teaching materials in Sámi has proved inadequate. The introduction of euro as the new currency made it necessary, for example, to replace the mathematics books with new ones for grades 1 to 6 of comprehensive school. Additional financing is needed in particular for teaching materials in Inari and Skolt Sámi. The Sámi Parliament has proposed a raised subsidy (460,000 euro) to be included in the State budget for 2003.

Under the Finnish policy, Sámi children should be able to live at home as long as possible, despite the long distances between the home and the school, and the costs of school journeys are compensated for with public funds. This contributes to the maintenance of the children's own language. It is not considered a good alternative to place small children in educational

units with residential halls, although it would intensify the education. However, virtual school has offered new possibilities for developing the education of Sámi children. Similar results are expected from the development of a virtual university.

Vocational education

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

The Sámi Training Centre located in the municipality of Inari (Act No 545/1993 and Decree No 649/1993; <http://www.sogsakk.fi>) offers training leading to a basic diploma in various professional fields. The purpose of the Centre is to provide vocational education mainly for the needs of the Sámi Homeland, to maintain and develop the Sámi culture and the traditional means of livelihood of the Sámi, and to enhance the production of teaching materials in Sámi. The Centre also provides courses in the Sámi language and culture and handicraft courses. The languages of education of the Centre are Finnish and Sámi but other languages may also be used.

University and other higher education

The Sámi language and culture may be studied at three universities in Finland. The University of Oulu (the Department of Finnish, Saami and Logopedics) has the main responsibility for the teaching of the Sámi language in Finland (<http://www.oulu.fi/suosalo/>), and has one professor of the Sámi language. The University also has a quota for Sámi-speaking students in the teacher-training programme for primary school teachers. Those students who are majoring in the Sámi language may obtain teacher's qualifications in their major subject.

At the University of Helsinki, Sámi may be studied as a minor subject at the Department of Finno-Ugrian Studies. The purpose of the multidisciplinary programme is to provide the basic knowledge and preparedness required for various duties relating to the Sámi, indigenous peoples, Nordic and international cooperation, Lapland and the Arctic Area in general. The programme consists of 20 credit units (<http://www.helsinki.fi/hum/sugl/saame.html>). The University has one teacher of the Sámi language.

The University of Lapland (<http://www.urova.fi>) provides training for primary-school teachers, and it is possible to study Sámi as a minor subject. The University has one teacher of the Sámi language. Furthermore, there is a quota for Sámi-speaking students in the Law Department of the University.

The afore-mentioned universities also provide Sámi language courses for students who are studying to become teachers or administrative officials.

The only Sámi university, *Sámi Allaskuvla* (<http://www.Sámiskhs.no/>), is located in Norway and was established in 1989. The Sámi University uses Sámi as the principal language of education, and provides e.g. teacher training. The Sámi University also admits students from the neighbouring countries, Finland and Sweden.

As far as North Sámi is concerned, the situation is good as all the primary school teachers who teach in that language have undergone teacher's training.

Teaching of the history and the culture which is reflected by the regional or minority language

The Sámi Parliament has criticised the way in which the culture and the history of the Sámi people is taught, for the reason that it is not presented as required in light of the status of the Sámi as the only indigenous people in Finland and in the entire European Union. In its second report (CRI(2002)20; adopted on 14 December 2001) concerning Finland, the European Commission against Racism and Intolerance (ECRI) has noted that there is insufficient teaching concerning the various minority groups living in Finland, particularly the traditional minorities such as the Sámi. ECRI has strongly recommended that the authorities take steps to increase knowledge and understanding among schoolchildren concerning the various minority groups living in Finnish society, both "traditional" minorities and the newer minority groups, and to ensure that teaching material across the curriculum reflect the different components of Finnish society. ECRI feels that efforts should be made to improve knowledge of the Sámi culture through the introduction of more material and teaching within the school system, and through a range of awareness-raising measures aimed at the general public.

Teacher training

In 1999, the University of Oulu started a programme for the training of special-subject teachers speaking Sámi. In order to improve the situation as soon as possible, the purpose was to first supplement the competence of Sámi teachers who already work in the Sámi Homeland. The programme aims at supporting the Sámi identity, developing Sámi language skills and contributing to the maintenance of the special features of the Sámi culture. This should also contribute to the production of educational and source materials in the Sámi language, the improvement of the capacity of teachers to use information technology in teaching and the development of Sámi terminology in the various subjects. Two of the students participating in the programme speak Inari Sámi. So far there are no Skolt Sámi among the persons who have applied for admission to the programme. As mentioned in the initial report, there are also a few Sámi from Finland studying in a teachers' training college in Kautokeino, Norway.

Further and continuing education

In accordance with the proposal of a working group set up by the Ministry of Justice (in 1999), referred to above, the training of special-subject teachers speaking Sámi was started as continuing education of teachers who already teach at primary school, to provide them with qualifications needed for the teaching of specific subjects taught at the schools. The training has been mainly arranged by means of distance-learning, which has delayed graduation. A few students are admitted to the programme each year. The training of teachers speaking Inari and Skolt Sámi requires further measures.

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

In this context, the Government underlines the efforts that have been made by open colleges to increase knowledge of the Sámi language. Several open colleges, particularly in the Province of Lapland, hold regular courses in the Sámi language and culture.

Other measures to develop the Sámi language

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

The Sámi Parliament has set up a cooperative body consisting of representatives of the Sámi Parliament, the municipalities in the Sámi Homeland, the State Provincial Office of Lapland and the Ministry of Education/National Board of Education, with a duty to develop the teaching in and of the Sámi language, to enhance the provision of public information and to implement joint projects for the development of education.

In each municipality in the Sámi Homeland, there is a specific cultural community (*siida*) for the promotion of the Sámi language and culture, financed by the Sámi Parliament, the municipalities, the State Provincial Office of Lapland and the European Union (within the framework of the European Social Fund Objective 1). The purpose of these cultural communities is to enhance and maintain the use of the Sámi language and the maintenance of the Sámi culture among Sámi families.

ARTICLE 9: JUDICIAL AUTHORITIES

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

a) in criminal proceedings:

ii) to guarantee the accused the right to use his/her regional or minority language;

iii) to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

iv) to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,

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

b) in civil proceedings:

ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

iii) to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

c) in proceedings before courts concerning administrative matters:

ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

iii) to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

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

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

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

Police

In the context of submitting its opinion on the proposal of the Sámi Parliament for the enactment of the new Sámi Language Act, the Ministry of the Interior observed that, in the light of the existing Sámi language skills of public officials, it seems to be difficult to meet the new requirements as proposed by the Sámi Parliament. In respect of the police, for example, the provision of possibilities for studying Sámi at the Police College, or the introduction of a quota for persons with Sámi language skills in the intake of students, would not alone be adequate to meet the objective set out in the proposal.

The need to obtain police services in Sámi has not been significant.

Prosecutors

According to the Office of the Prosecutor General, there has hardly been any need for its staff to use the Sámi language. Interpretation services have been used where necessary. Nor has the Sámi Parliament found this problematic.

Legislation

Those laws and regulations as concern the Sámi, in particular, are published in Finnish, Swedish and Sámi. Should an Act of Parliament or a regulation given by virtue of it only concern Skolt Sámi, the Sámi-language version would be written in Skolt Sámi. The same practice is applied to various application forms and to instructions on how to fill them.

ARTICLE 10: ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES

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

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

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

*a) the use of regional or minority languages within the framework of the regional or local authority;
b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;
c) the publication by regional authorities of their official documents also in the relevant regional or minority languages;
d) the publication by local authorities of their official documents also in the relevant regional or minority languages;
e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

g) the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.

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

b) to allow users of regional or minority languages to submit a request and receive a reply in these languages; or

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

a) translation or interpretation as may be required;

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

5. The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

State administration

As far as State administration is concerned, the Government refers to information given on the reform of language legislation in part II of the present report, under Article 7, paragraph 1(c).

State officials still have, subject to certain conditions, a possibility to take a paid leave of absence for the purpose of studying Sámi. However, this possibility has not been used to a significant extent.

Defence administration

As mentioned in Part III.1 above, in respect of the Swedish language, the language of training of conscripts is Finnish or Swedish in accordance with the Military Service Act. Thus, there is no training in Sámi in the Defence Forces. Nor are there detachments of the Military Forces within the Sámi Homeland, although there is a radar station of the Air Force in the area. However, the call-up announcements referred to in the Military Service Act are translated into Sámi in the Sámi Homeland. Furthermore, instructions relating to conscription are sent to the conscripts not only in Finnish and Swedish, but also in North, Inari and Skolt Sámi, in the municipalities of Lapland. The language used in the context of reporting for military service is Finnish but there is interpretation available in Sámi, where necessary.

Conscripts speaking Sámi are mainly ordered to the Frontier Guard District of Lapland which is administratively subordinate to the Ministry of the Interior.

In the past four years, only one conscript in the Jaeger Brigade located in Sodankylä has indicated Sámi as his mother tongue. There have been no special needs for translations or interpretation in Sámi in the detachments of the Jaeger Brigade, although it would have been possible as there is an officer speaking Sámi in the Brigade.

Local administration

The local authorities are, in the municipality in question, responsible for the provision and administration of public services required by law. In the legislation of general and restricted application, concerning the provision of services, the right of the residents of municipalities to use their own language has been taken into account. The legislation of general application consists of the Language Act (148/1922) and the Act on the Use of the Sámi Language before Authorities (516/1991). These Acts are applied to any situations where residents of municipalities need public services provided by the local authorities. In addition, there are Acts applied to specific branches of services, providing also for the right to use one's own language. The pending reforms of the language legislation will have implications on the provision of public services by local authorities.

The new Language Act would be applied to municipalities and joint municipal boards, as well as to public utilities, companies and any private entities performing public functions referred to in section 2, subsection 3, of the Local Authorities Act (365/1995). However, the difference between municipalities with one language and bilingual municipalities would still be maintained. The criteria according to which the language status of a municipality is determined would also remain the same, i.e. the language status of municipalities would be defined by a Government decision every ten years. Furthermore, the language requirements of persons employed by local authorities would for the first time be provided by law.

Labour administration

The Labour Administration aims at improving the access of Sámi to services in their own language in northern Lapland through its recruitment policy and by supporting the voluntary language studies of officials. The most relevant brochures and instructions have been translated into Sámi. In the context of setting the objectives for 2002 with the Ministry of the Labour, the Regional Employment and Economic Development Centre of Lapland, together with three employment agencies, assessed the significance of the entry into force of the Sámi Language Act for the improvement of Sámi language skills.

Sámi and the Evangelical Lutheran Church of Finland

The Language Act is applied by the Church Administration in accordance with section 17 of the Act. The Church Act (1054/1993) contains several language-related provisions concerning the parishes and their members, the administrative boundaries of parishes, the language used by parishes and groups of parishes, the dioceses, the working language of the Church, and the office-holders and employees. The Sámi language is taken into account in the provisions of the Church Act. The Cathedral Chapter of the Diocese of Oulu and those parishes which are entirely or partly located within the Sámi Homeland apply the Act on the Use of the Sámi Language before Authorities. It is possible to establish a bilingual (Finnish-

Sámi) parish in the Sámi Homeland, and it is provided in the Church Act that, within the Sámi Homeland, parishes must arrange activities and services must be provided in Sámi.

The Evangelical Lutheran Church of Finland pays attention to the religious needs of persons speaking Sámi and affords significant funds to this effect. In the parishes located in the Sámi Homeland, the church service and other religious ceremonies are also held in North Sámi and Inari Sámi. No Finnish-Sámi parish has been established so far, but the activities in Sámi have been arranged under the other provisions of the Church Act applicable for that purpose.

Sámi literature has originally emerged from religious needs. The oldest religious texts in Sámi date from the 17th century, and were written in South Sámi. In the North Sámi area, there still is in use an old hymn book in Sámi, *Sálbmakirje*, which came out for the first time in 1897. It also contains a liturgy, a gospel and a prayer book. Not only the hymns, but also the latter are still generally used. The religious texts in Sámi have been reformed and reproduced on several occasions. The latest liturgies in Sámi were published in August 2002.

The translation of the Bible into North Sámi has been going on since 1986, in cooperation between the Nordic Countries. The New Testament came out in 1986. A project of reforming the language of the Old Testament was introduced in 1998. The purpose of this project is to increase the possibilities of Sámi-speakers to get religious services in their own language. Since 1998, the Church Council has financially contributed to the work with an appropriation of 26,000 euro (FIM 150,000). The Evangelical Lutheran Church of Finland will continue to support the project in the coming years.

The Church Council also issues the materials related to elections in North Sámi and Inari Sámi.

The status of the Sámi in the Evangelical Lutheran Church improved significantly in 2000 when they, in accordance with the new Church Act, had for the first time the right to elect, through the Sámi Parliament, their own representative and two substitutes to the highest decision-making organ of the Church, the Synod. The Synod approved an amendment to the Church Act, under which the Sámi representative has a right to vote in the election of the bishop and the archbishop for the Diocese of Oulu.

Sámi and the Orthodox Church of Finland

The Skolt Sámi are part of the Orthodox Church of Finland and of the Orthodox Parish of Lapland, having its central office in Rovaniemi. For the religious needs of the Skolt Sámi, there is a priest and a cantor placed in Inari. The Mass has mainly been in Finnish, but the priests have occasionally used Skolt Sámi. The cantor and the church choir have used Skolt Sámi more often than the priests. The new translation of the liturgy into Skolt Sámi should increase the use of Sámi as the language of liturgies.

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

The Finnish Broadcasting Company has occasionally broadcast the Mass and prayers in Skolt Sámi. Liturgies and hymns have also been taped in Skolt Sámi.

The Orthodox Church is currently reforming its communication and information services. The new Internet pages to be opened in 2002, will also be partly translated into Swedish, English, Russian, Greek and Skolt Sámi.

The Act on the Use of the Sámi Language before Authorities applies to the Orthodox Diocese of Oulu and the Orthodox Parish of Lapland.

In March 2002, the Sámi Parliament made a proposal to have a Sámi representative in the Synod of the Orthodox Church in the same way as in that of the Evangelical Lutheran Church. According to information available, the proposal will not be discussed by the Synod until in 2004 at the earliest.

Street names

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

First and family names

It is possible to use Sámi first names and family names. In practice, however, there have been problems in the use of Sámi as the computers and other technology are not equipped to recognise the letters. For example, it is not possible to use a Sámi name in the social security card where the name contains Sámi letters.

ARTICLE 11: MEDIA

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

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

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

iii) to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

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

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

d) to encourage and/or facilitate the production and distribution of audio and audio-visual works in the regional or minority languages;

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

f ii) to apply existing measures for financial assistance also to audio-visual productions in the regional or minority languages;

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

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

Sámi Radio

As regards the role of the Sámi language in the media, it may be observed in general that the radio still has an important role in the transmission of news. The Sámi Radio, which has operated since 1947, broadcasts approx. ten hours of programmes per day in North Sámi. There are also some programmes in Skolt Sámi and Inari Sámi on a regular basis. Apart from news, the Sámi Radio broadcasts current affairs programmes and special programmes targeted at specific groups of people, such as young people. The Sámi Radio also plays an important role in the field of culture. For example, the programmes include music with Sámi lyrics or other music characteristic of indigenous peoples.

In 2002, the Sámi Radio has in total approx. 2,000 hours of programmes in the three Sámi languages: North Sámi, Inari Sámi and Skolt Sámi, broadcast in North Finland. Part of the programmes are co-productions with the Sámi radios of Norway and Sweden. In the spring of 2002, the Sámi Radio introduced children's programmes in Sámi.

The Sámi Radio, which is part of the Finnish Broadcasting Company, also produces Internet services in Sámi. In 1999, the Sámi Radio introduced text television services in Sámi, within the framework of an EU project.

Television productions

The Finnish Broadcasting Company started a regular news broadcast in Sámi on 7 January 2002. The ten-minute news, *TV-uddasat*, are broadcast live from Monday to Friday in those parts of Lapland as are located north of Rovaniemi, where approx. 50% of the Sámi of Finland live. The news are made in Karasjoki, Norway, and are a co-production with Norway and Sweden. The regional news broadcasting stations are placed in Kiiruna, Sweden, and in Inari, Finland. The texts of the news are also available in the evenings on the web site of the Sámi Radio of the Finnish Broadcasting Company (<http://www.yle.fi/uutiset>). For the time being, the Sámi news are not subtitled in Finnish. The subtitles would serve the needs of the majority of the population as well as those Sámi who are not able to understand the Sámi language, to get information on the Sámi and on the living conditions in the Sámi Homeland. Furthermore, the nationwide television channels have shown programmes on the Sámi culture and way of life.

Along with the development of digital radio services of the Finnish Broadcasting Company, it will be possible to extend the geographical coverage of the programmes in Sámi and further develop cooperation between the Sámi radios of the Arctic Area.

The total costs of the Sámi Radio of the 2002 budget of the Finnish Broadcasting Company amount to 1.65 million euro, and the costs of production of the Sámi news amount to 0.436 euro.

Sámi newspapers

The Committee of Experts suggests to the Finnish authorities to take the necessary measures to encourage or facilitate the creation of at least one newspaper in Sámi. The measures taken in respect of radio and television productions are given account of above. It is provided in section 12 of the Finnish Constitution that everyone shall have the freedom of expression. It is a leading principle of the Finnish Act on the Freedom of the Press (308/1993) that everyone has the freedom to publish printed matter in accordance with law, without interference by the authorities (section 1 of the Act). As regards newspapers, the Government observes that, although there is no Sámi newspaper published yet, there already is a relatively large selection of newspapers in Finland, which mainly operate without public support. The Government does, however, grant on a yearly basis subsidies to newspapers upon application. The subsidies are mainly allocated to certain political papers and Swedish papers. The Ministry of Education also has funds available for the purpose of supporting publications in Sámi.

On the basis of applications received, the Government allocates subsidies to reduce the transport, delivery and other costs of newspapers. Subsidies may also be granted for projects introduced to develop newspapers.

ARTICLE 12: CULTURAL ACTIVITIES AND FACILITIES

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

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

a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, postsynchronisation and subtitling activities;

c) to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

e) to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

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

g) to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

h) if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

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

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

There is a separate appropriation reserved for the Sámi culture and Sámi organisations in the State budget. The culture board of the Sámi Parliament decides on the use of funds allocated for that purpose, and monitors and controls their use.

Since 1996, the appropriation allocated to the Sámi Parliament has been FIM 1 million a year. In 2000-2001, the appropriation was FIM 1.1 million and in 2002 it amounts to 168,000 euro. Within the limits of the appropriation, financial support is granted upon application for various arts and cultural activities as well as to Sámi organisations. The conditions concerning financial support are set out in the Rules of Procedure of the Sámi Parliament. Under the Rules of Procedure, financial support is granted for cultural activities e.g. in the form of project support and to cover working and travel costs, as well as for publications and other forms of activities of Sámi organisations. In addition, the culture board may give, without application, a special cultural award.

The appropriation reserved for the Sámi culture and Sámi organisations is a significant form of support and has contributed to the supply of cultural activities in the minority language. However, there is need for more financing, as e.g. in 2001, the applications for financing amounted to FIM 3.5 million which is significantly more than the appropriation.

Library services

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

Sámi library

The Provincial Library of Lapland has been assigned with the duty of hosting a Sámi library (Letter of the Ministry of Education 1990; 633/252/88). The Sámi library shall maintain a collection and a database of materials concerning the Sámi, participate in international cooperation in this field, provide information services, and support the work of municipal libraries. The Ministry of Education has reserved a separate appropriation for supporting the Sámi library, covering approx. 50% of the total costs. The remaining costs are covered by the City of Rovaniemi.

The Sámi library organises each year a meeting for library staff in the Sámi area, where matters of interest to the Sámi area have been addressed. The meetings have also been attended by representatives of the Sámi Parliament in which the cultural secretary acts as contact person in library issues.

The collection and the database maintained by the Sámi library consist of literature in different Sámi or other languages, concerning the Sámi, and of audiovisual materials such as video tapes, slides, audiovisual books and cd-roms. The database may be used in the *Aurora*

library information system and in the *Laponica* database²⁴, through the Internet. The National Library of Finland registers information on Sámi literature published in Finland. Furthermore, the Sámi library participates in a project of compiling information on Sámi literature together with the corresponding libraries in Sweden, Norway and Russia.

The reading materials provided by the Provincial Library of Lapland for schools include literature in Sámi. The books are mainly meant for comprehensive schools and upper secondary schools. The selection of literature in Sámi has been planned in cooperation with Sámi teachers and the official of the State Provincial Office responsible for monitoring and assessing the position of the Sámi language and the teaching in Sámi. The Sámi library lends books from its collection not only to municipalities in the Sámi area but to all parts of Finland, and even abroad.

The Sámi library participates in various projects promoting the Sámi language and culture in Finland and within the Arctic Area and provides information on the Sámi in the form of lectures. There is also a small selection of books that may be bought, held at the library.

Municipal libraries

Public libraries aim at providing services for all residents of municipalities on an equal basis. However, in comparison with Finnish literature, there are problems in obtaining Sámi literature as there is no network of bookstores for that purpose in Finland. However, the public libraries of municipalities located within the Sámi Homeland try and obtain at least all literature and audiovisual materials published in Sámi in Finland. Materials published in Norway and Sweden are purchased where appropriate. Old literature constitutes a problem for the collection as there are not sufficiently funds to purchase them through antiquarian bookstores. It is possible to borrow books in Sámi from all libraries within the Sámi Homeland. The *Aurora* information system²⁵, in which the libraries of three municipalities of the Sámi Homeland have been included, has a Sámi portal. The public library of Utsjoki provides library services in Sámi on a regular basis, whereas such services are only occasionally available at other libraries.

The information services of libraries still need to be improved insofar as the equal access of citizens to information technology is concerned. Printed materials produced by the authorities should also increasingly be made available at information service desks of libraries, free of charge.

There are four library vans operating in the Sámi Homeland, of which two are jointly financed by the Nordic Countries. They are an important part of library services, providing even residents of scarcely populated areas with access to libraries.

Terminology work

The Research Centre for the Languages of Finland has one permanent position of a Sámi language researcher, which is currently held by a researcher speaking North Sámi. Considering that there are three Sámi languages in Finland, and that the use of the Sámi

²⁴ <http://lapponica.rovaniemi.fi>

²⁵ <http://www.rovaniemi.fi/aurora>

language has increased, it is difficult to respond to all the needs of present-day linguistic research with one researcher only.

Cultural communities

As mentioned in part I.5 above, there is in each municipality of the Sámi Homeland a specific cultural community (*siida*) for the promotion of the Sámi language and culture, financed by the Sámi Parliament, the municipalities, the State Provincial Office of Lapland and the European Union (within the framework of the European Social Fund Objective 1). The purpose of these cultural communities is to enhance and maintain the use of the Sámi language and the maintenance of the Sámi culture among Sámi families.

ARTICLE 13: ECONOMIC AND SOCIAL LIFE

With regard to the use of Sámi in economic and social activities, Finland has undertaken:

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

- 2. With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*
 - b) in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;*
 - c) to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons.*

Access to services in one's own language

Article 10, paragraph 3(a), on the one hand, and Article 13, paragraph 2(c), on the other, place the Parties under an obligation to use regional or minority languages in the provision of services, as far as this is reasonably possible. Under objective No 7 (*access to services*) of the Finnish Target and Action Plan for Social Welfare and Health Care (TATO) for the years 2000-2003, the local authorities shall provide the Finnish-speaking and Swedish-speaking

populations, the Sámi, persons using the sign language and, to the extent possible, immigrants with services in their own languages. These services are supported within the framework of different national projects and through the development of information technology.

Report on access to social and healthcare services in one's own language

The report of *Margita Lukkarinen, 'Social and healthcare services in one's own language'*²⁶, is referred to in respect of the Swedish language in part III.1 above, under Article 13. The report was written from the customer's point of view, paying particular attention to the problems faced by the Swedish-speaking Finns and the Sámi. According to the report, the provision of services in two languages is expensive and the state subsidies are not adequate to cover the additional costs. In this respect, the situation is the most difficult in the Sámi Homeland. It is proposed in the report that a separate State subsidy be allocated for the purpose of guaranteeing access to social and healthcare services in the Sámi language.

Appropriation for the purpose of guaranteeing social welfare and healthcare services in Sámi

There is only a limited number of staff speaking Sámi in social welfare institutions. In view of this, Parliament approved a separate appropriation to be included in the budget for 2002, for the purpose of guaranteeing the access of Sámi to social welfare and health care services in their own language. The appropriation amounts to 200,000 euro, and may only be used to cover the costs of providing such services in the municipalities located in the Sámi Homeland, referred to in section 4 of the Act on Sámi Parliament (974/1995). The appropriation is allocated as state subsidies through the intermediary of the Sámi Parliament.

This method of state financing derogates from the normal practice concerning state subsidies meant for municipalities, as the municipalities may normally freely decide on how to use the subsidies but must at the same time contribute to the payment of costs for which the state financing is provided. However, in respect of the provision of social welfare and health care services in Sámi, an additional appropriation is justified as being necessary for the purposes of maintaining the language and culture of the Sámi as an indigenous people, as required by the Constitution.

An additional appropriation has already been proposed to be included in the budget for 2003. The appropriation would still be 200,000 euro.

Patients' rights

The Act on the Status and Rights of Patients (785/1992) contains a provision under which the patient's mother tongue as well as his or her individual needs and culture shall, where appropriate, be taken into account in his or her care and treatment.

²⁶ Lukkarinen Margita: Social and healthcare services in one's own language. Summary. Publication of the Ministry of Social Affairs and Health 2001:1. Helsinki 2001.

Report of the Committee of Experts

The Government wishes to correct a possible misunderstanding in paragraph 191 of the Report of the Committee of Experts, according to which contracts, laws and other documents in typical Sámi affairs are issued or used only in Finnish. By virtue of the Act on the Use of the Sámi Language before Authorities (516/1991), the most relevant acts of Parliament and decrees, with regard to the traditional means of livelihood of the Sámi, have usually been translated into North Sámi or Skolt Sámi, depending on the target group of the act or decree.

ARTICLE 14: TRANSFRONTIER EXCHANGES

Finland has undertaken:

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

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

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

The Agreement on the Foundations of Relations between the Republic of Finland and the Russian Federation (Finnish Treaty Series 63/1992) contains an article on the preservation of national identities. According to Article 10 of the Agreement, "the Parties shall give their support to the preservation of the identity of Finns and Finno-Ugric peoples and nationalities in Russia and, correspondingly in Finland, the identity of persons originating in Russia. They shall protect each other's languages, cultures and historical monuments."²⁷ The Agreement also applies to the Sámi people. The programme covers the promotion of the Sámi language and culture in the Kola Peninsula in Russia. Due to this programme and the activity of Sámi associations, contacts between the Sámi peoples in Finland and Russia have increased for example in the fields of culture, school education, vocational training and continuing education.

²⁷ Unofficial translation.

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

ANNEX 1

Committee of Ministers

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

(Adopted by the Committee of Ministers, on 19 September 2001, at the 765th meeting of the Ministers' Deputies)

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages; Bearing in mind the instrument of acceptance submitted by Republic of Finland on 9 November 1994;

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

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

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

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

1. take immediate measures to strengthen the position of the Sami language in the field of education. Special efforts should be devoted to pre-school and primary education and to making available the necessary teacher training and teaching materials for Skolt and Inari Sami which seem to be in danger of extinction;

2. increase the presence of Sami within the media, in particular by encouraging, through concrete measures, the creation of newspapers and the broadcasting of regular television programmes;

3.

a. provide favourable conditions to encourage the use of Swedish, the less widely used official language, before the judicial and administrative authorities, in particular by taking measures aimed at improving the Swedish language skills of legal officials and administrative personnel;

b. provide favourable conditions to encourage the use of Sami before judicial and administrative authorities in the Sami Homeland, in particular by taking measures aimed at improving the Sami language skills of legal officials and administrative personnel;

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

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

ANNEX 2

APPENDICES²⁸

Legislation:

- The Constitution of Finland (731/1999)

Reports:

- Human Rights and Finland's Foreign Policy. Report by Minister for Foreign Affairs Erkki Tuomioja to the Foreign Affairs Committee of Parliament on the Human Rights Policy of the Finnish Government, November 29, 2000. Publications of the Ministry for Foreign Affairs 2/2001. Helsinki 2001.
- The 16th Periodic Report of the Government of Finland on the Implementation of the Convention on the Elimination of All Forms of Racial Discrimination. Ministry for Foreign Affairs 2002.
- Suonoja ja Väinö Lindberg: Strategies of the Policy on Roma. Reports of the Ministry of Social Affairs and Health 2000:8. Helsinki 2000.

Summaries:

- A New Language Act for Finland. Ministry of Justice 2002.
- Margita Lukkarinen: Social and healthcare services in one's own language. Summary. Publication of the Ministry of Social Affairs and Health 2001:1. Helsinki 2001.

Development plans:

- Education and research 1999-2004. Development plan. Ministry of Education. Helsinki 2000.

Brochures:

- Finland's Romani People. Brochures of the Ministry of Social Affairs and Health 2001:4 eng. Helsinki 2001.
- The Sami in Finland. Publications by Sami Parliament 2002.

²⁸ The appendices are available for consultation in the Secretariat of the European Charter for Regional or Minority Languages