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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN FINLAND

Third monitoring cycle

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

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

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

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

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

CONTENTS

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

Chapter 1 - Background information

- 1.1 Ratification of the Charter by Finland
- 1.2 The work of the Committee of Experts
- 1.3 Presentation of the regional or minority language situation in Finland: up-date
- 1.4 Particular issues arising from the evaluation of the report

Chapter 2 - The Committee of Experts' evaluation in respect of Parts II and III of the Charter

- 2.1 Evaluation in respect of Part II of the Charter
- 2.2 The evaluation in respect of Part III of the Charter
 - 2.2.1 *The Swedish language:*
 - 2.2.2 *The Sámi language*

Chapter 3 – Conclusions

- 3.1 Conclusion on the way the Finnish authorities implemented the recommendations of the Committee of Ministers
- 3.2 Findings of the Committee of Experts in the third monitoring round

Appendix I: Instrument of Acceptance

Appendix 2: Comments by the Finnish Government on the report prepared by the Committee of Experts

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

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

adopted by the Committee of Experts on 30 March 2007
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1 - Background information

1.1 Ratification of the Charter by Finland

1. The Republic of Finland signed the European Charter for Regional or Minority Languages (hereafter referred to as the Charter) on 5 November 1992 and deposited its instrument of ratification on 9 November 1994. It was brought into force by a Decree in Finland on 27 February 1998 (Treaty Series 23/1998) and entered into force on 1 March 1998.

2. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers¹. The Finnish authorities presented their third periodical report to the Secretary General of the Council of Europe on 14 February 2006.

3. In its previous evaluation report on Finland (ECRML (2004) 7), the Committee of Experts of the Charter (hereinafter referred to as “the Committee of Experts”) outlined particular areas where policy and practice could be further improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations (RecChL (2004) 6) which were addressed to the Finnish authorities.

1.2. The work of the Committee of Experts

4. In the present report, the Committee of Experts will give a general presentation of the situation regarding regional or minority languages in Finland. It will nevertheless focus on the provisions and issues which were singled out in the first and second evaluation reports as raising particular problems as well as the new issues which arose during this third monitoring round. In addition, the Committee of Experts will assess the measures taken by the authorities to improve the situation of regional or minority languages, in the light of its findings and of the Committee of Ministers' Recommendations².

5. After a preliminary examination of the third periodical report of Finland, a questionnaire was drawn up and addressed to the Finnish authorities. The Committee of Experts organised an “on-the-spot” visit from 13 to 17 November 2006 in Helsinki and Inari, where it met with representatives of the following languages: Swedish, Sámi, Russian, Romani, Tatar, Karelian and German³. In addition, it met with the Finnish public institutions and the Finnish State authorities responsible for implementing the Charter.

6. In accordance with Article 16 paragraph 2 of the Charter, the Committee of Experts received written comments on the situation of the relevant regional or minority languages from the Advisory Board on Romani Affairs, the Swedish Assembly of Finland, the Sámi Parliament, the YLE Sámi Radio, the Karelian Language Society and the Finnish Association of Russian-speaking Organisations (FARO).

7. This evaluation report is based on the information the Committee of Experts was able to obtain through the above-mentioned sources, and on the political and legal situation prevailing at the time of the Committee of Experts' “on-the-spot” visit to Finland, and in particular the implementation of the new language legislation (see 2nd evaluation report on Finland, ECRML (2004) 7 paragraph 7).

8. The Committee of Experts adopted the present report on 30 March 2007.

¹ MIN-LANG (2002) 1 Outline for 3-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

² The boxes which appeared in the first and second report will be found in the present report as underlined sentences.

³ The Committee of Experts did not meet with the representatives of the Yiddish language.

1.3. Presentation of the regional or minority language situation in Finland: up-date

9. The languages covered by Part III of the Charter in Finland are Swedish (the less widely used national language) and Sámi, including North, Skolt and Inari Sámi. The Swedish language is used by 5.5% of the Finnish population (i.e. 289 751, see 3rd Periodical Report p. 8). Most of the Swedish-speakers in Finland live in the coastal regions of Uusimaa, Turunmaa and Ostrobothnia as well as on the Åland Island in either bilingual or unilingual Swedish-speaking municipalities. Some 13 250 members of the Swedish-speaking population live in unilingual Finnish-speaking municipalities elsewhere in Finland⁴.

10. Sámi is used in the Sámi Homeland, but also in other parts of Finland. According to official language statistics in 2004, 1732 persons whose mother tongue is the Sámi language were living in Finland⁵. According to the Sámi Parliament, North Sámi is spoken by 1378 persons, Skolt Sámi by 337 and Inari Sámi by 258. These figures have not changed significantly since the Committee's previous evaluation, but have slightly decreased (3rd Periodical Report p. 8).

11. The Sámi Parliament has informed the Committee of Experts that a more precise investigation on the real number of Sámi language speakers has not been conducted in Finland, and considers that such a report is urgently needed, in order to develop appropriate measures to protect and promote the Sámi language.

12. The languages covered by Part II in Finland are the Kaló language of the Roma people (hereafter referred to as Romani), Russian, Tatar, Yiddish and Karelian.

13. There is an estimated number of 10 000 Roma, but there are no recent reliable figures on the number of speakers of Romani in Finland. The Roma live scattered throughout the country, most of them in the towns of Southern and Western Finland. Most of the persons speaking Romani are elderly. Middle-aged and young Roma mostly use Finnish in their every-day communication but they understand spoken Romani (3rd Periodical Report p.9).

14. There are 37 253 speakers of Russian in Finland (3rd Periodical Report p. 9). This figure includes the so-called "old Russians", "new Russians" who are migrants, as well as the Ingrian returnees⁶. The situation of the first two groups was described in the Committee's 1st evaluation report (ECRML (2001)3 paragraph 14) and the situation of the Ingrian population of Finnish origin in the second report (ECRML (2004) 7 paragraph 15). The Russian-speaking population is not a unified group and due to the different backgrounds their condition in the Finnish society varies⁷.

15. The situation of the Tatar language has not changed since the Committee of Experts' previous monitoring round and the number of speakers has remained stable, at around 800. Due to the favourable situation of the Tatar language, and the wish of the speakers to be left outside any government support, the Committee of Experts has not seen it as a necessity to focus on this language in this report, but reserves its right to do so in future reports⁸.

16. As regards the Yiddish language, the Finnish government provided new figures in its first report to the Parliament on the application of language legislation in 2006. Yiddish is spoken today by some 200 persons. However, the number of speakers seems to be decreasing. Elderly people still have a fluent command of Yiddish, but the young generation has a limited knowledge of the language.

17. According to the Finnish authorities, the Karelian language is one of the minority languages traditionally spoken in Finland, although it does not have an official status as a minority language in Finland. In Finland, the language is mainly spoken in the municipalities of Valtimo, Kuhmo and Suomussalmi, located in the Provinces of Eastern Finland and Oulu. It is estimated that 5 000 persons speak Karelian (3rd Periodical Report p.10).

⁴ Languages registered in the Population Information System, Report of the Government on the application of language legislation 2006, Libris Oy, Helsinki, 2006, pp. 9 and 10 – hereafter "Government Report".

⁵ Government Report, 2006, p. 20

⁶ See also Government Report, 2006, p. 9.

⁷ Government Report, 2006, p. 27.

⁸ For more information on the origin of the language and the situation of the language nowadays in Finland, see in particular the Government Report, 2006, pp. 30-31. One of the biggest challenges relating to the Tatar language, according to this report, is the transmission of the language to future generations especially in families where one of the parents does not have Tatar as his/her mother tongue.

General legal framework

18. The third periodical report of Finland gives an extensive overview of the adoption of new Acts which have an impact on the national and regional or minority languages in Finland (see in particular pp.13-16). The changes brought about by the legal framework will be discussed in the body of this report, where relevant.

19. The authorities refer in particular to the adoption of the new Language Act (423/2003) and the Act on Knowledge of Languages Required of Personnel in Public Bodies (424/2003) which came into force on 1 January 2004. For a presentation of the Language Act, and in particular its background and scope, see the 2nd evaluation report of the Committee of Experts (ECRML (2004)7 paragraphs 18-21).

20. The Government has adopted a decree on the Implementation of the Language Act (433/2004), which provides for the setting up of an Advisory Board on Language Issues at the Ministry of Justice. Since 2004, this Board has been assisting the Ministry of Justice notably to monitor the implementation of the Language Act and the related legislation, to draft the Government's report on the application of language legislation submitted to Parliament, and to prepare recommendations to the authorities on the provision of information and training on language legislation (3rd Periodical Report p. 14).

21. The Committee of Experts has received the first Government Report on the Application of the Language Legislation in 2006, which gives an up-dated overview and accurate figures on the situation of regional and minority languages in Finland. The Committee of Experts considers this report as a good example of monitoring the implementation of language legislation, although further monitoring tools are needed⁹.

22. The Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003) contains provisions on the language proficiencies of civil servants at national and municipal level and the staff of public independent institutions, the Parliamentary offices and the Office of the President of the Republic.

23. The Sámi Language Act (1086/2003) which also came into force on 1 January 2004 seeks to ensure the constitutional right of the Sámi to maintain and develop their own language and culture. For a description of this Act, see the 2nd evaluation report (ECRML (2004)7 paragraph 22).

24. Since the last evaluation round, the Finnish authorities have implemented two Council Directives¹⁰ when adopting the Non-Discrimination Act (21/2004) which came into force on 1 February 2004. The authorities have in particular to draft equality plans taking into account the Finnish national minorities, the Sámi and the Roma. Discrimination on the grounds of language is prohibited in the field of work, training and trade union activities (Section 6 of the Act). In that respect, the Committee of Experts was informed that in September 2004 the Ministry of Labour issued general recommendations on the contents of equality plans in Finnish, Swedish and Sámi to the State and municipal authorities, but that there are practical difficulties in the implementation.

⁹ See Government Report, 2006, p. 75

¹⁰ Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

1.4. Particular issues arising from the evaluation of the report

Identification of new regional or minority languages

25. During the “on-the-spot visit” the Committee of Experts met with representatives of the German language. The German speakers generally commend the Finnish authorities for their support, in particular through the National Board of Education (e.g. to schools and library). However, the situation of the German language has not been sufficiently clarified as to the continuity of their traditional presence in Finland.

26. As regards Karelian, the authorities have officially recognised that the language is traditionally spoken in Finland, and granted funds to the University of Joensuu in 2004 to carry out research on this language (see paragraph 39 *infra*)¹¹. However, the authorities have not yet adopted any measure, including a specific legal framework, to protect and promote this language.

Implementation of EC directives on public procurement

27. The Committee of Experts was informed during the “on-the-spot” visit that in application of EU legislation, the Finnish authorities had requested municipal authorities to tender for day care and care of the elderly. As a result, some services which had previously been provided in several regional or minority languages, such as Swedish or Russian for instance, have been discontinued. Those negative consequences seem to be the result of a lack of knowledge on the part of the municipal authorities about the public procurement process. Therefore, the Committee of Experts encourages the authorities to take all appropriate measures to ensure that the municipalities are adequately informed about their obligations to respect linguistic rights when appointing a provider.

Territorial Issues

28. In addition, the Sámi Parliament and the Swedish Assembly informed the Committee of Experts that the Finnish authorities are preparing legislation on the reform of municipalities and of the administration. The Committee of Experts has been informed of potential serious consequences for the provision of services in national languages in particular, and therefore encourages the authorities to pursue their dialogue with representatives of the speakers to ensure the preservation of linguistic rights as recognised by the Constitution (see also paragraphs 33-37 *infra*).

The use of the Sámi language outside the Sámi homeland

29. Approximately 46.5% of the Sámi live outside the Sámi Homeland, including 70% of children under 10 (3rd Periodical Report p.8). According to the Sámi Parliament, the figures will rise further due to various factors. It is foreseen that up to 60% of all Sámi will live outside the Sámi Homeland in the near future. New strategies for applying the Charter need therefore to be developed to address their linguistic needs. The Sámi Parliament pointed out the need to collect reliable data as to the number and distribution of speakers and their degree of language competence for future language planning.

¹¹ Government Report, 2006, p.10

Chapter 2 - The Committee of Experts' evaluation in respect of Parts II and III of the Charter

2.1. Evaluation in respect of Part II of the Charter

30. Part II of the Charter (Article 7) sets out a number of general objectives and principles that a Party is obliged to apply to all the regional or minority languages on its territory. For Finland, this evaluation will include the Sámi and Swedish languages, as well as the Russian, Romani, Yiddish, Tatar and Karelian Languages. As the Sámi and Swedish languages are also covered Part III of the Charter, most of the observations concerning those languages will be presented under Chapter 2.2.

Article 7 - Objectives and principles

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

“a. the recognition of the regional or minority languages as an expression of cultural wealth;”

31. The Committee of Experts refers to its previous report and considers that the Finnish authorities recognise regional or minority languages as an expression of cultural wealth in Finland (ECRML (2004)7 paragraph 27). According to the New Finnish Constitution Act in its Section 17, Finnish and Swedish are the national languages. Under paragraph 3 of Section 17, the Sámi as an indigenous group as well as the Roma and other groups have the right to maintain and develop their own language and culture (3rd Periodical Report p. 24). The Committee of Experts understands “other groups” as referring to the Tatar, Russian, Yiddish-speaking and Karelian communities.

Karelian

32. Despite the official recognition of Karelian as a minority language in Finland, the authorities have not yet granted any specific status to this language. The Karelian Language Society has approached several bodies and ministries to that end but has so far not received any official answer. The Committee of Experts encourages the authorities to adopt legal measures in order to create a basis for the protection of the language concerned (see for example the first evaluation report on Sweden, ECRML (2003) 1 paragraph 33).

“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;”

33. In its previous report, the Committee of Experts raised the issue of the implementation of Article 122 of the Constitution and the rearrangement of administrative boundaries (ECRML (2004)7 paragraphs 31 and 32). According to the Swedish Assembly, the Finnish authorities have taken into account some requests when preparing reforms of administrative structures, in particular in the case of the local registry office in Åboland which will continue to work as an independent local registry office. However, negative examples have also been brought to the attention of the Committee of Experts, such as the planned reform of the Public Prosecutors services which is currently being considered by the Ministry of Justice, which would imply that the five Public Prosecutor units that currently have Swedish as their majority language might be merged into bigger units.

34. In the third periodical report, the Finnish authorities describe the reform of municipal and service structures in Finland and in particular the restructuring of local government and services (3rd Periodical Report p. 24). This reform might lead to mergers of municipalities and influence administrative borders in regions where minority language-speaking populations live, i.e. in the Swedish- and Sámi-speaking regions. This municipal reform is to be followed, as was confirmed by the Ministry of Justice during the “on-the-spot” visit, by a reform of the judicial system, the prosecutorial system and finally the police system.

35. The Committee of Experts is concerned about the potential negative consequences that the reform might entail for the municipalities and administrative areas whose majority language is currently Swedish or Sámi, or where the speakers of these languages form a sizeable proportion of the population. Thus the

possible merger of several municipalities into bigger unions, for example in Utsjoki, Finland's only municipality with a Sámi majority, could deprive the minority-language speakers of the necessary proportion for the full implementation of linguistic rights (see also the second evaluation report on Finland, ECRML (2004)7 paragraphs 31 and 32).

36. The Swedish Assembly informed the Committee of Experts that according to the Constitutional Law Committee the restructuring might have devastating consequences for the municipalities and administrative areas whose majority language is currently Swedish. This Committee stated that the restructuring must not lead to any changes in the linguistic conditions of the municipality or diminish the possibilities of the language groups to use their own language.

37. Therefore, the Committee of Experts looks forward to receiving more information in the next monitoring round. It invites the Finnish authorities to take all appropriate measures in consultation with the speakers, and in particular with the Swedish Assembly and the Sámi Parliament.

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

General statement.

38. According to the Committee of Experts, resolute action to promote regional or minority languages in order to safeguard them covers, among other things, the following aspects: the creation of a legal framework for the promotion of regional or minority languages, the establishment of bodies which are responsible for the promotion of these languages, and the provision of adequate financial resources (cf. the second report on Germany ECRML (2006) 1 paragraph 24, the second report on Sweden, ECRML (2006) 4, paragraph 28 and the third report on Norway, MIN-LANG (2006) 11, paragraph 34).

Karelian

39. In the third periodical report, the Finnish authorities state that the Ministry of Education has granted funds to the University of Joensuu to carry out research on the Karelian language with a view to reviving the language and strengthening its status in Finland. The University of Joensuu submitted its report in June 2004 and made some recommendations. The Committee of Experts encourages the authorities to look into the recommendations and develop a strategy and measures to promote the language.

Romani

40. In its previous report, the Committee of Experts encouraged the authorities to take measures to follow the decision of the Constitutional Law Committee and ensure that there would be a legal framework for Romani (ECRML (2004)7 Paragraph 29).

41. However, the authorities underline that despite the efforts made in favour of Romani, still only very few Roma children receive teaching of Romani, and that more visible measures are needed to improve the status of this language. Roma people must be informed more effectively of their linguistic rights and the importance for the children to learn Romani. To that end, the authorities acknowledge the need to develop a Romani language policy programme which would centralise all the work carried out to develop Romani (3rd Periodical Report p. 26).

42. The Advisory Board on Romani Affairs considers that Romani is an endangered language and regrets that the sectoral legislation adopted so far has not led to a language planning programme. The Board proposes to develop a systematic language programme and it has requested the Constitutional Law Committee of the Parliament to oblige the Council of State to actively and systematically implement the legislation on Romani and to run the language programme. The Committee of Experts would be interested to learn in the next monitoring round what the Parliament has decided and how the situation has developed.

The Committee of Experts urges the authorities to strengthen the promotion of Romani by developing a language planning programme, in co-operation with the speakers.

Russian

43. During the previous monitoring round the Committee of Experts was informed of the proposal to set up a special Advisory Board for Russian-speakers under the Board for Ethnic Relations (ETNO) with the mandate of evaluating the linguistic needs of the Russian-speakers (ECRML (2004)7 paragraphs 30 and 37). However, the Finnish authorities considered that it was not necessary to set up such a body for the Russian-speaking population in 2003 (3rd Periodical Report p. 27).

44. The representatives of the speakers informed the Committee of Experts during the “on-the-spot” visit that they have difficulties in developing a dialogue with the government regarding the status of the Russian language.

45. The Finnish authorities informed the Committee of Experts that no specific laws have been adopted for the Russian language, and that the composition of ETNO for the period 2005–2008 was no longer based on languages but instead on immigrants and ethnic background (3rd Periodical Report p. 16).

46. In addition, during the “on-the-spot” visit, the Committee of Experts was informed by the speakers about the possible closure of the Russian public library of the Institute for Russian and East European Studies. As a result, the books would be dispersed in different specialised libraries not open to the public. The Committee of Experts encourages the authorities to pay particular attention to the needs of the Russian-reading public and would welcome further information in the next periodical report.

The Committee of Experts encourages the authorities to develop the appropriate measures and strategies to promote the Russian language, in co-operation with the speakers.

Yiddish

47. The Committee of Experts is pleased to note that interest for the Yiddish language has increased over the past few years and that the authorities have supported some activities¹².

48. The Committee of Experts welcomes all these initiatives and looks forward to receiving information on the planned project on the Yiddish language, directed especially at youth, that the Jewish community wishes to implement together with the Jewish Congregation and the Jewish School in Helsinki. It invites the Finnish authorities to support activities and initiatives taken in that field.

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

49. The Committee of Experts underlines that new information technology has opened up possibilities for new flexible and relatively inexpensive ways of communicating compared to traditional media. The active use of regional or minority languages in the new media environment is important for sustaining these languages and it may contribute positively to the use of regional or minority languages in private and public life. This is the case for all regional or minority languages in need of media presence (see the third report on Norway, MIN-LANG (2006) 11, paragraphs 60-61).

Karelian

50. According to the speakers, there has been little use of Karelian in public life. It has been brought to the attention of the Committee of Experts that the YLE (Finnish broadcasting company) would accept to broadcast one hour a week of programmes in Karelian once the status of the language is clarified.

Romani

51. In the previous monitoring round, the Committee of Experts encouraged the authorities to take measures to involve relevant municipalities in the promotion of the Romani language, e.g. according to the special development programme proposed by the National Board of Education (ECRML (2004)7 paragraph 43).

¹² See Government Report, 2006, p. 31.

52. While reporting on a number of measures intended to improve the overall situation of the Roma people (in employment for example), the authorities did not report on measures specifically aimed at increasing the involvement of municipalities in facilitating and/or encouraging the use of Romani. There is particularly a need to increase the awareness of Roma parents of the importance of using their language at home and to support the language clubs that have proved to be a way of fostering the use of Romani¹³.

53. In addition, the Committee of Experts acknowledged the initiatives undertaken by the authorities and encouraged them to facilitate the increase of broadcasting time in Romani on public radio and television (ECRML (2004)7 paragraph 42). The Committee of Experts is pleased to note that as a result, the duration of programmes was extended to 15 minutes per week in 2005, and the broadcast was included in the programmes of the YLE Radio 1 channel. The current changeover to a digital network in Finland opens up opportunities for availability of the Roma people's own programmes (3rd Periodical Report p. 27).

54. The Committee of Experts encourages the authorities to develop strategies to facilitate the use of Romani both in public and private life.

Russian

55. Regarding radio broadcasting, the Committee of Experts took note in its previous evaluation report of the existence of several providers: the Finnish Broadcasting Company initiated in 2001 a daily 50 -minute broadcast in Russian; Radio Sputnik and Radio Satellite Finland Oy (ECMRL (2004)7 paragraph 45). In their third periodical report, the Finnish authorities refer to a daily 45-minute programme (3rd Periodical Report p.29).

56. There are no special programmes in Russian on national public service television. In Tampere, the Russian-speakers themselves organise a weekly two-hour news programme. Television channels in Russian, broadcasting from Russia, are available in eastern Finland through cross-border viewing and in other parts of the country through satellite and cable television (ECRML (2004)7 paragraph 46).

57. As regards print media, the Finnish authorities report that support has been provided to several publications in Russian, notably *Spektr* which is issued ten times a year, the Russian literature magazine *LiteraruS*, which is issued three times a year, and *Russkij Svet* published by the Russian Club in Tampere (3rd Periodical Report p.28). In addition *Spektr* receives financial support from some municipalities (Turku, Helsinki and Vantaa) as they use this magazine for the publication of official advertisements.

58. The delegation of the Committee of Experts was informed during the “on-the-spot” visit that the support granted by the Finnish authorities to *Spektr* is insufficient and that it does not respond to the increasing needs of Russian speakers.

59. More generally, the Committee of Experts received negative comments from the speakers who were alarmed about this worrying trend that touches upon all the media in Russian. The Committee of Experts is not in a position to conclude that the reduction in the length of the radio programme is following this trend, but it encourages the authorities to clarify this point in the next periodical report.

Yiddish

60. The Committee of Experts is pleased to note that initiatives have been taken to use the language in public life. Since 2004 the *HaKehila* magazine of the Jewish community in Helsinki regularly contains an article written in Yiddish (3rd Periodical Report p. 10).

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

61. The Committee of Experts was informed during the “on-the-spot” visit that Karelian has been represented in the Finnish Committee of the European Bureau for Lesser-used Languages (FIBLUL) since June 2006.

¹³ See Government Report, 2006, p. 24.

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

General Issue

62. During the “on-the-spot” visit, the delegation of the Committee of Experts was informed that day care in regional or minority languages, notably Swedish, Sámi and Russian was affected by the new public procurement rules (see paragraph 27 above). It appeared that, for example, as a direct consequence some municipalities have discontinued purchasing day care centre services in Russian, e.g. in Helsinki and Vantaa. In addition, the Committee of Experts was informed that if a municipality does not purchase day care centre services, the cost for families will be far too high. The Committee of Experts encourages the authorities to look closely into possibilities of informing municipalities about their obligation to maintain day care in regional or minority languages as linguistic rights of Finnish citizens recognised by the Constitution.

63. The Committee of Experts reminds the authorities that the municipalities have a very important role to play in the organisation of education, both at pre-school and basic education levels. However, this does not relinquish the central authorities from their responsibilities to implement the Charter (second evaluation report on Sweden, ECRML (2006) 4, paragraphs 22-23).

The Committee of Experts encourages the authorities to closely follow the application of the public procurement system in order to ensure that municipalities provide pre-school education in regional or minority languages.

64. As regards Part II languages, the Committee of Experts identified in its previous reports a need for competent teachers at all levels of education as well as appropriate teaching materials. Therefore, the Committee of Experts encourages the authorities to consider the possibilities of developing teacher training and preparing teaching materials as part of a coordinated policy on education.

Karelian

65. The Committee of Experts was informed that there is at present no teaching of Karelian at any level. The Committee of Experts encourages the authorities to develop a strategy in co-operation with the speakers to promote the teaching of Karelian.

Romani

66. In its previous reports, the Committee of Experts pointed out shortcomings in the fulfilment of this undertaking. It therefore encouraged the authorities to further facilitate and strengthen education at all levels in Romani including providing sufficient financing and teacher recruiting and training (ECRML (2004)7 paragraphs 49 ff)

67. In the third periodical report, the authorities recognise that despite the legal framework for the teaching of the Romani language and culture, it has been difficult to provide such teaching. In 2002, the data collected indicated that 234 Roma pupils in nine municipalities were taught Romani as mother tongue (3rd Periodical Report p. 29). In 2004, 142 pupils received tuition in Romani as mother tongue in basic education and upper secondary schools¹⁴. Finally, less than 10% of the children have the possibility of studying Romani and it is not possible to take the matriculation examination in Romani.

68. In fact, a major obstacle to teaching in/of Romani is that the parents are not informed of the right for their children to be taught (in) it and consequently there is a lack of demand for such education. Some schools do not even know of the existence of Romani. As regards the awareness of the Roma parents, the Committee of Experts is pleased to note that in December 2005, the Ministry of Social Affairs and Health published a guide on reading with children (“Lue lapsen kanssa”), targeted to Roma parents which also focuses on linguistic development. There is also a need to raise the awareness of schools of their duty to provide teaching in/of Romani.

69. The education authorities clearly recognised that the negative situation is mainly due to a serious and persistent lack of Roma teachers and of teaching materials, and that as a result it is difficult to implement the new curriculum in Romani adopted by the National Board of Education (ECRML (2004)7 paragraphs 53-55,

¹⁴ Government Report, 2006, p. 69

and 3rd Periodical Report p. 29). There are indeed no possibilities to obtain qualifications as a teacher of Romani. In that respect, the Committee of Experts refers to its general statement in paragraph 64 above.

70. The government is aware of the difficulty for the Roma to break out of this vicious circle. In its report to the Parliament, the government proposes to seriously seek ways of ensuring the availability of qualified Romani teachers, to develop interesting materials, strengthen teacher training and raise awareness among the parents. During the “on the spot” visit, the Advisory Board on Romani Affairs confirmed that it agrees with this diagnosis and that it is necessary and urgent to take appropriate measures. The Committee of Experts looks forward to information on positive developments in the next monitoring round.

The Committee of Experts urges the Finnish authorities to devise innovative solutions to the lack of Romani teachers in co-operation with the speakers and to ensure the provision of adequate and sufficient teaching materials.

Russian

71. In its previous evaluation report, the Committee of Experts encouraged the authorities to involve relevant municipalities in the promotion of teaching in and of the Russian language and to improve the availability of pre-school education and access to education at primary and secondary level in Russian where there is sufficient demand (ECRML (2004)7 paragraphs 57 ff).

72. According to the information received, the number of children learning Russian as mother tongue has decreased from 3300 pupils in 2003 to 3000 pupils in 2004 and less than 300 students have taken a separate test in Russian¹⁵ (3rd Periodical Report paragraph 30). The Committee of Experts encourages the Finnish authorities to find ways to stop this trend and to increase the teaching of Russian in the coming years.

73. The Committee of Experts refers to paragraph 64 above and encourages the authorities to extend the provision of teacher training and continuous education.

Yiddish

74. The Committee of Experts is pleased to note that the growing interest shown during the last monitoring round is still present (ECRML (2004)7 paragraph 62). Since 2004 the National Board of Education provides financial support to the club activities (*Idishe vort*) launched by the Jewish community of Helsinki. This club, composed of 20 participants, hosts a Yiddish language teaching group which provides elementary language courses to adults, and holds Yiddish discussion gatherings and literature classes¹⁶. In addition, Yiddish is used in the activities of the Jewish School in Helsinki, e.g. in songs (3rd Periodical Report p.10). Finally, in its report to the Parliament, the Finnish government confirms that the University of Helsinki has been teaching Yiddish since 2000. The Committee of Experts welcomes those initiatives and encourages the authorities to pursue their support and facilitate the teaching of Yiddish.

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

75. The Committee of Experts refers to its previous assessment according to which there are facilities enabling non-speakers of Swedish and Sámi to learn these languages (3rd Periodical Report pp. 30-31).

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

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

Karelian

77. At present, there is no continuous teaching of or research on Karelian at university level. However, the University of Joensuu has prepared a study on the position of the language in Finland (3rd Periodical report p. 10). The Committee of Experts encourages the authorities to consult the speakers about how to develop the teaching of and research on Karelian.

¹⁵ The matriculation examination is either in Finnish or in Swedish.

¹⁶ See Government Report, 2006, p. 31.

Romani

78. In its previous evaluation report, the Committee of Experts encouraged the Finnish authorities to pursue further university level teaching in and of Romani (ECRML (2004)7 paragraph 64).

79. The Committee of Experts understands that some courses on Romani have been available and some research has been conducted at university level, but that Romani has not been established as a subject matter in any university (3rd Periodical Report p. 31). The Committee of Experts encourages the authorities to follow-up on those initiatives.

80. The Roma Training Unit of the National Board of Education has proposed that quotas be introduced for the admission of Roma students in teacher training and in degree programmes of general linguistics (ECRML (2004)7 paragraph 64). The Finnish authorities report that no efforts have been made to implement this recommendation and that no universities have adopted Roma quotas in teacher training nor language teaching.

81. According to the Advisory Board on Romani Affairs, a revival programme for Romani should include, among other things, the development of linguistics to support language teaching and material production, and the possibility for Romani language teachers to graduate as subject teachers in Romani.

82. The Committee of Experts encourages the authorities to find appropriate answers to those requests, in consultation with the speakers. It encourages the Finnish authorities to pursue the question of university-level education more systematically.

“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.”

83. The situation of the Swedish and the Sámi languages will be further described in Chapter 2.2.

Karelian

84. The Finnish authorities refer to a report drafted in 2002 by the Parliamentary Finance Committee on the need to develop the Karelian language, according to which research on the Karelian language is intended notably to promote cooperation with the Karelian-speaking population on the Russian side of the border¹⁷. The Committee of Experts welcomes this initiative and looks forward to receiving more information in the next periodical report.

Romani

85. The Romani-speaking community participates in the transnational exchanges of activities with Roma from other countries within the framework of international organisations and European non-governmental organisations and receives governmental support to that end (3rd Periodical Report p. 33). In addition, the Finnish Advisory Board on Romani Affairs participates in Nordic cooperation by arranging a Nordic Roma seminar, if necessary every second year.

Russian

86. According to the Finnish authorities, the users of the Russian language have received support from the authorities to participate in cultural events abroad, in particular the Finnish-Russian Society as an important actor promoting non-governmental activities between Finland and Russia. The Society arranges cultural exchanges directly at regional and local level, promotes studies of Russian in Finland and makes Finland and the Finnish culture known in Russia (3rd Periodical Report p. 33).

¹⁷ Report of the Parliamentary Finance Committee VaVM 37/2001 vp - HE 115/2001 vp, HE 206/2001; item 29.08.25, International cultural cooperation

“Paragraph 2

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

87. The Committee of Experts refers to its previous reports (ECRML (2001)3 paragraph 57 and (2004)7 paragraph 66) and to the information provided by the Finnish authorities in the third periodical report on the Constitution, on section 6 of the adopted Non-Discrimination Act (21/2004) and on the existing bodies such as the Ombudsman for Minorities or the Discrimination Board (3rd Periodical Report p. 33 and pp. 15-16 respectively).

“Paragraph 3

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

88. The Committee of Experts recalls that the extent to which a minority language is protected or promoted is, in many respects, a reflection of the majority language speakers' approach and perception and that awareness-raising within the majority is therefore of the utmost importance. As this provision indicates, education and the media are especially relevant in this respect (see the first evaluation report on the implementation of the Charter in Spain, ECRML (2005) 4 paragraph 182, and the second evaluation report of the Committee of Experts on the implementation of the Charter by Croatia, ECRML (2005) 3 paragraph 39).

89. Since the adoption of the new Language Act which came into force on 1 January 2004, the Committee of Experts is pleased to note that much effort has been made to improve the linguistic conditions in Finland.

90. Regarding education, the Finnish authorities informed the Committee of Experts that the objective of basic education in Finland is based on the principle of equality in society¹⁸. The Finnish authorities informed the Committee of Experts of the national strategy for global education currently being implemented. In accordance with this strategy, the core curriculum especially at upper secondary level comprises elements on cultural identity and knowledge of different cultures (3rd Periodical Report p. 34). However, the Committee of Experts has not been informed of any inclusion of respect, understanding and tolerance in relation to the regional or minority languages in Finland among the objectives of education and training.

91. As far as mass media are concerned, the Finnish authorities report that radio and television programmes provided by the Finnish Broadcasting Company include a substantial number of different programmes intended for minorities. During the “on-the-spot” visit the delegation of the Committee of Experts was informed that Finland has experienced mixed positive and negative attitudes towards Swedish-speaking people, that awareness is not increasing for Sámi, and that progress still needs to be made in the media on the image of Romani and Russian.

92. The Finnish Association of Russian-speaking Organisations (FARO) informed the Committee of Experts that Russian-speakers face hostility and even physical violence, for instance in the city of Lahti, and that the use of the pejorative name “ryssä” designating the Russian-speakers is widespread both in private and public life.

93. The authorities consider that by officially reporting to the Parliament on the application of the language legislation in March 2006, the government provided a comprehensive coverage of the needs of the speakers of Romani and Russian, which has increased at least the awareness of the authorities and

¹⁸ see for instance Government Decree 955/2002 on general upper secondary education with a view to increasing pupils' knowledge of different cultures.

decision-makers of their respective needs. In addition, the adoption of new language legislation has increased the media coverage of minority languages, which in turn have increased the awareness of the general public of minority languages to some extent.

94. However, the Committee of Experts was informed that there is still a serious lack of awareness and understanding among the general Finnish population of the speakers of Romani and Russian. Therefore, the Committee of Experts encourages the authorities to adopt a policy aimed at raising the media's awareness of regional and minority languages and at discouraging intolerant or degrading speech (see the second evaluation report on Croatia, ECRML (2005)3 paragraph 45).

The Committee of Experts encourages the authorities to develop further measures in the field of education and in the media sector to increase understanding and tolerance vis-à-vis regional or minority languages and their speakers.

“Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.”

95. According to the information provided, the Committee of Experts acknowledges that bodies have been established for the purpose of consulting the speakers and advising the authorities on language policy and that there is a continuous dialogue. However, during the “on-the-spot” visit, the Committee of Experts was informed by representatives of the speakers that in some cases, the needs and wishes of the speakers are not duly taken into consideration (see paragraph 44 above).

“Paragraph 5

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

96. In the case of Finland, the Romani, Russian, Tatar and Yiddish languages are considered as non-territorial languages. As regards the Karelian language, the authorities also consider it to be a non-territorial language. However, at the moment the Committee of Experts does not have sufficient information to conclude whether this is a territorial or non-territorial language. In its appreciation of the situation of these languages vis-à-vis paragraphs 1 to 4 of article 7, the Committee of Experts has kept in mind that those principles should be applied *mutatis mutandis* (ECRML (2001)3 paragraph 61).

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

97. The Committee of Experts has examined in more detail to what extent the existing protection of the Swedish and Sámi languages complied with the protection mechanism afforded by Part III of the Charter.

2.2.1 *The Swedish language:*

98. In this section, the Committee of Experts will focus its presentation on problematic areas in the protection and promotion of Swedish. It will therefore not assess the implementation of provisions which were fulfilled in the 1st and 2nd monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

- Article 8 Paragraph 1 b i
- Article 8 Paragraph 1 d i
- Article 8 Paragraph 1 f i
- Article 8 Paragraph 1 h
- Article 9 Paragraph 1 a iii
- Article 9 Paragraph 1 a iv
- Article 9 Paragraph 1 b ii
- Article 9 Paragraph 1 c ii
- Article 9 Paragraph 1 c iii
- Article 9 Paragraph 1 d
- Article 9 Paragraph 2
- Article 9 Paragraph 3
- Article 10 Paragraph 1 b
- Article 10 Paragraph 1 c
- Article 10 Paragraph 2 a, b, c, d, e, f, g
- Article 10 Paragraph 4 a
- Article 10 Paragraph 5
- Article 11 Paragraph 1 a iii, d, e i, f ii
- Article 11 Paragraph 3
- Article 12 Paragraph 1 a, f
- Article 12 Paragraph 1 h
- Article 12 Paragraph 2
- Article 12 Paragraph 3
- Article 13 Paragraph 1 c
- Article 13 Paragraph 2 a, b, d, e
- Article 14 a, b

99. For these provisions, the Committee of Experts refers to the conclusions reached in its first and second reports but reserves the right to evaluate the situation again at a later stage.

100. Finally the paragraphs and sub-paragraphs that are quoted in bold italics are the obligations chosen by Finland.

Article 8 - Education

“Paragraph 1

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

Pre-school Education

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

Primary Education

101. Pre-school education is provided in Swedish by the municipal social welfare authorities. During the first monitoring round, the Committee of Experts considered this undertaking fulfilled since Swedish day-care centres were organised in a satisfactory number and quality (ECRML (2001)3 paragraph 64).

102. However, during the “on-the-spot” visit, the Committee of Experts was informed that the foreseen municipal reform might have negative repercussions on the provision of pre-school education (see general comments in paragraphs 28 and 34-37 above).

103. In addition, the representatives of the speakers informed the Committee of Experts that in some municipalities, the provision of day care in Swedish has been discontinued, as a result of an inadequate public procurement exercise (see general comments in paragraphs 27 and 62 above).

104. The Committee of Experts considers the undertaking still fulfilled, but is looking forward to receiving information on the new reforms and practices.

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

105. The Committee of Experts considered in its two previous reports that the undertaking was fulfilled on the basis of the Upper Secondary School Act and the Matriculation Examination Decree which guaranteed that the matriculation exam was made available either in Finnish or Swedish in the relevant unilingual and bilingual municipalities (ECRML (2001)3 paragraph 66).

106. The Committee of Experts was informed that in spring 2004, the High School Act was amended so that the mother tongue is the only obligatory test of the Matriculation Examination and the test of the second national language was no longer compulsory. As a direct consequence, the number of students that choose not to take the exam of the second national language is allegedly increasing and in 2005 it amounted to about 9%¹⁹.

107. The Committee of Experts believes that in the long run, this development could have a considerable negative effect on students’ motivation to learn the second national language thus leading to a further weakening of the Finnish-speaking population’s skills in Swedish and of the Swedish-speaking population’s skills in Finnish. According to the information made available to the Committee of Experts, the Government has therefore committed itself to pursuing the development of studies in the second national language, supporting a positive image of Finland as a bilingual society, promoting the importance of mastering both national languages, and taking several other measures to strengthen the status of the national languages.

108. The Committee of Experts praises the authorities for their commitment, but would like to have more information particularly on the follow-up to this policy in the next periodical report, as it seems that so far this process has been very slow.

109. The Committee of Experts considers the undertaking nevertheless fulfilled.

¹⁹ See the Government Report, 2006, p. 52

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

110. In its first report, the Committee of Experts considered this undertaking fulfilled (ECRML (2001)3 paragraph 67). However, the Finnish authorities report that the full implementation of university education in Swedish requires additional resources and in particular pointed out the need to increase literature courses in Swedish (3rd Periodical Report p. 38).

111. A particular problem was reported to the Committee of Experts regarding the recognition of university degrees obtained in Sweden. The requirements for the recognition of degrees especially for law and medicine seem to be rather difficult and discourage young professionals from coming back to Finland (see the second evaluation report on Croatia ECMRL (2005)3, paragraph 92). The Committee of Experts would welcome further information on this issue.

112. The Committee of Experts considers that the undertaking is fulfilled but encourages the authorities to make additional resources available so as to ensure full implementation of university education 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;”

113. Although the Committee of Experts considered this undertaking fulfilled in its initial evaluation, it was brought to its attention in the second periodical report that the speakers of Swedish would wish for the history of Swedish in Finland to be more visible in the curriculum (ECRML (2004)7 paragraph 73).

114. In the third report, the authorities did not comment on this undertaking. During the “on-the-spot” visit, the Committee of Experts was informed by the speakers that the situation has in their view deteriorated. While the basic history course entitled “Finland as part of the Swedish kingdom” is obligatory for all students at lower secondary school level, the advanced course for the upper level that covers the Swedish reign more thoroughly is only optional. At upper secondary level, there is a course entitled “Turning points in Finnish history”, of which however, only a minor part deals with the heritage from the Swedish era. The speakers are concerned that as a result, students do not have sufficient knowledge of the common history of Finland and Sweden, which in turn complicates their understanding of the status of the Swedish language in Finland.

115. Based on the information received, the Committee of Experts concludes that the undertaking is still fulfilled but it encourages the authorities to examine the concerns raised by the speakers and to provide information to the Committee of Experts in their next periodical report.

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

116. In the previous monitoring cycles, the Committee of Experts considered the undertaking partly fulfilled, and suggested to the Government to encourage the drawing up of periodic reports on measures taken and progress achieved in establishing or developing the teaching of Swedish and make them available to the public (ECRML (2004)7 paragraph 74).

117. The Finnish authorities report that the Ministry of Education has concluded an agreement on the assessment with the National Board of Education and the State Provincial Offices. The assessment is carried out by schools and educational establishments both as self-assessment and by outside experts. According to the authorities, the quality of education is assessed at all levels and in respect of all forms of education (3rd Periodical Report p.39).

118. However, during the “on-the-spot” visit the Committee of Experts was informed by representatives of the speakers that there has been no comprehensive evaluation of the quality of Swedish language education, The Committee of Experts is aware that there are several bodies monitoring different aspects of Swedish education. However, the information received indicates that the monitoring does not include sufficiently measures taken and progress achieved in relation to Swedish education. In addition, no periodic reports on these issues have been made public.

119. Nevertheless, given the extensive nature of the monitoring of Swedish education which does take place and the particular situation of the Swedish language in Finland, the Committee of Experts considers that the undertaking remains partly fulfilled.

Article 9 - Judicial authorities

“Paragraph 1

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

In criminal proceedings:

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

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

in civil proceedings:

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

in proceedings before courts concerning administrative matters:

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

120. In the two previous monitoring reports, the Committee of Experts considered that these undertakings were formally fulfilled given the difficulties of implementing the regulations on the use of the Swedish language before the judicial authorities. In particular the Committee of Experts pointed out the severe need for personnel with sufficient language skills as well as the urgent need to improve the language skills of these officials (ECMRL (2004)7 paragraphs 76-81).

121. The Committee of Experts recalls that according to the Language Act public bodies must treat Swedish as a national language in Finland with an obligation for the authorities to address Swedish-speakers systematically in Swedish. The Finnish authorities did not provide any information on the current state of implementation of the Language Act but referred to legislative amendments (3rd Periodical Report pp. 40-41). During the “on-the-spot” visit, it was brought to the attention of the Committee of Experts that since the proceedings in Swedish are much longer than when Finnish is used, Swedish-speakers are in practice discouraged from using Swedish before courts. The authorities admit that the first reason is that at present the number of judges and other personnel with a command of Swedish is not sufficient²⁰.

122. Swedish-speakers lodged a complaint to the Ombudsman in 2006 concerning a case in Vaasa. The Committee of Experts looks forward to receiving more information on this case in the next periodical report.

123. As for the planned municipal reforms, the authorities are obliged to ensure that any changes in the borders of judicial districts do not affect the use of Swedish (ECMRL (2004)7 paragraphs 77-78, and see general comments in paragraphs 33-34 above).

124. The Committee of Experts concludes that these undertakings are still formally fulfilled and urges the authorities to take steps to ensure that the linguistic rights of the Swedish-speakers are fully implemented in court proceedings.

²⁰ Report of the Government, 2006, p. 57.

The Committee of Experts urges the Finnish authorities to increase the number of judges and other personnel with a command of Swedish in order to improve the use of Swedish before courts.

Article 10 - Administrative authorities and public services

“Paragraph 1

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

“a. i. to ensure that the administrative authorities use the regional or minority languages;”

125. The Committee of Experts concluded previously that the undertaking was formally fulfilled and requested the authorities to provide further information on the application of the Language Act in the next monitoring round. In practice there were problems with the implementation and concrete measures were needed to ensure that employees were available to use the language when necessary, or to provide for training for public officials (ECRML (2004)7 paragraphs 82-83).

126. The Committee of Experts has been informed by the authorities of several initiatives to improve the use of Swedish within State administration but observes that problems regarding the availability of public officials mastering the Swedish language still exist (3rd Periodical Report pp. 45-46).

127. The Committee of Experts maintains its previous conclusion that this undertaking is still only formally fulfilled.

“Paragraph 3

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

“a. to ensure that the regional or minority languages are used in the provision of the service”;

128. The Committee of Experts was informed in the previous evaluation round that the State and the municipal authorities have the possibility to contract or sell part of the public service to public enterprises or private entities. According to Sections 24 and 25 of the Language Act services shall be provided in both national languages (ECRML (2004)7 paragraph 85).

129. The Committee of Experts was informed during the “on-the-spot” visit of the negative experiences faced by speakers especially in the provision of bilingual day-care and that in some cases the services provided in Swedish were discontinued (see paragraph 103 supra). The authorities themselves report on the difficulties in satisfying the statutory linguistic rights when municipalities buy services from the public sector. However, based on the findings of the Constitutional Law Committee, the Committee of Experts concludes that these difficulties arose from a misunderstanding of public procurement law. Municipalities are not prevented by this law from fulfilling their obligations under linguistic law.

130. The Committee of Experts therefore concludes that this undertaking is formally fulfilled but that practical measures are needed to ensure that the rights laid down by the legislation are fully respected in practice.

“Paragraph 4

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

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

131. In the previous monitoring round the Committee of Experts asked the Finnish authorities to improve the level of competence in Swedish of the officials and public employees (ECRML (2004)7 paragraphs 86-88).

132. The Finnish authorities have not provided the Committee of Experts with sufficient elements for it to evaluate to what extent the rights enshrined in the Act on the Knowledge of Languages Required of Personnel in Public Bodies and the Language Act are implemented effectively.

133. During the “on-the-spot” visit, it was brought to the attention of the Committee of Experts that although written information is generally available in Swedish in public services, the personnel does not always have a sufficient command of Swedish and is therefore unable to provide basic information orally in this language.

134. Based on the information available, the Committee of Experts considers that the undertaking is partly fulfilled in practice. It looks forward to receiving further information on the application of the Act on the Knowledge of Languages in the next monitoring round.

Article 11 – Media

“Paragraph 1

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

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

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

135. Based on the information received in this monitoring cycle, the Committee of Experts has to reconsider its previous conclusion as regards the fulfilment of these undertakings, since there is no private television or radio in Swedish. All the programmes both on television and radio are broadcast by the national public broadcast company (YLE).

136. In its instrument of ratification, however, Finland undertook to facilitate and/or encourage the creation of a private radio station and the broadcasting of television programmes in the regional or minority languages on a regular basis on private TV channels as these undertakings require (see paragraph 110 of the explanatory report to the Charter).

137. In the light of these considerations, the Committee of Experts revises its previous assessment and considers that this undertaking is only partly fulfilled.

“Paragraph 2

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

138. So far two television channels broadcasting in Sweden can be watched in the western coastal area, and one can be seen in southern Finland. The Committee of Experts considered this undertaking fulfilled (ECRML (2001)3 paragraph 114).

139. In the present monitoring round the Swedish Assembly informed the Committee of Experts that the development of digital television in Sweden will have negative repercussions on the possibility to watch at least one Swedish channel in Finland. SVT Europa will indeed no longer be available in southern Finland.

140. The authorities informed the Committee of Experts that the Ministry of Transport and Communication has drafted a plan for media policy that will be implemented in Southern Finland with a view to combining Swedish channels on the 5th digital network. In addition, the authorities underline that the digitalisation will have repercussions for all Finnish citizens and not only the Swedish-speakers as they will all need a card to see the encoded programme.

141. The Committee of Experts considers the obligation fulfilled.

Article 12 - Cultural activities and facilities

“Paragraph 1

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

“b. to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;”

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

142. Due to the lack of specific information regarding this undertaking, the Committee of Experts was not in a position to conclude whether it was fulfilled or not in previous monitoring cycles (ECRML (2001)3 paragraph 117).

143. The Finnish authorities report that subsidies are allocated for the translation and publication of Finland-Swedish fiction and non-fiction. The Finnish Literature Information Centre (FILFI) also supports the publishing and promotion of Finnish, Finland-Swedish and Sámi literature abroad. In addition, the Ministry of Education annually grants operating subsidies to national writers' and translators' organisations (3rd Periodical Report p. 51).

144. Finland-Swedish literature receives a large proportion of the translation grants. For instance in autumn 2004, 8 of the 24 grants were awarded for books written in Swedish. In addition, translators of Finland-Swedish literature received four of the six awarded travel grants and every second year FILFI arranges a one-week seminar specifically for translators of Finland-Swedish literature.

145. The Committee of Experts also understands that audiovisual works in films and television are regularly sub-titled.

146. In view of the information received, the Committee of Experts considers the undertaking fulfilled.

“d. to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of

regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;”

147. The Committee of Experts was not able to conclude whether the undertaking was fulfilled in the previous cycles (ECRML (2001)3 paragraph 117).

148. In the third periodical report, the authorities describe the functioning of the Arts Commissions, and of the Regional Art Commissions (the Promotion of Arts Act 328/1976). As far as possible, it is ensured that the different forms of art are represented in these commissions, while also taking into account regional and linguistic needs (section 3 of the Act, as amended by Act No 712/1991 - see 3rd Periodical Report p. 51).

149. In addition, the Ministry of Education subsidises youth organisations, and in particular the Taikalamppu ("Aladdin's Lamp") which is a network of Finnish arts centres for children and young people. The aim of this network is to develop arts and cultural services for children and young people in the whole country. One member is responsible for developing arts and cultural services for Swedish-speaking children and one Swedish-speaking cultural centre for children has been selected as a distant member. Young Culture is an annual series of cultural events, which also includes a regional event in Swedish for Swedish-speakers. The nationwide events have quotas for performances in Swedish in art forms selected by Swedish-speakers themselves, for instance theatre (3rd Periodical Report p. 50).

150. The Committee of Experts considers that the undertaking is fulfilled.

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

151. The Committee of Experts was not in a position to conclude whether this undertaking was fulfilled or not and has not received any further information in the present monitoring round to enable it to come to a conclusion (ECRML (2001)3 paragraph 117).

152. The Committee of Experts therefore maintains its previous assessment and asks the authorities to provide more information on this undertaking in the next periodical report.

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

153. In its previous reports, the Committee of Experts considered this undertaking fulfilled with respect to printed works, as the Helsinki University Library receives a copy of printed documents published in the country, including those in the Swedish language (ECRML (2001)3 paragraph 119). The Committee of Experts has not received any information with regard to audio or audiovisual and other works.

154. The Committee of Experts maintains its previous assessment and asks the authorities to provide information in the next evaluation round on the audio, audio visual and other works in the Swedish language.

Article 13 - Economic and social life

“Paragraph 1

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

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

155. In the first monitoring round, the Committee of Experts did not receive any information on any additional measures undertaken by the Finnish authorities and was not in a position to conclude if this undertaking was fulfilled (ECRML (2001)3 paragraph 125).

156. In its report to the Parliament the Finnish government reports on various measures of encouragement for the use of Swedish²¹. According to this report, the majority of ministries published information and press releases also in Swedish. Bilingual municipalities provided information on their websites in the two national languages. Public authorities are under the obligation to publish vacant job announcements also in Swedish. Sometimes, however, this obligation is not respected.

157. Based on the information received the Committee of Experts considers the undertaking fulfilled.

“Paragraph 2

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

“c. to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;”

158. In the previous evaluation rounds, the Committee of Experts concluded that this undertaking was partly fulfilled and that the implementation was not satisfactory (ECRML (2004)7 paragraph 89). This deficiency was also the object of the Committee of Ministers’ recommendation no. 3 a (RecChL (2001) 3).

159. In order to implement the linguistic rights enshrined in the Language Act and the special legislation on social welfare and health care, the Finnish authorities informed the Committee of Experts that a target and action programme for social welfare and health care had been drafted for 2004–2007. According to this programme municipalities shall arrange services for Finnish-, Swedish- and Sámi-speakers in their own languages. In addition, the municipalities may apply for project funding for the years 2005–2007 to improve the availability of social and health services for minorities, such as Swedish- and Sámi-speakers (3rd Periodical Report p. 52).

160. During the “on-the-spot visit”, the Committee of Experts was informed that the implementation of the Language Act is not satisfactory in all municipalities. The Swedish-speakers pointed out the great problems in terms of human resources since young professionals join private companies instead of choosing the public sector. In addition, the language skills of applicants are allegedly not really tested and interviews for nurses and doctors are conducted only in Finnish.

161. According to the authorities, while the basic services may be available in Swedish, there is a big problem concerning special health services, such as mental health care, detoxification or paediatric psychiatry, but also social care services for the elderly.

162. As regards the emergency call centres, in the previous evaluation round, the Committee of Experts noted that the way they were organised had created problems for Swedish speakers and that as a consequence, the undertaking was partly fulfilled. The Finnish authorities recognised that there were problems in this field (ECRML (2004)7 paragraph 93).

163. The Finnish authorities have reorganised the emergency response centres on the basis of a Government’s decision on the division of emergency response areas (961/2003). According to this decision, the response areas of Helsinki, East and Central Uusimaa, West Uusimaa, South East Finland, Ostrobothnia and South West Finland are bilingual and the other areas are Finnish-speaking. The reorganisation was supposed to be completed by the end of 2005. In addition, the Emergency Response Centre Administration has paid particular attention to studies of Swedish in its staff training and has developed an e-learning environment (3rd Periodical Report p. 53).

164. During the “on-the-spot” visit, the representatives of the speakers informed the Committee of Experts that the authorities have tried to encourage the municipalities but, in fact, the situation has not improved since none of the 30 employees of the Emergency Response centres speak Swedish. In addition, according to the speakers, the recruitment of staff has not been done on the basis of language skills and there are no real language skill tests for applicants. Finally, they underlined that the voluntary three-month course provided by the State is not functioning in practice.

²¹ See the Government Report, 2006, pp. 38-39.

165. The Committee of Experts was informed by the Swedish Assembly that it published a report on health care in Swedish ("Phje-vad är det?") which includes legislation, practical advice, and also advice on ways to train staff when interacting with the patient in his/her mother tongue. In addition, the Swedish Assembly made proposals to the authorities, and in particular to the Ministry of Social Affairs and Health, to improve the current situation. The Committee of Experts encourages the authorities to take the Swedish Assembly's proposals into consideration.

166. While recognising the efforts made by the authorities to ensure the possibility of using Swedish in social and health care facilities, the Committee of Experts considers that the undertaking is only partly fulfilled and urges the authorities to take appropriate measures to ensure the effective use of Swedish in social and health care facilities

The Committee of Experts urges the authorities to step up their efforts and take immediate measures to ensure the effective use of Swedish in emergency call centres.

2.2.2. The Sámi language

167. In the evaluation that will follow and with reference to paragraphs 97-100 above, the Committee of Experts will not comment on the following articles/provisions :

- Article 8 Paragraph 1 e ii
- Article 8 Paragraph 1 f ii
- Article 8 Paragraph 1 h
- Article 8 Paragraph e ii
- Article 8 Paragraph 1 f ii
- Article 9 Paragraph 1 a iii, b iii, c iii
- Article 9 Paragraph 1 a iv
- Article 9 Paragraph 1 d
- Article 9 Paragraph 2 a
- Article 9 Paragraph 3
- Article 10 Paragraph 1 c
- Article 10 Paragraph 2 a, b, c, e
- Article 10 par 2 g
- Article 11 Paragraph 1 d, f ii
- Article 11 Paragraph 2
- Article 12 Paragraph 1 b, c, d, f, g, h
- Article 12 Paragraph 2
- Article 12 Paragraph 3
- Article 13 Paragraph 1 a
- Article 13 Paragraph 1 c
- Article 14 b

168. The Finnish authorities informed the Committee of Experts that the first report on the application of the Sámi language legislation shall be submitted to the Sámi Parliament. At the time of the submission of the periodical report, it was too early to assess the effects of the Act on the implementation of Sámi people's linguistic rights (3rd Periodical Report p. 15).

Article 8 - Education

169. During the present monitoring round, the Committee of Experts was made aware of several important issues related to Sámi teaching at all levels of education.

170. During the “on-the-spot” visit the Sámi Parliament stated that there has been no monitoring or general assessment of Sámi education for more than 10 years. The lack of an evaluation programme and of adequate resources for Sámi education limits possibilities of developing a long-term language planning programme including a sustainable and appropriate financial scheme.

171. The Sámi Parliament has proposed a general education policy to the National Board of Education and the Ministry of Education and Interior. However, during the “on-the-spot” visit, the Committee of Experts was informed that in recent documents on education policy, there is no visibility and no reference to Sámi. In its current situation, there is no body with the overall responsibility for the development of Sámi teaching and it is left almost completely unnoticed in national educational policy.

172. The Committee of Experts was informed by the Sámi Parliament that the grant for the production of teaching materials has remained unchanged for years and that there are no other funds available for the development of Sámi education.

173. As a result of the above situation, the development and production of teaching materials in Sámi has not met the basic needs of language teaching. Therefore, there is an urgent need to increase the production of teaching materials in Sámi on the one hand, and to ensure the availability of competent teachers and improve continuous teacher training on the other hand.²²

²² See the Government Report, 2006, p. 77

174. A new national core curriculum for primary and secondary education was adopted in 2004 and was introduced in summer 2006 (3rd Periodical Report p. 56). During the “on-the-spot” visit, the delegation was informed that it has not been followed up by the introduction of a new curriculum in Sámi education. The development of a special regional curriculum was envisaged during the 2nd evaluation round by the municipalities in the Sámi Homeland, the Provincial Board of Lapland and the Sámi Parliament to standardise the number of teaching hours and the contents of the teaching in the different municipalities, thus creating a single language policy to be used over the whole of the Homeland. This kind of curriculum would have had the advantage of taking into consideration the special needs and traditions of the Sámi, which are very different from the rest of the Finnish population (ECRML (2004) 7 paragraph 104). However, this curriculum was not developed.

175. Finally, more than half of the Sámi children live outside the Sámi Homeland. Therefore, the availability of teaching of Sámi urgently needs to be extended to areas outside the Sámi homeland (see paragraph 29 supra). In the previous report, the Committee of Experts welcomed an interesting initiative of virtual teaching in and of Sámi (ECRML (2004) 7 paragraph 102). It is necessary to further develop distance learning facilities, including digital and online materials and increase Sámi parents' awareness of such possibilities.

The Committee of Experts encourages the authorities to adopt a structured policy and provide adequate funding for Sámi education including the development of teaching materials and the adoption of a regional curriculum.

“Paragraph 1

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

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

176. Due to the difficult situation of North, Inari and Skolt Sámi, the Committee of Experts encouraged the Finnish authorities to take serious immediate efforts to ensure pre-school education on a permanent basis for all three Sámi languages in the second monitoring round and concluded that the undertaking was partly fulfilled (ECRML (2004)7 paragraph 95).

177. In the third periodical report, the Finnish authorities recognise the key role played by language nest activities in preserving the Sámi language and culture in the current situation. Language nests have had a particularly great impact on the revival of Inari Sámi. The authorities recognise the need for activities of this type in all municipalities of the Sámi Homeland but they face difficulties in arranging a permanent financing system on the one hand, and in finding and training staff on the other hand (3rd Periodical Report p 55).

178. From 1997 to 2001, the Municipality of Inari received an EU grant for an Inari Sámi language nest in Ivalo and a Skolt Sámi language nest in Sevetijärvi. The only remaining Inari Sámi language nest is currently coordinated by a private organisation. Until 2002, this organisation's language nest functioned with the funding of the Finnish Cultural Foundation but it is now supported by grants reserved for social and health services by the Municipality of Inari²³.

179. Pre-school education, including day care which in the Finnish context caters for children up to the age of 6, is organised in the municipalities of Utsjoki and Enontekiö (North Sámi) and in the municipality of Inari (North Sámi and Inari Sámi). The Sámi Parliament informed the Committee of Experts that there are no day care centres in Skolt Sámi.

180. The Committee of Experts acknowledges the increase of funds allocated to pre-school education. However, additional efforts are needed to support pre-school education to increase the number of trained Sámi personnel and to develop appropriate teaching materials.

181. Therefore, the Committee of Experts considers that the undertaking is still only partly fulfilled.

The Committee of Experts encourages the Finnish authorities to take further steps to ensure pre-school education in the Sámi language on a permanent basis.

²³ As a consequence the Inari Sámi language nests are used as day care facilities

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

182. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled since Sámi had been taught as the mother tongue (ECRML (2003)1 paragraph 135).

183. The Committee of Experts refers to its general statement above (paragraph 173). During the “on-the-spot” visit, it was informed that the lack of a common regional curriculum creates a huge workload for the few available teachers who have to work on their individual teaching materials and curriculum. Each municipality determines the number of hours and subjects to be taught and schools and teachers have to adapt their planning accordingly. This has led to a situation where some schools lack a curriculum and has even in some cases, resulted in the exclusion of Sámi education, according to the representatives of the speakers.

184. Based on the information received, the Committee of Experts concludes that this undertaking is at present only partly fulfilled.

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

185. In the two previous evaluation rounds, the Committee of Experts considered this undertaking partly fulfilled and encouraged the authorities to extend the offer of teaching in upper-secondary education to Skolt Sámi. The Committee of Experts added that serious efforts were being made to try to improve education in the Sámi language at secondary level but that it needed more information on the number of classes organised in Sámi, and especially in Skolt Sámi in the Sámi Homeland (ECRML (2004) 7 paragraph 106).

186. Every year approximately 500 children attend teaching in the Sámi language. In basic education, which covers both primary and lower secondary education, about 150 pupils are taught either entirely or mainly in the Sámi language. At the upper level of comprehensive school approximately 30 pupils study the Sámi language as their mother tongue (3rd Periodical Report p. 25).

187. There is teaching in and of Sámi and it is possible to include Sámi language and literature in the matriculation exam. However, the lack of a regional curriculum as referred to in paragraph 173 also creates problems with respect to this level of education.

188. During the “on-the-spot” visit, it was brought to the attention of the Committee of Experts that at lower secondary level, education is available in North Sámi in all municipalities, but not always in the other Sámi languages. No Inari Sámi teachers have been recruited.

189. The lack of qualified Sámi-speaking teachers and of appropriate teaching materials continues to be the main obstacle to teaching (see paragraph 173 above).

190. Given the current situation, the Committee of Experts considers that the undertaking is partly fulfilled and encourages the authorities to strengthen teaching in Inari and Skolt Sámi.

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

191. The Committee of Experts considered in its second evaluation report that this undertaking was partly fulfilled, as education provided by the Sámi Training Centre was not necessarily in the Sámi language. It requested information on the steps taken, in particular for Inari and Skolt Sámi (ECRML (2004)7 paragraph 108).

192. In the third periodical report, the authorities refer to the Sámi Training Centre which provides courses in Sámi language, culture and handicrafts. The languages of instruction at the Centre are Finnish and Sámi, but other languages may also be used (3rd Periodical Report p. 56).

193. During the “on-the-spot” visit, the Committee of Experts was informed that there is little interest from Sámi students to attend those courses. It would therefore welcome further information about the development of the Sámi Training Centre in the next periodical report.

194. Based on the information available to the Committee of Experts, it considers that the undertaking is still partly fulfilled.

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

195. The Committee of Experts has not been provided with any updated information in the third periodical report on the teaching of Sámi history and culture and therefore reiterates that this provision is partly fulfilled. The Committee of Experts encourages the Finnish authorities to take steps to improve the representation of Sámi history and culture in the history curriculum for the territory where the language is used and to provide the Committee of Experts with information on this in the next periodical report.

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

196. The Committee of Experts considered in the second monitoring cycle that this undertaking was fulfilled, as a result of the government’s increased efforts to develop the training of teachers in order to strengthen the position of Sámi within the education system. The Committee of Experts considered that there was a continuous cause for concern in this field and encouraged the authorities to maintain and strengthen the efforts that were being made (ECRML (2004)7 paragraphs 111-112).

197. In the third periodical report, the authorities describe training provided by the University of Oulu, and the State Provincial Office of Lapland. Some of the training is provided mainly through distance learning which teachers follow in parallel to their regular work. This means that the studies progress slowly and the training cannot meet the needs of school teachers (3rd Periodical Report p. 57).

198. There is no basic and further teacher training for teachers in Inari and Skolt Sámi. The Finnish authorities confirm that training of Inari and Skolt Sámi teachers necessitates additional measures.

199. During the “on-the-spot” visit, the Committee of Experts was informed of the wish of the Sámi Parliament to extend the offer of continuing education to teachers. Some teachers want to have further education and they criticise the lack of means for them to take training. A joint Nordic project is currently being organised for continuous education for Sámi teachers. However, as this joint activity is only relevant for North Sámi, further support would be needed for Skolt and Inari Sámi.

200. On the basis of the information mentioned above, the Committee of Experts revises its previous conclusion and considers that this undertaking is partly fulfilled. It encourages the authorities to facilitate teacher training, in particular for Inari and Skolt Sámi.

“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.”

201. The Committee of Experts considered this undertaking to be partly fulfilled in its first evaluation report and was unable to conclude whether this undertaking was fulfilled or not in its second evaluation report (see ECRML (2001)3 paragraph 142 and ECRML (2004)7 paragraph 117 respectively).

202. The Finnish authorities report that one of the duties of the State Provincial Office of Lapland is to monitor and assess the position of the Sámi language (3rd Periodical Report p. 58). During the “on the spot” visit, the Committee of Experts was informed that the role of the Provincial Office is indeed to assess the situation in education in general, but not to report on Sámi teaching in particular. As far as the teaching of Sámi is concerned, its tasks mainly consist in collecting statistical data.

203. The Committee of Experts therefore considers that the undertaking is not fulfilled and it urges the Finnish authorities to find ways of developing appropriate monitoring in close cooperation with the Sámi parliament.

The Committee of Experts encourages the Government to develop an appropriate mechanism responsible for monitoring the measures taken and progress achieved in Sámi education and for drawing up periodic reports which will be made public.

“Paragraph 2

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

204. In the previous evaluation report, the Committee of Experts considered this undertaking partly fulfilled, because there is very little teaching of any of the Sámi languages outside the Sámi Homeland, other than at universities (ECRML (2004)7 paragraph 118).

205. Scattered efforts are being made to teach Sámi, essentially at primary school level (Rovaniemi and Oulu), and Sámi-speaking day care services are seldom organised outside the Sámi area, although half of the Sámi children live outside the Sámi Homeland. The Committee of Experts was informed that in 2007, the city of Helsinki would be supporting day care services on a permanent basis.

206. The Finnish authorities recognise that the provision of such teaching is insufficient at present and underline the need to find innovative measures, such as distance and network learning to overcome this awkward situation (3rd Periodical Report p. 56).

207. The Committee of Experts still considers this undertaking partly fulfilled.

The Committee of Experts encourages the authorities to take appropriate measures to develop the teaching of Sámi outside the Sámi Homeland.

Article 9 - Judicial authorities

208. During the second evaluation round, the Committee of Experts was not in a position to comment on the implementation of the Sámi Language Act which proposes a stronger legal basis for the use of Sámi, notably in courts.

209. In the present evaluation round, the Committee of Experts has been informed by the authorities that the Ministry of Justice has organised extensive language training. Aware of the fact that it is a long process, the Committee of Experts is pleased to note that the authorities are taking important steps to improve the use of Sámi before courts²⁴.

210. The Sámi Parliament brought to the attention of the Committee of Experts that there has particularly been a problem with regard to interpreters, due to the lack of knowledge of specific terminology. The Committee of Experts was also informed that Inari and Skolt Sámi cannot be used before the courts as no official interpreters or translators in Inari and Skolt Sámi are available.

“Paragraph 1

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

In criminal proceedings:

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

In civil proceedings:

²⁴ See Government Report, 2006, p. 65.

“b. ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or if necessary by the use of interpreters and translations;”

In proceedings before courts concerning administrative matters:

“c.ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or or if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;.”

211. The Committee of Experts refers to its second evaluation report and in particular Section 12 of the Sámi Language Act. At that time, the Committee of Experts considered these undertakings only formally fulfilled, since difficulties existed in its implementation (ECRML (2004)7 paragraphs 122 and 124).

212. The Committee of Experts considers that there is a need for improvement, in particular by taking measures aimed at improving the Sámi language skills of legal officials and administrative personnel, but also by ensuring the training of interpreters in Sámi legal terminology (see paragraph 210 supra).

213. The Committee of Experts considers that these undertakings are still only formally fulfilled.

Article 10 - Administrative authorities and public services

214. In previous monitoring cycles, the Finnish authorities were asked to take measures aimed at improving the Sámi language skills of legal officials and administrative personnel. At that time, there were serious practical problems in the implementation of article 10 (ECRML (2004)7 paragraph 126 and see the Recommendation adopted by the Committee of Ministers RecChL (2001) 3).

215. The Finnish authorities allocate special funds to the municipalities in which Sámi is used in order to cover their extra expenses. However, the Sámi Parliament brought to the attention of the Committee of Experts that the current system leads to a problematic situation since the criteria for allocating funds relate to the overall size of the population and not the actual expenses. For example, Utsjoki, which is the only municipality in Finland with a majority of Sámi people and where the need for Sámi-speaking services is the greatest, receives the lowest amount of subsidies.

216. The Committee of Experts is pleased to note that despite difficulties in implementing this undertaking, the Finnish authorities have adopted measures to improve the language skills of personnel.

“Paragraph 1

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

“a.iii. to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages;”

217. In the previous evaluation rounds, the Committee of Experts considered the undertaking fulfilled since the Act on the Use of the Sámi Language before Authorities which applies to State administrative authorities and other State authorities in the administrative districts covers the Sámi Homeland (ECRML (2001)3 paragraph 156).

218. During the “on-the-spot” visit, the speakers confirmed that the use of the language in relations with the administration and the authorities has improved slightly, but that it varies greatly in practice. According to the Sámi Parliament, the implementation of the new Sámi Language Act seems to be working arbitrarily in practice mostly due to the lack of a sufficient number of officials able to speak the Sámi language.

219. At the beginning of 2006, the Sámi Parliament published a guide on the contents of the Sámi Language Act. The Committee of Experts therefore encourages the authorities to disseminate this guide in particular among the authorities with whom the Sámi speakers are in contact.

220. The Committee of Experts considers the undertaking fulfilled but encourages the authorities to continue their efforts to ensure an effective implementation of the Sámi Language Act in the Sámi Homeland.

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

221. The Committee of Experts was not informed about practical examples of how this undertaking has been fulfilled in practice for Inari and Skolt Sámi, and considered in the second monitoring round that this undertaking was only partly fulfilled (ECRML (2004)7 paragraph 128).

222. According to the information available, there are texts and forms in North Sámi, but there are no such forms in Inari and Skolt Sámi.

223. The Committee of Experts considers that the undertaking is fulfilled for North Sámi and not fulfilled for Inari and Skolt Sámi. Therefore, it maintains its previous conclusion that the undertaking is only partly fulfilled.

“Paragraph 2

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

“f. the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;”

224. In the second evaluation report, the Committee of Experts concluded that the undertaking was only partly fulfilled and was looking forward to receiving further information on the application of the Sámi Language Act in the next monitoring round (ECRML (2004)7 paragraph 131).

225. According to the information received, the Municipality of Utsjoki uses Sámi in its debates. The Committee of Experts maintains its conclusion that the undertaking is partly fulfilled and requests further information regarding the other municipalities in the next periodical report.

“Paragraph 3

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

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

226. The Committee of Experts was not able to form a conclusion as to the fulfilment of this undertaking during the last evaluation round as it could not pronounce itself on the implementation of the Language Act (ECRML (2004)7 paragraphs 132-134). While the Committee of Experts has received information about the implementation of this act in the context of paragraph 1 and 2 of Article 10, it lacks information in respect of this particular undertaking.

227. Furthermore, during the “on-the-spot” visit, the speakers confirmed that they have very little information on the private sector providing public services.

228. The Committee of Experts is therefore not in a position to conclude and requests the authorities to provide information relating to this specific undertaking in the next monitoring round. The Committee of Experts would welcome in particular information about the implementation of the Sámi Language Act and about its application in relation to outsourced public services.

“Paragraph 4

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

“a. translation or interpretation as may be required; “

229. The Committee of Experts concluded that the undertaking was only partly fulfilled. Despite the obligation provided by the law to arrange for interpretation, the Committee of Experts was informed that the capacity to provide translations and interpretations was insufficient to meet the demand (ECRML (2004)7 paragraph 135).

230. During the “on-the-spot” visit, the Committee of Experts was informed that the Sámi language office, which is responsible for translation and interpretation according to the Sámi Act, still did not have the capacity to provide sufficient translators/interpreters. The Sámi Parliament informed the Committee of Experts that the Sámi Language Office comprises 4 translators/interpreters for North Sámi, although it was estimated that they would need at least 10 positions.

231. As regards Skolt and Inari Sámi, there are no professional interpreters/translators, although the demand for translations has grown significantly since the Sámi Language Act came into force.

232. The Committee of Experts concludes that the undertaking is still partly fulfilled.

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

233. The recent entry into force of the language legislation did not allow the Committee of Experts to comment on the fulfilment of this undertaking in the second evaluation report. The figures provided at that time by the Sámi-speakers showed that the Sámi language could not be used in practice without difficulty (ECRML (2004)7 paragraph 139).

234. According to the Finnish authorities the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003) and the Act on Public Language Examinations (668/1994) also concern the Sámi languages. Nevertheless, the authorities recognise that so far, it is not possible to take such a language examination in Inari and Skolt Sámi (3rd Periodical Report p. 64).

235. During the “on-the-spot” visit, the Committee of Experts was informed that the language skills of candidates for recruitment in offices and administration in the Sámi homeland are not evaluated properly and that it is not done at all for Skolt Sámi in the absence of language tests for job applicants.

236. The Committee of Experts is pleased to note that several officials have started training their personnel in the Sámi language, as reported by the Sámi Parliament. However, the use of Inari and Skolt Sámi remains difficult due to the lack of interpreters and no available language courses.

237. The Committee of Experts welcomes the initiatives taken by the Finnish authorities but considers that there is a need for improvement and that the undertaking is partly fulfilled.

“Paragraph 5

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

238. The Committee of Experts considered this undertaking fulfilled (ECRML (2001)3 paragraph 171).

239. In the third periodical report, the authorities inform the Committee of Experts that in some parts of public administration there are practical difficulties in the use of Sámi names in writing, as the authorities have not adopted available methods for equipping computers and other technologies to recognise Sámi letters. For example, it is not possible to use a Sámi name containing Sámi letters in the social security card (3rd Periodical Report p. 65).

240. The Committee of Experts encourages the Finnish authorities to find ways to overcome those logistical problems and possibly benefit from the experience made in other countries who face the same difficulties such as Norway (see the third evaluation report on Norway, MIN-LANG (2006) 11, paragraph 167).

241. Since the Committee of Experts has not received sufficient information to be able to assess the fulfilment of this undertaking in practice, it encourages the authorities to provide more information in the next periodical report.

Article 11 - Media

“Paragraph 1

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

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

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

242. In its previous evaluation round, the Committee of Experts considered this undertaking partly fulfilled given the lack of children's programmes in the Sámi language which hampers its maintenance and promotion. It also considered that there was room for improvement regarding Inari and Skolt Sámi (ECRML (2004)7 paragraphs 143-144).

243. During the “on-the-spot” visit, the Committee of Experts was informed that there is still a lack of children's programmes and that they are not broadcast nationwide, but that the Finnish Broadcasting Company shall broadcast a total of 15 minutes of children's programmes in autumn 2007 produced within Nordic co-operation. The Committee of Experts looks forward to receiving more information on these programmes in the next periodical report.

244. Sámi language television news is broadcast daily in the northern part of Finland, as is the case in Norway and Sweden with subtitles in Norwegian and Swedish. As a result of the introduction of the digital network in Finland in 2005, Sámi TV news is now available throughout the country. Finnish subtitles are used in the digital transmission of the programme, as well as on the internet. It is important that the sub-titles are used and allow the majority of the population to understand news broadcast in the Sámi language. This is a very valuable means of increasing tolerance and understanding towards the Sámi people and the Sámi language.

245. As regards Inari and Skolt Sámi, the Committee of Experts was informed during the “on-the-spot visit” that there are no journalists in Inari and Skolt Sámi and that interviews for TV and radio are done by a North Sámi journalist, which then have to be translated into Inari and Skolt Sámi.

246. The Committee of Experts considers the undertaking still partly fulfilled.

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

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

247. Based on information received in this monitoring cycle, the Committee of Experts has to reconsider its previous conclusion as regards the fulfilment of these undertakings. There is neither private television nor radio in Sámi. All the programmes both on television and radio are broadcast by the national public broadcast company (YLE).

248. In its instrument of ratification, however, Finland undertook to facilitate and/or encourage the creation of a private radio station and the broadcasting of television programmes in the regional or minority languages on a regular basis on private TV channels.

249. In the light of these considerations, the Committee of Experts revises its previous assessment and considers that this undertaking is only partly fulfilled.

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

250. The Committee of Experts concluded that this undertaking was not fulfilled (ECRML (2004)7 paragraph 148).

251. Contrary to the previous evaluation round, the authorities report that there is a newspaper in Sámi published by a non-profit-making association and distributed free of charge to all Sámi-speaking households. There is also a periodical in Inari Sámi published since 1987 by an Inari Sámi language association and distributed four times a year to Inari Sámi-speaking households. The authorities report that the lack of money is a problem for this periodical (3rd Periodical Report p. 67).

252. According to its practice, the Committee of Experts does not consider papers published occasionally as a newspapers (very low number and periodicity per year). The Sámi Parliament informed the Committee of Experts that the publication Sápmelaš published its most recent number in 2002 and as stated by the Committee of Experts in the second report this initiative is endangered (ECRML (2004)7 paragraph 146).

253. The Committee of Experts was informed that the Sámi Parliament made a proposal for funding for the Sámi press on 28th April 2006 to the Ministry of Transport and Communications, but this request has not been followed up. The Committee of Experts is aware of the practical difficulties of distributing and publishing a Sámi newspaper but it encourages the authorities to have a more pro-active approach, possibly in cooperation with speakers of neighbouring countries (ECRML (2004)7 paragraph 147, see also the second evaluation report on Sweden, ECRML (2006)4 paragraph 147).

254. The Committee of Experts considers that this undertaking is not fulfilled at present.

The Committee of Experts urges the authorities to take concrete measures to encourage and/or facilitate the creation of a Sámi newspaper, if necessary in co-operation with neighbouring countries.

“Paragraph 3

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

255. The Committee of Experts did not consider the undertaking fulfilled in the previous evaluation round (ECRML (2004)7 paragraph 152).

256. The Finnish authorities informed the Committee of Experts that a revised version (635/2005) of the Act on Yleisradio OY (1380/1993) entered into force on 1 January 2006. As part of its public services, Yleisradio, or YLE, has to produce services in the Sámi language (3rd Periodical Report p. 66). The YLE Sámi radio brought to the attention of the Committee of Experts that YLE’s strategy until 2010 defines in detail the objectives of the services provided in Finnish and Swedish, but that no objectives have yet been defined for the services that are provided in the Sámi language.

257. In accordance with the Act on Yleisradio Oy, the Administrative Council of Yleisradio has to submit a report to the Parliament of Finland every second year, after hearing the Sámi Parliament, on how the company has fulfilled its task of public service in the last two-year period.

258. The Committee of Experts has not been informed of any other body established in Finland which would fall within the scope of this undertaking.

259. The Committee of Experts therefore concludes that the undertaking is fulfilled and encourages the authorities to ensure that the objectives for the services provided in the Sámi language are defined in due course.

Article 12 - Cultural activities and facilities

“Paragraph 1

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

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

260. In the first monitoring round the Committee of Experts considered the undertaking fulfilled and recognised the efforts made by the authorities to allocate a special fund for the Sámi culture (as a part of the budget of the Sámi Parliament). However, the existing fund should not exclude the possibility for Sámi-speakers to apply for other funding as well (ECRML (2001)3 paragraph 180).

261. The Committee of Experts is pleased to note that new measures have been taken by the Finnish authorities in particular regarding the development of library vans, or the project carried out by the University of Helsinki on an encyclopaedia on the Sámi culture (electronic database and a book) with the support of the EU, the Finnish Ministry of Justice and the Finnish Cultural Foundation (3rd Periodical Report p. 71).

262. In the State Budget for 2005 the appropriation amounted to 205 000 euros. In addition to the actual Sámi culture appropriation, support is provided through the Sámi Parliament for international activities such as those of the Nordic Sámi arts organisations and the Finnish Division of the Sámi Council and its national member organisation. The Ministry of Education may also allocate other discretionary state subsidies for separate projects on Sámi culture (3rd Periodical Report p.68).

263. During the “on-the-spot” visit, the Committee of Experts was informed that the State budget was similar in 2006. The Sámi Parliament considers that this funding does not correspond to the needs because it covers all artistic and cultural activities, spiritual culture as well as athletics and sports education. The Sámi Parliament has therefore made a request to the Ministry of Education, in the framework of the Attainability Project for Art and Culture for 2006 to 2010, for an increase in funding of other subcategories of art and culture by the year 2010 (for example, the support of multiculturalism and work towards antiracism, the support of Sámi culture, the digitalization of cultural services and funding for online services and the Celia library for the visually impaired).

264. The Committee of Experts believes that consultations should be held between the authorities and the Sámi Parliament with a view to identifying the real needs and allocating appropriate funds.

265. The Committee of Experts considers that this undertaking remains fulfilled.

“b. to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;”

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

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

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

- “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.”***

266. The Committee of Experts considered this undertaking fulfilled in the first monitoring round as the Research Institute for the Languages in Finland (KOTUS) was set up to promote and develop languages used in Finland including the Sámi languages (ECRML (2001)3 paragraph 187).

267. The Committee of Experts is pleased to note that KOTUS has carried out projects on the Sámi vocabulary and their database will serve as continuously updated etymological archives and will be used as a basis for the compilation of dictionaries. The Centre is also planning a concise popular etymological dictionary of North Sámi and a more comprehensive scientific etymological dictionary of all Sámi languages. According to the information provided by the authorities, three researchers are working permanently on the project (3rd PR p. 71).

268. However, during the “on-the-spot” visit, the Sámi Parliament informed the Committee of Experts that at the moment, one permanent member of staff is carrying out research of the three Sámi languages in Finland, as the temporary research positions established for Inari and Skolt Sámi are to be discontinued because of the lack of subsidies.

269. The Committee of Experts is concerned by the foreseen situation and encourages the authorities to find ways of financially supporting the researchers for Inari and Skolt Sámi. It is of the utmost importance to develop the Sámi language, as it plays a significant role in the implementation of the Sámi Language Act in different areas of society. As the Sámi Parliament pointed out, it is difficult to organise services if specialised terminology is lacking or insufficient.

270. The Committee of Experts considers the undertaking fulfilled at present.

Article 13 - Economic and social life

“Paragraph 1

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

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

271. The Committee of Experts was not in a position to evaluate whether this undertaking was fulfilled or not in the previous evaluation round due to lack of information. It repeated its encouragement to the authorities to provide information in the forthcoming report (ECRML (2004)7 paragraphs 157-158).

272. The Committee of Experts is aware of the campaigns related to the new language legislation, as well as various financial measures directed towards the facilitation of the use of minority languages in economic and social life (3rd Periodical Report p. 71).

273. Based on the information available, the Committee of Experts considers the undertaking fulfilled.

“Paragraph 2

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

“b. in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;”

274. According to the Sámi Language Act, State enterprises as well as private entities responsible for public authorities' services are bound to respect linguistic rights in the Sámi Homeland (ECRML 2004-7 paragraphs 159-160). The Committee of Experts was not in a position to conclude whether this undertaking was fulfilled in the previous evaluation round.

275. During the “on-the-spot” visit, the delegation of the Committee of Experts did not obtain much information and encourages the authorities to provide more information on the implementation of the legislation on this very specific aspect in the forthcoming report.

276. The Committee of Experts is therefore not able to conclude whether this undertaking is fulfilled.

“c. to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;”

277. The Committee of Experts acknowledged in the second evaluation report the serious efforts made by the authorities to improve the fulfilment of this undertaking and concluded that the undertaking was partly fulfilled. The main obstacle which was the subject of a Recommendation of the Committee of Ministers in the first and second rounds, is the lack of staff with a command of Sámi in social and health care services (ECRML 2004-7 paragraph 163, Rec ChL (2001)3 and Rec ChL (2004)6).

278. The Committee of Experts is pleased to note that the budget allocated by the authorities to relevant municipalities for securing social and health care services in Sámi has substantially increased in the past year (from 200 000 euros in 2002 to 600 000 euros in 2004 and 2005). However, the Sámi Parliament considered the needs in 2007 to be as high as 1 115 530 euros.

279. As regards the staff mastering the Sámi language and its training, during the “on-the-spot” visit, the Committee of Experts was informed that there are qualified personnel for basic health care, but not for specific care for the elderly or children's specialists, e.g. speech therapists. In the Municipality of Enontekiö only one Sámi-speaking nurse is working in elderly care. Her case has been brought to the Ombudsman, as she was required to take an exam using Finnish, although she does not speak this language.

280. The situation for Inari Sámi is even worse since there are no staff at all with a command of that language nor any interpreter available. Therefore the speakers have to ask their relatives to assist them. The situation for Skolt Sámi is slightly better since in the Tavtievat municipality, one nurse understands and speaks Skolt Sámi to a certain extent. In Ivalo, one or two persons speak Skolt Sámi. The Committee of Experts is pleased to note this progress and encourages the authorities to support it and develop further measures for Inari Sámi.

281. The Committee of Experts has been informed that there are no Sámi speakers working for the Emergency call centres covering the Sámi Homeland, nor does the Emergency response centre administration publish its communications and instructions in the Sámi Language. The possibility to distribute information about the emergency number in the Sámi language has been envisaged (3rd Periodical Report p. 53). The Committee of Experts urges the authorities to progress in that matter and both publish and distribute communications in the Sámi language.

282. The Committee of Experts recognizes the efforts undertaken to improve the linguistic services in this sensitive area but it maintains its previous conclusion and considers that the undertaking is partly fulfilled.

The Committee of Experts encourages the Finnish authorities to strengthen further their efforts and urgently take measures for linguistic training of staff in social and health care facilities and emergency call centres.

Article 14 - Transfrontier exchanges

The Parties undertake:

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

283. In its previous evaluation report, the Committee of Experts concluded that the undertaking was fulfilled as transfrontier exchanges between the Sámi people of the Nordic countries are being done through various bodies in many fields (ECRML (2001)3 paragraph 196).

284. During the “on-the-spot visit”, the Committee of Experts was informed that the Sámi parliamentary cooperation has been made possible through funding from the Norwegian government and that Finland has not provided funds for this activity. Although the Committee of Experts considers this undertaking fulfilled, it looks forward to receiving more information in the next monitoring round on the Finnish contribution to transfrontier activities.

Chapter 3 – Conclusions

3.1 – Conclusion on the way the Finnish authorities implemented the recommendations of the Committee of Ministers

Recommendation No.1:

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

285. The Committee of Experts notes that the Finnish authorities are pursuing their financial support to education in the Sámi language including since 1999 a specific subsidy to the municipalities in the Sámi Homeland and other providers of education operating in this region for teaching in and of the Sámi language, and a subsidy for the production of teaching materials in the Sámi language.

286. However, during the “on-the-spot” visit, the Committee of Experts was informed that the amount provided does not meet the current needs to ensure a proper training. The lack of teacher training and teaching materials is an outstanding issue which has not yet been solved and the current efforts should be strengthened for the Sámi language to revive.

287. The Finnish national core curriculum has not been followed up by a Sámi regional common teaching curriculum. In addition, responsibility for the definition and implementation of the curriculum lies with municipalities and at the end, schools and teachers. There is a great need to develop a regional curriculum to ensure that both Sámi language and culture are sufficiently taken into consideration.

288. As regards Inari and Skolt Sámi, the Committee of Experts has been informed that the language nests have helped to revive these languages, but there is a lack of funding on a permanent basis.

289. Finally, to date, there is no monitoring mechanism which supervises the teaching in/of Sámi language and drafts public reports.

Recommendation No.2:

“encourage and/or facilitate a positive development regarding the availability of a newspaper in Sámi”

290. In the 3rd periodical report, the Finnish authorities refer to a Sámi newspaper which is published by a non-profit-making association and comes out a few times a year, as well as a newspaper in Inari Sámi published since 1987 by an Inari Sámi language association and distributed four times a year. The authorities confirm that the latter is facing financial difficulties.

291. The Committee of Experts cannot regard the publication and distribution of papers three or four times a year as a newspaper. Therefore further efforts are needed to encourage and facilitate the development of a Sámi newspaper possibly in cooperation with neighbouring countries.

Recommendation No.3:

“ensure the availability of health and social care services in Swedish and Sámi;”

292. The Finnish authorities are aware of the problems relating to the social welfare and health care services provided in Swedish, and have taken measures to correct the situation since the last evaluation round, including using Swedish on signs, boards and patients' documents, the training of staff in the Swedish language and on the content of the new Language Act. However, serious problems were reported to the Committee of Experts concerning the lack of medical staff with a command of Swedish and about the disruption of day care and elderly care in some cases.

293. Regarding the availability of social and health care in Sámi, the Committee of Experts is pleased to note that some measures have been taken to ensure the sustainability of the system, notably through an increase in the budget (from 200 000 in 2002 to 600 000 euros in 2005). However, there are still

shortcomings with respect to which the Committee of Experts looks forward to further information about improvements in the next monitoring round.

294. Finally, the outstanding issue of emergency calls for both Sámi and Swedish has not yet been solved.

Recommendation No.4:

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

295. In the third periodical report, the Finnish authorities refer to measures implemented by the Roma Education Unit at the National Board of Education in organising annual training for Romani-speaking teachers and teaching of Romani language and culture for all teachers. This Unit also produces teaching materials and arranges various seminars. The authorities underline that the main problem is the non-existence of materials for early childhood education in Romani.

296. During the “on-the-spot” visit, it was made clear to the Committee of Experts that the issue of teacher training and the development of appropriate teaching materials is an outstanding issue which has not yet been solved. This remains a challenge for the authorities. In addition, despite the efforts made, only a small proportion of Roma children receive teaching in/of Romani.

297. Regarding radio, progress has been made, in particular with the extension to 15 minutes of a weekly programme in Romani, broadcast on the YLE Radio 1 channel.

298. The Committee of Experts was not made aware of any progress as regards measures to develop the use of Romani on television.

3.2 Findings of the Committee of Experts in the third monitoring round

A. The Committee of Experts praises the Finnish authorities for the excellent level of cooperation, and especially expresses its gratitude with regard to the preparation and organisation of the “on-the-spot” visit. This has allowed the Committee of Experts to obtain precise and relevant information on policy and legal developments in the promotion and protection of regional or minority languages in Finland.

B. The Committee of Experts commends the Finnish authorities on the high level of promotion and protection of regional or minority languages and for their continued efforts to further improve the implementation of the Charter in Finland. In particular it praises the Finnish government for having presented a report on the language legislation to the Parliament in 2006 which has to some extent raised awareness on the needs of the speakers and proposed measures accordingly to better ensure the promotion and protection of regional or minority languages. The Committee of Experts welcomes the authorities’ intention to further develop appropriate monitoring tools to supervise the implementation of the domestic language legislation, as suggested in the government’s report.

C. In this monitoring round, the Committee of Experts has been informed about the apprehension of the Swedish and Sámi speakers with regard to the pending legislation regarding municipal and administrative reforms that may affect linguistic rights by changing the proportion of the population speaking a regional or minority language in a given municipality or district.

D. The Committee of Experts also took note of problems that have arisen from the application of the new public procurement system particularly as regards day-care centres and care of the elderly. In some cases, it has even resulted in the disruption of the provision of day-care or care of the elderly in regional or minority languages. There is a need to further raise awareness of municipalities about their obligation to provide services in regional and minority languages.

E. While welcoming the positive steps taken to combat discrimination, the Committee of Experts considers that there is still a need to raise the awareness of the Finnish-speaking majority population about Finland’s regional or minority languages as an integral part of Finland’s cultural heritage, in particular regarding the Russian and Romani languages. The government report to the Parliament on the language legislation has increased at least the awareness of the authorities and decision-makers about the respective needs of all

regional or minority languages. However, there is a need to increase efforts towards the media and the general population.

F. As regards the Swedish language, the situation has improved since the entry into force of the Language Act (2004). Nevertheless, shortcomings identified in the first and second monitoring rounds concerning difficulties in using the Swedish language in court proceedings or in health care services still persist. In particular there are still no Swedish-speaking staff in the Emergency Call Centres. The Committee of Experts was also informed about the new regulation on the matriculation exam, according to which the second national language is no longer a compulsory subject. This might have a negative effect on language skills and the use of Swedish in public life.

G. As regards the Sámi language, education at all levels is hampered by the lack of a structured policy for Sámi education, language planning and long-term financing measures. Furthermore, there is no established monitoring mechanism with regard to teaching in/of Sámi. This affects teacher training, the production of teaching materials and the elaboration of a common regional curriculum.

H. There has been some improvement as regards the presence of Sámi on TV, as a result of the Nordic Sámi TV cooperation since 2004. However, there are still no children's and young people's programmes in Sámi. Furthermore, there are still no Sámi newspapers published in Finland on a regular basis.

I. Regarding health care in the Sámi language, the situation on the ground has improved in some fields but there remain serious problems in other fields, especially regarding care of the elderly. The Committee of Experts is concerned about the serious lack of staff with a command of the Sámi language, particularly in the Emergency Call Centres.

J. The situation regarding Inari and Skolt Sámi is particularly worrying, since major efforts are needed in all fields to ensure the survival of these languages. The development of permanent language nests is in that respect of the utmost importance. As regards the use of these languages in courts and administration, the situation is worsened by the fact that there are no professional interpreters/translators in those languages.

K. Romani remains largely absent from public life in Finland, despite the efforts made by the authorities. There have however been positive developments, notably regarding the time allocated for Romani programmes on radio. Serious difficulties persist in the field of education, resulting from the absence of Romani at university level, the chronic shortage of teachers and the lack of appropriate teaching materials. In addition, some municipalities neglect their duty to provide teaching of/in Romani. These shortcomings and the lack of awareness among parents about their right to request regional or minority language education for their children very much affect the protection and promotion of Romani.

L. As regards the Russian language, serious difficulties remain in the education and media sectors. For education in the Russian language, there should be clearer instructions to municipalities and schools to make them aware of their obligations vis-à-vis teaching in and of Russian and encourage them to be more proactive in offering such teaching.

M. Finally, the Committee of Experts was informed that Karelian has been recognised by the Finnish authorities as a minority language. Following this general recognition, a strategy is needed for the promotion and protection of this language.

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

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

At its 1011th meeting on 21 November 2007, the Committee of Ministers adopted its Recommendation addressed to Finland, which is set out in Part B of this document.

Appendix I: Instrument of Acceptance



Finland :

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

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

In Article 8 :

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

In Article 9 :

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

In Article 10 :

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

In Article 11 :

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

In Article 12 :

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

In Article 13 :

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

In Article 14 :

Paragraph a
Paragraph b.

Period covered: 01/03/98 -

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

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

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

In Article 8 :

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

Paragraph 2

In Article 9 :

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

In Article 10 :

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

In Article 11 :

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

In Article 12 :

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

In Article 13 :

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

In Article 14 :

Paragraph a
Paragraph b.

Period covered: 01/03/98 -

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

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

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

Period covered: 01/03/98 -

The preceding statement concerns Article(s): 7

Appendix 2: Comments by the Finnish Government on the report prepared by the Committee of Experts

Part II

General Comment:

Finnish and Swedish are the official national languages in Finland. The Sámi language has a special status. Other languages, even if they are regarded as regional or minority languages, do not have the same position. In some parts of the report, Swedish and Russian are incorrectly considered to have an equal standing.

Particular comments:

Paras. 27 and 62 :

According to Section 11 of the Day Care Act (1973/36), the municipality has to provide day care services in Finnish, Swedish and Sámi depending on the child's mother tongue. There is no corresponding obligation to provide education in other languages. However, more than 80 languages are spoken in day care centres around the country.

Para. 31

The Sámi should be referred to as an indigenous *people*, not as a *group*. Furthermore, the phrasing "other groups" in Section 17, paragraph 2 of the Constitution of Finland is understood by the Committee as referring to the Tatar, Russian, Yiddish-speaking and Karelian communities. The phrasing of the Constitution is intended to include *all other groups*, thus it is not limited to the aforementioned groups.

Para. 32

The Finnish legislation does not contain any provisions regarding national minority languages or the official recognition of such languages. The Constitution explicitly aims at emphasizing the importance of *all groups* (see above) instead of different categories of language status.

Para. 50

The Karelian language is to be considered a language spoken by an "*other group*".

Part III

Swedish language

Article 11 - para. 135

No proposals have been made to establish a private radio or tv-channel that would broadcast in Swedish.

Article 13 - paras. 162 and 164

The statement regarding a visit to an Emergency Response Center and the lack of Swedish speakers there is vague. The Center referred to in the report has not been identified. Thus, neither can the employment situation nor the linguistic distribution in the service area of that Center be verified.

Sami language

Para. 168

The first report on the application of the Sámi language legislation shall be submitted to the Sámi Parliament *by the end of 2007*.

Article 8 - para. 171

The report refers to *the Ministry of Education and Interior*. The correct reference would be the Ministry of Education.

Article 11

Para. 251

A newspaper published in the Inari Sámi is subsidised both by the Sámi Parliament (by an appropriation directed to Sámi language culture and Sámi organisations) and by the Ministry of Education (by an appropriation directed to cultural newspapers and their distribution).

Article 12**Para. 261**

With regard to the Encyclopaedia on the Sami culture, a translation error has occurred in the English version of the Government's report. The support has been given, among others, by the Ministry of Education, not by the Ministry of Justice.

Para. 263

The official name to the "Attainability Project for Art and Culture" would be "Action Programme on Access to Art and Culture for All".

Article 13 - paras. 281-282

The Emergency Response Centre Administration has examined the possibility of providing emergency number 112 information in the Sami languages in operational area of the Emergency Response Centre of Lapland. However, the Centre does not currently have capacity to provide Emergency Response Centre services in the Sámi languages. Therefore, it would be problematic to provide the said information in these languages on the internet etc.

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

**Recommendation RecChL(2007)7
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages
by Finland**

*(Adopted by the Committee of Ministers on 21 November 2007
at the 1011th meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

Having regard to the instrument of ratification submitted by Finland on 9 November 1994;

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

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

Having taken note of the comments made by the Finnish authorities on the contents of the Committee of Experts' report,

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

1. further strengthen education in Sámi, notably through the development of a structured policy and a long-term financing scheme;
2. take urgent measures to protect and promote Inari and Skolt Sámi, which are still particularly endangered languages, in particular by means of the provision of language nests on a permanent basis;
3. further develop the use of Sámi in the media, especially as regards TV and in newspapers, when appropriate in cooperation with other Nordic countries;
4. take further measures to ensure the accessibility of social and health care in Swedish and Sámi;
5. develop and implement innovative strategies for the training of Romani teachers and extend the production of teaching materials in Romani.