

# Government report on application of language legislation 2021

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# Government report on application of language legislation 2021

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## Government report on application of language legislation 2021

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**Abstract**

The Government report on the application of language legislation is a follow-up report that is submitted to Parliament once every parliamentary term. There are regulations on the language report in the Language Act (423/2003) and the Government Decree on the Enforcement of the Language Act (Valtioneuvoston asetus kielilain täytäntöönpanosta 433/2004). As laid down in the Government Decree, the report deals not only with Finnish and Swedish but also with at least Sámi, Romani and sign language, as well as the linguistic conditions in the country at a more general level whenever necessary. The report must discuss the application of language legislation, the implementation of linguistic rights, the language relations in the country, as well as the development as regards to Finnish and Swedish. The previous reports were published in 2006, 2009, 2013 and 2017. The Government report on the application of language legislation 2021 contains up-to-date information about the language situation in Finland, structures supporting linguistic rights, the impact of administrative changes on language groups and experiences of the implementation of linguistic rights when dealing with the authorities. Key themes include digitalisation and the implementation of linguistic rights in education, the police, rescue services and emergency response centre services. The report also covers the language service obligation of private companies pursuant to section 25 of the Language Act. At the end of the report, there is a summary of the experiences gained during the monitoring period on the application of language legislation and the current language situation in Finland.

**Keywords** linguistic rights, Language Act, linguistic population groups, language impacts, linguistic minorities**ISBN PDF** 978-952-383-959-5**ISSN PDF**

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## Hallituksen kertomus kielilainsäädännön soveltamisesta 2021

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### Valtioneuvoston julkaisu 2021:90

**Julkaisija** Valtioneuvosto

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**Toimittaja** Linda Lindholm

**Yhteisötekijä** Oikeusministeriö

**Kieli** englanti

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168

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### Tiivistelmä

Hallituksen kertomus kielilainsäädännön soveltamisesta on seurantaraportti, joka annetaan eduskunnalle kerran vaalikaudessa. Kielikertomuksen antamisesta säädetään kielilaissa (423/2003) sekä kielilain täytäntöönpanosta annetussa asetuksessa (433/2004). Asetuksen mukaan kertomuksessa käsitellään suomen ja ruotsin kielen lisäksi ainakin saamen kieltä, romanikieltä ja viittomakieltä sekä tarpeen mukaan yleisemmin maan kielioloja. Kertomuksessa tulee käsitellä kielilainsäädännön soveltamista, kielellisten oikeuksien toteutumista, maan kielisuhteita sekä suomen ja ruotsin kielten kehitystä. Aiemmat kertomukset on annettu vuosina 2006, 2009, 2013 ja 2017. Hallituksen kertomus kielilainsäädännön soveltamisesta 2021 sisältää ajankohtaistietoa Suomen kielioloista, kielellisiä oikeuksia tukevista rakenteista, hallinnollisten muutosten vaikutuksesta kieliryhmiin sekä kokemuksia kielellisten oikeuksien toteutumisesta viranomaisissa. Keskeisiä teemoja ovat digitalisaatio sekä kielellisten oikeuksien toteutuminen opetuksessa, poliisissa, pelastustoimissa ja hätäkeskustoiminnassa. Kertomuksessa on myös selvitys kielilain 25 § :n mukaisesta yksityisten kielellisestä palveluvollisuudesta. Kertomuksen lopussa on yhteenveto seuranta-aikana kootuista kokemuksista kielilainsäädännön soveltamisesta ja maan kielioloista.

**Asiasanat** kielelliset oikeudet, kielilaki, kielelliset väestöryhmät, kielelliset vaikutukset, kielelliset vähemmistöt

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## Regeringens berättelse om tillämpningen av språklagstiftningen 2021

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**Referat**

Regeringens berättelse om tillämpningen av språklagstiftningen är en uppföljningsrapport som lämnas till riksdagen en gång per valperiod. Bestämmelser om språkberättelsen finns i språklagen (423/2003) och förordningen om verkställigheten av språklagen (433/2004). Enligt förordningen behandlas i berättelsen utöver finska och svenska åtminstone samiska, romani och teckenspråk samt enligt behov landets språkförhållanden i övrigt. Berättelsen ska behandla tillämpningen av språklagstiftningen, hur de språkliga rättigheterna har tillgodosetts, språkförhållandena i landet och finskans och svenskans utveckling. Tidigare berättelser har lämnats 2006, 2009, 2013 och 2017. Regeringens berättelse om tillämpningen av språklagstiftningen 2021 innehåller aktuell information om språkförhållandena i Finland, strukturer som stödjer språkliga rättigheter, effekterna av förvaltningsmässiga förändringar på språkgrupper samt erfarenheter av förverkligandet av språkliga rättigheter hos myndigheter. Centrala teman är digitalisering och tillgodoseendet av språkliga rättigheter inom undervisningen, polisen, räddningsväsendet och nödcentralsverksamheten. Berättelsen innehåller också en utredning om enskildas skyldighet att ge språklig service i enlighet med 25 § i språklagen. I slutet av berättelsen finns en sammanfattning av erfarenheterna av tillämpningen av språklagstiftningen och landets språkförhållanden.

**Nyckelord** språkliga rättigheter, språklag, språkgrupper, språkliga konsekvenser, språkliga minoriteter**ISBN PDF** 978-952-383-959-5**ISSN PDF**

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## BACK TO BASICS

Language forms the basis of human thinking. Language can also be considered a communal activity that is learned through participation and interaction. Linguistic rights are fundamental rights, and their implementation is often a prerequisite for the implementation of other fundamental rights. Linguistic rights are protected by law, but they must also be realised in practice. The authorities have their own responsibilities in this respect. For this report, people representing different language groups have been asked about their experiences and perceptions of how the authorities have succeeded in this task. The report covers three topics, in particular: the police, rescue services and emergency response centre services, as well as education and digitalisation.

Education is the foundation of all our knowledge and understanding, and ensuring that linguistic rights are respected is also essential for the implementation of educational rights. The police, rescue services and emergency response centre services are the building blocks of a general sense of security. It is important to remember that the implementation of linguistic rights is all about the ability of people to function in society, and to receive the information and assistance they need. We know that digitalisation at its best can lead to faster, more affordable and more easily accessible services. However, we must ensure that linguistic rights will also be implemented in digital services and services based on artificial intelligence. The authorities must always strive to exceed the minimum requirements laid down in law. Measures must be planned in a manner which ensures that we can work efficiently in different languages, even in times of urgency or emergency. In the application of language legislation and in this report, we are dealing with the basics.

Anna-Maja Henriksson, Minister of Justice  
November 2021

# 1 Introduction

## 1.1 Background and objectives of the report

This is the Government report on the application of language legislation (hereinafter referred to as “the language report”). The report is submitted to Parliament once every parliamentary term, i.e. every four years. The aim is to provide an account of how language legislation has developed and how linguistic rights have been implemented since the issuance of the last report. The report also provides information about language groups and linguistic conditions in Finland for decision-makers, the authorities and the general public.

There are regulations on the language report in section 37 of the Language Act (423/2003) and sections 9 and 10 of the Government Decree on the Enforcement of Language Legislation (Valtioneuvoston asetus kielilain täytäntöönpanosta 433/2004). As laid down in the Government Decree, the report deals not only with Finnish and Swedish but also with at least Sámi, Romani and sign language, as well as the linguistic conditions in the country at a more general level whenever necessary. The report must discuss the application of language legislation, the implementation of linguistic rights, the language relations in the country, as well as the development as regards to Finnish and Swedish. It should also include a summary of the experiences during the monitoring period from the application of language legislation and the linguistic trends in Finland. Pursuant to the Language Act, the Government may include in the report proposals on the application of language legislation or the implementation of linguistic rights, or proposals on the development of legislation. The report must highlight both positive and negative developments.<sup>1</sup> The report has been prepared by the Ministry of Justice. The previous reports were published in 2006, 2009, 2013 and 2017.

## 1.2 Data and limitations of the report

The key data used for the language report includes statistics, barometers commissioned by the Ministry of Justice on linguistic rights, reports by the supreme judicial authorities,

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<sup>1</sup> HE 92/2002 vp, Government Proposal on the New Language Act and Related Legislation (Hallituksen esitys uudeksi kielilaiksi ja siihen liittyväksi lainsäädännöksi), p. 98.

assessments by the language groups and monitoring data of various ministries on the development in their administrative branches.

The Ministry of Justice, which is responsible for the preparation of the language report, has realised studies and surveys to provide background data for the report. The most recent language barometer was published in 2020. The language barometer has been realised every four years since 2004.<sup>2</sup> It describes the views of residents included in the linguistic minorities of bilingual municipalities on the implementation of their linguistic rights, both in their home municipality and in Finland in general. In 2020, Swedish speakers who are in the majority in their own municipality were included for the first time. In 2020, the Ministry of Justice also realised the second Sámi language barometer with the aim of determining how linguistic rights of the Sámi are realised in the Sámi homeland.<sup>3</sup> The Sámi barometer used the same survey methods and phrasing of questions as the language barometer. In 2020, the Ministry of Justice also realised the first sign language barometer.<sup>4</sup>

Over the years, Finland has received recommendations from several bodies monitoring international human rights conventions on improving its data collection regarding the implementation of fundamental and human rights. The monitoring bodies have paid special attention to the need to collect data on the implementation of the rights by population group. Three language groups were selected for the additional national sample of the Fundamental Rights Barometer published in June 2021: Swedish, Russian and Arabic speakers. The views and experiences of these groups on the implementation of fundamental human rights have not been collected on this scale before, nor with comparable data for the population as a whole.<sup>5</sup> The Fundamental Rights Barometer and its results are an important part of a broader effort to develop a monitoring system for fundamental and human rights that aims to enhance the role of information-based decision-making in fundamental and human rights policies.<sup>6</sup>

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2 Lindell, M. (2021). *Kielibarometri 2020* (Language barometer 2020). Ministry of Justice, Reports and guidelines 2021:2. Helsinki: Ministry of Justice.

3 Arola, L. (2021). *Saamebarometri 2020 – selvitys saamenkielisten kielellisten oikeuksien toteutumisesta* (Sámi barometer 2020 – report in the implementation of the rights of Sámi speakers). Ministry of Justice, Reports and guidelines 2021:1. Helsinki: Ministry of Justice.

4 Rainò, P. (2021). *Viittomakielibarometri 2020 – Tutkimusraportti* (Sign language barometer 2020 – study report). Ministry of Justice, Reports and guidelines 2021:4. Helsinki: Ministry of Justice.

5 Nenonen, T., Kivelä, J., Ervasti, E., Joronen, M. & Villa, S. (2021). *Perusoikeusbarometri* (Fundamental rights barometer). Ministry of Justice, Reports and guidelines 2021:17. Helsinki: Ministry of Justice, p. 8

6 Nenonen et al., 2021, p. 9.

When processing the 2013 report, the Constitutional Law Committee considered it appropriate to examine how linguistic rights were realised when a private party handled public administrative tasks (section 25 of the Language Act and section 124 of the Constitution of Finland).<sup>7</sup> The 2017 report did not examine the meeting of the obligation laid down in section 25 of the Language Act to the extent that the Committee would have wished. According to the 2017 report, this was partly due to the scope of the report, but also to an ongoing health and social services reform in which services would be provided mainly by private companies. The language service obligation of private companies pursuant to section 25 of the Language Act has therefore been examined for the purposes of this report.

When preparing the report, the Ministry of Justice also approached representatives of the language groups and requested their opinions. Opinions were requested from the following: the Sámi Parliament, Advisory Board for Ethnic Relations Etno, Suojärvi Association (Suojärven Pitäjässeura ry), Finlandssvenska teckenspråkiga rf, Svenska Finlands folkting, the Finnish Association of the Deaf (Kuurojen Liitto ry), the Finnish Language Board of the Institute for the Languages of Finland, the National Advisory Board on Romani Affairs, the Jewish Community of Helsinki, the Finnish-Islamic Congregation, the Union of Russian-speaking Associations in Finland (Suomen Venäjänkielisten Yhdistysten Liitto ry), the Union of Estonians in Finland (Suomen Virolaisten Liitto ry), Tuglas Association (Tuglas-seura), Karelian Education Society (Karjalan Sivistysseura), Karelian Youth in Finland Association (Karjalazet Nuoret Suomes – Karjalaiset Nuoret Šuomešša ry) and Karelian Languages Association (Karjalan kielet ry).

Like the 2017 report, the 2021 report has been compressed by focusing on a few themes that are central for linguistic rights. This approach is justified to avoid the report becoming too long and, on the other hand, to avoid a report that covers a host of important topics too superficially. An effort has been made to select themes that are appropriate in the light of developments in the administrative branch concerned. The most appropriate time for monitoring is when the minimum time required for evaluation has lapsed since the introduction of a reform, or when there is otherwise a large body of knowledge on a subject relevant to linguistic rights. This report covers education, the police, rescue services and emergency response centre services, as well as the opportunities and challenges posed by digitalisation from the perspective of linguistic rights.

In addition to these main themes, the report briefly covers the most important legislative changes affecting linguistic rights. In its report on the previous language report, the Constitutional Law Committee also highlighted several topics and themes

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<sup>7</sup> Report PeVM 1/2014 vp of the Constitutional Law Committee – Government Report K 13/2013 vp.

which are investigated in more detail in this report. In terms of the previous report, the Constitutional Law Committee especially emphasised aspects related to sign language and the language climate.<sup>8</sup> Developments in these areas during the monitoring period are discussed in Chapter 2. The report also contains statistics on languages and a follow-up of changes since the previous report. The summary section contains key findings and an assessment of trends regarding the language conditions and the application of language legislation.

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<sup>8</sup> Report PeVM 2/2018 vp of the Constitutional Law Committee – K 18/2017 vp, Perustuslakivaliokunnan mietintö, Hallituksen kertomus kielilainsäädännön soveltamisesta 2017 (Report K 18/2017 vp of the Constitutional Law Committee on the Government report on the Application of Language Legislation 2017).

## 2 Implementation of measures resulting from the 2017 report

### 2.1 Sign languages

In its report on the 2017 language report, the Constitutional Law Committee paid particular attention to sign language.<sup>9</sup> The Committee considered it important to ensure that the linguistic rights of Finnish and Finland-Swedish Sign Language speakers were considered when planning the practical implementation of the health and social services reform. The Committee also considered it important to take measures to revitalise Finland-Swedish Sign Language, such as the introduction of interpreter training.<sup>10</sup> The Committee emphasised that the availability and organisation of interpretation must be closely monitored, and any identified shortcomings must be addressed.<sup>11</sup>

Attention has been paid to the linguistic rights of sign language speakers during the monitoring period, and progress has also been made. The first sign language barometer was realised for this report to gather information on the implementation of the linguistic rights of sign language speakers.<sup>12</sup> The first Advisory Board on Sign Language Affairs was established in February 2021, based on a Government Programme to assess the implementation of the Sign Language Act and the fundamental rights and equality of sign language speakers.<sup>13</sup>

In the spring of 2019, the Prime Minister's Office published a recommendation on the use of sign languages in Government communications. The recommendation is based on the obligation pursuant to the Sign Language Act to take into account the need of sign language speakers to receive information in their native language. The recommendation specifies uniform criteria for ministries on sign language interpretation

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9 Report PeVM 2/2018 vp of the Constitutional Law Committee – Government Report K 18/2017 vp, p. 3.

10 See also [report PeVL 34/2017 vp](#) of the Constitutional Law Committee, p. 2.

11 Report PeVM 2/2018 vp of the Constitutional Law Committee – Government Report K 18/2017 vp.

12 Rainò, P. (2021).

13 Ministry of Justice (2021). *Viittomakieliasioiden neuvottelukunta (Advisory Board on Sign Language Affairs)*. Retrieved on 29 June 2021 from <https://oikeusministerio.fi/viittomakieliasioiden-neuvottelukunta>.



at press conferences and on the translation of the content of websites into sign languages. The recommendation complements the already existing Government communication recommendations, and it applies to both Finnish and Finland-Swedish Sign Language.<sup>14</sup>

Sign language communications have increased since the publication of the above-mentioned Government recommendation. In 2020, sign language interpretation was used at events such as the Government press conferences on the COVID-19 situation and special COVID-19 broadcasts by the Finnish Broadcasting Company (YLE).<sup>15</sup>

In May 2018, a round table discussion took place between the Ombudsman for Children and the Ministry of Justice on the right of children who have received a cochlear implant to use sign language. The purpose of the discussion was to exchange information and opinions on whether a child with a cochlear implant needs to use sign language, and who has the right to determine their needs, as well as the possibilities of such children to learn sign language. The topic was approached from the medical perspective, the perspective of the sign language community and the perspective of the study of bilingualism.<sup>16</sup>

Several measures have been taken in recent years to revitalise Finland-Swedish Sign Language. The progress achieved with these measures and the implementation of the linguistic rights of sign language speakers in education are reviewed in more detail in Chapter 5 below. The impact of the health and social services reform on the linguistic

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14 Prime Minister's Office and Ministry of Finance (2019). *Hallituksen vuosikertomus 2019 liite 3. Toimenpiteet eduskunnan lausumien ja kannanottojen johdosta (Government report 2019 Appendix 3. Measures taken in response to Parliament's declarations and statements)*. Publications of the Finnish Government 2020:5. Helsinki: Finnish Government, pp. 10–11.

15 Finnish Government (2021). *Hallituksen vuosikertomus 2020. Liite 3 Toimenpiteet eduskunnan lausumien ja kannanottojen johdosta Toimenpiteet eduskunnan lausumien ja kannanottojen johdosta (Government report 2020 Appendix 3. Measures taken in response to Parliament's declarations and statements)*. Publications of the Finnish Government 2021:34. Helsinki: Finnish Government, p. 11.

16 Office of the Ombudsman for Children and Ministry of Justice (29 May 2018). *Lapsiasiavaltuutetun ja oikeusministeriön pyöreän pöydän keskustelu sisäkorvaistutteen saaneiden lasten oikeudesta viittomakieleen (Round table discussion of the Ombudsman for Children and the Ministry of Justice regarding the right of children with a cochlear implant to use sign language)*. Memorandum.

rights of sign language speakers is also assessed.<sup>17</sup> The health and social services reform is discussed in more detail in Chapters 4 and 6.

## 2.2 Language climate

In connection with the previous report, the Constitutional Law Committee emphasised tolerance towards different language groups and encouraged the Government to address this issue. The Constitutional Law Committee emphasised the importance of education and awareness on languages and linguistic diversity, and considered it important that the authorities were aware of linguistic rights and had adequate language skills.<sup>18</sup>

In the autumn of 2020, the Ministry of Justice realised a communications campaign called *Oma kieli – Eget språk (My Language)*. The campaign was mainly realised in the national languages. Other languages included in the campaign were Sámi, Finnish Sign Language, Finland-Swedish Sign Language, Romani and Karelian. The campaign focused on developing a positive image of linguistic diversity and improving the prerequisites needed for a positive language climate. Tim Sparv, the captain of the Finnish men's national football team, was the campaign's main spokesperson. The campaign was realised in both social and traditional media. People between the ages of 25 and 34 could be best reached through social media. The campaign video was also shown on TV as a public service announcement by Yle. The campaign was realised in cooperation with stakeholders from different sectors, including businesses, labour market organisations, educational institutions, municipalities and foundations. Communication by the campaign's stakeholder partners further improved visibility.

In 2018, the Ministry of Justice published on eOppiva, the common education platform for the central government, a training course on linguistic rights in education. The course aims to raise awareness of language and population groups among the authorities. It

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17 HE 241/2020 vp, Hallituksen esitys eduskunnalle hyvinvointialueiden perustamista ja sosiaali- ja terveydenhuollon sekä pelastustoimen järjestämisen uudistusta koskevaksi lainsäädännöksi sekä Euroopan paikallisen itsehallinnon peruskirjan 12 ja 13 artiklan mukaisen ilmoituksen antamiseksi (Government proposal HE 241/2020 vp to Parliament on an Act on the establishment of wellbeing services counties and the organisation of health care, social welfare and rescue services, as well as on issuing the notification pursuant to Articles 12 and 13 of the European Charter of Local Self-Government), p. 417.

18 Report PeVM 2/2018 vp of the Constitutional Law Committee – Government Report K 18/2017 vp. See also e.g. report [PeVL 12/2017 vp of the Constitutional Law Committee – Government proposal HE 270/2016 vp](#), pp. 3–4, report [PeVL 26/2017 vp of the Constitutional Law Committee](#), pp. 58–62

provides examples of how linguistic rights should be taken into account in different situations, and what types of obligations arise for the authorities from linguistic rights.<sup>19</sup>

## 2.3 Obligation of private parties to provide language services and section 25 of the Language Act

In its report on the 2013 language report<sup>20</sup>, the Constitutional Law Committee stated that the next report should also include an assessment of how linguistic rights are implemented when a private party carries out public administrative tasks (section 25 of the Language Act and section 124 of the Constitution of Finland). A study on the implementation of linguistic rights when private parties carry out public tasks was commissioned for the 2021 language report.<sup>21</sup>

The commissioned study sought answers to the following questions: the significance of section 25 of the Language Act in light of section 124 of the Constitution of Finland and whether there were any inaccuracies or problems with the regulation. Another studied question was which prerequisites must be met to determine that an authority has appropriately verified that the service provided when performing a public administrative task complies with the Language Act. The survey also investigated when a task other than a public administrative task as specified in the third sentence of section 25 is a task that requires application of the Language Act and who is responsible for assessing when the Language Act should be applied to such non-public services if there is disagreement about the assessment made by the authority.

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19 eOppiva and Ministry of Justice (2018). *Kielelliset oikeudet* (Linguistic rights). eOppiva, training courses. Retrieved on 14 July 2021 from <https://www.eoppiva.fi/koulutukset/kielelliset-oikeudet/>.

20 Report PeVM 1/2014 vp of the Constitutional Law Committee Government Report 2012

21 Kuusikko, K. (2021). *Kielilain 25 § ja kielellisten oikeuksien toteutuminen yksityisen hoitaessa julkisia tehtäviä* (section 25 of the Language Act and the implementation of linguistic rights when a private party carries out public tasks). Section 2.3 is a summary of Kuusikko's publication.

### ***Section 25 of the Language Act (423/2003), the language service obligation of a private companies***

If a public administrative task has been assigned by or under law to a private individual, the provisions of this Act on an authority apply to the said private individual in attending to this task.

If the recipient of the task is determined on the basis of a decision or other action of an authority or on the basis of an agreement between an authority and the recipient, the authority shall ensure that linguistic services are provided in accordance with this Act in the performance of the task.

This shall also be ensured when an authority assigns other than a public administrative task to a private individual, if the maintenance of the level of service required by this Act so demands.

Section 25 of the Language Act consists of three sentences, of which the first automatically extends the obligations of the Language Act to all parties who are considered to be performing public administrative tasks, without the need for any specific provisions. The second sentence obliges the authority to ensure, when using purchased services, that the language service complies with the law, and to ensure during the assignment that the language service will be provided. The third sentence of the Language Act is vague. Its apparent intention is that if the activity procured as a purchased service does not strictly comply with section 124 of the Constitution of Finland and the first sentence of section 25 of the Language Act, the obligations of the authority under the Language Act need not be fully observed. These are supporting functions of the authority that can be purchased from private parties without the need for and the existence of any specific procurement provisions.

The ambiguities regarding the interpretation of the content of section 25 of the Language Act are partly related to the choice of words and partly to a period of change after the enactment of the Constitution of Finland during which section 124 of the Constitution with its concept of public administrative task has become some sort of a language standard. For example, the terms “public task” and “public administrative task” are used in different contexts, but in a non-standardised manner. The ambiguity is not limited to the Language Act; instead, it is part of a larger phenomenon regarding which matters can be considered governed by public law and which by civil law in today’s context. Moreover, as

public administrative tasks were entrusted to private parties even before the enactment of the new Constitution and the diversity of indirect public administration has increased, language legislation is faced with interpretation challenges.

The first sentence in section 25 of the Language Act considers a person performing a public administrative task equal to a public authority. One of the problems is that the Language Act leaves open the question of whether a party performing a public administrative task is to be considered equal to a monolingual or bilingual state authority, or a monolingual or bilingual local authority. In the case of indirect public administration, the determination of obligations according to the language of the administrative district may also pose problems.

It must be noted that the application of the Language Act to a private party performing a public administrative task within the meaning of the second sentence of section 25 does not require any express agreement to that effect. The provisions of the Language Act apply even if they are not expressly mentioned. The sentence merely obligates the authority to verify compliance with the Language Act. To ensure equal services in both national languages, it may be appropriate to procure services in only one of the national languages.

The available legal praxis on the interpretation of section 25 of the Language Act is limited to a few decisions by the supreme judicial authorities. It is typical for the provisions of the Language Act to have little or no legal praxis. Except in a case on the regulation of a public task, an interpretation cannot be made by the supreme judicial authorities either. In general, the decision practice has focused on the application of the other provisions of the Language Act. A position on whether it was a public administrative task within the meaning of the Language Act or a public task subject to the control of the supreme judicial authority, or not a public task at all, has been taken in some decisions.

Enforcing the obligations laid down in section 25 of the Language Act is difficult, because individuals seem to deem some public administrative tasks, such as a motor vehicle inspection or statutory insurance, more equal to commercial tasks. On the other hand, it is very difficult to provide information to local residents on the content of the competitive bidding procedures in public procurement. In the case of public procurement falling under the jurisdiction of the Market Court, the Market Court mainly investigates the conformity of the procurement with the Act on Public Procurement and Concession Contracts, even if the parties claim as the grounds for their appeal that the procurement violates the Language Act. The same applies to complaints lodged with the Finnish Competition and Consumer Authority.

Monitoring of the obligations laid down in the first sentence of section 25 of the Language Act is mainly carried out through complaints lodged with the supreme judicial authorities. With regard to the second sentence of section 25 of the Language Act, many of the assignments concern social welfare and health care services, whereby the role of the Regional State Administrative Agency as an authorising body and supervisory authority also becomes central. In the case of social welfare and health care services, if the client has not properly handled the preparation, it is also a question of a control resource based on domestic legislation. Such control is sporadic, however, requiring the crossing of a sufficient threshold and a party that is willing to take the matter forward. This is the case despite the fact that the control authorities also have the right to address shortcomings on their own initiative.

In general, it seems that the obligations laid down in language legislation are automatically taken into account in the procurement activities of bilingual municipalities, but they could be more strictly specified as absolute criteria for procurement through the Language Act. Attention should also be paid to the quality requirements of language service obligations, and to be on the safe side, the reference to language – Finnish and Swedish – could be made more explicit by referring to the statutory obligation in language legislation as an absolute prerequisite for procurement. The person handling the procurement should have an overall idea of whether the obligations under the Language Act will be met. If problems arise, they should be addressed in accordance with the contractual terms, as in the case of other shortcomings. Private service providers should also be required to ensure this by means of self-monitoring and follow-ups of the self-monitoring.

From the perspective of sections 23–25 of the Language Act as a whole, the organisation subject to the obligations should have an overall idea of the achievement of the obligations laid down in the Language Act. Efforts have been made to prepare a variety of language service plans to achieve an overall idea of the language services. One possibility would be the development of equality plans. Currently, equality plans do not include any more general observations regarding the language of the tasks based on the assignment; instead, they tend to focus on general observations regarding the authority's own language legislation compliance.

One possibility could be to include an overall survey of the language obligations in the equality plan. Currently, according to section 5, subsection 2 of the Non-discrimination Act, the planning obligation also applies to a private party performing a public administrative task when the private party regularly employs 30 or more persons. According to section 123 of the Local Government Act, auditors are required to examine whether the administration of a municipality has complied with law and decisions of the municipal council. When assessing the activities of a municipality or a joint municipal

authority, the audit committee also obtains an overall idea of the purchased services, and in this connection, it can usually also pay attention to the efficiency and quality of the activities.

The study did not investigate how linguistic rights are realised in practice when private parties perform public tasks. The 2020 language barometer investigated satisfaction with social services, health care services and early childhood education and care provided in one's native language, satisfaction with other local government services provided in one's native language and satisfaction with central government services provided in one's native language.<sup>22</sup> The questions did not specify whether the service in question was provided by the municipality itself, or whether it had been outsourced to a private company. On the other hand, many social welfare and health care services, such as emergency services, are provided at premises managed by the municipality, even if they are provided by a private company. Hence, the language barometer does not directly indicate how well the private sector performs in providing services in Finnish and Swedish. However, it is worth noting that Finavia, Posti and VR, which are subject to the obligations laid down in section 25 of the Language Act when they perform public tasks, received low grades from Swedish speakers for the performance of their language services compared to other central government services.<sup>23</sup>

### ***Key observations***

1. The study suggests that equality plans could be further developed to take equality between language groups into account as well.
2. When the Language Act is reformed, the second sentence of section 25 could be clarified to make the applicability of the Language Act to private parties clearer. The third sentence could be clarified concerning the activities to which the provision applies.

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22 Lindell, M. (2021).

23 The language services provided by state-owned enterprises were investigated in the 2017 language report in particular.

## 3 Information on the current language situation in Finland

### 3.1 Finnish language groups in light of statistics

Statistics Finland's population structure statistics list Finnish and foreign citizens permanently residing in Finland at the turn of each year<sup>24</sup>. The statistics cover characteristics such as language, nationality, place of residence, age, marital status and gender.

**Table 1.** Finnish population by language group 2017–2020<sup>25</sup>

|   | 2017                 | 2018                 | 2019                 | 2020                 |
|---|----------------------|----------------------|----------------------|----------------------|
| <b>Population of the whole of Finland</b> | 5,513,130            | 5,517,919            | 5,525,292            | 5,533,793            |
| Finnish speakers                          | 4,848,761<br>(87.9%) | 4,835,778<br>(87.6%) | 4,822,690<br>(87.3%) | 4,811,067<br>(86.9%) |
| Swedish speakers                          | 289,052<br>(5.2%)    | 288,400<br>(5.2%)    | 287,954<br>(5.2%)    | 287,871<br>(5.2%)    |
| Sámi speakers                             | 1,992<br>(0.04%)     | 1,995<br>(0.04%)     | 2,004<br>(0.04%)     | 2,008<br>(0.04%)     |
| Foreign language speakers                 | 373,325<br>(6.8%)    | 391,746<br>(7.1%)    | 412,644<br>(7.5%)    | 432,847<br>(7.8%)    |

<sup>24</sup> Foreign citizens are included in the statistics if they have lived or intend to live in Finland for at least one year.

<sup>25</sup> Official Statistics of Finland (OSF): Väestörakenne (Population structure) [e-publication]. Helsinki: Statistics Finland. Retrieved on 8 July from <http://www.stat.fi/til/vaerak/index.html>.



Statistics Finland uses the international ISO 639-1 classification system for languages. The information on native language in the Population Information System is based on a declaration by the person themselves or their parent. Collecting information on native languages and recording it in a population register is not very common globally. For example, the other Nordic countries do not collect any information on their citizens' native languages. In Finland, the Population Information System is used to safeguard the rights of language groups and to cover the costs arising from multilingualism.<sup>26</sup>

The Government report on the application of language legislation in 2017 includes a key observation that the possibility to add more languages in the Population Information System should be explored. According to a report completed by the Ministry of Justice in February 2020, the inclusion of multiple languages in the system would provide a more comprehensive idea of a person's linguistic identity, the languages they speak and the language groups in which they belong.<sup>27</sup> Organisations representing language groups and multiculturalism have also paid attention to this matter.<sup>28</sup>

### 3.1.1 Changes in the size of language groups and mobility of the population

The population of Finland continued to grow throughout the monitoring period. In 2020, the number of native speakers of Finnish, Swedish or Sámi decreased by 11,702, and the number of foreign language speakers increased by 20,203. This means that foreign language speakers maintained the population growth, and the same was true for all the years of the monitoring period. The relative share of Finnish speakers has decreased by one percentage point between 2017 and 2020, while the share of Swedish and Sámi speakers has remained the same and the share of foreign language speakers has increased by one percentage point.

Tables 2 and 3 indicate that foreign language speakers are the largest group among both immigrants and emigrants. Foreign language speakers are also the only group in which

26 Tammenmaa, C. (ed.) (2020). *Usean kielen merkitseminen väestötietojärjestelmään -selvitys (Report on entering several languages in the Population Information System)*. Ministry of Justice, Reports and guidelines 2020:8. Helsinki: Ministry of Justice.

27 Tammenmaa, C. (ed.) (2020). *Usean kielen merkitseminen väestötietojärjestelmään -selvitys (Report on entering several languages in the Population Information System)*. Ministry of Justice, Reports and guidelines 2020:8. Helsinki: Ministry of Justice.

28 Familia ry (2 July 2021). *Lausunto: Kieliryhmien kuuleminen kielikertomukseen 2021 (Opinion: Consultation of language groups for the 2021 language report)*. VN/6256/2019 and Sámi Parliament (2 July 2021) *Lausunto: Kieliryhmien kuuleminen hallituksen kertomukseen kielilainsäädännön soveltamisesta 2021 (Opinion: Consultation of language groups for the Government report on application of language legislation 2021)*.

the number of immigrants is higher than that of emigrants, i.e. net immigration is positive. Between 2016 and 2019, net immigration of foreign language speakers averaged around 17,000 persons per year.

**Table 2.** Number of immigrants by language and share of all immigrants 2016–2019<sup>29</sup>

|                           | 2016                           | 2017                           | 2018                           | 2019                           |
|---------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Finnish speakers          | 6,108<br>(17.5%)               | 6,279<br>(19.7%)               | 6,469<br>(20.8%)               | 6,702<br>(20.5%)               |
| Swedish speakers          | 1,437<br>(4.1%)                | 1,605<br>(5.0%)                | 1,556<br>(5.0%)                | 1,526<br>(4.7%)                |
| Sámi speakers             | 1<br>(0.0%)                    | 7<br>(0.02%)                   | 5<br>(0.02%)                   | 6<br>(0.02%)                   |
| Foreign language speakers | 27,359<br>(78.4%)              | 23,906<br>(75.2%)              | 23,076<br>(74.2%)              | 24,524<br>(74.9%)              |
| <b>Total</b>              | <b>34,905</b><br><b>(100%)</b> | <b>31,797</b><br><b>(100%)</b> | <b>31,106</b><br><b>(100%)</b> | <b>32,758</b><br><b>(100%)</b> |

**Table 3.** Number of emigrants by language and share of all emigrants 2016–2019<sup>30</sup>

|                           | 2016                           | 2017                           | 2018                        | 2019                           |
|---------------------------|--------------------------------|--------------------------------|-----------------------------|--------------------------------|
| Finnish speakers          | 8,508<br>(47.1%)               | 7,404<br>(43.6%)               | 8,311<br>(43.4%)            | 7,020<br>(40.7%)               |
| Swedish speakers          | 2,163<br>(12.0%)               | 1,855<br>(10.9%)               | 1,953<br>(10.2%)            | 1,887<br>(10.9%)               |
| Sámi speakers             | 11<br>(0.06%)                  | 3<br>(0.02%)                   | 7<br>(0.04%)                | 6<br>(0.03%)                   |
| Foreign language speakers | 7,400<br>(40.9%)               | 7,711<br>(45.4%)               | 8,870<br>(46.3%)            | 8,350<br>(48.4%)               |
| <b>Total</b>              | <b>18,082</b><br><b>(100%)</b> | <b>16,973</b><br><b>(100%)</b> | <b>191</b><br><b>(100%)</b> | <b>17,263</b><br><b>(100%)</b> |

29 Official Statistics of Finland (OSF): Muuttoliike (Migration) [e-publication]. Helsinki: Statistics Finland. Retrieved on 27 May 2021 from <https://tilastokeskus.fi/tup/maahanmuutto/muuttoliike.html>.

30 Official Statistics of Finland (OSF): Muuttoliike (Migration) [e-publication].

Foreign language speakers are clearly over-represented in both tables. The share of foreign-language-speaking emigrants in 2019 in relation to foreign language speakers permanently residing in Finland at the end of 2019 was 2.0%. Finnish-speaking emigrants accounted for 0.1% of Finnish speakers permanently residing in Finland, and Swedish-speaking emigrants for 0.7% of Swedish speakers permanently residing in Finland. Finnish speakers are less likely to move abroad than Swedish speakers.

### 3.1.2 Sámi speakers

Three Sámi languages are spoken in Finland: Inari Sámi, Skolt Sámi and Northern Sámi. Specific information on the number of speakers of each of the Sámi languages is unavailable, nor is it easy to define the language speakers, as Sámi speakers are usually bilingual or multilingual, meaning that they usually speak the national language of their country of residence as their native language or are almost as proficient in it as a native speaker. Sámi is less often the stronger language, especially among younger Sámi speakers.<sup>31</sup>

The Sámi barometer commissioned by the Ministry of Justice<sup>32</sup> estimated that there are some 450 speakers of Inari Sámi. Despite revitalisation efforts, the language is still fragile and endangered. The number of Skolt Sámi speakers was estimated at around 300, although more pessimistic estimates put the number of speakers at only 150. The language is highly endangered, as the passing of the language on to new generations has at times been almost completely interrupted. There are some 2,000 speakers of Northern Sámi in Finland, although this piece of data is also uncertain. There are also some 20,000 speakers of Northern Sámi in Sweden and Norway combined. The status of Northern Sámi is stronger than that of the other Sámi languages, but it is still an endangered language.

According to the Sámi Parliament, there were 10,759 Sámi in Finland in 2019. Of them, 31.7% lived in the Sámi homeland<sup>33</sup>, 62.1% in the rest of Finland and 6.3% abroad.<sup>34</sup> At

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31 Arola, L. (2021).

32 Arola, L. (2021).

33 Section 4 of the Act on the Sámi Parliament (974/1995) includes provisions on the Sámi homeland, which refers to the areas of the municipalities of Enontekiö, Inari and Utsjoki, as well as the area of the reindeer owners' association of Lapland in Sodankylä.

34 The fact that the share adds up to more than 100% is due to the rounding of the figures. Sámi Parliament (2020). *Saamelaisten lukumäärä vuoden 2019 Saamelaiskäräjien vaaleissa (Number of Sámi in the 2019 Sámi Parliament elections)*. Retrieved on 21 July from [https://dokumentit.solinum.fi/samediggi/?f=dokumenttipankki/tilastoja/saamelaisten\\_lkm\\_vaaleissa](https://dokumentit.solinum.fi/samediggi/?f=dokumenttipankki/tilastoja/saamelaisten_lkm_vaaleissa).

the end of 2019, the Sámi language was registered as the native language of a total of 2,004 persons, or some 18.6% of the Sámi. The number of people whose native language is given as Sámi in the register is not evenly distributed among the Sámi population, however, as 65.8% of those marked as Sámi speakers lived in municipalities included in the Sámi homeland at the end of 2019. The Sámi-speaking population is thus concentrated in the homeland, unlike the Sámi population as a whole. This is probably at least partially due to the fact that outside the homeland, the language receives less support from the surrounding language community, early childhood education and care, and school education, and is therefore not passed on to the next generations in the same way.<sup>35</sup>

A significant proportion of Sámi speakers are bilingual, which means that Finnish has been specified as the native language for many bilingual Sámi. The Sámi language has only been recorded in the Population Information System since 1992, which means that the native language of older people is typically Finnish, regardless of their actual linguistic background. For these reasons, the Sámi-speaking population is probably larger than the official statistics suggest.<sup>36</sup>

There are no separate codes for the different Sámi languages in the ISO 639-1 classification system used by the Population Information System. If a person has indicated in the Population Information System Southern Sámi, Inari Sámi, Kildin Sámi, Skolt Sámi, Lule Sámi or Northern Sámi as their native language, they are, according to the Population Information System, a native speaker of a foreign language (ISO 639-1 code "98", other language). Statistics Finland corrects these persons as speakers of the Sámi language in the official statistics.<sup>37</sup>

### 3.1.3 Sign language speakers

According to a current estimate by the Finnish Association of the Deaf (Kuurojen liitto ry), there are some 5,500 persons with sign language as their native language in Finland, of whom approximately 3,000 are deaf, hearing-impaired or deaf-blind and speak sign language through the senses of touch and movement. Approximately one hundred of the deaf people with sign language as their native language are Swedish Finns and

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35 Arola, L. (2021).

36 Arola, L. (2021).

37 The information on the more detailed breakdown of the Sámi languages in the Population Information System was received from Statistics Finland by email on 12 May 2021.

speak Finland-Swedish Sign Language.<sup>38</sup> Finland-Swedish Sign Language is seriously endangered.<sup>39</sup> The estimate of the number of sign language speakers is based on, for example, statistics on the use of the interpretation services provided by the Social Insurance Institution of Finland (Kela) and other population statistics.<sup>40</sup>

Deaf people make up about half per mille of the population in Western countries, and based on this demographic piece of data, it can be estimated that there are some 2,800 deaf persons in Finland who are presumably primarily sign language speakers. This figure roughly corresponds to the statistics of Kela, which organises interpretation services for people with disabilities in Finland: in 2019, a total of 2,835 people spoke Finnish Sign Language or Finnish supported by sign language (of whom 2,650 were over the age of 20), and 116 people spoke Finland-Swedish Sign Language or Swedish supported by sign language (of whom 111 were over the age of 20). However, no demographic data on the number of people identifying themselves as sign language speakers is available in the case of people who identify themselves as sign language speakers even though they are not deaf and do not have any other hearing, sight or speech impairments.<sup>41</sup>

Some native speakers of sign language do not have a hearing impairment, but have grown up in a family where sign language is spoken. Some hearing children of deaf parents are bilingual and have sign language as their second native language. They are also referred to as CODA (children of deaf adults), and hearing siblings of deaf people may be referred to as SODA (siblings of deaf adults).<sup>42</sup>

There is no separate code for sign language in the ISO 639-1 classification.<sup>43</sup> In January 2019, 597 people had declared Finnish Sign Language and 10 people Finland-Swedish Sign Language as their native language in the Population Information System of the Digital and Population Data Services Agency.<sup>44</sup>

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38 Kuurojen liitto ry (28 June 2021). *Lausunto. Kieliryhmien kuuleminen kielikertomukseen 2021 (Opinion: Consultation of language groups for the 2021 language report)*.

39 Institute for the Languages of Finland: *Suomen viittomakielet (Sign languages in Finland)*. Retrieved on 5 May from [https://www.kotus.fi/kielitieto/kielet/suomen\\_viittomakielet](https://www.kotus.fi/kielitieto/kielet/suomen_viittomakielet).

40 Kuurojen liitto ry (28 June 2021).

41 Rainò, P. (2021).

42 Kuurojen liitto ry (28 June 2021).

43 The information on the more detailed breakdown of the number of sign language speakers in the Population Information System was received from Statistics Finland by email on 12 May 2021.

44 Rainò, P. (2021)

### 3.1.4 Other language groups

#### Romani

The Romani are a traditional linguistic and cultural minority in Finland, and have lived in Finland for more than 500 years. It is estimated that there are around 10,000 Romani in Finland,<sup>45</sup> but there is no definitive data on the number of Finnish Romani or speakers of the Finnish Romani language. According to a recent estimate by the Romani Language Board of the Institute for the Languages of Finland, there are an estimated 12,000 Romani in Finland and an additional 3,000 Finnish Romani in Sweden.<sup>46</sup> The Finnish Romani language is seriously endangered. Romani language skills have declined over the past 50 years as the possibilities for using the language have been reduced, partly due to changes in social and cultural structures.<sup>47</sup> There is no separate code for the Romani language in the ISO 639-1 classification, either.<sup>48</sup>

#### Karelian

It is estimated that there are some 11,000 people in Finland who speak Karelian at least fairly well, some 5,000 who speak it daily and some 20,000 who understand Karelian at least to a certain extent. Hence, the Karelian-speaking community consists of more than 30,000 people.<sup>49</sup> For many people, Karelian is just another language spoken at home alongside other languages, such as Finnish, which is not reflected in the official statistics.<sup>50</sup>

According to the Institute for the Languages of Finland, Karelian is the closest related language to Finnish, but it should not be confused with the Karelian dialects. The dialects of the Karelian language are divided into Karelian Proper and Livvi-Karelian. There are two regional dialects within Karelian Proper, North and South Karelian. Whether Ludic

45 Huttu, H. (ed.) (2018). *Suomen romanipoliittinen ohjelma (ROMPO) 2018-2022 (Finnish Romani policy programme 2018–2022)*. Publications of the Ministry of Social Affairs and Health 3/2018. Helsinki: Ministry of Social Affairs and Health.

46 Kotuksen romanikielen lautakunnan aloite ulkoministeriölle 19.5.2021 (Proposal of the Romani Language Board of the Institute for the Languages of Finland to the Ministry of Foreign Affairs on 19 May 2021).

47 Suomen Romanifoorumi ry: *Romanikieli (Romani language)*. Retrieved on 5 May 2021 from <https://www.romanifoorumi.fi/romanit-suomessa/romanikieli/>.

48 Statistics Finland (12 May 2021).

49 Sarhimaa, opinion 2017; Sarhimaa (2017). *Vaietut ja vaiennetut, karjalankieliset karjalaiset Suomessa (The silenced, Karelian-speaking Karelians in Finland)*, pp. 113–115.

50 Karjalazet Nuoret Suomes – Karjalaiset Nuoret Šuomešša ry (23 June 2021). *Lausunto: Karjalaiset Nuoret Šuomešša ry:n vastaukset oikeusministeriön kieliryhmien kuulemiseen hallituksen kertomukseen kielilainsäädännön soveltamisesta 2021 (Opinion: Replies by Karjalaiset Nuoret Šuomešša ry to the consultation of language groups by the Ministry of Justice for the report on the application of language legislation in 2021)*.

should be linguistically classified as a dialect of Karelian or as a separate language has been the subject of some debate, particularly in Finland. In the Republic of Karelia, Ludic is considered a Karelian dialect, and the most recent comparative study of the Karelian dialects comes to the same conclusion. Karelian is an endangered language with no unified literary language. In the past few decades, attempts to revive Karelian have been made in both Finland and Russia, and several literary languages have been developed on the basis of the different dialects.<sup>51</sup> There is no separate code for Karelian in the ISO 639-1 classification.<sup>52</sup> The Finnish Broadcasting Company (Yle) started broadcasting Karelian-language news in 2015 on its North Karelian frequencies, and the weekly review in Karelian has had nationwide coverage since 2018 to improve services for Karelian speakers.<sup>53</sup>

### Tatar language

There are around 800–900 Tatars in Finland, of whom only a fraction can speak Tatar.<sup>54</sup> Tatar has its own code in the ISO 639-1 classification, and it was specified as their native language by 207 people permanently residing in Finland at the end of 2020.<sup>55</sup> In 2017, the University of Turku published a Tatar-Finnish dictionary consisting of 11,000 words.<sup>56</sup>

### Yiddish

The Jewish community in Finland consists of around 1,800 people. Yiddish is in danger of disappearing from Finland, as there are only around twenty native speakers left.<sup>57</sup>

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51 Institute for the Languages of Finland: *Karjala (Karelian)*. Retrieved on 5 May 2021 from <https://www.kotus.fi/kielitieto/kiellet/karjala>.

52 Information received from Statistics Finland by email on 12 May 2021.

53 Finnish Broadcasting Company (4 April 2018). *Karjalankielinen viikkokatsaus valtakunnalliseksi (Karelian language weekly report to be broadcast nationwide)* [press release]. Retrieved on 5 May 2021 from <https://yle.fi/aihe/artikkeli/2018/04/04/karjalankielinen-viikkokatsaus-valtakunnalliseksi>.

54 Ministry for Foreign Affairs of Finland (January 2019). *Suomen viides raportti kansallisten vähemmistöjen suojelua koskevan puiteyleissopimuksen täytäntöönpanosta (Fifth Finnish report on the enforcement of the Framework Convention for the Protection of National Minorities)*.

55 Statistics Finland (12 May 2021).

56 Hyytiäinen, E. (26 April 2017). *Suomen tataarivähemmistö sai ensimmäisen sanakirjansa (Finnish Tatar minority received their first dictionary)*. University of Turku. Retrieved on 5 May 2021 from <https://www.utu.fi/fi/ajankohtaista/uutinen/suomen-tataarivahemmisto-sai-ensimmaisen-sanakirjansa>.

57 Ministry for Foreign Affairs of Finland (2019).

### 3.1.5 Largest groups of foreign language speakers

At the end of 2020, 432,847 foreign language speakers were permanently living in Finland.<sup>58</sup> All persons whose native language is not Finnish, Swedish or Sámi are considered foreign language speakers. The largest groups of foreign language speakers were native speakers of Russian (84,190 persons), Estonian (49,551) and Arabic (34,282). At the end of 2020, the share of foreign language speakers was highest in Uusimaa (15%) and lowest in South Ostrobothnia (2%). By municipality, Vantaa (22%), Espoo (19%), Närpiö (17%) and Helsinki (17%) had the highest proportions of foreign language speakers.

**Table 4.** Largest groups of foreign language speakers 2017–2020<sup>59</sup>

|                | 2017   | 2018   | 2019   | 2020   |
|----------------|--------|--------|--------|--------|
| Russian        | 77,177 | 79,225 | 81,606 | 84,190 |
| Estonian       | 49,590 | 49,691 | 49,427 | 49,551 |
| Arabic         | 26,467 | 29,462 | 31,920 | 34,282 |
| English        | 19,626 | 20,713 | 22,052 | 23,433 |
| Somali         | 20,007 | 20,944 | 21,920 | 22,794 |
| Kurdish        | 13,327 | 14,054 | 14,803 | 15,368 |
| Farsi, Persian | 12,090 | 13,017 | 14,118 | 15,105 |
| Chinese        | 11,825 | 12,407 | 13,064 | 13,778 |
| Albanian       | 10,391 | 10,990 | 11,806 | 12,664 |
| Vietnamese     | 9,872  | 10,440 | 11,094 | 11,562 |
| Thai           | 9,403  | 9,763  | 10,179 | 10,553 |
| Turkish        | 7,739  | 8,127  | 8,840  | 9,492  |
| Spanish        | 7,770  | 8,099  | 8,598  | 9,151  |
| German         | 6,183  | 6,317  | 6,559  | 6,841  |
| Ukrainian      | 3,728  | 4,411  | 5,108  | 5,961  |

58 Official Statistics of Finland (OSF): Väestörakenne (Population structure) [e-publication].

59 Official Statistics of Finland (OSF): Väestörakenne (Population structure) [e-publication]. *11vx -- Väestö kielen, iän ja sukupuolen mukaan, 1990-2020 (11vx -- Population according to language, age and sex, 1990-2020)*. Retrieved on 21 July 2021 from [https://pxnet2.stat.fi/PXWeb/pxweb/fi/Maahanmuuttajat\\_ja\\_kotoutuminen/Maahanmuuttajat\\_ja\\_kotoutuminen\\_\\_Maahanmuuttajat\\_ja\\_kotoutuminen/maakoto\\_pxt\\_11vx.px/](https://pxnet2.stat.fi/PXWeb/pxweb/fi/Maahanmuuttajat_ja_kotoutuminen/Maahanmuuttajat_ja_kotoutuminen__Maahanmuuttajat_ja_kotoutuminen/maakoto_pxt_11vx.px/).



|                                     | 2017    | 2018    | 2019    | 2020    |
|-------------------------------------|---------|---------|---------|---------|
| Polish                              | 5,274   | 5,441   | 5,567   | 5,695   |
| Romanian                            | 3,955   | 4,416   | 4,992   | 5,463   |
| Tagalog, Filipino                   | 3,619   | 4,014   | 4,736   | 5,315   |
| French                              | 4,203   | 4,402   | 4,666   | 4,966   |
| Bengali                             | 3,599   | 3,973   | 4,417   | 4,749   |
| Nepali                              | 3,685   | 3,937   | 4,300   | 4,636   |
| Urdu                                | 2,983   | 3,172   | 3,519   | 3,846   |
| Portuguese                          | 2,812   | 3,024   | 3,280   | 3,558   |
| Italian                             | 2,776   | 2,857   | 2,973   | 3,130   |
| Bulgarian                           | 2,627   | 2,840   | 2,954   | 3,114   |
| Hungarian                           | 2,885   | 2,962   | 3,011   | 3,088   |
| Hindi                               | 2,142   | 2,373   | 2,741   | 2,944   |
| Swahili, previously also<br>Suahili | 1,939   | 2,066   | 2,328   | 2,560   |
| Bosnian                             | 2,322   | 2,363   | 2,428   | 2,452   |
| Other                               | 43,309  | 46,246  | 49,638  | 52,606  |
| Total                               | 373,325 | 391,746 | 412,644 | 432,847 |

### 3.1.6 Simplified language

According to the Finnish Centre for Easy Language, there are around 650,000–750,000 people in Finland who need simplified language.<sup>60</sup> Although simplified language is not a language and is therefore not included in the scope of language legislation, the Ministry of Justice has seen fit to briefly discuss it and the promotion of its use in central government in this report.

Simplified language is a simplified version of the standard language in terms of content, word choices and structure. Simplified language is not the same as plain language. Plain

<sup>60</sup> Finnish Centre for Easy Language (10 June 2021). *Selkokielen tarve (Need for simplified language)*. Retrieved on 23 June 2021 from <https://selkokeskus.fi/selkokieli/selkokielen-tarve/>.

language essentially refers to official language that is easy to understand, and which is targeted at people who do not have any specific linguistic difficulties. Simplified language is intended for persons who have difficulty reading or understanding standard language.<sup>61</sup>

There is no specific legislation on simplified language, but there are provisions regarding plain language. According to section 9 of the Administrative Procedure Act, an authority must use language that is clear, easy to understand and to the point. The authorities must express themselves in a manner which ensures that the customer will unambiguously understand the content of the matter and receive information that is sufficient when considering the nature of the matter. The Institute for the Languages of Finland has stated that plain official language also makes translation and interpretation easier, faster and more accurate, thus supporting multilingualism in society<sup>62</sup> The use of plain language can therefore be seen as implementing this provision of the Administrative Procedure Act on clear official language.

When the 2017 language report was published, there were no uniform practices or guidance on the use of simplified language, and its use in public services was very sporadic.<sup>63</sup> In recent years, the Government has paid attention to the use of both simplified and plain language. The Open Government Strategy 2030, adopted in December 2020, aims for a methodical and proactive increase in the knowledge and use of simplified language in public sector organisations. The Advisory Committee for Easy Language has prepared a simplified language action plan for 2019–2022. Simplified language research has also been strengthened in recent years.

## 3.2 Linguistic division of municipalities

According to section 5 of the Language Act (423/2003), a municipality is designated bilingual if the population includes both Finnish and Swedish speakers and the minority comprises at least 8% of the population or at least 3,000 persons. A bilingual municipality is designated unilingual if the minority comprises less than 3,000 persons and its proportion has decreased below 6%. A municipality that does not meet the minimum requirements for a bilingual municipality may apply for voluntary bilingual status based

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61 The section on simplified language is based on a reply by Minister of Justice Henriksson to written question KKV 354/2021 vp.

62 Institute for the Languages of Finland (22 June 2021). *Lausunto: Kieliryhmien kuuleminen hallituksen kertomukseen kielilainsäädännön soveltamisesta 2021 (Opinion: Consultation of language groups for the Government report on application of language legislation 2021)*.

63 Prime Minister's Office (2017). *Hallituksen kertomus kielilainsäädännön soveltamisesta 2017 (Government report on application of language legislation 2017)*

on a proposal by the municipal council. Such municipalities include Lohja, Luoto, Närpiö and Korsnäs.

Sámi has official status in the Sámi homeland, which means that the Sámi have the right to use their native language when dealing with the authorities and using public services in the municipalities of Enontekiö, Inari, Sodankylä and Utsjoki.<sup>64</sup>

**Table 5.** Number of municipalities<sup>65</sup> and number and proportions of Finnish and Swedish speakers in 2020<sup>66</sup>

|  | Number of municipalities in 2020 | Number of Finnish speakers and their proportion of the population | Number of Swedish speakers and their proportion of the population |
|--|----------------------------------|---|---|
| Bilingual municipalities (Swedish-speaking minority) | 15                               | 38,575<br>(25.1%)   | 106,086<br>(69.1%)  |
| Bilingual municipalities (Finnish-speaking minority) | 18                               | 1,303,296<br>(76.4%)  | 139,744<br>(8.2%)   |
| Finnish-speaking municipalities                      | 261                              | 3,467,791<br>(95.1%)  | 16,055<br>(0.4%)  |
| Swedish-speaking municipalities (Åland)              | 16                               | 1,405<br>(4.7%)   | 25,986<br>(86.2%)   |
| <b>All municipalities</b>                            | <b>310</b>                       | <b>4,811,067<br/>(86.9%)</b>                                      | <b>287,871<br/>(5.2%)</b>   |

64 Sámi Language Act 2003/1086

65 Association of Finnish Local and Regional Authorities (2 November 2020). *Kaksikieliset kunnat (Bilingual municipalities)*. Retrieved on 6 May 2021 from <https://www.kuntaliitto.fi/kunnat-ja-kuntayhtymat/kaksikieliset-kunnat>.

66 Official Statistics of Finland (OSF): Väestörakenne (Population structure) [e-publication]. *11ra -- Tunnuslukuja väestöstä alueittain, 1990-2020 (11ra -- Key figures on population by region, 1990-2020)*. Retrieved on 1 July 2021 from [https://pxnet2.stat.fi/PXWeb/pxweb/fi/StatFin/StatFin\\_\\_vrm\\_\\_vaerak/statfin\\_vaerak\\_pxt\\_11ra.px/](https://pxnet2.stat.fi/PXWeb/pxweb/fi/StatFin/StatFin__vrm__vaerak/statfin_vaerak_pxt_11ra.px/).

**Table 6.** Bilingual municipalities where the majority language is Finnish (2020)<sup>67</sup>

| Bilingual municipalities where the majority language is Finnish | Proportion of Swedish speakers (%) | Number of Swedish speakers | Population total |
|---|------------------------------------|----------------------------|------------------|
| Hanko   | 42.9                               | 3,449                      | 8042             |
| Loviisa   | 40.0                               | 5,904                      | 14,745           |
| Kauniainen  | 31.6                               | 3,215                      | 10,178           |
| Sipoo   | 30.0                               | 6,496                      | 21,687           |
| Lapinjärvi  | 29.8                               | 782                        | 2,621            |
| Porvoo  | 28.8                               | 14,554                     | 50,619           |
| Kaskinen  | 27.9                               | 357                        | 1,278            |
| Siuntio   | 27.6                               | 1,696                      | 6,149            |
| Vaasa   | 23.4                               | 15,799                     | 67,551           |
| Kirkkonummi   | 16.0                               | 6,405                      | 40,082           |
| Kokkola   | 12.5                               | 5,974                      | 47,772           |
| Myrskylä  | 9.3                                | 174                        | 1,871            |
| Pyhtää  | 7.1                                | 365                        | 5,125            |
| Espoo   | 6.8                                | 19,970                     | 292,796          |
| Helsinki  | 5.6                                | 36,754                     | 656,920          |
| Turku   | 5.5                                | 10,657                     | 194,391          |
| Lohja   | 3.5                                | 1,614                      | 45,886           |
| Vantaa  | 2.4                                | 5,579                      | 237,231          |
| <b>Total</b>  | <b>8.2</b>                         | <b>139,744</b>             | <b>1,704,944</b> |

67 Official Statistics of Finland (OSF): Väestörakenne (Population structure) [e-publication]. 11ra -- Tunnuslukuja väestöstä alueittain, 1990-2020 (11ra -- Key figures on population by region, 1990-2020).

**Table 7.** Bilingual municipalities where the majority language is Swedish (2020)<sup>68</sup>

| Bilingual municipalities where the majority language is Swedish | Proportion of Finnish speakers (%) | Number of Finnish speakers | Population total |
|---|------------------------------------|----------------------------|------------------|
| Inkoo   | 43.6                               | 2,318                      | 5,321            |
| Parainen  | 41.6                               | 6,286                      | 15,105           |
| Kristiinankaupunki  | 41.3                               | 2,647                      | 6,404            |
| Pietarsaari   | 34.0                               | 6,474                      | 19,066           |
| Raasepori   | 30.8                               | 8,476                      | 27,528           |
| Mustasaari  | 28.5                               | 5,551                      | 19,453           |
| Kemiönsaari   | 29.2                               | 1,928                      | 6,609            |
| Kruunupyö   | 19.2                               | 1,230                      | 6,416            |
| Vöyri   | 12.7                               | 809                        | 6,388            |
| Maalahti  | 9.7                                | 529                        | 5,451            |
| Pedersöre   | 8.5                                | 946                        | 11,174           |
| Uusikaarlepyy   | 6.6                                | 493                        | 7,479            |
| Luoto   | 5.5                                | 306                        | 5,534            |
| Närpiö  | 5.3                                | 507                        | 9,558            |
| Korsnäs   | 3.6                                | 75                         | 2,068            |
| <b>Total</b>  | <b>25.1</b>                        | <b>38,575</b>              | <b>153,554</b>   |

Around 1.86 million Finns live in bilingual municipalities. In 2020, some 140,000 Swedish speakers (48.5% of all Swedish speakers) lived in a bilingual municipality where the majority language was Finnish and some 110,000 (36.9%) in a municipality where the majority language was Swedish. In addition, around 26,000 Swedish speakers lived in Åland. They account for approximately 9.0% of the Swedish-speaking population. Only a very small proportion of Swedish speakers lived in a monolingual Finnish-speaking municipality.

68 Official Statistics of Finland (OSF): Väestörakenne (Population structure) [e-publication]. *11ra -- Tunnuslukuja väestöstä alueittain, 1990-2020 (11ra -- Key figures on population by region, 1990-2020)*.

In 2020, the vast majority of Finnish speakers lived either in Finnish-speaking municipalities (72.1%) or in bilingual municipalities where Finnish was the majority language (27.1%). Around 40,000 (0.8%) of Finnish speakers lived in the Swedish-speaking region of Åland or in a bilingual municipality where Swedish was the majority language.

### 3.3 Oversight of linguistic rights in Finland

Each authority oversees compliance with language legislation within its own administrative branch to ensure that the specific characteristics of each administrative branch can be properly taken into account in the implementation of linguistic rights. There are a variety of oversight mechanisms in Finland to secure the legality of the authorities' actions. The supreme judicial authorities are the Parliamentary Ombudsman and the Chancellor of Justice of the Government. Citizens may contact the Non-Discrimination Ombudsman if they have experienced or observed discrimination on the grounds of language. They may also submit a petition to the National Non-Discrimination and Equality Tribunal.

Depending on the case, it is also possible to contact a municipal ombudsman, a patient ombudsman in a health care unit, a Regional State Administrative Agency or a higher authority, such as a ministry, in case of concerns about deficiencies in language services. The authority whose language services are concerned should always be contacted first.

The previous language report revealed that persons dissatisfied with language services are either unaware of the possibility to appeal to the different supervisory authorities or fail to lodge an appeal for other reasons.<sup>69</sup> The Fundamental Rights Barometer published in June 2021 identified the need to raise awareness of existing legal remedies among the different language groups. Arabic- and Russian-speaking respondents were clearly not as well aware of the existence of the Parliamentary Ombudsman as the other language groups. Awareness of the Ombudsman for Equality and the Data Protection Ombudsman is also significantly lower in these respondent groups. Almost all the respondent groups were not very well aware of the existence of the Non-Discrimination Ombudsman: awareness of the ombudsman was highest among Swedish speakers (63%) and persons with disabilities (39%), and lowest among Arabic speakers (25%) and the Finnish-speaking population (33%).<sup>70</sup>

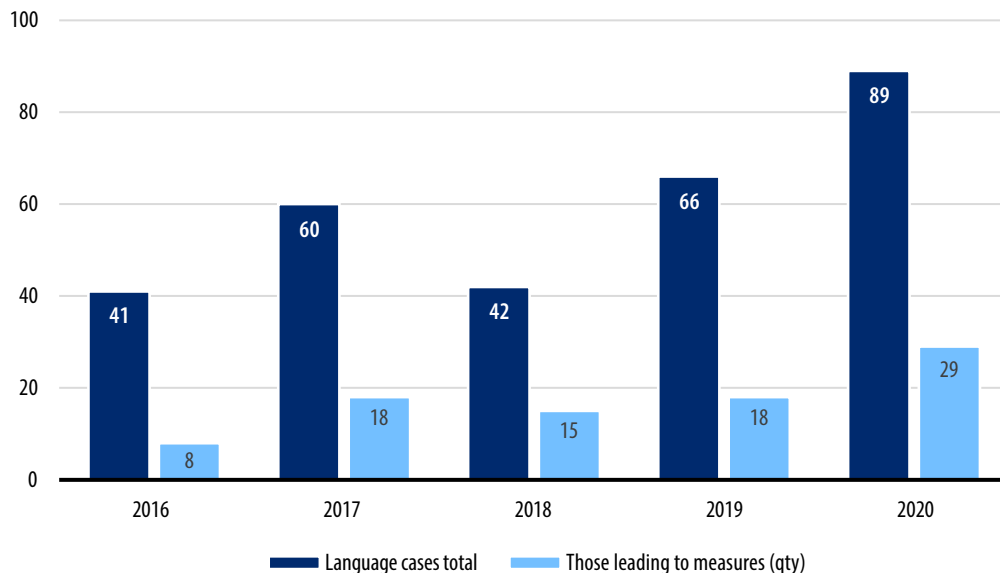
<sup>69</sup> Prime Minister's Office (2017). *Hallituksen kertomus kielilainsäädännön soveltamisesta 2017 (Government report on application of language legislation 2017)*. Publications of the Finnish Government 8/2017. Helsinki: Prime Minister's Office, p. 36.

<sup>70</sup> Nenonen, T. et al. (2021), pp. 8–9.

### 3.3.1 Parliamentary Ombudsman

Language-related cases dealt with by the Parliamentary Ombudsman are cases falling under the scope of section 17 of the Constitution of Finland. In most cases, they concern the right to use one's native language, either Finnish or Swedish, as guaranteed in the first and second subsections, and the obligation of the authorities to provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.<sup>71</sup> The Parliamentary Ombudsman also processes complaints concerning languages other than the national languages, but few such complaints are lodged in practice.

**Figure 1.** Language cases processed by the Parliamentary Ombudsman in 2016–2020<sup>72</sup>



A majority of the language cases processed by the Parliamentary Ombudsman in 2016–2020 concerned the right to receive service in Swedish. According to information received by the Ministry of Justice, a recurring theme was communications by authorities. The percentage of cases leading to measures is typically high in the case of language-related

<sup>71</sup> Parliamentary Ombudsman (2020). *Eduskunnan oikeusasiamiehen kertomus vuodelta 2019 (Report of the Parliamentary Ombudsman 2019)*. Helsinki: Office of the Parliamentary Ombudsman.

<sup>72</sup> Annual reports of the Parliamentary Ombudsman 2016–2019. The information for 2020 was received by email on 20 May 2021 from the Office of the Parliamentary Ombudsman.

cases, generally above the average rate of the office.<sup>73</sup> An exceptionally high number of cases concerning the Finnish language were resolved in 2019: a total of 22, or 33% of all language-related cases. More Finnish language cases were resolved in 2020 than usual (12), but there were not especially many Finnish language cases when compared with the total number of language-related cases. Overall, the number of language cases submitted for processing in 2020 was exceptionally high, 89 in total.

The high number of complaints relating to linguistic rights is linked to a general increase in the number of complaints. Both 2019 and 2020 were record years in terms of the number of complaints lodged: the Ombudsman received a total of 6,267 complaints in 2019 and a total of 7,059 complaints in 2020. However, the general increase in the number of complaints does not explain why the number of complaints concerning the Finnish language was particularly high in 2019 compared to complaints concerning other languages.

In 2019, some of the resolved complaints concerning the Finnish language involved cases such as service that was provided only in a foreign language, which means that the complaints actually concerned both national languages. If decisions concerning national languages in general are excluded, the number of decisions concerning the status of the Finnish language was still relatively high in 2019, and no recurring theme emerges from the decisions. There is therefore no clear explanation for the high number of cases concerning Finnish in 2019, and the year can be considered exceptional in terms of cases concerning Finnish<sup>74</sup>

### 3.3.2 Chancellor of Justice of the Government

Pursuant to the Constitution of Finland, the Chancellor of Justice provides the President of the Republic, the Government and the ministries with information and opinions on legal matters. The Chancellor of Justice is also responsible for monitoring the legality of the activities of these governmental bodies.<sup>75</sup> The Chancellor of Justice and the Parliamentary Ombudsman share many functions and powers.

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73 Meeting with Mikko Sarja, acting Deputy Ombudsman, Deputy Chief Secretary, Licentiate of Laws, Master of Laws with court training, 5 February 2021

74 Office of the Parliamentary Ombudsman (19 May 2021). An email reply to an information request.

75 Finnish Government: Oikeuskansleri (Duties of the Chancellor of Justice). Retrieved on 1 July 2021 from <https://valtioneuvosto.fi/tietoa/toiminta/oikeuskansleri>.



**Table 8.** Language cases processed by the Chancellor of Justice of the Government in 2016–2020<sup>76</sup>

|                   | 2016             | 2017 | 2018 | 2019 |
|-------------------|------------------|------|------|------|
| <b>Complaints</b> | 11 <sup>77</sup> | 17   | 9    | 10   |
| Swedish           | 9                | 17   | 5    | 6    |
| Finnish           | 1                | 0    | 3    | 2    |
| Sámi              | 0                | 0    | 0    | 1    |
| Sign language     | 0                | 0    | 1    | 1    |
| <b>Opinions</b>   | 0                | 3    | 1    | 0    |

Each year, the Chancellor of Justice processes fewer language-related cases than the Parliamentary Ombudsman. In addition, most of the language cases processed by the Chancellor of Justice concern Swedish.

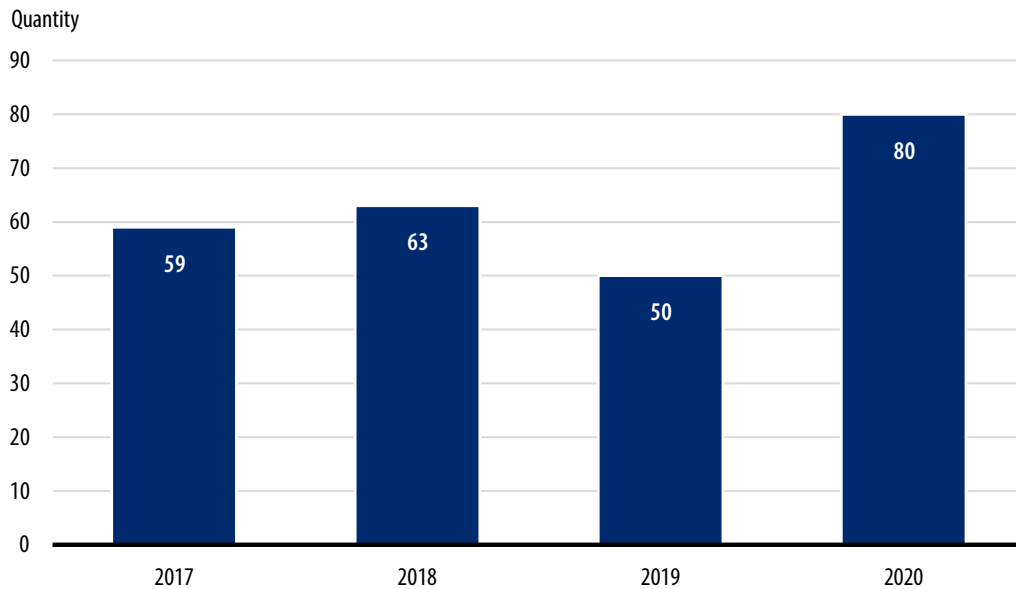
### 3.3.3 Non-Discrimination Ombudsman

The Non-Discrimination Ombudsman promotes equality and tackles discrimination. The Non-Discrimination Ombudsman can also be consulted in cases of discrimination on grounds of language. In practice, the work of the Non-Discrimination Ombudsman consists of the provision of advice, the processing of isolated cases, reconciliation, education, the collection of information, influencing legislation and the practices of authorities, as well as legal assistance. The Non-Discrimination Ombudsman can be contacted by phone, chat, an online form, email and regular post.<sup>78</sup> In 2019, the Non-Discrimination Ombudsman was contacted in 50 language-related discrimination cases (approximately 5% of all discrimination cases).

<sup>76</sup> Office of the Chancellor of Justice (12 May 2021). An email reply to an information request.

<sup>77</sup> In addition to cases concerning Swedish and the Sámi languages, the Chancellor of Justice processed one complaint concerning a language experiment in 2016.

<sup>78</sup> Non-Discrimination Ombudsman (2020). *Yhdenvertaisuusvaltuutetun vuosikertomus 2019 (Annual report of the Non-Discrimination Ombudsman 2019)*. Helsinki: Office of the Non-Discrimination Ombudsman.

**Figure 2.** Cases regarding discrimination on grounds of language<sup>79</sup>

Nationality, origins, religion and language often form a whole, with any one or more of these criteria together placing an individual at a disadvantage. All of these combined accounted for 32% of the discrimination cases. The Non-Discrimination Ombudsman received a record number of complaints in 2020.<sup>80</sup>

The number of discrimination cases on the grounds of language also increased compared to previous years, but the share was not abnormal in proportion to all cases. In 2020, the Non-Discrimination Ombudsman received one discrimination complaint regarding the Sámi language. The Non-Discrimination Ombudsman receives plenty of information about problems with linguistic rights during meetings with the Sámi, but these problems are not fully reflected in the number of people who have experienced discrimination and therefore contacted the Ombudsman. The Non-Discrimination Ombudsman strives to raise awareness of the assistance available to Sámi speakers who have encountered discrimination by having all brochures and presentation videos translated into Inari, Skolt and Northern Sámi, for example.

<sup>79</sup> Annual reports of the Non-Discrimination Ombudsman 2018 and 2019. The information was supplemented by email by the Office of the Non-Discrimination Ombudsman on 11 May 2021.

<sup>80</sup> Non-Discrimination Ombudsman (10 March 2021). *Yhdenvertaisuusvaltuutetulle ennätysmäärä yhteydenottoja vuonna 2020 (Record number of complaints to the Non-Discrimination Ombudsman in 2020)* [press release]. Retrieved on 1 July 2021 from <https://syrjinta.fi/-/yhdenvertaisuusvaltuutetulle-ennatysmaara-yhteydenottoja-vuonna-2020>.

## 4 Oversight in 2017–2020

### 4.1 Structures supporting linguistic rights

This chapter discusses how national legislation and international conventions protect linguistic rights, and how legislation has changed during the monitoring period. It also describes how languages are taken into account during consultations and how the language groups are taken into account in the work of the Government through a variety of advisory committees.

In national legislation, linguistic rights are based on section 17 of the Constitution of Finland (731/1999), which states that the national languages of Finland are Finnish and Swedish. The right of everyone to use their native language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, is guaranteed by law. The authorities are obligated to provide for the cultural and social needs of the Finnish- and Swedish-speaking populations on an equal basis.<sup>81</sup> Furthermore, the Sámi as indigenous people, as well as the Romani and other groups, have the right to maintain and develop their own language and culture pursuant to the Constitution. Provisions on the right of the Sámi to use the Sámi language when dealing with the authorities are laid down by law. The rights of persons who speak sign language and persons in need of interpretation or translation owing to a disability are guaranteed by law.<sup>82</sup>

The Language Act (423/2003) includes more detailed provisions on the right to use Finnish and Swedish when dealing with the authorities and the obligation of the authorities to provide services in the national languages. Finnish authorities are either monolingual or bilingual. Everyone has the right to use Finnish or Swedish when dealing with a governmental authority and an authority of a bilingual municipality. A bilingual authority must serve the public in Finnish and Swedish, and communicate in both languages. The Language Act does not apply to Åland. The Language Act is supplemented by a Government Decree (433/2004) on its implementation. Language skills of civil servants are regulated by the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003).

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81 Section 17, subsections 1 and 2 of the Constitution of Finland (731/1999)

82 Section 17, subsection 3 of the Constitution of Finland (731/1999)

The Sámi Language Act (1086/2003) regulates the right to use the Sámi languages when dealing with the authorities. The Act includes more detailed provisions on the authorities to which it applies. The linguistic rights of the Sámi are mainly concentrated in the Sámi homeland, which consists of the municipalities of Enontekiö, Inari and Utsjoki, as well as the area of the reindeer owners' association of Lapland in Sodankylä.<sup>83</sup> According to the Sign Language Act (359/2015), which entered into force in 2015, the authorities must promote in their activities the opportunities of sign language speakers to use their own language and receive information in their own language.<sup>84</sup> In addition to the Acts on languages, linguistic rights and obligations are regulated by legislation covering the different administrative branches.

## 4.1.1 Safeguarding of linguistic rights by law and international conventions

### 4.1.1.1 Government Decree on amending the Government Decree on the Implementation of the Language Act

The Government Decree on amending the Government Decree on the Implementation of the Language Act (Valtioneuvoston asetus kielilain täytäntöönpanosta annetun valtioneuvoston asetuksen muuttamisesta 522/2021) entered into force on 1 July 2021. It amended the Government Decree on the Implementation of the Language Act (Valtioneuvoston asetus kielilain täytäntöönpanosta 433/2004), which contains provisions on the Advisory Board on Language Affairs and the report on the application of language legislation.

Based on the work done by the Advisory Board on Language Affairs and assessment feedback, the decree had proved difficult to understand in certain respects and needed to be clarified. The Advisory Board on Language Affairs is discussed in Section 4.1.3.

### 4.1.1.2 Government Decree on an Advisory Board on Sign Language Affairs

The Government Decree on an Advisory Board on Sign Language Affairs (Valtioneuvoston asetus viittomakieliasioiden neuvottelukunnasta 690/2020) entered into force on 1 November 2020. The decree specifies the duties, composition and organisation of the Advisory Board on Sign Language Affairs.

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83 Sámi Language Act (1086/2003), section 2 and section 3, subsection 3; Act on the Sámi Parliament (974/1995), section 4

84 Sign Language Act (359/2015), section 3

The Advisory Board on Sign Language Affairs was established to assess the implementation of the objectives of the Sign Language Act (359/2015) and to promote the equality, inclusion and fundamental rights of people speaking Finnish and Finland-Swedish Sign Language. The Advisory Board also promotes dialogue and collaboration between sign language speakers and the authorities, acts as an expert body by issuing opinions and making proposals and monitors and assesses the implementation of the Sign Language Act and the implementation of equality, inclusion and other fundamental rights of sign language speakers.

The Advisory Board is appointed by the Government for a four-year term and operates under the auspices of the Ministry of Justice.<sup>85</sup> The Advisory Board on Sign Language Affairs is also discussed in Section 4.1.3.

#### **4.1.1.3 Health and social services reform and language legislation**

A Government proposal on the establishment of wellbeing services counties and the organisation of health care, social welfare and rescue services was approved by Parliament on 23 June 2021. The health and social services reform and its impact on linguistic rights are discussed in more detail in Section 6.1. Some amendments to the Language Act, the Act on the Knowledge of Languages Required of Personnel in Public Bodies (the “Language Skills Act”), the Sámi Language Act and the Sign Language Act have been made due to the health and social services reform and the establishment of the wellbeing services counties.

The amendments to the Language Act and the Language Skills Act aim to ensure that linguistic rights will remain at the same level as the responsibility for social welfare, health care and rescue services is transferred from municipalities to the new regional bodies, wellbeing services counties. The majority of the proposed amendments to the Language Act are additions to bring the wellbeing service counties and joint wellbeing authorities and their bodies within the scope of the Language Act, and to regulate their language obligations.

Due to the reform, provisions were added to the Language Act to ensure that the Act also applies to staff employed by the wellbeing services counties and joint wellbeing authorities. Language qualification requirements for the staff employed by the wellbeing services counties and joint wellbeing authorities may be imposed pursuant to the Act on Wellbeing Services Counties, which will be prepared at a later date, provided that there

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<sup>85</sup> Government Decree on the Advisory Board on Sign Language Affairs (Valtioneuvoston asetus viittomakieliasioiden neuvottelukunnasta 690/2020), sections 1 and 2

are no language qualification requirements in any other Act. What this means in practice is that requirements on language skills can be specified either in the administrative regulations or when a position is being created or filled. When a wellbeing services county or municipality makes decisions on the language qualification requirements for its staff, it must ensure that the staff has sufficient language skills to perform the tasks of the authority in accordance with the requirements set out in the Language Act and other legislation.

Amendments to the Sámi Language Act and the Sign Language Act have also been made to ensure that linguistic rights will remain at the same level after the reform.

The responsibility for organising social welfare, health care and rescue services will be transferred from the municipalities in the Sámi homeland to the new Lapland Wellbeing Services County. In addition, the duties of the Lapland Hospital District and the Lapland Special Welfare District, among others, will be transferred to the Lapland Wellbeing Services County. For the first time, linguistic rights of the Sámi in social welfare and health care will be directly specified in special legislation. The goal has been not to change the level of linguistic rights, which has led to some improvements. For example, it is now clear that the language obligations also apply to the hospital district and that linguistic rights also extend, under certain circumstances, to services provided only outside the homeland. This applies to services that the Lapland Wellbeing Services County will concentrate outside the homeland or that it will allocate to residents of municipalities in the homeland on the basis of accessibility.<sup>86</sup>

In the same connection, a reference to the definition of the Sámi in the Act on the Sámi Parliament (974/1995) has been removed from section 3 of the Sámi Language Act.<sup>87</sup>

The Sign Language Act has also been amended in connection with the health and social services reform so that its scope of application now covers authorities of the wellbeing services counties and joint wellbeing authorities.<sup>88</sup> Section 5, subsection 3 of the Act on the Establishment of Wellbeing Services Counties and the Organisation of Health Care, Social Welfare and Rescue Services (Laki sosiaali- ja terveydenhuollon sekä pelastustoimen järjestämisestä) will include provisions on securing inclusion of the customer and patient in cases where staff do not speak sign language or other language spoken by the customer or where the customer cannot be understood due to a disability or any other reason. Where possible, interpretation should be arranged when services are provided.

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86 HE 241/2020, pp. 1062–1067; statements by the Ministry of Justice to the Social Affairs and Health Committee on 8 February 2021 and to the Constitutional Law Committee on 16 February 2021.

87 HE 241/2020 vp, pp. 1063–1064.

88 HE 241/2020 vp, p. 1062.

The provision would be factually similar to the existing section 5, subsection 3 of the Act on the Status and Rights of Social Welfare Clients and section 5, subsection 2 of the Act on the Status and Rights of Patients, although the new provision explicitly mentions sign language.<sup>89</sup>

#### 4.1.1.4 International conventions binding on Finland

##### *International conventions relevant to linguistic rights<sup>90</sup>*

- European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms)
- European Charter for Regional or Minority Languages
- Framework Convention for the Protection of National Minorities
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of all Forms of Discrimination against Women
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities

Finland periodically reports on the implementation of international and regional human rights conventions to the independent and autonomous monitoring bodies of the United Nations (UN) and the Council of Europe (CoE). Reports on seven conventions and two

<sup>89</sup> HE 241/2020 vp, pp. 660-661.

<sup>90</sup> European Charter for Regional or Minority Languages (SopS 23/1998), European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms), including amendments and supplements with Protocols 1, 4, 6, 7, 11, 12, 13, 15 and 16 (SopS 18 ja 19/1990; as later amended with SopS 71 and 72/1994, SopS 85 and 86/1998, SopS 8 and 9/2005, SopS 6 and 7/2005 as well as SopS 50 and 51/2010), Framework Convention for the Protection of National Minorities (SopS 1 and 2/1998), Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (SopS 52 and 53/2015), Council of Europe Convention on Action against Trafficking in Human Beings (SopS 43 and 44/2012), Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (SopS 87 and 88/2011), International Covenant on Civil and Political Rights (SopS 7 and 8/1976), International Covenant on Economic, Social and Cultural Rights (SopS 6/1976), Convention on the Elimination of all Forms of Discrimination against Women (SopS 67 and 68/1986), Convention on the Rights of the Child (SopS 59 and 60/1991), Convention on the Rights of Persons with Disabilities (SopS 26 and 27/2016)

optional protocols are submitted to the UN and reports on six conventions to the CoE. Linguistic rights have been taken into account in several of the Government's recent periodic reports in relation to provisions on social welfare and health care services and education, for example. In many cases, these reports explain linguistic rights as part of the culture of minority groups.

### ***Conclusions and recommendations concerning linguistic rights given to Finland<sup>91</sup>***

#### **Conclusions and recommendations of the Committee on the Elimination of Racial Discrimination on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination 2017**

- The Committee encourages the State party to continue to make efforts to revitalise the Sámi languages, including outside the Sámi homeland. The Committee also recommends that the State party ensure adequate provision of physical and mental health services and social care in the Sámi languages.

#### **Resolution of the Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by Finland**

Recommendation for immediate action:

- Safeguard the societal consensus on Finnish-Swedish bilingualism through stepping up awareness-raising, underpinned by an explicit commitment at the highest political level. Without prejudice to their constitutional obligations, the Finnish authorities should engage in an open dialogue with Swedish speakers about their priorities to ensure that commitments made regarding public services in the Swedish language are realistic, effective, matched by adequate resources and regularly monitored.

91 Conclusions and recommendations of the Committee on the Elimination of Racial Discrimination on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination 2017 (CERD/C/FIN/CO/23), Resolution CM/ResCMN(2020)1 of the Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by Finland, Recommendations of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Finland 2018 (CM/RecChL(2018)5), Recommendations of the European Commission against Racism and Intolerance 2019 (CRI(2019)38)



## Further recommendations:

- Maintain a flexible and open approach to the scope of application of the Framework Convention and formalise dialogue with representatives of Karelians, with a view to strengthening their protection in domestic legislation.
- Ensure that in practice Swedish speakers have access to health care and social welfare services in their first language. Efforts should be made in particular to combat any intersectional discrimination against Swedish-speaking children, the elderly, and persons with disabilities using such services. The authorities should closely monitor and, if necessary, undertake action regarding the implementation of Swedish speakers' linguistic rights in the amalgamated district courts.
- Clarify, in close consultation with the Sámi, the statutory rights concerning the provision of Sámi-language health care and social welfare services in the Sámi homeland and define attainable and measurable objectives. Sufficient budgetary resources should be made available to allow these objectives to be met. Furthermore, the authorities should assess the need for and, if it is established, consider supporting the provision of certain services in the Sámi languages outside the homeland.
- Consolidate the support for Sámi language teaching, paying particular attention to language nests, distance education, and teacher training. Furthermore, the authorities should increase their efforts to revitalise the Romani and Karelian languages by actively promoting first language teaching of these languages in schools.

**Recommendations of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Finland 2018**

The Committee of Ministers recommends that the Finnish authorities take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

- further strengthen education in the Sámi languages, also outside the Sámi homeland, especially by providing permanent financing for language nests and adult education;
- take further measures to ensure the accessibility of social and health care in Swedish and in the Sámi languages;

- increase and improve the training of Romani teachers, extend the production of teaching materials in Romani and increase the provision of teaching of Romani;
- take measures to increase awareness and tolerance vis-à-vis the regional or minority languages of Finland.

### **Recommendations of the European Commission against Racism and Intolerance 2019**

#### Legislation against racism and racial discrimination

- ECRI recommends that the authorities bring Finland's criminal law into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) include the grounds of language and nationality (understood as citizenship) in the list of protected grounds in the Criminal Code's chapter 11, section 10 on ethnic agitation and chapter 6, section 5(4) on aggravating circumstances; and (ii) criminalise the creation or the leadership of a group which promotes racism, support for such a group, and participation in its activities.

#### Integration policies

- ECRI reiterates its recommendation that the Finnish authorities consider ways of implementing a consistent and comprehensive system for collecting disaggregated data to monitor the situation of groups of concern to it, by using information broken down by categories such as ethnic origin, language, religion, gender and citizenship. The data should be gathered in various areas of public action with the authorities ensuring strict compliance with the principles of confidentiality, informed consent and voluntary self-identification of persons. The system should also take into account of the possible existence of multiple or intersectional discrimination.

## 4.1.2 Impact of administrative changes on language groups

### 4.1.2.1 Reform of the National Prosecution Authority

An organisational reform of the National Prosecution Authority took place in 2019. Prior to the reform, the National Prosecution Authority consisted of the Office of the Prosecutor General as the central authority and 11 prosecutor's offices operating under it. After mergers of offices over the years, there were 11 main offices and 23 service offices.<sup>92</sup> The amended Act on the National Prosecution Authority (32/2019) entered into force on 1 October 2019.<sup>93</sup>

The 2019 reform influenced the linguistic division. Previously, the operating areas of the prosecutor's offices in Helsinki, Western Uusimaa, Eastern Uusimaa, Western Finland and Ostrobothnia were bilingual, with Finnish being the majority language of the population. The rest of the prosecutor's offices were Finnish-speaking. The reformed National Prosecution Authority is bilingual with Finnish as the majority language in its operating area. The operating areas of the new Prosecution Districts of Southern Finland and Western Finland are bilingual, with Finnish as the majority language. The Prosecution Districts of Eastern Finland and Northern Finland are Finnish-speaking. The Prosecution District of Southern Finland consists of the operating areas of the former prosecutor's offices of Helsinki, Western Uusimaa and Eastern Uusimaa, and the Prosecution District of Western Finland consists of the operating areas of the former prosecutor's offices of Western Finland, Ostrobothnia and Inland Finland.<sup>94</sup> Since the reform, the language skill qualification requirements of prosecutors have been laid down in the Government Decree on the National Prosecution Authority (798/2019). The reform as a whole had no impact on the implementation of the linguistic rights of different groups of citizens.<sup>95</sup>

### 4.1.2.2 Reform of National Enforcement Authority Finland

The new National Enforcement Authority Finland, which started its operations on 1 December 2020, consists of 22 former enforcement offices and the National Administrative Office for Enforcement. As a result of the reform, the enforcement tasks previously carried out by the local enforcement offices and the Åland Provincial Enforcement Office were transferred to National Enforcement Authority Finland. National Enforcement Authority

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92 HE 17/2018 vp, Government Proposal on the Act on the National Prosecution Authority and related legislation (Hallituksen esitys eduskunnalle laiksi Syyttäjälaitoksesta sekä eräiksi siihen liittyviksi laeiksi), p. 4.

93 HE 17/2018 vp, p. 1; Act on the National Prosecution Authority (32/2019), section 1

94 HE 17/2018 vp, pp. 19-20.

95 HE 17/2018 vp, pp. 19-20.

Finland enforces, based on an application, judgements issued by courts and directly collects enforceable claims, such as fines, taxes and insurance premiums.

The Constitutional Law Committee has drawn attention to the fact that the impact of the enforcement system reform on the implementation of linguistic rights was not examined when assessing the impact of the proposed reform. The Committee is of the opinion that such an impact assessment should be carried out in connection with such a reform.<sup>96</sup> An explicit provision according to which linguistic rights must be respected when reorganising activities was added to the Enforcement Code (section 11, subsection 4 of the Enforcement Code).<sup>97</sup> It refers to the language obligations of the enforcement authorities when providing services and the right of the customers to use their native language when dealing with an enforcement authority.

As the operating area of the new National Enforcement Authority Finland is the whole of Finland, it is a bilingual authority pursuant to section 6, subsection 2 of the Language Act. All Swedish-speaking debtors can be referred to Swedish-speaking executing officials. If an enforcement matter requires measures outside the competence of the Basic Enforcement Unit, the case is immediately transferred to the region's Extensive Enforcement Unit. There are five extensive enforcement regions. The units are either monolingual or bilingual, depending on the language of the municipalities in the unit's operating area. Section 2, subsection 1, paragraph 7 of the Sámi Language Act (1086/2006) was amended in connection with the reform to include National Enforcement Authority Finland as an authority with national powers to which the Sámi Language Act applies.

According to additional information provided by the Ministry of Justice to the Legal Affairs Committee, more and more enforcement services are available online and are also being developed with linguistic aspects in mind. National Swedish-speaking telephone services are also being developed.<sup>98</sup> Qualification requirements regarding the language skills of chief enforcement officers and other officials are laid down in the Government Decree on the Administration of Enforcement Matters.<sup>99</sup> The Government decree includes specific qualification requirements regarding the Swedish language skills of specific chief enforcement officers, senior enforcement inspectors and other office holders in National Enforcement Authority Finland.

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96 Report PeVL 30/2018 vp of the Constitutional Law Committee

97 Enforcement Code (705/2007) and HE 71/2018

98 Report LaVM 22/2018 vp of the Legal Affairs Committee

99 Government Decree on the Administration of Enforcement Matters (Valtioneuvoston asetus ulosottoimen hallinnosta 285/2020)

Parliament has required the Government to closely monitor the performance and effects of the organisational change and the division of enforcement after the reform of the enforcement system, and to submit a related report to the Legal Affairs Committee by the end of 2022. During the monitoring and in the report, special attention must be paid to the implementation of linguistic rights, among other matters.<sup>100</sup>

In May 2020, the Office of the Non-Discrimination Ombudsman contacted the Ministry of Justice because of a complaint submitted to the Non-Discrimination Ombudsman. The complaint concerned the website huutokaupat.com used by the enforcement offices, and specifically the fact that the website and the notices on it are available only in Finnish. The Non-Discrimination Ombudsman considered the reply given by the National Administrative Office for Enforcement problematic in terms of linguistic rights, and requested the Ministry of Justice to assess the matter and take any necessary action to improve the situation.<sup>101</sup>

The Ministry of Justice contacted the National Administrative Office for Enforcement, as a result of which the National Administrative Office for Enforcement prepared a guide specifically for bilingual offices.<sup>102</sup> The guide was valid until 1 December 2020. After this date, the abovementioned structural and organisational reform entered into force, and a new and updated guide is now needed for the new national enforcement organisation. The Ministry of Justice will monitor the practice used in the publication of sales notices, in particular.

#### 4.1.2.3 Establishment of the new Digital and Population Data Services Agency

The new Digital and Population Data Services Agency started its operations on 1 January 2020 when the Population Register Centre, the local register offices and the control and development unit for the local register offices in the Eastern Finland Regional State Administrative Agency were merged. A new Act on the Digital and Population Data Services Agency (Laki Digi- ja väestötietovirastosta 304/2019) was enacted in connection with the establishment of the Digital and Population Data Services Agency and the realisation of the organisational reform.

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100 Reply EV 296/2018 vp of Parliament – Government proposal HE 71/2018 vp to Government Proposal on the Act on the National Prosecution Authority and related legislation (Hallituksen esitys eduskunnalle laiksi Syyttäjälaitoksesta sekä eräiksi siihen liittyviksi laeiksi).

101 Email from the Office of the Non-Discrimination Ombudsman to the Ministry of Justice (13 May 2020).

102 Valtakunnanvoudin viraston suositus kielilain soveltamisesta myynti-ilmoituksia julkaistaessa (Recommendation of the Director of the National Administrative Office for Enforcement on Application of the Language Act when Publishing Sales Notices), 10 September 2020, record no. 861/030/20

The national Digital and Population Data Services Agency brought together tasks that had previously been handled partly by bilingual central government agencies and bilingual regional state administrative agencies, and partly by monolingual (Finnish-speaking) regional state administrative agencies. The Digital and Population Data Services Agency became a bilingual authority pursuant to section 6, subsection 1, paragraph 2 of the Language Act that must serve customers in both national languages.

There are provisions on the language skills of the staff of the Digital and Population Data Services Agency in section 6 of the Government Decree on the Digital and Population Data Services Agency (Valtioneuvoston asetus Digi- ja väestötietovirastosta 53/2020). By way of derogation from section 6, subsection 1 of the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003), the language skill requirement for the six registrar positions in the Digital and Population Data Services Agency is excellent spoken and written Swedish language skills and satisfactory spoken and written Finnish language skills. Paragraph 2 provides that for the 21 positions in the Digital and Population Data Services Agency for which a university degree is not part of the qualification requirements, the language skill requirement is good spoken and written Swedish language skills and satisfactory spoken and written Finnish language skills.

Section 2 of the Sámi Language Act was also amended in connection with the reform, and the Digital and Population Data Services Agency was added to the list of authorities to which the Sámi Language Act applied. Section 27 was also amended to allow the Digital and Population Data Services Agency to have a Sámi language assistant in the Sámi homeland.

#### 4.1.2.4 Extension of compulsory education

Due to a legislative amendment on the extension of compulsory education, compulsory education was extended from 1 August 2021 and secondary education became free of charge. Compulsory education now ends when a person turns 18 years of age.<sup>103</sup>

From the perspective of the provisions in section 17, subsection 2 of the Constitution of Finland, a key issue in the organisation of education is the right of everyone to receive education in their native language, Finnish or Swedish. In the case of the national languages, this means that the right of the Swedish-speaking population to receive education in their own language is guaranteed by a sufficiently extensive network of educational institutions providing education in Swedish – not only at the time when the Act enters into force, but also during its period of validity. It was noted in connection with

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103 Compulsory Education Act (Oppivelvollisuuslaki 1214/2020)

the reform that it is important to ensure through authorisations to provide education and the provision of education that sufficient education in Swedish will also be available in the future and, in particular, preparatory education during the transition phase will be available.<sup>104</sup>

Finnish- and Swedish-speaking children of compulsory school age must have equal access to secondary education in accordance with their interests. When organising education, it should be ensured that there is enough versatile education available in both Finnish and Swedish. In its statement on the extension of compulsory education, the Constitutional Law Committee also emphasised the importance of ensuring sufficient access to education and the safeguarding of linguistic rights when granting authorisations to provide education.<sup>105</sup> When adopting the reform of compulsory education, Parliament called for the reform to take into account linguistic rights, and pay particular attention to the availability of qualified teachers in both national languages and to flexibility in the provision of graduate programmes in Swedish.<sup>106</sup>

There must be no discrimination against children of compulsory school age on the basis of language when it comes to the right to receive education free of charge. As Swedish language secondary education is not as widely available in as many locations as Finnish language secondary education, it is more likely that a Swedish-speaking young person will have to move away from their place of residence to receive upper secondary education. This should not lead to any additional costs.

The authorities must also ensure adequate access to education in Sámi, Romani and sign language. It is also important to consider linguistic rights and access to education in one's native language at the transition phase after basic education. The provision of education in one's native language can also assist pupils from different language groups in starting their postgraduate studies. The availability of interpretation services for sign language speakers is also an important issue in this context.

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104 Government proposal HE 173/2020 vp on the Compulsory Education Act and related legislation (Hallituksen esitys eduskunnalle oppivelvollisuuslaiksi ja eräiksi siihen liittyviksi laeiksi).

105 Statement PeVL 43/2020 vp of the Constitutional Law Committee – Government proposal HE 173/2020 vp on the Compulsory Education Act and related legislation (Hallituksen esitys eduskunnalle oppivelvollisuuslaiksi ja eräiksi siihen liittyviksi laeiksi)

106 Reply EV 218/2020 vp of Parliament – Government proposal HE 173/2020 on the Compulsory Education Act and related legislation (Hallituksen esitys eduskunnalle oppivelvollisuuslaiksi ja eräiksi siihen liittyviksi laeiksi)

The reform has sought to safeguard the rights of the Sámi by making it possible to for them to complete their compulsory education in the Sámi language and culture for at least one semester, as defined in the Act on the Sámi Education Institute (Laki Saamelaisalueen koulutuskeskuksesta 252/2010), provided the person subject to the compulsory education requirement is Sámi. Parliament has required that the reform of compulsory education also ensures that Sámi speakers will have access to education in their native language and promotes the availability of sufficient Sámi-speaking teaching staff.<sup>107</sup>

Freedom of movement and the right to choose one's place of residence are particularly important in the case of children included in linguistic minorities and children with disabilities. It was noted during the reform process that education for the severely disabled is provided only at certain specialised institutions, and such education is not always available at the place of residence of a child of compulsory school age, which may mean that participation in education may require moving away from one's place of residence. Compulsory education in such a situation could restrict a person's constitutional right to choose their place of residence and could even violate the Convention on the Rights of the Child.<sup>108</sup>

#### 4.1.2.5 Establishment of wellbeing services counties

A Government proposal on the establishment of wellbeing services counties and the organisation of health care, social welfare and rescue services was approved by Parliament on 23 June 2021. The reform will have an impact on linguistic rights and language groups. Changes to language legislation resulting from the health and social services reform and the establishment of the wellbeing services counties are discussed in Section 4.1.1.3. The health and social services reform and its impact on linguistic rights and language groups are discussed in more detail in Section 6.1.

### 4.1.3 Participation of language groups

Hearings during the statute drafting process are a key part of the opportunities of the language groups to influence matters. In 2018, a dedicated section on hearings regarding languages was added to the guide on hearings during the statute drafting process

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107 Reply EV 218/2020 vp of Parliament – Government proposal HE 173/2020 vp.

108 Statement by the Ministry of Justice to the Constitutional Law Committee and the Education and Culture Committee on the Government proposal on the Compulsory Education Act and related legislation (HE 173/2020 vp).



(Säädösvalmistelun kuulemisopas). Both national languages, Finnish and Swedish, must be used in consultations during the drafting of statutes. The Sámi language must also be used in specific cases. Using sign language and other languages may also be justified in some cases.<sup>109</sup>

According to section 31 of the Language Act, when a Finnish language legislative proposal and the related report are being published, the legislative proposal must always be published in Swedish, with a Swedish language summary of the report. Furthermore, the entire report must be published in Swedish if the proposals are of considerable significance to the Swedish-speaking population in the country. Legislative proposals are published simultaneously in Finnish and Swedish. According to a decision by the Chancellor of Justice<sup>110</sup>, it was not in accordance with the Language Act and good law drafting practice that it was impossible for schedule-related reasons to consider opinions issued on the basis of Swedish language documents that had been published after the Finnish language documents.

In the decision practice of the Chancellor of Justice, translating the opinion documents to a sufficient extent has been considered a requirement based on the equality provision and non-discrimination provision of the Constitution and the Non-discrimination Act. In the opinion of the Office of the Chancellor of Justice, it is also justified in the context of the application of the law in a manner that respects fundamental rights also to publish in Swedish information the publishing of which is not absolutely necessary under the Language Act.<sup>111</sup>

The Government also has advisory boards to promote dialogue and act as experts in the preparation and practical implementation of language legislation and to promote the participation of language groups. The advisory boards of relevance to linguistic rights are the Advisory Board on Language Affairs, the Advisory Board on Sign Language Affairs, the Advisory Board on Romani Affairs and the Advisory Board for Ethnic Relations.

According to the Government Decree on the Enforcement of the Language Act (Valtioneuvoston asetus kielilain täytäntöönpanosta 433/2004), the Advisory Board on Language Affairs appointed by the Government is tasked with assisting the Ministry of Justice in monitoring the implementation and application of the Language Act and

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109 Finlex: *Kuulemisopas. Säädösvalmistelun kuulemisopas (Guide on consultations during the statute drafting process)*. Retrieved on 8 July 2021 from <http://kuulemisopas.finlex.fi/4-kuulemisen-kielet/kuulemisen-kielet/>.

110 OKV 178/1/2017

111 *Valtioneuvoston oikeuskanslerin vuosikertomus (Annual Report of the Chancellor of Justice of the Government 2018)*, p. 15

related legislation, supporting the implementation of language legislation and promoting the use and status of the national languages, as well as promoting dialogue between the Government and the language groups.

The Advisory Board on Language Affairs which was active during the period under review was appointed by the Government for the 2016–2020 term. When the term of the Advisory Board appointed for 2016–2020 ended, the Ministry of Justice was preparing an amendment to the Government Decree on the Enforcement of the Language Act (Valtioneuvoston asetus kielilain täytäntöönpanosta 433/2004). The amendment sought to simplify and clarify the activities and tasks of the Advisory Board on Language Affairs. The Government Decree on Amending the Government Decree on the Enforcement of the Language Act (Valtioneuvoston asetus kielilain täytäntöönpanosta annetun valtioneuvoston asetuksen muuttamisesta 522/2021) was issued based on a decision by the Government on 17 June 2021. A new Advisory Board was appointed on 2 September 2021 for the term between 2 September 2021 and 1 September 2025.<sup>112</sup>

In 2016, the Advisory Board organised the first language affairs consultation seminar to launch a new way of promoting dialogue between the language groups and the Government. Essential themes of the seminar were attitudes and language conditions in Finland, as well as the implementation of linguistic rights in social welfare and health care. During the 2017 seminar, Annika Saarikko, who was then the Minister of Family Affairs and Social Services, discussed social welfare and health care services with the language groups. At the 2018 seminar, Sanni Grahn-Laasonen, who was then the Minister of Education, discussed the importance of education for the implementation of linguistic and cultural rights with the language groups. At the 2019 seminar, Minister of Justice Anna-Maja Henriksson discussed the Government Programme and the linguistic implications of the Government Programme projects with representatives of the language groups. At that time, the Advisory Board concluded that the Government Programme of Prime Minister Rinne (corresponding in content to PM Marin's Government Programme, which was subsequently approved) was excellent from the perspective of linguistic rights. However, the Advisory Board believes that the implementation of the policies will be jeopardised if the authorities fail to understand the language groups' point of view.<sup>113</sup>

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112 Valtioneuvoston päätös. Neuvottelukunnan asettaminen (Government Decision on the establishment of an Advisory Board), OM/2021/111. Valtioneuvosto.fi, retrieved on 5 October 2021 from <https://valtioneuvosto.fi/paatokset/paatos?decisionId=0900908f8074fa08>.

113 Advisory Board on Language Affairs (22 October 2019). *Kielelliset oikeudet tulevalla hallituskaudella (Language rights during the future parliamentary term)* [declaration].

A sign language cooperation group established by the Ministry of Justice operated from 2015 to 2021 with two-year terms. The term of the last cooperation group ended on 31 December 2021. The sign language cooperation group was tasked with addressing current sign language matters within the Government and ensuring good communication between key actors. On 11 February 2021, the Government appointed the first Advisory Board on Sign Language Affairs to continue the work of the sign language cooperation group for a term that will end on 10 February 2025. The establishment of the Advisory Board on Sign Language Affairs was based on PM Marin's Government Programme.

In recent years, the Ministry of Justice has arranged an annual seminar in cooperation with the Sámi Parliament at which officials from the ministries and representatives of the Sámi Parliament discuss current Sámi matters. The themes of the 2019 seminar included Government Programme policies regarding the Sámi and their implementation. In 2020, discussions covered matters such as the implementation of the rights of indigenous peoples in relation to Finland's international human rights obligations and commitments, and budget allocations for the Sámi language and culture.

The Advisory Board on Romani Affairs monitors development of the social participation and living conditions of the Romani population to promote equality, and provides opinions to the authorities on these matters.<sup>114</sup> The Finnish Romani policy programme (2018–2022 ROMP02) includes a measure to draw up a national action plan for the revitalisation of the Romani language. This work was started with funding from the Ministry of Education and Culture at the National Board of Education in 2020. Members of the Advisory Board on Romani Affairs have commented on measures included in the implementation plan of the National Child Strategy with regard to the Romani language.<sup>115</sup>

The tasks, activities and composition of the Advisory Board for Ethnic Relations are laid down in Government Decree 771/2015. The main purpose of the Advisory Board for Ethnic Relations is to enable dialogue, in other words regular cooperation and better understanding, between immigrants, ethnic minorities, authorities, political parties and civil society organisations. The Government appoints the Advisory Board for a four-year term. The current term is from 17 December 2020 to 16 December 2024.<sup>116</sup> The members of the Advisory Board for Ethnic Relations, the Finnish Somali League, the Tuglas Association (Tuglas-seura) and Familia ry have contributed their own opinions to this language report.

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114 Advisory Board on Romani Affairs [website]. Retrieved on 8 June 2021 from <https://romani.fi/etusivu>.

115 Grönfors, J. (18 June 2021). An email reply to an information request.

116 Advisory Board for Ethnic Relations [website]. Retrieved on 5 July 2021 from <https://oikeusministerio.fi/etno>.

## 4.2 Promotion of linguistic rights

The premise of the Language Act (423/2003) is to ensure the right of everyone to a fair trial and good administration, regardless of language, and to secure the linguistic rights of an individual person without them needing to specifically refer to these rights. An authority may also offer better language services than required by the Language Act. Similar provisions are contained in the Sámi Language Act (1086/2003). The Sign Language Act (359/359) includes provisions on an obligation of the authorities to promote in their activities the opportunities of sign language speakers to use their native language and receive information in their native language. The Ministry of Justice is tasked with the promotion and monitoring of linguistic rights.<sup>117</sup> However, each authority is responsible for monitoring compliance with the Language Act within its own branch.<sup>118</sup>

### 4.2.1 Promotion of linguistic rights in the work of the Government

#### 4.2.1.1 Government Programmes from a language perspective

During the period under review, Finland has had three Prime Ministers and three Government Programmes.<sup>119</sup> The Government of PM Juha Sipilä was in office at the beginning of the monitoring period. The Government Programme of the current Government of PM Sanna Marin contains a relatively large number of entries referring to linguistic rights or the promotion or monitoring of the use of different languages.<sup>120</sup> The content of PM Marin's Government Programme is the same as that of the Government of her predecessor, PM Rinne.<sup>121</sup>

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117 Decree of the Ministry of Justice on the Rules of Procedure of the Ministry of Justice (Oikeusministeriön asetus oikeusministeriön työjärjestyksestä 595/2019), section 9, subsection 5; Language Act (423/2003), section 36, subsection 2

118 Language Act, section 36, subsection 1

119 Finnish Government: *Hallitukset aikajärjestyksessä (Governments in chronological order)*. Retrieved on 12 July 2021 from <https://valtioneuvosto.fi/tietoa/historiaa/hallitukset-ja-ministerit/raportti/-/r/v2>.

120 *Pääministeri Sanna Marinin hallituksen ohjelma 10.12.2019 (Prime Minister Sanna Marin's Government Programme 10 December 2019) (2019). Osallistava ja osaava Suomi – sosiaalisesti, taloudellisesti ja ekologisesti kestävä yhteiskunta (Inclusive and competent Finland – a socially, economically and ecologically sustainable society)*. Publications of the Finnish Government 2019:31. Helsinki: Finnish Government.

121 *Pääministeri Antti Rinteen hallituksen ohjelma 6.6.2019 (Prime Minister Antti Rinne's Government Programme 6 June 2019) (2019). Osallistava ja osaava Suomi – sosiaalisesti, taloudellisesti ja ekologisesti kestävä yhteiskunta (Inclusive and competent Finland – a socially, economically and ecologically sustainable society)*. Publications of the Finnish Government 2019:23. Helsinki: Finnish Government.

The Government Programme of PM Juha Sipilä's Government<sup>122</sup> stated that Finland is an open and international country, rich in languages and culture.<sup>123</sup> According to the programme, Finland has a rich linguistic and cultural heritage, and bilingual Finland will be cherished in accordance with the Constitution of Finland and Finnish values.<sup>124</sup> The programme set the objectives of increasing and diversifying language learning, launching a regional experiment on starting the teaching of a foreign language in the first grade and enabling a regional experiment to extend the range of offered languages in line with a resolution adopted by Parliament.<sup>125</sup> The language experiment is discussed in more detail in Section 5.5.3.3. The earlier start of language teaching envisaged in the Government Programme and its first results are discussed in Section 6.3.

The necessary adjustment measures outlined by PM Sipilä's Government Programme also included closer cooperation between universities and universities of applied sciences in support services, library operations and language education.<sup>126</sup> In addition, the programme stated that integration should be made more effective by measures such as improving language teaching by taking better into account the existing skills of immigrants.<sup>127</sup> Another objective was to promote the employment in Finland of international students who have studied in Finland and to invest in their Finnish language skills.<sup>128</sup>

PM Sanna Marin's Government Programme contains many references to languages and language groups.<sup>129</sup> The most important of these are the drafting of a renewed Government Strategy for the National Languages of Finland and the first language policy programme. The language policy programme will take into account languages other than the national languages spoken in Finland – the Sámi languages, Romani, Karelian and sign

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122 Sipilä Government 29 May 2016 to 6 June 2019.

123 *Pääministeri Juha Sipilän hallituksen strateginen ohjelma 29.5.2015 (2015). Ratkaisujen Suomi*. Publications of the Finnish Government 10/2015. Helsinki: Finnish Government, p. 7.

124 *Pääministeri Juha Sipilän hallituksen strateginen ohjelma 29.5.2015 (2015)*, p. 8

125 *Pääministeri Juha Sipilän hallituksen strateginen ohjelma 29.5.2015 (Prime Minister Juha Sipilä's strategic Government Programme 29 May 2015) (2015)*, p. 17

126 *Pääministeri Juha Sipilän hallituksen strateginen ohjelma 29.5.2015 (Prime Minister Juha Sipilä's strategic Government Programme 29 May 2015) (2015)*. Appendix 6. Necessary adjustment measures for general government finances determined by the Government, 27 May 2015.

127 *Pääministeri Juha Sipilän hallituksen strateginen ohjelma 29.5.2015 (Prime Minister Juha Sipilä's strategic Government Programme 29 May 2015) (2015)*, p. 38.

128 *Pääministeri Juha Sipilän hallituksen strateginen ohjelma 29.5.2015 (Prime Minister Juha Sipilä's strategic Government Programme 29 May 2015) (2015)*, p. 38.

129 *Pääministeri Sanna Marinin hallituksen ohjelma 10.12.2019 (2019)*.

languages, in particular. The objective of the language policy programme is to respond to the identified challenges of the different language groups, such as the vitality of languages, the implementation of linguistic rights and the opportunity to use languages. On 25 February 2021, the Ministry of Justice established a working group to prepare the language policy programme, and the programme will be prepared during 2021.<sup>130</sup>

#### 4.2.1.2 Strategy for the National Languages of Finland

In December 2012, the Government adopted a resolution on a Strategy for the National Languages of Finland. It was the Government's first language strategy. The final report of the action plan on the Strategy for the National Languages of Finland was published in May 2019. In it, the responsible ministries briefly described how the objectives and measures have been implemented.<sup>131</sup> The monitoring and final reports of the strategy indicate that most of the measures included in the strategy have been implemented. The implementation of the objectives of the Strategy for the National Languages of Finland involves, however, much more than the just the implementation of individual measures. Measuring the effectiveness of the strategy cannot be based solely on whether the ministries have implemented the recommendations. The key to success is a genuine willingness on the part of the authorities to use and promote both national languages, as well as a positive attitude towards the national languages in society. However, these successes and their effectiveness are much more difficult to measure. The Ministry of Justice seeks to obtain this information through the language barometer, which is also one of the main sources of information for this report.

PM Marin's Government Programme aims to develop a renewed Strategy for the National Languages of Finland that will safeguard the right to receive service in the national languages and improve the language climate. The strategy steering group is chaired by PM Marin. The renewed Strategy for the National Languages of Finland is expected to be completed in 2021.

#### 4.2.1.3 Finnish Government's National Languages Network

The National Languages Network, which has been active under the auspices of the Government since 2013, supports the Ministry of Justice in carrying out its tasks under its Rules of Procedure, i.e. the promotion and monitoring of the implementation of

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130 Project website of the Ministry of Justice <https://oikeusministerio.fi/hanke?tunnus=OM071:00/2020> (5 August 2021)

131 Lunabba, V. (2019). *Kansalliskielistrategian toimintasuunnitelman loppuraportti 2015-2019 (Final report on the Action Plan for the Strategy for the National Languages of Finland 2015–2019)*. Ministry of Justice, Reports and guidelines 2019:17.

linguistic rights, particularly with regard to the national languages. The first National Languages Network operated between 2013 and 2015 and was set up on the basis of the Government Strategy for the National Languages of Finland, which was adopted by a Government resolution in December 2012. A second National Languages Network has also operated during the period under review, from 1 November 2015 to 31 May 2019. The latter network was responsible for matters such as drawing up and implementing the action plan of the Strategy for the National Languages of Finland, which provided the framework for the implementation of the strategy's long-term measures. The third National Languages Network was established in March 2020 for the term between 1 April 2020 and 31 March 2023. This National Languages Network will continue the work of the previous networks in promoting the application of legislation on the national languages and raising awareness of language legislation. The network has also focused on projects related to the language policy of the Government Programme. The Ministry of Justice is responsible for the preparation and coordination of the Finnish Government's National Languages Network.

In addition to the National Languages Network, bilingual municipalities have their own national languages network, coordinated by the Association of Finnish Local and Regional Authorities, which aims to highlight good practices, such as working methods, sectoral solutions and attitudes, and to provide support in language matters.

#### **4.2.2 Visibility of languages in central government from a communications perspective**

According to section 32 of the Language Act (423/2003), when information is given by a State or municipal authority to the public in a bilingual municipality, Finnish and Swedish must be used. The authority must provide for the information needs of both the Finnish- and Swedish-speaking populations. There are provisions on official communications in section 8 of the Sámi Language Act (1086/2003), according to which an authority must also use the Sámi language in its communications addressed to the public. According to section 3 of the Sign Language Act (359/2015), the authorities must promote in their activities the opportunities of sign language users to use their own language and receive information in their own language.

The Government Communications Department is responsible for the communications of the Government and the Prime Minister, and for coordinating central government communications. The Communications Department coordinates the Government's strategic external communications and the ministries' joint external communications. The Communications Department reconciles central government communications,



especially under emergency conditions, and coordinates the central government's EU communications.<sup>132</sup>

In 2019, the Government published Guidelines for Enhanced Government Communications under Normal Conditions and during Incidents.<sup>133</sup> The guidelines define the principles and practices for government communications in situations requiring enhanced communications and under normal conditions, and for communications during incidents. The Guidelines also give practical advice on communicative preparedness and measures to be taken in different situations. The importance of accessible communications in simplified language must be taken into account in day-to-day communications, and provisions must be made for communicating in Finnish and Swedish, as well as in Sámi, sign languages and other languages when necessary. In addition, round-the-clock availability of translation and sign language interpretation services must be verified.<sup>134</sup>

In the opinion of the Ministry of Justice, challenges remain in providing bilingual information pursuant to the Language Act, especially in the case of communications in Swedish. Cases processed by the Parliamentary Ombudsman in 2016–2020 also emphasised the provision of information by the authorities in Swedish. Challenges have been encountered in, for example, the language used in email communications, online communications and communications on social media.<sup>135</sup>

The Language Act entered into force in 2003. The Parliamentary Ombudsman has noted that communications have been developed since, and social media is a good example of this development. However, the Parliamentary Ombudsman has considered that while

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132 Prime Minister's Office: Valtioneuvoston viestintä (Government communications). Retrieved on 13 June 2021 from <https://vnk.fi/valtioneuvoston-viestinta>.

133 Prime Minister's Office (2019). *Valtionhallinnon tehostetun viestinnän ohje – Viestintä normaalioloissa ja häiriötilanteissa*. Publications of the Prime Minister's Office 2019:23. Helsinki: Finnish Government.

134 Prime Minister's Office (2019), pp. 30–31

135 Decision EOAK/2511/2019 of the Parliamentary Ombudsman, *Yliopisto ei turvannut kielellisiä oikeuksia tiedottamisessaan* (A university failed to safeguard linguistic rights in its information provision), Decision EOAK/6208/2019 of the Parliamentary Ombudsman, *Sähköpostin automaattisen poissaoloilmoituksen kieli* (Language of an automatic out of office email notification), Decision EOAK/4180/2017 of the Parliamentary Ombudsman, *FINRAIL OY:n ruotsinkielinen verkkotiedottaminen* (Finrail Oy's online communications in Swedish), Decision EOAK/3402/2018 of the Parliamentary Ombudsman, *Trafikverkets svenskspråkiga information var bristfällig* (Swedish language information provided by the Finnish Transport Infrastructure Agency was inadequate), Decision EOAK/3785/2016 of the Parliamentary Ombudsman, *Folkpensionsanstaltens svenskspråkiga information på sociala medier* (Information in Swedish from the Social Insurance Institution of Finland on social media).



it is appropriate to ask how the provisions of the Language Act can be directly applied to social media, it would nevertheless be difficult to justify in a legally sustainable way why an authority should not apply the principles of the Language Act to social media.<sup>136</sup> The decision practice of the Parliamentary Ombudsman has been critical of a bilingual authority using only Finnish in social media. In the Ombudsman's opinion, the website of an authority must be considered an information channel separate from its social media presence, even though the same information from the authority may be available through both channels. Furthermore, different social media services are considered different channels.<sup>137</sup> Folktinget has pointed out that the authorities often less frequently update the information in Swedish on their websites.<sup>138</sup>

Language also plays an important role when the authorities name their online services intended for the general public. Folktinget cites as examples the Suomi.fi and Kanta.fi services, which have monolingual Finnish names that do not outwardly indicate their bilingual nature.<sup>139</sup> The Institute for the Languages of Finland has pointed out that English-language names and accompanying names used by governmental organisations continue to cause problems. In 2020, the Parliamentary Ombudsman commented on the names of public administration projects and the appropriateness of the accompanying name Findata used by the Social and Health Data Permit Authority. According to the Ombudsman's decision, naming public projects which are part of the tasks of an authority only in a foreign language does not comply with the provisions of the Constitution of Finland, the Administrative Procedure Act and the Language Act. Project names should be understandable both in terms of their content and their language.<sup>140</sup> The Social and Health Data Permit Authority had used the accompanying name Findata on its Swedish language website in a context from which the official name was not apparent. According to the Ombudsman's decision, the Swedish language website was therefore not fully compliant

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136 Decision EOAK/3785/2016 of the Parliamentary Ombudsman, Folkpensionsanstaltens svenskspråkiga information på sociala medier (Information in Swedish from the Social Insurance institution of Finland on social media).

137 Decision EOAK/1188/2017 of the Parliamentary Ombudsman, Säkerhets- och kemikalieverkets information på svenska (Information from the Finnish Safety and Chemicals Agency in Swedish).

138 Svenska Finlands folkting (30 June 2021). *Lausunto: Hörande av språkgrupper för regeringens berättelse om tillämpningen av språkstiftningen 2021* (Consultation of language groups regarding the Government report on the application of language legislation).

139 Svenska Finlands folkting (30 June 2021).

140 Decision EOAK/1167/2019 of the Parliamentary Ombudsman, Valtioneuvoston hankkeiden nimissä on käytettävä kansalliskieliä (The national languages must be used in the names of Government projects).

with the Language Act and good administrative practices.<sup>141</sup> The requirements for the use of an accompanying name are also poorly realised on the Finnish language website, as the accompanying name is given a significantly greater weight than the official name.<sup>142</sup>

#### 4.2.2.1 Communication in different languages during the COVID-19 pandemic

The COVID-19 pandemic, which started in the spring of 2020, also tested the capacity of the government authorities to communicate in different languages. The Ministry of Justice's assessment is that preparations for such an eventuality were not fully appropriate. Folktinget has also drawn attention to the fact that the Swedish language online communications of the National Institute for Health and Welfare regarding the COVID-19 pandemic were delayed in the spring of 2020. During the past year, Folktinget has received several complaints concerning the lack of information about the coronavirus in Swedish.<sup>143</sup> However, the Parliamentary Ombudsman has received and resolved only a few complaints concerning linguistic rights during the state of emergency and the pandemic. In two of the cases, the Ombudsman assessed the adequacy of the communications. The complaints did not give rise to any action by the Ombudsman.<sup>144</sup>

In the spring of 2020, the Ministry of Justice prepared recommendations for the Prime Minister's Office on how to provide information about COVID-19 in different languages.<sup>145</sup> The Ministry understands that these recommendations were also forwarded to the agencies in the different branches of government. The Ministry of Justice emphasised that communications should in general focus on where and in which language citizens can obtain further information. When providing telephone advice, the needs of deaf sign language speakers should also be taken into account. The Ministry considered it important that the language used in such communications is as clear as possible.

Concerning communications in Sámi, it was considered good practice that all Government press releases also be published in the three Sámi languages as soon as the translations were ready. The Government was also instructed to translate other important information directly related to the health and daily life of citizens into all three Sámi languages, and

141 Decision EOAK/333/2020 of the Parliamentary Ombudsman, *Viranomaisen Findatalisänimen asianmukaisuus* (Appropriateness of the accompanying name Findata of an authority).

142 Institute for the Languages of Finland (22 June 2021).

143 Svenska Finlands folkting (30 June 2021).

144 *Eduskunnan oikeusasiamiehen kertomus vuodelta 2020 (Report of the Parliamentary Ombudsman 2020)*, p. 211

145 M. Iles. Tiedottaminen koronasta eri kielillä (Communications about the coronavirus in different languages). Email, 18 March 2020.

interpret it into Finnish Sign Language and Finland-Swedish Sign Language. This was also found to apply to other authorities, such as the Finnish Institute for Health and Welfare and the Ministry of Education and Culture. To ensure access to real-time information, it was considered desirable that Government press conferences be interpreted not only into Finnish Sign Language but also directly into Finland-Swedish Sign Language whenever possible. At the very least, it was considered necessary to ensure that a summary of the event be available afterwards in Finland-Swedish Sign Language. The Ministry of Justice also stated that it would be important for basic information important for citizens to be available in the most common immigrant languages as well, i.e. English, Russian, Estonian, Arabic and Somali, to avoid a situation where large groups of people would be unable to follow the instructions.

As mentioned above, the Prime Minister's Office published a recommendation on the use of sign languages in government communications in the spring of 2019.<sup>146</sup> Sign language communications have been developed during the pandemic on the basis of this recommendation. Interpretation into Finnish Sign Language has been consistently used in the Government press conferences on the COVID-19 situation and in special COVID-19 broadcasts by the Finnish Broadcasting Company (Yle).<sup>147</sup> In June 2021, the Board of Directors of the Finnish Association of the Deaf selected the Prime Minister's Office as the recipient of the 2020 Sign Language Promotion Award. The Association deemed the Prime Minister's Office a trailblazer in the provision of sign language interpretation at press conferences related to the pandemic.<sup>148</sup>

The Ministry of Justice also issued a statement on the mobile COVID-19 contact tracing application. The Ministry of Justice stated that the mobile app and related communications would need to be implemented in Finnish and Swedish and that to ensure that as many people as possible would be reached and to promote equality, the app itself and related communications should also be realised in languages other than the national ones. The Ministry of Justice emphasised that attention should be paid to ensuring that people would understand the message about their potential exposure, and that the application and instructions should also be available in the Sámi languages.<sup>149</sup>

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146 Pp. 16–17 of this report; <https://vnk.fi/suositus-viittomakielten-kaytosta> (4 August 2021)

147 Finnish Government (2021). *Hallituksen vuosikertomus 2020, Liite 3 (Government report 2020, Appendix 3)*, p.11.

148 Sjöroos, A. (12 February 2021). *Vuoden viittomakieliteko -tunnustuspalkinto 2020 valtioneuvoston kanslialle (Sign language deed award 2020 to the Prime Minister's Office)*. Retrieved on 13 June 2021 from <https://kuurojenliitto.fi/ajankohtaista/vuoden-viittomakielitekopalkinto-2020-valtioneuvoston-kanslialle/>.

149 Statement by the Ministry of Justice on the proposal to implement a contact tracing application to support the management of the COVID-19 pandemic, 5 May 2020

The pandemic also demonstrated the need for preparedness in terms of communications. The pandemic also led to the updating of policies and materials. Communications during the pandemic were particularly successful in the case of Finnish Sign Language.

## 4.3 Experiences of implementation of linguistic rights by authorities

This section deals with how the implementation of linguistic rights is perceived to have succeeded in the case of the different authorities, and what kind of experiences the different language groups have of access to services in their own language. The analysis is based on monitoring barometers on linguistic rights and assessments by representatives of the language groups.

### 4.3.1 National languages

According to the 2020 language barometer, linguistic rights are important for both Swedish and Finnish speakers, and most people are aware of their linguistic rights.<sup>150</sup> However, the opportunity to influence decisions on linguistic rights is perceived as relatively weak. Finnish speakers feel that they are better able to influence decisions on their linguistic rights at the national level, while Swedish speakers feel that they are better able to influence decisions on linguistic rights in their own municipality.<sup>151</sup> On the other hand, there is dissatisfaction among Finnish speakers regarding the manner in which the dominance of the Swedish language is reflected in municipal policies.<sup>152</sup>

According to the barometer, the Finnish-speaking minority is most satisfied with the functionality of state services in terms of language. Members of the Swedish-speaking majority living in the same municipality as the Finnish-speaking minority are much less satisfied with the state services. The Swedish-speaking minority gives lower ratings than the Swedish-speaking majority.<sup>153</sup>

The 2017 language report covered social welfare and health care services more broadly. According to the 2020 language barometer, the rating given to many social welfare and

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150 Lindell, M. (2021), p. 120

151 Lindell, M. (2021), pp. 121–123

152 Lindell, M. (2021), p. 127

153 Lindell, M. (2021), p. 84

health care services provided in Swedish has somewhat increased, while the rating given to Finnish language services has decreased. However, the Finnish-speaking minority is generally more satisfied with the social welfare and health care services in terms of language than the Swedish-speaking minority. It is more challenging to obtain service in Swedish if one lives in a municipality where Swedish is a minority language. In bilingual municipalities with Swedish as the majority language, social welfare and health care services in Swedish are highly functional. Maternity and child health clinics are highly functional in both languages. The difference is greatest between Swedish and Finnish language dental care services, mental health services, hospital care and emergency services. This was also the case in the 2016 language barometer, but the gap between Swedish and Finnish language services has widened to some extent.<sup>154</sup> Swedish speakers are therefore generally more dissatisfied in these areas than in 2016.<sup>155</sup> Folktinget has stated that there is already a shortage of Swedish-speaking staff in many sectors, and that there will continue to be a need for people who can provide services in Swedish. Folktinget considers it important for the authorities to actively develop integration paths in both Finnish and Swedish. According to a survey by Folktinget, there is a great need for a Swedish-speaking workforce in social welfare and health care services, among other industries.<sup>156</sup>

The Swedish-speaking majority is also most satisfied with municipal services other than the social welfare and health care services. The next most satisfied minority is the Finnish-speaking minority. The Swedish-speaking minority gives the lowest language rating for all services.

The Fundamental Rights Barometer published in 2021 surveyed the respondents' trust in the judicial system, their views on the governmental or local authorities and their experiences of dealing with the governmental or local authorities. According to the Fundamental Rights Barometer, Swedish-speaking respondents are generally the least satisfied with both the governmental and local authorities. The results of the Fundamental Rights Barometer are discussed in more detail in Section 4.3.4.

In general, it can be said that the minority status often continues to have a negative impact on the service experience of a language group, especially in municipalities.

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154 Lindell, M. (2021), p. 78

155 Lindell, M. (2021), p. 71

156 Svenska Finlands folkting (30 June 2021).

### 4.3.2 Sámi languages

There are Sámi people living everywhere in Finland. Outside the Sámi homeland, services provided by the municipality mainly include education in the Sámi language and early childhood education services. In the Sámi homeland, the most important provider of Sámi language services is the municipality. The municipalities in the Sámi homeland differ from each other both in terms of the population and proportion of Sámi and persons speaking Sámi. The municipalities in the Sámi homeland have started to develop their services in the Sámi language. Municipality-specific action plans have been prepared during the joint language strategy work of the municipalities in the Sámi homeland, according to which the municipalities will develop the availability of Sámi language services, knowledge of the Language Act and communications about the Sámi language services. Implementation of the language strategy work is currently underway in all the municipalities.<sup>157</sup>

According to the 2020 Sámi barometer, respondents in the homeland feel that they have a greater opportunity to influence decisions pertaining to linguistic rights at the level of municipalities than at the national level. Respondents from the rest of Finland feel that they have the same level of influence on municipal and national matters. According to the barometer, few respondents know who they can contact about matters concerning services in Sámi.<sup>158</sup>

According to the barometer, many authorities still lack the basic prerequisites for the implementation of the linguistic rights of the Sámi. Problems have arisen because, for example, the number of online services has increased but using the online services in Sámi is not possible.<sup>159</sup>

The Sámi Parliament has expressed its concern regarding the number of Sámi interpreters and the ageing of the interpreter pool. Based on an initiative from the Sámi Parliament, the Sámi Education Institute arranged, with other educational institutions, a separately funded project on interpretation in the Sámi languages to increase the number and expertise of Sámi interpreters. The training project will end at the end of 2021 and is expected to increase the number of interpreters to some extent. The authorities have had problems in finding people interested in providing community interpreting services. The Sámi Parliament believes that interpretation services in Sámi should be developed to support the work of the various authorities. The Sámi Parliament has also raised concerns about whether the role of the interpreter is the most appropriate in social welfare and

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157 Arola, L. (2021), pp.19–21

158 Arola, L. (2021), pp. 59–61

159 Arola, L. (2021), p. 22

health care services, for example. Clients often need more extensive advice and support in the Sámi language than the interpreter can provide in their role. In the spring of 2021, the Sámi Parliament proposed that the Lapland Hospital District employ a Sámi-speaking community health interpreter with a broader job description than that of a traditional interpreter: the community health interpreter would have the right to provide advice and guidance to their Sámi-speaking clients.<sup>160</sup>

### 4.3.3 Sign languages

The sign language barometer that was carried out for the first time in 2020 examined the availability of interpretation in public services.<sup>161</sup> According to the barometer, not all authorities and public service providers are aware of the obligation to provide interpretation services, which is why the realisation of the obligation is often left to the sign-language-speaking clients.<sup>162</sup> The sign language barometer also aimed to assess the availability and quality of interpretation services provided in Finnish and Finland-Swedish Sign Languages under the Act on Interpretation Services for Persons with Disabilities (Laki vammaisten henkilöiden tulkkauspalvelusta 133/2010).<sup>163</sup>

Comments on the quality and accessibility of interpretation services emphasised the impact of the limited service hours of the interpreter service for the disabled, which provides interpretation services funded by the Social Insurance Institution of Finland (Kela), on the availability of interpreters, as well as problems with interpretation quality due to variation in the language skills of the interpreters mediated by Kela, the lack of a client perspective in the interpretation service, competitive bidding processes and in the case of remote interpretation, the demanding nature of the work. Furthermore, the number of interpreters fluent in Finland-Swedish Sign Language is insufficient.<sup>164</sup>

According to the Finnish Association of the Deaf, interpretation is not a direct safeguard of linguistic rights, but rather a reasonable accommodation within the meaning of the Non-discrimination Act. The Non-Discrimination Ombudsman conducted a survey of the hearing centres of hospital districts in early 2021 to determine how the family of

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160 Sámi Parliament (2 July 2021). *Lausunto: Kieliryhmien kuuleminen hallituksen kertomukseen kielilainsäädännön soveltamisesta 2021 (Opinion: Consultation of language groups for the Government report on application of language legislation 2021)*.

161 Rainò, P. (2021), p. 52

162 Rainò, P. (2021), p. 61

163 Rainò, P. (2021), p. 62

164 Rainò, P. (2021), pp. 63–69

a hearing-impaired child is informed of the hearing impairment, rehabilitation and sign language. The results of the survey were not available when this report was being written.<sup>165</sup>

According to the Finnish Association of the Deaf, the authorities' awareness of the responsibility to provide interpreting services must be increased, especially in the case of social welfare and health care services. During the COVID-19 pandemic, Kela's interpretation services made more effective use of digital technology and allowed the use of remote interpretation. This improved access to an interpreter at short notice, especially for some people living in remote areas, and increased health security during the pandemic. However, the Association points out that remote interpretation is not suitable for every situation or for all customer groups. Kela's new procurement period for interpretation services started on 1 April 2021, and the Finnish Association of the Deaf understands that the interpretation services are currently performing relatively well from the clients' perspective.<sup>166</sup>

Native speakers of sign language are well aware of their linguistic rights. A total of 90% of respondents to the sign language barometer considered linguistic rights important or very important in their case. In the last three years, one in ten respondents to the sign language barometer had turned to the Non-Discrimination Ombudsman, the Ombudsman for Equality, the Finnish Association of the Deaf, an Administrative Court, Kela's Parliamentary Trustee, the Parliamentary Ombudsman or a lawyer specialising in disability issues in matters involving discrimination.<sup>167</sup>

#### 4.3.4 Experiences of other language groups

The challenges faced by the other language groups are largely related to interpretation. According to the Association of Russian-speaking Organisations in Finland (Suomen Venäjänkielisten Keskusjärjestö), immigrants often have little knowledge of how the Finnish health care system works. According to the Association, this lack of information leads to immigrants seeking services abroad.<sup>168</sup>

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165 Kuurojen liitto ry (28 June 2021).

166 Kuurojen liitto ry (28 June 2021).

167 Rainò, P. (2021), pp. 84–85

168 Suomen Venäjänkielisten Keskusjärjestö ry (24 June 2021). *Lausunto: Kieliryhmien kuuleminen hallituksen kertomukseen kielilainsäädännön soveltamisesta 2021 (Opinion: Consultation of language groups for the Government report on application of language legislation 2021).*



According to the Finnish Somali League, there is great variation in the quality of interpretation in Somali. Written materials at day-care centres and schools are often poorly translated and difficult to understand for native Somali speakers. There have been health care cases where the language skills of the interpreters (from Somali to Finnish) have been insufficient to ensure correct interpretation. According to the League, there have been similar problems with the quality of interpretation at District Courts and in the Finnish Immigration Service as well. The League believes that there should be some way of monitoring the level of interpreters' skills in the education, immigration, legal services and health care sectors to avoid serious misunderstandings.<sup>169</sup> The Tuglas Association (Tuglas-seura), which represents Estonian speakers, notes that a large proportion of immigrants have little or no command of English. The role of simplified Finnish and Swedish needs to be substantially strengthened. Communications by the authorities should occur in simplified language instead of or alongside English.<sup>170</sup>

The Ministry of Economic Affairs and Employment has published a report on the current state of community interpreting, especially in the context of integration. The report also covers the quality of interpretation. According to the report, most clients are satisfied with the quality of the community interpreting they have received, and the challenges in terms of the availability of interpreters are mainly limited to less common languages. Many of the challenges identified in the report are related to the fact that it has been difficult to organise the tendering process for community interpreting sufficiently well. The findings of the report suggest that the improvement of the quality of community interpreting should focus in the future on the development of the interpreters' skills and education, as well as on the development of procurement and monitoring procedures. Furthermore, efforts could be made to define in the form of a national guideline or recommendation what constitutes good quality in the field of interpretation.<sup>171</sup>

The Fundamental Rights Barometer surveyed respondents' satisfaction with governmental organisations and local authorities by asking them how they felt the governmental organisations and local authorities have managed to make it easier for them to find information online and offline, to provide easy ways to lodge formal complaints and to

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169 Finnish Somali League (22 June 2021). *Lausunto: Kieliryhmien kuuleminen hallituksen kertomukseen kielilainsäädännön soveltamisesta 2021 (Opinion: Consultation of language groups for the Government report on application of language legislation 2021)*.

170 Tuglas-seura (2 July 2021). *Lausunto: Kieliryhmien kuuleminen hallituksen kertomukseen kielilainsäädännön soveltamisesta 2021 (Opinion: Consultation of language groups for the Government report on application of language legislation 2021)*.

171 Publications of the Ministry of Economic Affairs and Employment 2020:45: *Selvitys asioimistulkkauksen nykytilasta (Report on current status of community interpreting)*, p. 29 and p. 55.

provide them with information about their rights and benefits, also in a simple and easy-to-understand way.

Overall, Arabic speakers were found to be the most satisfied in all respects: 56–90% of them agreed or strongly agreed with each statement. Russian speakers are the second most satisfied. The next most satisfied are respondents representing the population as a whole, while Swedish-speaking respondents are the least satisfied. Only 10% of Swedish speakers agree or strongly agree with the statement that governmental organisations or local authorities make it easier for them to find information offline, i.e. from leaflets or posters, for example. Among Russian speakers, 37% feel this way, and the Arabic-speaking group is the most satisfied (56%).

A total of 90% of the Arabic-speaking respondents agree or strongly agree with the statement that governmental organisations or local authorities make it easier for them to find information online, while 62% of Russian speakers share this opinion. A little over half of the group representing the population as a whole agrees or strongly agrees with this statement. Swedish speakers are the least satisfied with this issue (43% agree or strongly agree). A total of 28% of the Swedish speakers and a little more than a quarter of the group representing the population as a whole disagree or strongly disagree with the statement. A little less than a fifth of the Swedish speakers disagree or strongly disagree with the statement that governmental organisations or local authorities provide them with information about their rights and benefits.

Just under a quarter of the group representing the population as a whole and a fifth of the Russian speakers disagree with the statement that governmental organisations or local authorities provide them with information in a simple, easy-to-understand way. A total of 27% of the Swedish-speaking respondents feel this way. Overall, the areas where governmental organisations and local authorities should improve most, according to the responses, are making it easier to find information without using the internet, providing an easy way to lodge a formal complaint and providing information in a simple, easy-to-understand way.<sup>172</sup>

Russian-speaking respondents have experienced the most problems with a governmental organisation (67% of respondents). Arabic- and Swedish-speaking respondents have experienced roughly an equal number of problems with local/regional authorities and governmental organisations. All groups have experienced the least problems with other authorities.<sup>173</sup>

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172 Nenonen, T. et al. (2021), pp. 28–30

173 Nenonen, T. et al. (2021), p. 33

## 4.4 Language groups' experiences of harassment and the language climate

Discrimination based on language is prohibited pursuant to the Constitution of Finland (731/1999) and the Non-discrimination Act (1325/2014). Section 8 of the Non-discrimination Act defines the forms of discrimination and section 14 defines harassment. This section of the report covers experiences of the language groups regarding attitudes, discrimination on the basis of language and harassment. The analysis is based on the linguistic rights monitoring barometers and the Fundamental Rights Barometer.

Discrimination does not always show up in statistics. For example, in the autumn of 2019 the Non-Discrimination Ombudsman collected data on discrimination experienced by people of African descent through an online questionnaire and individual interviews. Well over half of the respondents had not reported the discrimination they had experienced to any official body. The Ombudsman is working on inclusive and sensitive communications with respect to the different minority groups, and has requested that the other authorities also take this aspect into account in their work.<sup>174</sup>

According to studies, the most effective means of influencing prejudice are contacts between different groups and different means of influencing through information. These two approaches to influencing prejudiced attitudes are also the most often studied means of influence. People who have good experiences of interaction with other groups will also have a more positive attitude towards members of these groups. Contact between groups is considered one of the most effective means of influencing prejudice. Any means that seek to reduce prejudice by increasing knowledge or encouraging critical reflection can be considered means of influencing through information.<sup>175</sup>

Improving the multilingual communications of the authorities, especially in social media, would support not only better implementation of linguistic rights but also a better linguistic climate and the sense of inclusion. Chancellor of Justice Tuomas Pöysti has stated that the provisions in the Constitution of Finland involving inclusion are clearly linked to language. According to the Chancellor of Justice, language is the basis for the clarity of law – in a constitutional state, the law is predictable, public and generally

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174 Non-Discrimination Ombudsman (2021). *Yhdenvertaisuusvaltuutetun vuosikertomus 2020 (Annual report of the Non-Discrimination Ombudsman 2020)*. Helsinki: Office of the Non-Discrimination Ombudsman, pp. 14–18.

175 Ministry of Justice (2020). *Tutkimuskatsaus myönteisten ryhmäsuhteiden edistämiskeinoista (Study report on means to promote positive group relations)*. Policy Brief 4, Discrimination in Finland, 2020, pp. 11–12

accessible. Hence, linguistic rights not being implemented or an alienating language will prevent inclusion, legal protection and good administration.<sup>176</sup>

#### 4.4.1 National languages

The significant deterioration of the language climate that was observed between 2012 and 2016 has subsided. According to the 2020 language barometer, the language climate of respondents' municipality or the surrounding area has not deteriorated. In municipalities with a Finnish-speaking minority, Finnish speakers consider the language climate to be worse than Swedish speakers. The same result was also obtained in the 2016 language barometer. The language climate has deteriorated most in the opinion of the Swedish-speaking minority. In the case of both Swedish and Finnish speakers, the youngest and oldest language groups perceive the language climate as the worst. Middle-aged Swedish speakers (aged 50–54) have the most positive perception of the language climate. Men perceive the language climate as better than women. The better the second national language skills of the respondent, the more positive their perception of the language climate. Swedish speakers feel that attitudes towards other language groups have become worse in the media, social media and national politics. Most of the respondents have not experienced any prejudice, harassment or discrimination in the last year, but Swedish speakers experience prejudice and harassment more often. Swedish speakers experience prejudice and harassment more often than discrimination, while the opposite is true for Finnish speakers. Both Swedish and Finnish speakers report that they sometimes feel mistreated by people who speak the majority language at their workplace.<sup>177</sup>

Folktinget receives more than a hundred complaints every year from people who feel that they have received inadequate services in Swedish. In cases where the complaint concerns shortcomings in an authority's obligation to provide services in Swedish, Folktinget contacts the authority to ask for an explanation, and urges the authority to take steps to comply with the Language Act and remedy the shortcoming. Complaints have increased rather than decreased in recent years. According to Folktinget, the reasons for the lack of equality between services provided in Swedish and Finnish include defective planning and service chains, employees' defective language skills and lack of knowledge of the Language Act's obligation for the authorities to provide services in both national languages. A lack of resources and staff are often mentioned. According to Folktinget, a

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176 Report of the Chancellor of Justice of the Government for 2018, p. 12

177 Lindell, M. (2021), pp. 62–63

positive language climate requires a voluntary signal from the authority that it wishes to provide services to its customers in both official languages.<sup>178</sup>

According to the language barometer, there is a need to improve the language climate for both Swedish and Finnish speakers. Finnish speakers perceive the relations between the language groups as more negative than Swedish speakers. Bilingual municipalities with a Finnish-speaking minority could make improvements to better take into account the Finnish speakers living in the municipality.<sup>179</sup>

According to the Institute for the Languages of Finland, the general climate of sharp debate is also reflected in the debate on language(s). The supporting of languages and good language use also support people and communities, thereby reducing exclusion, which is one of the sources of polarisation. According to the Institute for the Languages of Finland, a hostile climate hinders discussion of both Finnish and other languages, and the hostility may also be directed at a dialect or how a speaker uses the language. The challenge is to create an atmosphere that encourages people of different skill levels to use Finnish and accepts inclusion of different types of speakers in the multi-level Finnish language. Visible presence of different languages tends to increase awareness of one's own native language and its characteristics. If realised, language-aware education, as emphasised in the national core curriculum, can contribute to this positive development.<sup>180</sup>

#### 4.4.2 Sámi languages

A section on the language climate was included in the Sámi barometer for the first time in 2020. According to the barometer, half the respondents in the Sámi homeland and two thirds in the rest of Finland have not experienced any discrimination, prejudice or harassment because they have spoken Sámi. A fifth of respondents in the homeland and a sixth in the rest of Finland have experienced these at least sometimes, and there is around the same proportion of isolated cases. In some cases, the discrimination has been directed at the Sámi ethnicity rather than or in addition to the language.<sup>181</sup>

According to the Sámi barometer, the experiences of the language climate vary. A third of respondents in the homeland feel that relations have become more positive, while

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178 Svenska Finlands folkting (30 June 2021).

179 Lindell, M. (2021), p. 126

180 Institute for the Languages of Finland (22 June 2021).

181 Arola, L. (2021), pp. 63-64

15% feel that they have become more negative. Almost half the respondents perceived the relations as varied. Almost half of the respondents in the rest of the country could not say what relations were like or did not answer this question. A fifth outside the homeland feel that relations have become more positive, and half cannot say or did not answer the question.<sup>182</sup> According to the Sámi Parliament, this is to be expected, as Finnish speakers outside the Sámi homeland often have little contact with Sámi speakers. According to feedback received by the Sámi Parliament from the Sámi population, one of the main obstacles to the implementation of the linguistic rights of the Sámi is a negative attitude of the authorities and the rest of the population towards the Sámi languages.<sup>183</sup>

### 4.4.3 Sign languages

According to the sign language barometer, prejudice appears for the deaf as doubts about the general ability of a deaf person to function, the potential of their own language or the status of sign language as a language among languages. Such discrimination can be due to the inevitable differences between sign language and spoken languages which arise, for example, during interaction between a deaf person and a hearing person where interpretation is necessary and is perceived as a burden. Unpleasant labelling as deaf and exclusion from a work, study or residential community, as well as unfriendly treatment in connection with a variety of services, are perceived as harassment. A third of respondents stated that they had occasionally experienced prejudice, harassment or discrimination when using sign language, and a tenth had often felt insulted or discriminated against. Although the majority of respondents (62%) had never experienced harassment, it did come up in personal accounts. Linguistic discrimination is also reported to occur within the sign language community. For example, there was sometimes an expectation that people who spoke Finland-Swedish Sign Language were able to communicate using Finnish Sign Language.<sup>184</sup> The Finnish Association of the Deaf (Kuurojen Liitto ry) is occasionally made aware of the experiences of individuals, particularly in the field of social welfare and health care services. In such cases, the importance of sign language is disparaged, people refuse to place an order for an interpreter and lipreading and speaking are required from a deaf person.<sup>185</sup>

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182 Arola, L. (2021), p. 69

183 Sámi Parliament (2 July 2021).

184 Rainò, P. (2021), pp. 75–78

185 Kuurojen liitto ry (28 June 2021).

#### 4.4.4 Experiences of other language groups

According to the Karelian Youth in Finland Association (Karjalazet Nuoret Suomes – Karjalaiset Nuoret Šuomešša ry), the language climate in Finland is extremely poor in terms of the Karelian language and Karelian speakers. In general, there is little knowledge of Karelian and Karelian speakers among the general population, and misinformation is very prevalent.<sup>186</sup> According to the Association, the extremely endangered Karelian language is in danger of disappearing completely unless decisive revitalisation measures are taken without delay.<sup>187</sup> The Suojärvi Association (Suojärven Pitäjäseura ry) hopes the revitalisation project at the University of Eastern Finland will lead to positive results. According to the association, the project, which was launched in early 2021, can be commended for having carried out an extensive consultation process through which a great deal of information was obtained from the “field”.<sup>188</sup> According to the Karelian Languages Association (Karjalan kielet ry), multiculturalism and multilingualism are currently well understood in Finland, although there is still room for improvement.<sup>189</sup>

According to the Fundamental Rights Barometer, 72% of male Arabic speakers and 66% of female Arabic speakers have experienced harassment at least once in the last five years. The same is true in the case of some 50% of male and 58% of female Swedish speakers, and 51% of both male and female Russian speakers.<sup>190</sup>

According to Familia ry, which represents multilingual people, the general atmosphere in society and attitudes towards minority groups are also reflected in the language climate. At least one of the spouses of the couples and families represented by Familia has moved to Finland from elsewhere. Increased hate speech in public discussion, in social media in particular, is often directed specifically at minority groups. Some people are afraid to speak in their native language in public for fear of the racist behaviour of strangers when they speak a foreign language. For this reason, some do not feel comfortable using their own language in public situations and settings, or when dealing with the authorities. Furthermore, in bicultural families where one spouse speaks Finnish as their native language, it is often felt that the Finnish-speaking spouse receives better service and better linguistic explanations than the foreign-language spouse. In many cases, the immigrant spouse can be ignored in a service situation if the Finnish-speaking spouse is present. According to the association, hate speech and negative attitudes have become

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186 Karjalazet Nuoret Suomes – Karjalaiset Nuoret Šuomešša ry (23 June 2021).

187 Karjalazet Nuoret Suomes – Karjalaiset Nuoret Šuomešša ry (23 June 2021).

188 Suojärven pitäjäseura ry (2 July 2021). *Lausunto: Kieliryhmien kuuleminen hallituksen kertomukseen kielilainsäädännön soveltamisesta 2021 (Opinion: Consultation of language groups for the Government report on application of language legislation 2021)*.

189 Karjalan Kielet ry (2 July 2021). *Lausunto: Kieliryhmien kuuleminen hallituksen kertomukseen kielilainsäädännön soveltamisesta 2021 (Opinion: Consultation of language groups for the Government report on application of language legislation 2021)*.

190 Nenonen, T. et al. (2021), p. 58

more common in recent years. It is important for the authorities to provide information about the rights of different language groups and encourage members of these groups to actively use their own language. According to the association, a positive atmosphere would also be fostered if the authorities attempted to speak in the customer's language, even if they were not fluent in that language. According to Familia, it would be useful for the authorities to clearly state all the languages which can be used when contacting them.<sup>191</sup>

## 4.5 Truth and reconciliation processes

### 4.5.1 Truth and Reconciliation Commission Concerning the Sámi People

In line with the Government Programme of Prime Minister Sanna Marin, work to establish a Truth and Reconciliation Commission Concerning the Sámi People will continue during the current Government term.<sup>192</sup> The aim of the commission's work will be to collect experiences of the Sámi regarding the actions of the Finnish Government and the various authorities, and to make this information visible to the public. The commission will be established as soon as possible.<sup>193</sup> The Sámi elected their representatives to the Truth and Reconciliation Commission in December 2020. In February 2021, the Sámi Parliament unanimously approved the nominees presented by the Government for the commissar of the Truth and Reconciliation Commission.<sup>194</sup>

The Government launched preparations for the truth and reconciliation process concerning the Sámi people in October 2017. The initiative for the process (the establishment of a Truth and Reconciliation Commission) came from the Sámi Parliament. As part of the preparation, an extensive consultation tour covering the Sámi homeland

191 Familia ry (2 July 2021).

192 *Pääministeri Sanna Marinin hallituksen ohjelma 10.12.2019 (Prime Minister Sanna Marin's Government Programme 10 December 2019)* (2019), p. 90.

193 Prime Minister's Office: *Saamelaisten totuus- ja sovintokomissio (Truth and Reconciliation Commission Concerning the Sámi People)* [website]. Retrieved on 30 June 2021 from <https://vnk.fi/saamelaisasioiden-sovintoprosessi>.

194 Rasmus, L., Tammela, L. & Torikka, X. (18 December 2020). *Saamelaiset valitsivat jäsenensä totuus- ja sovintokomissioon: jäseniksi esitetään Heikki J. Hyväristä, Miina Seurujärveä sekä Irja Jefremoffia (The Sámi have elected their representatives for the Truth and Reconciliation Commission: the proposed members are Heikki J. Hyvärinen, Miina Seurujärvi and Irja Jefremoff)*. Yle News. Retrieved on 30 June 2021 from <https://yle.fi/uutiset/3-11702820>; Sámi Parliament (1 March 2021). *Saamelaiskäräjät hyväksyi valtion esitykset komissaariehdokkaiksi (The Sámi Parliament approved the commissars proposed by the Government)*. Retrieved on 30 June 2021 from <https://www.samediggi.fi/2021/03/01/saamelaiskarajat-hyvaksyi-valtion-esitykset-komissaariehdokkaiksi/>.



and Finland's largest cities was arranged from 2 May to 29 June 2018, which also resulted in the publication of a consultation report.<sup>195</sup>

The purpose of the truth and reconciliation process will be to identify and assess historical and current discrimination, including assimilation policy of the state, and the violations of rights, to determine how these affect the Sámi and their communities in the current situation, as well as to propose ways to promote links between the Sámi and the Finnish Government and links among the Sámi people. The members of the Truth and Reconciliation Commission will be people who enjoy widespread trust among the Sámi and Finnish society. The members will be independent and will not represent the party who nominated or elected them. The Commission will consist of five commissars, two of whom will be elected based on a proposal of the Government, two based on a proposal of the Sámi Parliament and one based on a proposal of the Skolt Sámi siida council.<sup>196</sup>

#### 4.5.2 Reconciliation process for deaf and sign language speakers

According to the Government Programme of Prime Minister Sanna Marin, the Government will launch a national reconciliation process regarding violations of the rights of the deaf in Finnish history<sup>197</sup>. The project will be carried out in collaboration by the University of Helsinki, the Finnish Institute for Health and Welfare, Humak University of Applied Sciences, Tampere University and the University of Eastern Finland. The primary objectives of the project are to comprehensively investigate violations of the rights of the target community since the beginning of the 20th century, as well as to study how the violations have affected and continue to affect the target community's ability to participate equally in society, as well as the community's ability to maintain and develop its own language and culture. The project will provide background information for the reconciliation process, including information on the attitude of the target community towards the reconciliation process.<sup>198</sup>

195 Prime Minister's Office (26 November 2018). *Saamelaisten asioita koskevan sovintoprosessin kuulemisraportti julkaistu* (Report on consultation process regarding Sámi affairs has been published). Retrieved on 30 June 2021 from <https://vnk.fi/-/kuulemisraportti-on-julkaistu>.

196 Sámi Parliament: *Saamelaisten totuus- ja sovintokomissio* (Truth and Reconciliation Commission Concerning the Sámi People) [website]. Retrieved on 30 June 2021 from <https://www.samediggi.fi/saamelaisten-totuus-ja-sovintokomissio/>.

197 *Pääministeri Sanna Marinin hallituksen ohjelma 10.12.2019* (Prime Minister Sanna Marin's Government Programme 10 December 2019) (2019), p. 90.

198 Government's analysis, assessment and research activities: *Viitotut muistot: kuuroihin ja viittomakieliseen yhteisöön kohdistuneet oikeudenloukkaukset* (Signed memories: violations of the rights of the deaf and sign language community) [website]. Retrieved on 30 June 2021 from <https://tietokayttoon.fi/-/viitotut-muistot-kuuroihin-ja-viittomakieliseen-yhteisoon-kohdistuneet-oikeudenloukkaukset>.

## 4.6 Key observations

1. In 2020, the Committee of Ministers of the Council of Europe recommended that Finland should take immediate action to safeguard the societal consensus on Finnish-Swedish bilingualism by stepping up the raising of awareness, underpinned by an explicit commitment at the highest political level. Commitments made regarding public services in the Swedish language should be realistic, effective, matched by adequate resources and regularly monitored. A reform of the Strategy for the National Languages of Finland is included in PM Marin's Government Programme.
2. Reasons cited for the lack of equality between services provided in Swedish and Finnish include defective planning of service chains, defective language skills of employees and a lack of knowledge of the Language Act's obligation for the authorities to provide services in both national languages. A lack of resources and staff is often mentioned.
3. Official communications that take the different language groups into account are a key element in the implementation of linguistic rights and contribute to a more positive language climate. There is still room for improvement in the authorities' multilingual communications.
4. The authorities need to pay attention to the smooth running of interpretation services in the future.
5. In general, it can be said that the minority status often continues to have a negative impact on the service experience of a language group, especially in municipalities.
6. Governmental organisations and local authorities should make it easier to find information without using the internet, provide an easy way to lodge a formal complaint and provide information in a simple, easy-to-understand way.
7. According to the language barometer, the significant deterioration of the language climate observed between 2012 and 2016 has subsided. Minority groups are more likely to perceive the language climate as worse.

## 5 Themes

### 5.1 Digitalisation

#### 5.1.1 Background

In its report on the 2013 language report, the Constitutional Law Committee called for innovative solutions for the utilisation of technology to safeguard linguistic rights. This is why the 2017 language report discussed digitalisation as an area of particular relevance for the future. The 2017 Language Report emphasised that finding information and mastering new platforms were prerequisites for making the best use of digitalisation from a citizen's perspective. The report's key observations included ensuring the functionality of digital public services in Finnish and Swedish, and considering the needs of the various language groups when developing services in a customer-centred manner in line with the principles of digitalisation. Furthermore, digitalisation principles should be supplemented with language guidelines. The comments also stressed the importance of terminology in digitalisation and the potential offered by remote interpretation and speech recognition.

#### 5.1.2 Digitalisation in central government

Since the 2017 language report, digitalisation has been a key theme in Government programmes and projects. In the Government Programme of Prime Minister Sipilä, digitalisation was a cross-cutting theme of the Government strategy. One of the ways to seize the opportunities of digitalisation was to make public services user-centred and primarily digital to achieve the productivity leap that was essential for general government finances. Digitalisation of public services was identified as one of the spearhead projects of the current Government.

The Government Programme of Prime Minister Marin sets as one of the objectives making Finland a recognised trailblazing country in which the opportunities offered by digitalisation and technical progress are developed and utilised across administrative and sectoral boundaries. The objective is to improve the technical and digital capabilities of the public sector, as well as to develop cooperation between the public and private sectors.

The Programme for the Promotion of Digitalisation (“Digitalisation Programme”) has been created to achieve the objectives of the Government Programme. The programme supports and encourages authorities to make their services available digitally to citizens and businesses by 2023. In addition to the Digitalisation Programme, the Government Programme includes provisions to ensure the implementation of linguistic rights in major digitalisation projects.

### 5.1.2.1 Linguistic rights in digital services legislation

The Act on the Provision of Digital Services (306/2019, hereinafter referred to as the “Digital Services Act”) sets out minimum accessibility requirements for the websites and mobile applications of public sector bodies and governs the monitoring of accessibility and the obligations of authorities in relation to the provision of digital services to the general public. The Digital Services Act entered into force on 1 April 2019 and enforces the Web Accessibility Directive in Finland. It also includes provisions on the organisation of digital services by the authorities.

The Digital Services Act does not include any provisions on the language of digital services. According to the Ministry of Finance, it was noted during the preparation of the act that language matters linked to digital services should be dealt with in other general laws applicable to the administration.

The Digital Services Act has been seen to have some effects on the implementation of the linguistic rights, most of them positive. The Government proposal includes a reference to the clarity of Swedish language content and the use of simplified Swedish, which increases the linguistic competence requirements for the authorities. It is also stated that the safeguarding of the linguistic rights pursuant to the Language Act is an integral part of clarity, also in the case of content published in digital services.<sup>199</sup> Attention must be paid from the outset to the safeguarding of the practical prerequisites needed to secure the linguistic rights when planning and developing digital services.<sup>200</sup>

Folktinget is of the opinion that legislation on digital services should be amended and updated, as it does not reflect the current digital reality in which digital services are constantly evolving, expanding and becoming more prominent in everyday life. Legislation should also be updated to ensure equal services in both national languages

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199 Government proposal HE 60/2018 vp on legislation on the provision of digital services and on amending the Act on Electronic Services and Communication in the Public Sector.

200 Report HaVM 27/2018 vp of the Administration Committee on Government proposal HE 60/2018 vp on legislation on the provision of digital services and on amending the Act on Electronic Services and Communication in the Public Sector.

and to clarify the extent to which the authorities must provide digital services in both national languages.<sup>201</sup>

### 5.1.2.2 Guidelines on taking linguistic rights into account in digital services

As the Digital Services Act does not include any provisions on the language of digital services, it is important to supplement the operational guidelines on the principles of digitalisation with guidelines on languages. The 2017 Strategy for the National Languages of Finland<sup>202</sup> included a measure under the responsibility of the Ministry of Finance to develop guidance on how languages are to be taken into account in the development of ICT solutions for the authorities.

The final report of the 2019 Strategy for the National Languages of Finland<sup>203</sup> states that a reference to linguistic rights and language groups has been added to the updated JHS-173 recommendation. However, the JHS system was abolished in 2020 with the entry into force of the Act on Information Management in Public Administration. Currently, the quality criteria for digital services include a note on the language of digital services. During the last government term, the Ministry of Finance carried out a project on the quality of digital services as part of the promotion of the priority of digital services. The project studied which factors contributed to a good user experience for the customer and which factors ensured that the production process of a government service resulted in high-quality service. The project defined quality criteria for digital services, including the verification of linguistic rights as follows: "The range of languages available in the service meets at least the minimum requirements specified in language legislation. Depending on the users' needs, the service should also be available in other languages."

During this government term, the quality criteria will be used in the development of a self-assessment tool for digital services by the Digital and Population Data Services Agency. The tool will assist the authorities in assessing the state of their services and related development needs. The tool will be completed by the end of 2021. The assessments made by the authorities using the tool will also create a common compilation view in the Suomi.fi Finnish Service Catalogue. The compilation views will assist in the monitoring

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201 Svenska Finlands folkting (30 June 2021).

202 Tammenmaa, C. & Lunabba, V. (2017). *Kansalliskielistrategian toimintasuunnitelma (Action plan for the Strategy for the National Languages of Finland)*. Publication of the Ministry of Justice, Reports and guidelines 13/2017. Helsinki: Ministry of Justice.

203 Lunabba, V. (2019).

and reporting of service-specific quality information, and will also enable comparisons between different services.<sup>204</sup>

The objective of the Advisory Board for Digital Everyday Life (Digi arkeen -neuvottelukunta) is to support the development of digital services to ensure different population groups can make equal use of the opportunities offered by digitalisation. This includes the promotion of linguistic rights.<sup>205</sup>

### 5.1.3 Digitalisation and language groups

Digitalisation plays an increasingly important role in services provided by both public and private bodies. The digitalisation of services and activities is already influencing the daily lives of the authorities and citizens, and this effect will only increase in the future. Although Finland is one of the world leaders in public online services and Finns are known to have the best digital skills in the EU, digitalisation will increasingly change how citizens and the authorities work and operate in the coming years.

To ensure that the benefits of digitalisation are available to all, fundamental rights must be taken into account at an early stage. In this context, the implementation of the fundamental linguistic rights is also a prerequisite for all groups to fully benefit from digitalisation. It is important to take accessibility and equality into account when developing digital services. Clarity of communications is an essential element of accessibility. Services and activities are accessible and non-discriminatory when everyone can use them.

The Language Act, the Sámi Language Act and the Sign Language Act must be taken into account when creating new digital services and systems. Digital services must be developed in parallel in different languages from the outset to ensure equal treatment of the different population groups as society changes. It is usually more economical and efficient to take into account the need for different language versions at the design and coding stage of online services and information systems, rather than to update the systems afterwards.

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204 Ministry of Finance (26 May 2021). *Lausunto: Valtiovarainministeriön vastaukset kielikertomukseen 2021 (Statement: Replies by the Ministry of Finance to the 2021 language report)*.

205 Ministry of Finance (26 May 2021).

The ongoing and inevitable transition to a digitalised and automated society requires that special attention be paid to linguistic rights. It is the responsibility of central government to ensure that public digital services take into account the rights of different language groups and the accessibility and functionality of services in different languages. If digital services are only available in Finnish or Swedish, those with lower levels of proficiency in these languages may have difficulties in operating in digital environments.<sup>206</sup> Digitalisation can enable a wider and better linguistic range of public services and the linguistic accessibility of services. When developing digital service solutions, all the authorities should consider the languages used by their customer groups and whether digital services should be offered in languages other than the national ones. It has been recognised that migrants may be at risk of digital exclusion, which is why services for them should pay particular attention to the potential of digitalisation to improve linguistic services. Other examples of the use of digitalisation in revitalisation include online courses, online magazines and different types of language technology services, such as online dictionaries, online text corpora and the internet in one's own language.<sup>207</sup>

It should also be remembered that for various reasons, not everyone will be able to use digital services, even if they are easy to use and linguistically accessible. In-person services based on verbal interaction and telephone services will therefore also be needed. The responses given by the language groups also emphasise the fact that older people, in particular, have very poor basic digital skills and lack experience of online services in their native country. This creates many challenges for the language group in managing their own affairs. In addition, it is a well-known fact that the language of the authorities is more difficult than everyday Finnish, which presents a double challenge in managing one's own affairs and dealing with the authorities online.<sup>208</sup>

### 5.1.3.1 Digitalisation and national languages

According to the Language Act, citizens have the right to use their native language, Finnish or Swedish, when dealing with the authorities, including in the authorities' online services. The authorities are obliged to take the initiative in ensuring that linguistic rights are respected.

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206 Familia ry (2 July 2021). *Lausunto: Kieliryhmien kuuleminen kielikertomukseen 2021 (Opinion: Consultation of language groups for the 2021 language report)*.

207 Suojärven pitäjöseura ry (2 July 2021). *Lausunto: Kieliryhmien kuuleminen hallituksen kertomukseen kielilainsäädännön soveltamisesta 2021 (Opinion: Consultation of language groups for the Government report on application of language legislation 2021)*.

208 Suomen Venäjänkielisten Keskusjärjestö ry (24 June 2021).

A survey on the language barometer 2004–2016 examined, among other matters, how minority language groups (Finnish and Swedish speakers) in bilingual municipalities use governmental online services. According to these results, Finnish speakers are more satisfied with online services. For example, 26% of Finnish speakers consider government online services to be excellent, compared to only 5% of Swedish speakers. A total of 6% of Finnish speakers are dissatisfied with online services, compared to 29% of Swedish speakers.<sup>209</sup>

According to the most recent language barometer conducted in 2020, Finnish speakers are more satisfied with digital services than Swedish speakers, and Finnish speakers have experienced significantly fewer problems when using the services than Swedish speakers.<sup>210</sup> The most common practical problem for Swedish speakers is the service being available in Swedish, but the translations being incomplete and links to information in Swedish missing. It may also be that a website's entire service chain is unavailable in Swedish; clicking something on the Swedish site will take you to information that is only available in Finnish. Many people also mentioned that chat bots only understand Finnish.

The Parliamentary Ombudsman's decisions on linguistic rights have often emphasised shortcomings in digital services, i.e. cases where Finnish and Swedish speakers have not been treated equally. For example, websites and new electronic systems are often created first in Finnish and only later in Swedish. In its decisions, the Ombudsman has stated that regardless of the form in which a public service is provided, electronically or traditionally, the authority must treat both language groups equally and the quality of service must not deteriorate depending on which language is used.

The Institute for the Languages of Finland considers that progress has been made in that more and more authorities want to develop the linguistic accessibility of their digital services and provide services in the relevant, clear and understandable language required by the Administrative Procedure Act.<sup>211</sup>

According to Folktinget, the degree to which linguistic rights are implemented in the authorities' digital solutions varies. Digital services are not always compatible in both national languages when they are launched. Folktinget emphasises that when a bilingual authority is procuring a digital service to be used by the general public, it is important that

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209 Lindell, M. (2016). *Kielibarometri 2004–2016 (Language barometer 2004–2016)*. Survey report. Publications of the Ministry of Justice, Reports and guidelines 52/2016. Figures 36a, 36b, p. 79.

210 Lindell, M. (2016, 2021).

211 Institute for the Languages of Finland (22 June 2021).



linguistic considerations be taken into account at all stages of the procurement process, meaning already during the competitive bidding, and when preparing the procurement notice and the procurement agreement.<sup>212</sup> Furthermore, when developing support services for digitalisation, attention should be paid to ensuring that sufficient support services are available in both national languages from the outset. In cooperation with the Digital and Population Data Services Agency, the Ministry of Finance's Programme for the Promotion of Digitalisation is preparing a measure to provide expert support to municipalities and governmental agencies in 2021 and 2022 to improve the usability and accessibility of their digital services. Both Finnish- and Swedish-speaking municipalities can apply for the support, and the development can focus on digital service provision and the identification of customer needs in both national languages.<sup>213</sup>

### 5.1.3.2 Digitalisation and Sámi languages

In the 2016 Sámi barometer commissioned by the Ministry of Justice, Sámi living in the Sámi homeland were asked whether they would use government online services in the Sámi language. A third of the respondents stated they would use the services.<sup>214</sup> According to the 2020 Sámi barometer, a little less than half of the Sámi living in the homeland would like to use online services if it was possible on a larger scale than currently. This was particularly the case among respondents under 40 years of age.

The Sámi Parliament is of the opinion that the linguistic rights of the Sámi are very poorly implemented in the case of the authorities' digital services, despite the obligations set out in the Sámi Language Act. The central government authorities which are included in the scope of application of the Sámi Language Act have been unable to develop digital services for the Sámi that are the equal to those for the rest of the population. The authorities' websites include forms, text and information in Sámi, but there are no actual online services. Digital support in Sámi is not available, either. The Sámi Parliament highlights social welfare and health care services in particular. In the provision of these services, there is a strong transition to electronic patient information, online booking and online self-care programmes, which do not take Sámi into account at all.<sup>215</sup>

In the case of the Sámi languages, particular problems have been caused by the fact that the functionality of digital systems using the special fonts of the Sámi languages has been ignored. The Finnish Population Information System and other public administration

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212 Svenska Finlands folkting (30 June 2021).

213 Ministry of Finance (26 May 2021).

214 Pasanen, A. 2016, Figure 18, p. 18

215 Sámi Parliament (2 July 2021).

information systems have not supported the Sámi spelling of persons' names. Attention has been paid to this issue by the Advisory Committee on the Framework Convention for the Protection of National Minorities. The Committee has encouraged the authorities to make the necessary changes to enable the entering of people's names using the Sámi spelling in various public registers, passports and other official documents.<sup>216</sup>

This problem, highlighted in the 2017 language report, has now been partly resolved, and using Sámi language characters in the Population Information System has been possible since 2020. Currently, all entries containing special characters in the Population Information System must be added by a clerk. The Ministry of Finance has announced that the objective for the future is to develop name change applications, within the limits of the budget, to ensure that customers can also use a wider range of characters when registering their names or the names of their children online using a name change application form. However, the systems used by the other authorities may not be able to handle the updated character set. Each authority is responsible for the updating of its own information systems.<sup>217</sup>

In 2018, the Deputy Chancellor of Justice drew attention in a decision to the online services of the Social Insurance Institution of Finland (Kela) in Sámi.<sup>218</sup> According to the decision, the lack of online services in Sámi violates the equality of the Sámi-speaking population in terms of access to Kela's services. A functioning online service will be of particular importance when the digitalisation of administration is being developed and increased. The importance of Kela's digital service and the usefulness of digitalisation are emphasised in the Sámi homeland, because distances in the area are great and there is a small number of Kela offices given the area's geographical size.

### 5.1.3.3 Digitalisation and sign languages

The results of the sign language barometer indicate that information and services provided by the authorities in sign language remain scarce and difficult to find online. Very little information is available in Finland-Swedish Sign Language.<sup>219</sup> According to

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216 Committee of Ministers of the Council of Europe (15 March 2017). Resolution CM/ResCMN(2017)1 on the implementation of the Framework Convention for the Protection of National Minorities by Finland.

217 Ministry of Finance (26 May 2021).

218 Oikeuskanslerin ratkaisu, OKV/1161/1/2018, Kelan parannettava saamenkielisiä palvelujaan (Decision OKV/1161/1/2018 of the Chancellor of Justice on Kela's obligation to improve its services in Sámi).

219 Rainò, P. (2021), p. 71 and p. 84.

the Finnish Association of the Deaf, information is rarely available in the national sign languages on the websites of authorities.<sup>220</sup>

The sign language barometer emphasises the need for access to information and digital services in sign language, especially for people who only use sign language to communicate. Some public service providers use a commercial remote interpretation application for their chat services and other services. These services are also used by people who speak Finland-Swedish Sign Language, as hardly any online services are available in their own language, except in Swedish. Online services can also create inequality for deaf citizens who use sign language: while services suitable for the rest of the population (“the hearing”) are available 24/7, text-based services (e.g. chat), which are accessible to the deaf, are not always available. Call-back services, which have become more common in public services, are perceived as the least equal, as is the practice of contacting customers by phone in combination with other digital customer services. These can have consequences which influence the given treatment if the message or call back request does not reach a deaf citizen.<sup>221</sup>

The Finnish Association of the Deaf notes that the linguistic rights of sign language speakers are mainly implemented indirectly when dealing with the authorities, i.e. through interpretation. The authorities themselves do not arrange the interpretation, but the sign language speaker must place an order for an interpreter through Kela’s interpretation service. This can happen both when visiting an office in person and when using digital services.<sup>222</sup>

The COVID-19 pandemic has led to Kela’s interpretation services making more effective use of digitalisation and remote interpretation than previously. This has improved access to interpretation at short notice for some people, especially those living in remote areas, and increased public health security during the pandemic. However, remote interpretation is not suitable for all situations or for all customer groups.<sup>223</sup>

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220 Kuurojen liitto ry (28 June 2021).

221 Rainò, P. (2021), p. 84.

222 Kuurojen liitto ry (28 June 2021).

223 Kuurojen liitto ry (28 June 2021).

## 5.1.4 Specific language issues related to digital services

### 5.1.4.1 Artificial intelligence and robotisation

Technologies such as AI and robotics have become part of the modern society that makes use of digitalisation. The development of the activity of public administration also includes the utilisation of digitalisation and state-of-the-art technologies. In many ways, Finland is a trailblazing country in AI, but languages can easily be overlooked in national AI studies and projects. If AI solutions are not developed in languages we understand, access to information, services and skills will be limited.

In 2017, the Ministry of Finance published a report<sup>224</sup> which emphasised the need to ensure that it would be possible in future to use Finnish to control devices and robots, even if the solutions provided by global service providers did not support the Finnish language. In addition to Finnish, the use of Swedish and possibly other languages must also be made possible. The premise in most government AI projects is Finnish only. The argument that is often given is that the technology is language-independent, but on the other hand, many AI applications are based on language technology solutions, which means that both national languages must be taken into account. Again, there is a risk that there is no opportunity or resources to add Swedish to the application later.<sup>225</sup>

The objective of the national AI programme AuroraAI is to make it easier for people to receive services in a timely and personalised manner in different life situations and events with the help of AI. AuroraAI will create an operating model that uses AI to more seamlessly bring together people who need services and service providers. As AuroraAI concerns an individual's right to seamless access to services in all life situations, linguistic access to services will be a key requirement.

Concerning AI, Finnish and Swedish both face the same challenges and need similar solutions, as they are both small languages. Most AI solutions are based on large amounts of data and a host of language technology solutions. The biggest developments in the field are therefore taking place in the United States and China, where the populations are large, the majority of the population speaks one of the few majority languages (Chinese, Spanish, English) and the digital utilisation rate is high.<sup>226</sup> If AI solutions are developed in English for the Finnish market, a small language like Finnish can become even more vulnerable than Swedish.

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224 Rousku, K., Linturi, R., Andersson, C., Stenfors, S., Lähteenmäki, I., Kärki, T. & Limnell, J. (2017). *Pilkahduksia tulevaisuuteen – digitalisaation ja robotisaation mahdollisuudet (Glimpses of the future – opportunities provided by digitisation and robotisation)*. Publications of the Ministry of Finance 10/2017.

225 Mannila, L. (2019). *AI och svenskan i Finland (AI and Swedish in Finland)*. Magma, 4/2019.

226 Mannila, L. (2019).

#### 5.1.4.2 Language technology

When building information systems, it is important to take into account terminology management, i.e. the development and use of clearly defined concepts and terminology in Finnish and Swedish. When harmonising the terminology and developing a common lexicon, the development of both Finnish and Swedish terminology in parallel must be kept in mind from the outset to ensure that the service will be completed in both languages at the same time. The growing volume of digital materials and the increased supply of online services will also increase the need for translations. In many cases, problems with semantic interoperability in information systems are caused by the inconsistent terminology used in legislation. Terminology management related to the development of the interoperability of information systems and data is being carried out by the Digital and Population Data Services Agency as part of its interoperability platform, for example.

Language technology can provide more effective means of managing the translation needs involved with the creation of a bilingual service and to break down barriers caused by linguistic challenges. Digitalisation could also be used more effectively in the provision of interpretation services. The Ministry of Finance notes that remote interpretation and speech recognition have been identified in various preparatory projects as potential future approaches.<sup>227</sup>

However, the responses from the language groups indicate that digital services do not allow the use of interpretation services for minority languages in the same way as in-person meetings. Translating the most important digital materials into other languages would therefore be useful to avoid misunderstandings.<sup>228</sup>

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227 Ministry of Finance (26 May 2021).

228 Finnish Somali League (22 June 2021).

## 5.2 Key observations regarding digitalisation

1. As part of the transfer to a digital society, it is the responsibility of central government to ensure that public digital services take into account the rights of different language groups and the accessibility and functionality of services in different languages.
2. The authorities must make better use of digitalisation to provide linguistically more extensive and better service, taking into account the languages used by their customer groups.
3. A total of 26% of Finnish speakers find the online services of central government organisations excellent, compared to 5% of Swedish speakers. A total of 6% of Finnish speakers are dissatisfied with the online services, compared to 29% of Swedish speakers. Sámi speakers would like to use online services if it was possible on a larger scale than currently.
4. It must be ensured that in future, it will be possible to use the national languages of Finland to control devices and robots, even if the solutions provided by global service providers do not support these languages. In addition to the national languages, the use of other languages must also be made possible.

## 5.3 Police, rescue services and emergency response centre services

### 5.3.1 Background

The operations of the police, rescue services and emergency response centre services have been monitored in the previous language reports, most extensively in the 2013 report, and the issues raised in the 2013 report have been followed up in the 2017 report.<sup>229</sup> This report follows up the issues raised in the previous reports on the police, rescue services and emergency response centre services, as well as reforms made in recent years. In the case of the police, key issues include reforms in police administration, communications and an amendment of the Criminal Investigation Act. In the case of rescue services, measures that have been planned and implemented to improve language services are discussed. Questions regarding the activities of the police and rescue services

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<sup>229</sup> Finnish Government (2013). Government report on the application of language legislation 2013, p. 64

were also posed to the representatives of the language groups. The results of the linguistic rights barometer and the Fundamental Rights Barometer, published in 2021, are also discussed.

According to the Government Programme of PM Marin, the Government ensures that linguistic rights are implemented in the activities of the authorities, administration and law drafting. Education and the recruitment of personnel are used to ensure that the actual ability of the security authorities (the police and emergency response centre services in particular) to provide service in both Finnish and Swedish is secured.

### 5.3.2 Results of the linguistic rights monitoring surveys

In the 2020 language barometer, the respondents rated the services provided by different authorities in their own language. The language barometer indicates that there are large differences between the ratings given by the Finnish-speaking and Swedish-speaking minorities concerning emergency response centre services and the police. Swedish speakers are less satisfied with the services.<sup>230</sup> The Swedish-speaking respondents stated that they are not allowed to speak Swedish with the police even if they request to do so, and that the police have an unpleasant attitude towards Swedish speakers.<sup>231</sup> However, a significant and positive change is that the rating given by the Swedish-speaking minority for the emergency response centre services has improved.<sup>232</sup>

According to the 2020 Sámi barometer, some 60% of respondents do not know whether police services are available in the Sámi language they speak. A total of 9% of respondents were under the impression that police services were available in their own Sámi language. A total of 75% of respondents have no experience of the functionality of police services in their own Sámi language, and 25% think that the service is not working well. According to the barometer, information on the availability of services is fragmented and contradictory.<sup>233</sup> In terms of the emergency response centre services, the respondents state that the Sámi language website includes instructions in Northern Sámi on how to call the emergency number and emergency alerts in Sámi. They state that the Rescue Service of Lapland provides interpretation services.<sup>234</sup>

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230 Lindell, M. (2021), pp. 84-85

231 Lindell, M. (2021), p. 125

232 Lindell, M. (2021), pp. 84-85

233 Arola, L. (2021), pp. 52-53

234 Arola, L. (2021), p. 22

The 2020 sign language barometer surveyed the respondents' experiences of a variety of public service providers who had known in advance that the respondent would use an interpreter. In the case of the police, the vast majority of respondents stated that they had placed an order for an interpreter themselves.<sup>235</sup>

The Fundamental Rights Barometer studied how often the respondents reported offences they had experienced to the police. It also studied the respondents' satisfaction with how the police handled their report of an offence, and the reasons for not reporting an offence to the police.<sup>236</sup> This report mainly focuses on harassment, which has also been identified as a key theme in terms of the language climate in the linguistic rights monitoring barometers. Reporting harassment to the police is more common among women than men in all language groups covered by the Fundamental Rights Barometer. Arabic speakers are the most likely to report harassment to the police (11–14%). Russian speakers are the next most likely group to report harassment to the police (5–10%). Around 4–5% of Swedish speakers report harassment.<sup>237</sup>

A total of 50% of Arabic speakers and 47% of Swedish speakers state they are somewhat or extremely dissatisfied with police action in cases of harassment. The corresponding share of the entire population is 20%. The results indicate that Arabic-speaking respondents, in particular, do not trust the police in cases of harassment. A total of 22% of Arabic-speaking respondents have not reported harassment they have experienced, because they did not believe that the police would do anything about it. The corresponding shares are 16% of the entire population, 14% of Russian speakers and 8% of Swedish speakers.<sup>238</sup> The most common reason for not reporting harassment to the police across all language groups is that the harassment was not perceived to be sufficiently serious.<sup>239</sup>

### 5.3.3 Experiences of the representatives of the language groups on linguistic rights in the police and rescue services

Many language groups stress the need for multilingual communication, interpretation and improved understanding of the language groups in the police and rescue services.<sup>240</sup>

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235 Rainò, P. (2021), p. 54

236 Nenonen, T. et al. (2021), p. 82

237 Nenonen, T. et al. (2021), p. 84

238 Nenonen, T. et al. (2021), pp. 84-85

239 Nenonen, T. et al. (2021), p. 86

240 Karjalazet Nuoret Suomes – Karjalaiset Nuoret Šuomešša ry (23 June 2021); Finnish Somali League (22 June 2021); Familia ry (2 July 2021).



The competitive tendering process for interpretation services is seen to have led to a deterioration of the status of professional interpreters in court and police interpreting.<sup>241</sup> The lack of language creates a barrier to contacting the authorities, which results in increased prejudice against the services. Training and recruitment of people with an immigrant background and people who speak different languages for the emergency services and the police has been proposed as a solution.<sup>242</sup>

The central role of the staff in the implementation of linguistic rights is emphasised in the assessments by the representatives of language groups. In general, according to Folktinget, for example, it can be stated that staff plays a key role in the implementation of linguistic rights. Folktinget is of the opinion that the linguistic rights of Swedish speakers are insufficiently implemented in the case of the police and rescue services.<sup>243</sup> According to Folktinget, the challenge for both the police and the rescue services is the availability of Swedish-speaking police officers and first responders. According to Folktinget, there is an acute need for training of first responders in Swedish. Folktinget has proposed that the responsibility for organising first responder training in Swedish be permanently transferred from the Kuopio Emergency Services Academy to the Helsinki Rescue School so that central government will start to carry the responsibility for funding for the training. According to Folktinget, the safeguarding of linguistic rights can be supported through language programmes, and Folktinget considers the language programme adopted by the Southwest Finland Emergency Services in 2018 to be a good example.<sup>244, 245</sup>

The important role of the staff has also been emphasised by the Sámi Parliament, according to which the major challenge for the police is the lack of Sámi-speaking personnel. Voluntary fire brigades in the Sámi homeland include persons who speak Sámi, whose contribution has, according to the Sámi Parliament, often been invaluable in rescue operations in the Sámi homeland. The police and the rescue services have used interpretation services to provide services in Sámi as required. However, the Sámi interpreter system is non-functional in urgent cases, because there is no built-in interpretation system, which means there are no on-call interpreters and the availability of interpreters can be a major problem.<sup>246</sup>

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241 Tuglas-seura (2 July 2021).

242 Suomen Venäjänkielisten Keskusjärjestö ry (24 June 2021).

243 Among other documents, Folktinget refers to a decision by the National Non-Discrimination and Equality Tribunal on discrimination by the police on the basis of language (record no. 616/2018, 14 May 2020).

244 [https://www.vspelastus.fi/sites/default/files/atoms/files/vs\\_pelastuslaitoksen\\_kieliohjelman.pdf](https://www.vspelastus.fi/sites/default/files/atoms/files/vs_pelastuslaitoksen_kieliohjelman.pdf)

245 Svenska Finlands folkting (30 June 2021).

246 Sámi Parliament (2 July 2021).

According to the Finnish Association of the Deaf, the linguistic rights of sign language speakers are poorly implemented in the police and rescue services in general, as sign language services are not directly available except in cases where individual employees are proficient in sign language. Few employees know sign language, however.<sup>247</sup> However, the Finnish Association of the Deaf understands that the police readily place an order for a sign language interpreter at their own initiative for questioning, for example, which means that, unlike when dealing with other authorities, sign language speakers receive information and are heard in their own language.<sup>248</sup>

According to the Institute for the Languages of Finland, the use of Finnish in police and rescue services is generally well secured and works well. However, attention should be paid to the clarity of the language, especially in written communications and documentation by the police; simplified language should be used where necessary.<sup>249</sup>

The following section discusses in more detail regulation of the police, emergency services and emergency response centre services, as well as developments in recent years with regard to language services. The analysis is based on assessments made by the Ministry of the Interior.

## 5.3.4 Police

### 5.3.4.1 Legal requirements

According to section 1 of the Police Act (872/2011), the duty of the police is to secure the rule of law; maintain public order and security; prevent, detect and investigate crimes; and submit cases to prosecutors for consideration of charges. The police work in cooperation with other public authorities and with communities and residents to maintain security, and they engage in international cooperation pertaining to their duties. According to section 2 of the Police Act, the police must respect fundamental and human rights, and in exercising their powers choose from all reasonable options the course of action that best promotes the realisation of these rights.

Government Decree on the Operating Areas of Police Departments (Valtioneuvoston asetus poliisilaitosten toimialueista 415/2013)<sup>250</sup> regulates the regional police units. According to section 2 of the Government Decree, the Western Uusimaa Police

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247 Kuurojen liitto ry (28 June 2021).

248 Kuurojen liitto ry (28 June 2021).

249 Institute for the Languages of Finland (22 June 2021).

250 PORA III

Department has a regional unit that operates in the Raasepori jurisdictional district. The Ostrobothnia Police Department has regional units that operate in the municipalities of Mustasaari, Närpiö and Pietarsaari. Southwestern Finland Police Department has a regional unit that operates in the Turunmaa jurisdictional district.

Section 16 of the Government Decree on Police Administration (Asetus poliisin hallinnosta 158/1996) lays down qualification requirements pertaining to language skills. The Government Decree on the Police University College (Valtioneuvoston asetus Poliisiammattikorkeakoulusta 282/2014) regulates the demonstration of students' language skills (section 7) and the language skill requirements of teachers (section 21). According to section 19 of the Government Decree, both national languages must be represented among the members of the delegation.

The Criminal Investigation Act (805/2011) regulates the language of pre-trial investigations (section 12), the translating of documents (section 13) and the language to be used in notices, summonses and letters (section 14). According to section 6 of the Criminal Investigation Act, the language in which persons were heard during a pre-trial investigation must be specified in the pre-trial investigation record.

#### 5.3.4.2 Criminal Investigation Act

The amended Criminal Investigation Act entered into force on 1 January 2014. The new Criminal Investigation Act contains more specific provisions on the process language in pre-trial investigations and the duty to ensure that the linguistic rights of a person to be heard are implemented.

Following the amendment of the Act, the police have updated the National Police Board's regulation on translation and interpretation into foreign languages and during pre-trial investigations and when using coercive measures to meet the current requirements.<sup>251</sup> The National Police Board produces translated *Oikeudet ja velvollisuudet (Rights and obligations)* forms for use throughout Finland to support interpreting during questioning. Different language versions of these forms are also available in police custody to ensure that the rights and obligations of persons deprived of their liberty are respected. The first contact forms have been translated into different languages, and further language versions will be produced as required. The implementation of linguistic rights has also been monitored in the context of the control of legality. Attention has been paid to the

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251 *Vieraskielinen kääntäminen ja tulkkaus esitutkinnassa ja pakkokeinoja käytettäessä, POL-2016-15418 (Order POL-2016-15418 of the National Police Board on translation and interpretation into a foreign language during a pre-trial investigation and when using coercive measures)*

quality of a translation made during a pre-trial investigation during the processing of a complaint in 2016. At that time, the Parliamentary Ombudsman drew attention to the fact that officials preparing official translations in the name of an authority must have sufficient language skills, and they must themselves be able to assess the adequacy of their language skills to produce a translation.<sup>252</sup> As a result, the structure of the competitive bidding was changed in 2020 so that only an authorised translator or a translator with a level of competence equivalent to that of an authorised translator is allowed to translate documents circulating through the competitive bidding procedure of the National Police Board.

The amendment clarified legislation and supported more detailed guidance and training within the National Police Board. In practice, the introduction of provisions on the processing language clarified the requirements on the language of documents. It is essential that the person themselves can influence the language used. The Ministry of the Interior is aware that interpreters have criticised the lack of qualification requirements. The Ministry of the Interior considers this solution justified from the perspective of police operations, since interpreters who meet specific qualification requirements are not always available, and even in such cases, the police do their best to safeguard these rights in a situation where they are pressed for time. An assistant also contributes to the implementation of linguistic rights.

### 5.3.4.3 Reforms of police administration

There are provisions on regional police units in section 6 of the Act on Police Administration (Laki poliisin hallinnosta 110/1992) and the Government Decree on the Operating Areas of Police Departments (Valtioneuvoston asetus poliisilaitosten toimialueista 415/2013), which is based on the Act on Police Administration. The operating areas are based on the jurisdictional districts (kihlakunta), which are governed by the Act on the Criteria for the Development of Local Government (Laki valtion paikallishallinnon kehittämisen perusteista 126/1992). A proposal will be made on revocation of the Act on the Criteria for the Development of Local Government in such a manner that the police operating areas and regional units would not change.<sup>253</sup> The operating areas of the police departments under the Government Decree on the Operating Areas of Police Departments entered into force on 1 January 2014. The reform reduced the number of police departments from 24 to 11. The reform had an impact on the linguistic position of the operating areas of the police departments and the language skill requirements for the personnel.

<sup>252</sup> *Eduskunnan oikeusasiamiehen vuosikertomus 2014 (Annual report of the Parliamentary Ombudsman 2014)*, p. 264

<sup>253</sup> Currently prepared Government Proposal on repealing the Act on the Criteria for the Development of Local Government and amending section 6 of the Act on Police Administration

In March 2013, the National Police Board established a working group to ensure the provision of language services during the reform of the administrative structure. The final report of the working group<sup>254</sup> revealed that only 40% of Swedish speakers who asked for services in Swedish actually received them. The situation was even worse in the case of Sámi and sign languages. The final report included proposals for measures to improve the language services provided by the police.<sup>255</sup> Measures concerning the National Police Board, the regional police units and the Police University College were proposed. The proposed measures included operational and financial planning, the creation of a position and an advisory board for the management of language affairs, addressing the linguistic needs of citizens in relation to communications and emergency alerts, as well as the development of Sámi language forms and a lecture bonus system.

According to the Ministry of the Interior, a network of police department language liaison officers and a centralised support function for police services in Swedish and Sámi have been established since the report was completed. Support for language skills during recruitment, employment and job rotation has been increased. Situational awareness of language services is maintained by measures such as monitoring decisions made by the supreme judicial authorities, collecting feedback from citizens and stakeholders, as well as submitting reports on the state of language affairs to the National Police Board. Development areas in the Police University College have included paying attention to language skills during admission, supporting practical training in bilingual units and the number of language courses during police training, as well as further education.

The 2013 language report noted that the National Police Board has decided to establish a special language affairs cooperation body, and to monitor and promote the implementation of the Strategy for the National Languages of Finland. No separate body to monitor the implementation of the Strategy for the National Languages of Finland has subsequently been established. Instead, monitoring has been taken into account in the police's management structures. The provision of language services in line with the Strategy for the National Languages of Finland has been monitored through an informal network and reported on several occasions. Linguistic rights were covered during performance reviews between the National Police Board and its subordinate units in 2018 and 2019. Utilisation of the tools published by the Ministry of Justice as part of the achievement of the linguistic objectives was separately mentioned during the 2019 performance reviews. According to the Ministry of the Interior, ensuring access to services in Swedish and developing the services are important both for the regional units and nationally. In the summer of 2021, the National Police Board established a national language network to improve coordination and maintain proper situational awareness.

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254 National Police Board (2013) *Kielelliset poliisipalvelut. Kielelliset poliisipalvelutyöryhmän loppuraportti (Language services provided by the police. Final report of the language services working group)*. Publications of the National Police Board 2/2013.

255 Prime Minister's Office (2017), p. 19

There are two bilingual police departments with five bilingual regional police units where Swedish is the majority language. According to Folktinget, the operating conditions of the regional units and the organisation of language services have been significantly weakened as a result of the police administration reforms (PORA I and III). Folktinget has proposed as one of the measures for the Ministry of the Interior to clarify with a decree the role and tasks of the regional units, in particular with regard to the tasks involving the safeguarding and development of Swedish language police services in each police department.<sup>256</sup> However, in Folktinget's opinion, some positive development has taken place in the Turunmaa regional unit since a new police chief at the Southwestern Finland Police Department decided to strengthen the resources in Parainen and Kemiönsaari with the intention of safeguarding language and police services. In practice, this means that a new archipelago patrol consisting of officers who speak both Swedish and Finnish was established in Parainen in May 2021. Furthermore, five police officers will continue to work at the Kemiönsaari police station despite a previous proposal to reduce the number of police officers.<sup>257</sup>

In recent years, the police have paid attention to services in the national languages in areas such as communications, police training, criminal investigation and the development of purchased services. The police have invested in the development and safeguarding of services in the national languages at the national and local levels. Development activities are currently underway in areas such as transcription, translation and interpretation. Concerning transcription and translation, the consistency and information security of services have been improved, and a new competitive bidding process for the procurement of the services has been arranged. According to the Ministry of the Interior, the main challenges involve the Swedish language, as the service provider has had difficulties in recruiting Swedish translators. Development of interpretation is ongoing. The objective is to explore the possibility of establishing a common pool of interpreters for the different actors in the criminal justice process, which would offer synergy benefits in the implementation of translation services. The terminology related to the criminal justice process requires special expertise from the interpreters, which means that a common pool would provide some added value.

#### 5.3.4.4 Police training

The 2013 language report emphasised that the financial and human resources of the Swedish language unit of the Police University College should be secured to ensure the provision of police training of the same high standard in both national languages. To this

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<sup>256</sup> Svenska Finlands folkting (30 June 2021).

<sup>257</sup> Svenska Finlands folkting, email 20 August 2021

end, it should be ensured that police officers are still available as lecturers for training in Swedish in the future. In Folktinget's opinion, the Swedish training unit currently still has limited access to external lecturers. Folktinget notes that the training unit's operating conditions must be safeguarded in the long term.<sup>258</sup>

The implementation of linguistic rights will be annually monitored during the performance target negotiations and performance monitoring meetings of the National Police Board. In accordance with the objectives of the performance agreement between the National Police Board and the Police University College, attention will be continuously paid to the provision of sufficient, high-quality Swedish language degree programmes and further education, and the provision of training in Swedish required for the validity of various licences will be improved.

Efforts have been made to influence the provision of training in Swedish by, for example, establishing two separate teams at the Police University College to plan and implement training in Swedish in accordance with the curricula and to ensure the availability of practical training in Swedish. In addition, it has been agreed with the Police University College that training in Swedish in the most important training areas will be ensured over the next five years. In recent years, the Police University College has focused especially on the implementation of a Swedish language degree programme and postgraduate training in Swedish.

A team responsible for training in Swedish plans and realises the training in Swedish in accordance with the curricula of the Police University College. Since 2019, the main task of one of the teachers has been to plan, coordinate and bear the overall responsibility for the Swedish language training of non-commissioned officers and further education in Swedish. On this basis, further education in Swedish will be planned and, within the limits allowed by the COVID-19 situation, launched in 2021. However, a large number of Swedish-speaking external lecturers and visiting teachers will have to be used, and the Swedish language training team will have to handle their recruitment. However, it has proved increasingly difficult in practice to recruit suitable persons capable of providing vocational police training in Swedish who have sufficient professional skills (visiting teachers and teachers in a permanent employment relationship). This is partly due to the fact that there are positions available for such experts only at the coastal police departments and partly to the low salary level.

The Police University College has also boosted the realisation of online courses in Swedish. Currently, all the online courses produced by the Police University College are also

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258 Svenska Finlands folkting (30 June 2021).

published in Swedish. However, it is challenging to obtain Swedish language teaching resources for the Police University College to ensure that as high a standard of training in Swedish can be achieved as in Finnish. Solutions for the challenges related to the services of the Police University College are currently being sought in collaboration between the National Police Board, the Police University College and the police units.

The Police University College also promotes the multifaceted use of digitalisation in the realisation of studies by increasing the number of available online courses, for example. The Police University College has set itself the goal of organising and managing further education in a systematic and customer-centred manner. This is the best way to address the many challenges faced by training in Swedish (such as deficiencies in distance education and a general lack of training courses). The Police University College has also developed language skill expertise in the areas of admissions and support for practical training in bilingual units. Furthermore, the number of language courses during police training and further education will be increased whenever possible.

In the autumn of 2021, the Ministry of the Interior concluded that the further and specialised education in Swedish and the provision of Swedish language online courses had not reached a sufficient level to ensure equal education in the police organisation. Overall, the provided education seems to treat Swedish speakers differently from Finnish speakers. According to the Ministry of the Interior, education in Swedish must be put on an equal footing with education in Finnish. Attention must also be paid to the simultaneous publication of provisions and instructions in Finnish and Swedish in the future.<sup>259</sup>

The National Police Board has set as a performance target for the Police University College the achievement of the objective for the Strategy for the National Languages of Finland laid down in the Government Programme. The Police University College will prepare a separate action plan for the achievement of the objective set out in the strategy.

The Police Department of the Ministry of the Interior has required the action plan to contain a report on the number of online courses available in Finnish and Swedish, and a schedule for bringing the courses in Finnish on a par with the courses in Swedish. The action plan must also include measures the Police University College will take to increase

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259 Letter from the Ministry of the Interior to the National Police Board on the implementation of language rights in police administration, 9 September 2021



the number of Swedish-speaking teachers and ensure the provision of teaching and lectures in Swedish.<sup>260</sup>

Finland has received calls from international bodies to increase the police force's diversity to better reflect that of society. Recommendations for this issue have been issued by the Committee of Ministers of the Council of Europe and the European Commission against Racism and Intolerance, for example. The Marin Government Programme includes an objective to promote the admission of people from different ethnic backgrounds to police training. Attention will also be paid to police officers' language skills. Diversity is included in the 2018–2022 performance agreement of the Police University College, where one of the objectives is to ensure a sufficient number of good applicants so that the police will reflect the whole of Finnish society, including both genders, the national languages and minority groups.

#### 5.3.4.5 Police communications

The 2013 report notes that the Parliamentary Ombudsman has commented on the language used in bulletins to the general public published on the police website, emphasising that a bilingual authority must publish bulletins for the general public in both national languages. The Parliamentary Ombudsman has made similar decisions on police communications in 2017 and 2018, among other years.<sup>261</sup> The Ombudsman has also stated that bilingualism should be better reflected in the Helsinki Police Department's social media channels.<sup>262</sup>

Measures have been taken to ensure bilingual communications. In 2020, accessibility was the subject of a legality control audit in the police, and the online service of the police was also renewed to comply with the accessibility requirements of the Act on the Provision of Digital Services. Nationwide content has been published in both national languages. An order on police communications states that each police unit is obliged to arrange its internal and external communications so that it complies with current legislation.<sup>263</sup> This means that each police unit is responsible for the content and compliance of its

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260 Letter from the Ministry of the Interior to the National Police Board on the implementation of language rights in police administration, 9 September 2021

261 Decision EOAK/5513/2016 of the Parliamentary Ombudsman, *Brister i skyddspolisens svenskspråkiga information* (Deficiencies in information provided in Swedish by the Finnish Security and Intelligence Service); Decision EOAK/3806/2017 of the Parliamentary Ombudsman, *Kaksikielisen poliisilaitoksen tulisi tiedottaa enemmän ruotsiksi* (A bilingual police department should provide more information in Swedish).

262 Decision EOAK/3806/2017 by the Parliamentary Ombudsman

263 POL-2019-71117

daily communications, such as bulletins and social media content. However, according to the Ministry of the Interior, due to the limited resources of the police, active current affairs communications through the police's nationwide social media profiles has been abandoned for the time being.

The Parliamentary Ombudsman also dealt with the identity cards and badges used by officials working for the security authorities. The identity cards and badges of the police, Customs, the Finnish Border Guard and rescue services were renewed as part of a competitive bidding process for the cards of these organisations in 2017. The new cards have been in use since 5 December 2018. Officials working for the security authorities use these cards to prove their identity, their official status and the fact that they are part of the authority's organisation. According to the Ombudsman, the badges and identity cards therefore have a very important information function, which is why it is important that language requirements are also properly respected. In the Ombudsman's opinion, Swedish, the second national language, is in practice treated as a foreign language in the cards. The cards therefore partly violate the requirements for equal treatment of the national languages laid down in section 17 of the Constitution of Finland, which are indicated in the explanatory memorandum to section 23 of the Language Act.<sup>264</sup>

#### 5.3.4.6 Implementation of rights under the Sámi Language Act in the police

There are still challenges in the provision of services in Sámi. The Sámi Language Act (1086/2003) applies in accordance with section 2, subsection 1, paragraph 2 of the Act to the courts and State regional and district authorities whose jurisdiction covers the municipalities of Enontekiö, Inari, Sodankylä, and Utsjoki in full or in part. In the case of the police, this means the Lapland Police Department. The police have difficulties in recruiting Sámi-speaking staff and providing translation services. On the other hand, according to the Lapland Police Department, Sámi speakers only rarely want to use their own language in practical matters and according to the Ministry of the Interior, there are few challenges. The online service of the police has also been implemented in Sámi. All key documents relating to rights and obligations during pre-trial investigations have been translated into Sámi. The Poliisi.fi website has sections and forms in Sámi, and the Sámi language sites are being renewed. The Sámi Parliament has proposed that police training should include a quota for Sámi-speaking students. According to the Sámi Parliament, a positive fact is that police officers who speak Sámi receive a language bonus.<sup>265</sup>

<sup>264</sup> Eduskunnan oikeusasiamiehen ratkaisu, EOAK/6446/218 Säkerhetsmyndigheternas tjänstemärken och identitetskort strider mot språklagen (Decision EOAK/6446/218 of the Parliamentary Ombudsman, Security authorities' badges and identity cards violate the Language Act)

<sup>265</sup> Sámi Parliament (2 July 2021). *Lausunto: Kieliryhmien kuuleminen hallituksen kertomukseen kielilainsäädännön soveltamisesta 2021 (Opinions of language groups regarding the application of language legislation 2021)*

### 5.3.5 Rescue services

According to the Rescue Act (379/2011), rescue services are a field of activity consisting of the prevention of fires and other accidents, as well as rescue operations. According to section 23 of the Rescue Act, the Ministry of the Interior directs and steers rescue services and maintains oversight of their coverage and quality, is in charge of the preparedness and organisation of rescue services at national level, and coordinates the activities of various ministries and sectors in the field of rescue services and their development. Regional state administrative agencies maintain oversight of rescue services and their coverage and quality within their areas of operation.

According to section 24 of the Rescue Act, the Government decides on the division of the country into rescue service regions and on changing the approved division. Municipalities are jointly responsible for rescue services in rescue service regions. The municipalities of the rescue service region must have an agreement regarding the organisation of rescue services. According to section 25 of the Rescue Act, regional rescue services must have a rescue department. In the rescue operations, the regional rescue services may be assisted by voluntary fire brigades, institutional fire brigades, industrial fire brigades, military fire brigades (contract fire brigades) or other organisations operating in the field of rescue services. According to section 27 of the Rescue Act, the regional rescue services are responsible for the rescue services' standard of service and the appropriate organisation of the operations of the rescue departments.

Emergency Services Academy Finland organised the most recent rescuer course in Swedish (P78) in 2012–2013. A need to obtain Swedish and bilingual rescuers has been identified. The Ministry of the Interior has proposed a Swedish language rescuer course in the general government fiscal plan. The development of the rescue services training system ensures that the emergency response centre services and the rescue services authorities can actually provide services in Finnish and Swedish. In addition to the 55 graduates from the actual Swedish-speaking courses, 25 rescuers who received their previous education in Swedish graduated from Emergency Services Academy Finland in the 2000s. In addition, bilingual students or Swedish-speaking students with a strong command of Finnish who have indicated that they would like to complete the entrance examination in Finnish have graduated from the Academy. Emergency Services Academy Finland has not kept any statistics on these students. The default teaching language of rescuer courses is Finnish. In accordance with the current publishing practice, publications are always translated into Swedish. It is possible for the students to take exams in both national languages.

Communications by the rescue services and access to the services in both national languages have improved in recent years. Bilingual rescue services have websites in both Finnish and Swedish. Guidelines and safety communications materials targeted at citizens and other parties have been translated into Swedish more extensively than before. Rescue

departments have standardised the fire safety materials they distribute to detached houses. The fire safety guide for detached houses and a related fire safety assessment form are now available in Finnish, Swedish, English, Russian and all three Sámi languages.

According to the Sámi Parliament, there are major shortcomings in the communications and the provision of rescue services in Sámi. The website of the Lapland Rescue Department is only in Finnish. The lack of Sámi-speaking personnel in the rescue services can create a dangerous situation if the rescuers are not familiar with Sámi place names, for example. According to the Sámi Parliament, rescuer training should be developed to be more suitable for young people living in the Sámi homeland. This could be done by enabling multiform learning, for example.<sup>266</sup>

Voluntary fire brigades in the Sámi homeland include persons who speak Sámi, whose contribution has, according to the Ministry of the Interior, often been invaluable in rescue operations in the Sámi homeland. In connection with the renewal of the Pelastustoimi.fi website, the electronic forms for rescue services will also be published in the Sámi languages. Once the Lapland Rescue Department has adopted the new website platform, the main sections will also be translated into the Sámi languages.

### 5.3.6 Emergency response centre services

Erica, the emergency response centre information system that was launched in 2019, enables all Swedish-speaking emergency response centre dispatchers on duty to be used in the networked operating model of Emergency Response Centre Agency Finland. In addition to taking into account the need for Swedish-speaking emergency dispatchers in shift planning, the Emergency Response Centre Agency has established a separate service queue for handling emergency calls in Swedish, and a call in Swedish can be transferred to this queue if necessary. The service queue is resourced based on the resources available during different times of the day with separate Swedish-speaking emergency dispatchers who are registered with a Swedish-speaking language profile. In addition, a special bilingual language profile has been created for emergency dispatchers who speak both national languages, and emergency dispatchers with this role can support the emergency dispatchers with a Swedish-speaking language profile in handling the Swedish emergency call queue.

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<sup>266</sup> Sámi Parliament (2 July 2021). *Lausunto: Kieliryhmien kuuleminen hallituksen kertomukseen kielilainsäädännön soveltamisesta 2021 (Opinions of language groups regarding the application of language legislation 2021)*

Risk assessment guidelines are available in both national languages in the emergency response centre information system. The authority (rescue services, the police and social welfare and health care services) that issues a guideline is obligated to ensure that it will be translated. During an emergency call, the risk assessment (a question-and-answer section) is completed in Finnish or Swedish, depending on which language the caller speaks. The risk assessment is automatically forwarded in Finnish, and the entries in the additional information field of the emergency response centre information system are made in Finnish, because the working language of the Emergency Response Centre Agency and its cooperating authorities is Finnish. The Emergency Response Centre Agency has instructed its emergency dispatchers that the interaction with the caller must not give the impression, even indirectly, that the caller should switch to the other national language. The Emergency Response Centre Agency pays a language bonus to employees who have passed a Swedish language examination. Currently, 65 emergency dispatchers receive the language bonus.

The Emergency Response Centre Agency has repeatedly raised the need to train Swedish-speaking emergency dispatchers. A Swedish-speaking emergency dispatcher course was therefore started in 2018, and 16 Swedish-speaking emergency dispatchers graduated in 2019. This helped improve the capacity to handle emergency calls in Swedish. Swedish-speaking callers receive service in Swedish, and have not had to wait longer in the call queue than Finnish-speaking callers. According to an assessment by the Ministry of the Interior, the status of the service in Swedish is good and the practices comply with the requirements laid down in language legislation.

The Emergency Response Centre Agency purchases interpretation services from Semantix Finland Oy (hereinafter "Semantix"). A total of 27 languages has been used in simultaneous interpretation, and there is also capacity to produce the service in other languages. Calls in English are frequent, and most of the emergency dispatchers are sufficiently proficient in English to be able to handle an emergency call in English without an interpreter. Translating the risk analysis questions into English is being planned to support the work of the emergency dispatchers. The Emergency Response Centre Agency is also planning to extend the language bonus to English. Organising simultaneous interpretation in Sámi is problematic, as Semantix is incapable of providing simultaneous interpretation in Sámi. The Emergency Response Centre Agency has investigated the possibility of procuring interpretation services in Sámi from other companies providing interpretation services, but no such service has been found. No shortcomings regarding this service have been revealed through customer feedback received by the Emergency Response Centre Agency.

The possibility of the deaf, the hearing-impaired and persons who are unable to speak to make an emergency call was improved by the 112-SMS emergency text messaging system, which was introduced in 2018. The Social Insurance Institution of Finland (Kela), the Ministry of the Interior, the Ministry of Social Affairs and Health and the Emergency Response Centre Agency have planned an experiment in which a person faced with an emergency could make an emergency call in Finnish Sign Language through Kela's interpreter service for the disabled. A pilot project for the emergency sign language interpretation service started on 15 June 2021. The pilot project will be realised in collaboration by Kela and the Emergency Response Centre Agency and will last for one year, during which experiences regarding the service will be gathered both by Kela and the Emergency Response Centre Agency.

An emergency call in Finnish Sign Language can be placed on weekdays from 8 am to 4 pm via the 112 Suomi service, which will contact Kela's sign language service. A sign language interpreter will then contact the Emergency Response Centre Agency, and the emergency call can be made via the interpreter. The Finnish Association of the Deaf considers the sign language emergency call pilot project an important reform. Its weakness is the opening hours of the pilot service. A more realistic view of the need for emergency calls in sign language could be obtained by extending the opening hours and including at least some service at weekends and in the evenings. However, from a linguistic perspective, the Association considers the pilot project a step forward in terms of equal access to help. The Association notes that the service is only available in Finnish Sign Language.<sup>267</sup>

### 5.3.7 Emergency alerts

According to the Emergency Alert Act (Laki vaaratiedotteesta 466/2012), an emergency alert is a bulletin issued by a competent authority to warn of a hazardous event and give operating instructions. The Emergency Alert Act entered into force on 1 June 2013. According to section 5 of the Emergency Alert Act, an emergency alert may be issued by a rescue authority within the meaning of section 26 of the Rescue Act (379/2011), a police department, a border guard authority within the meaning of the Act on the Administration of the Border Guard (577/2005), Emergency Response Centre Agency Finland, the National Police Board and a national unit under the National Police Board. In addition, the Radiation and Nuclear Safety Authority, the Finnish Meteorological Institute, the Finnish Transport Agency, the Finnish Transport and Communications Agency, the Finnish Food Safety Authority, Finnish Medicines Agency Fimea or a ministry

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<sup>267</sup> Kuurojen liitto ry (28 June 2021).

may also issue emergency alerts. According to section 6 of the Emergency Alert Act, an emergency alert must, pursuant to section 32 of the Language Act (423/2003), be issued in both Finnish and Swedish. If the dangerous event or its consequences involve the Sámi homeland, the emergency alert must also be issued in Sámi in the said area.

The Emergency Alert Act and its accompanying guidelines have enabled the creation of an emergency alert system that safeguards linguistic rights. The system takes the national languages and the Sámi languages into account. Deficiencies still remain, however, especially concerning bilingual emergency alerts through social media. For example, in the case of a wildfire in Kalajoki in the summer of 2021, the content of the emergency alert in Swedish was quite different, stating in practice the exact opposite to the alert in Finnish.<sup>268</sup>

An emergency alert must be issued in Sámi if the dangerous event or its consequences affect the Sámi homeland. Alerts in Skolt, Inari and Northern Sámi for various emergencies have been prepared in advance, as translation assistance is not readily available. Additional instructions for emergency alerts in Sámi, enclosed with an emergency alert guideline by the Ministry of the Interior, define model phrases and place names in the different Sámi languages so that emergency alerts in Sámi could be provided simultaneously with Finnish and Swedish. This can be seen as a significant step forward in the implementation of linguistic rights.

Starting from 2022, the regulation of the European Union will require the population to be alerted by mobile phone. The provisions on emergency alerts in the Electronic Communications Services Act (Laki sähköisen viestinnän palveluista 917/2014) have been updated, and provisions on application-based transmission have been added to the Emergency Alert Act. Changes to improve citizens' access to information during an emergency entered into force on 1 January 2021, as it is now possible to send emergency alerts via mobile phones in addition to the traditional methods (radio and television). Mobile phone technology enables better targeting of emergency alerts at terminal devices in the danger zone defined by an authority. The legislative changes also enable the development of measures to meet the needs of groups with special needs.<sup>269</sup> A targeted alert by an authority can be transmitted in the mobile communications network to telephone subscriptions in specific area(s) in the languages specified by the ministry

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268 Sofie Fogde/SPT/Hufvudstadsbladet. <https://www.hbl.fi/artikel/bristande-svenska-i-myndigheternas-varningsmeddelande-om-markbranden-i-kalajoki/>, referenced on 2 August 2021.

269 See Act on Amending the Electronic Communications Services Act (Laki sähköisen viestinnän palveluista annetun lain muuttamisesta 1207/2020)

– typically at least Finnish and Swedish, and possibly also in Sámi or other languages determined by the ministry.<sup>270</sup>

Emergency alerts and alerts by the authorities can also be issued in a regionally targeted manner via the 112 Suomi application, which was developed in cooperation between Emergency Response Centre Agency Finland and Digia Plc, and launched in 2015. Thanks to the launch of the new emergency response centre information system, it is now also possible to electronically transmit emergency alerts from the Emergency Response Centre Agency to the Finnish Broadcasting Company (Yle), which has accelerated the publication process.

## 5.4 Key observations regarding the police, rescue services and emergency response centre services

1. In the case of the police, there are still challenges pertaining to the implementation of linguistic rights. In addition to communications, there have been challenges pertaining to service. Further and specialised education in Swedish and the provision of online courses in Swedish have not reached a sufficient level to ensure equal education in the police organisation. Overall, the provided education seems to treat Swedish speakers differently from Finnish speakers. These challenges have been identified by the police in all key respects. According to the Ministry of the Interior, education in Swedish must be put on an equal footing with education in Finnish.
2. From a language perspective, the organisational reforms of the police have been important, and it is important to continue to monitor them from the language perspective. In the summer of 2021, the National Police Board established a national language network to improve coordination and maintain proper situational awareness.

<sup>270</sup> A targeted alert by an authority is a warning to protect people or property in a situation in which the public needs to be informed of the situation because of a threat to their life, health or property, but the circumstances do not require the issuance of an emergency alert. There are provisions on targeted alerts by an authority in the Electronic Communications Services Act (917/2014). The competent ministry makes the decision to issue a targeted alert.



3. It is becoming increasingly difficult to recruit suitable and capable people to provide vocational police training in Swedish. Solutions are being sought to the challenges related to the provision of services by the Police University College in cooperation between the National Police Board, the Police University College and the police units.
4. The police have difficulties in recruiting Sámi-speaking staff and providing translation services. The online service of the police has also been implemented in Sámi. The police's website in Sámi is being redesigned.
5. In the case of many language groups, the most common reason for not reporting harassment to the police is that the harassment is not perceived to be sufficiently serious.
6. What is required from the police is multilingual, clear communications and greater internal diversity. The pursuit of diversity has been included in the 2018–2022 performance agreement of the Police University College.
7. The possibility to establish a common pool of interpreters for the different actors in the criminal justice process is being studied by the police. Synergy benefits could thus be obtained in the implementation of translation services.
8. The difference between the service experience of the Finnish-speaking and Swedish-speaking minorities is significant in terms of the police and emergency response centre services. Swedish speakers give lower ratings to the services. However, there has been some improvement in the emergency response centre services, as the language rating given by the Swedish-speaking minority to emergency response centre services has improved. A pilot project on emergency calls in sign language has been launched.
9. Communications by the rescue services and access to the services in both national languages have improved in recent years.
10. There are still deficiencies in bilingual communications regarding accidents, especially in social media.
11. In connection with the renewal of the Pelastustoimi.fi website, the electronic forms for rescue services will also be published in the Sámi languages, and once the Lapland Rescue Department adopts the new website platform, the main sections will be translated into the Sámi languages.

## 5.5 Education

### 5.5.1 Background

Legislation on early childhood education and teaching, as well as the application and enforcement of such legislation, is important for the implementation of the fundamental linguistic rights. The study of languages is also central to the rights of the different language groups to maintain and develop their own language and culture.

In its declaration of 24 October 2018, the Advisory Board on Language Affairs emphasised the need to better highlight the Finnish language groups and their current situation, as well as Finland's linguistic diversity in education. Raising awareness of the language groups is one way of improving the deteriorating language climate. The Advisory Board encouraged municipalities to add more teaching on the language groups and their conditions to their school curricula. The Advisory Board also stressed the importance of up-to-date and varied information on languages, language groups and indigenous peoples in educational materials.<sup>271</sup>

The 2013 Government report on the application of language legislation extensively studied the implementation of the rights of the different language groups in education. It covered matters such as early childhood education in Swedish, the level of Finnish and Swedish language skills and language immersion.<sup>272</sup> The status of early childhood education and basic education was also studied in the case of languages other than the national ones. Many challenges were identified, although some progress had also been made in Sámi language nests, for example.<sup>273</sup> In the case of the national languages, language immersion was also studied in the 2012 decision in principle on the Strategy for the National Languages of Finland.<sup>274</sup>

In the case of the national languages, this report focuses on some key studies and reforms which especially involve the need for early childhood education and teaching in Swedish. It also examines a language experiment included in the previous Government Programme.

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271 Advisory Board on Language Affairs (24 October 2018). *Kielelliset oikeudet opetuksessa* (Linguistic rights in education) [declaration]. [https://oikeusministerio.fi/documents/1410853/4761907/Julkilausuma\\_neuvottelup%C3%A4iv%C3%A4t\\_2018.pdf/b7dd56c0-5762-d28e-6b56-f60acb90a1fa/Julkilausuma\\_neuvottelup%C3%A4iv%C3%A4t\\_2018.pdf](https://oikeusministerio.fi/documents/1410853/4761907/Julkilausuma_neuvottelup%C3%A4iv%C3%A4t_2018.pdf/b7dd56c0-5762-d28e-6b56-f60acb90a1fa/Julkilausuma_neuvottelup%C3%A4iv%C3%A4t_2018.pdf)

272 Finnish Government (2013), pp. 22–30.

273 Finnish Government (2013), p. 6 and pp. 87–107.

274 Tallroth, Paulina. (2012). *Kansalliskielistrategia – Valtioneuvoston periaatepäätös* (Strategy for the National Languages of Finland – decision in principle of the Government). Publications of the Prime Minister's Office 4/2012. Helsinki: Prime Minister's Office

The observations on Finnish are based on an opinion of the Finnish Language Committee of the Institute for the Languages of Finland.

With regard to non-national languages, the focus is on the languages mentioned in section 17, subsection 3 of the Constitution of Finland, namely Sámi, Romani, sign languages and Karelian, the latter of which is not explicitly mentioned in section 17, subsection 3 of the Constitution, although it is also included in the scope of the provision. Russian and Estonian are also studied, as the speakers of these languages are the largest groups of foreign language speakers in Finland. Furthermore, Somali is briefly discussed.

The focus is on early childhood education and basic education, but some observations regarding language research, higher education and secondary education are also given. The new Act on Early Childhood Education and Care (540/2018), which entered into force during the monitoring period, is examined first.

## 5.5.2 Changes in the field of education

### 5.5.2.1 New Act on Early Childhood Education and Care

Legislation on early childhood education was amended during the monitoring period. The new Act on Early Childhood Education and Care entered into force on 1 September 2018. It repealed the previous Act on Early Childhood Education and Care (36/1973) and the Government Decree on Day Care (Asetus lasten päivähoidosta 239/1973, hereinafter the “Day Care Decree”) based on the Act on Early Childhood Education and Care.<sup>275</sup>

The current Act on Early Childhood Education and Care also includes provisions on the language of early childhood education. According to section 8 of the Early Childhood Education Act, municipalities must ensure that a child can receive early childhood education and care in Finnish or Swedish, or in a Sámi language referred to in section 3, paragraph 1 of the Sámi Language Act (1086/2003), depending on which of these is the child’s native language. In bilingual municipalities or joint municipal authorities comprising both Finnish- and Swedish-speaking municipalities, early childhood education and care must be provided in both languages of the municipality or joint municipal authority so that the users of the service can obtain early childhood education and care in the language of their choice, Finnish or Swedish.<sup>276</sup> This means that the child is provided with early childhood education in the language of the parents’ choice, either Finnish or

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275 Act on Early Childhood Education and Care (repealed) 36/1973. Government Decree on Day Care (repealed) (Asetus lasten päivähoidosta 239/1973).

276 Act on Early Childhood Education and Care (540/2018), section 8

Swedish. According to the established interpretation, a monolingual day-care centre is obliged to provide the service only in the language of the day-care centre. Nothing prevents a municipality from also providing early childhood education and care in a language other than the child's native language if this is in the child's best interest, if the child's guardians want it, and if the municipality provides services in that language.<sup>277</sup>

The provision does not mention early childhood education in languages other than Finnish, Swedish or Sámi. However, the explanatory memorandum states that currently both municipalities and private service providers also provide early childhood education in languages other than Finnish, Swedish or Sámi. Early childhood education in a foreign language remains possible, but regardless of the language used, legal provisions on matters such as the objectives of early childhood education, employee resources and employee qualifications must be followed. Attention should also be paid to matters such as how to ensure linguistic continuity from early childhood education to pre-primary and basic education. According to the explanatory memorandum, early childhood education can also be provided in sign language or Romani.<sup>278</sup>

### 5.5.2.2 New early childhood education and care curriculum and national core curriculum

The national core curriculum is a nationwide regulation issued by the Finnish National Agency for Education, according to which local curricula are prepared. The national core curriculum provides a uniform basis for local curricula, thus strengthening the equality of education throughout the country. The curricula of municipalities and schools provide more detailed guidance for teaching and school work, and take into account local needs and perspectives.<sup>279</sup>

As the expert agency for early childhood education, the Finnish National Agency for Education prepares and makes decisions on the national early childhood education core curriculum, on the basis of which local early childhood education curricula are prepared.

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277 HE 40/2018 vp, Hallituksen esitys eduskunnalle varhaiskasvatuslaiksi ja eräiksi siihen liittyviksi laeiksi (Government proposal HE 40/2018 vp on the Act on Early Childhood Education and Care and related Acts), pp. 88–89.

278 Government proposal HE 40/2018, pp. 88–89.

279 Finnish National Agency for Education: *Perusopetuksen opetussuunnitelman ydinasiat* (Key aspects of the basic education core curriculum [website]. Retrieved on 24 June 2021 from <https://www.oph.fi/fi/koulutus-ja-tutkinnot/perusopetuksen-opetussuunnitelman-ydinasiat>

A personal curriculum for early childhood education is drawn up for each child at the day-care centre or family day care.<sup>280</sup>

The new basic education curricula were implemented in all schools for grades 1–6 starting from 1 August 2016. In the upper grades of basic education, the curricula were implemented gradually between 2017 and 2019.<sup>281</sup> On 7 November 2019, the Finnish National Agency for Education decided on criteria for the national general upper secondary core curriculum for young people. The curricula based on the 2019 national general upper secondary core curriculum have been taken into use for students who started their general upper secondary education on 1 August 2021.<sup>282</sup>

On 18 October 2016, the Finnish National Agency for Education issued an order on the first national early childhood education core curriculum, and the local curricula based on the national core curriculum were implemented on 1 August 2017. On 19 December 2018, the Finnish National Agency for Education issued an order for a new national early childhood education core curriculum. At that time, the core curriculum was revised to comply with the new Act on Early Childhood Education and Care.<sup>283</sup>

According to the general education core curriculum and the national early childhood education core curriculum, the linguistic and cultural identity of each learner is supported in a versatile manner. Learners are taught to identify, understand and respect the constitutional right of every citizen to their own language and culture. The objectives are to encourage learners of all ages to appreciate different languages and cultures, and to promote bilingualism and multilingualism, thereby strengthening learners' linguistic awareness and metalinguistic skills. All activities may include multilingual learning and teaching situations in which teachers and other staff and the learners use all the languages they know. The knowledge of the learners, their carers and their community

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280 Finnish National Agency for Education: *Varhaiskasvatussuunnitelman perusteet pähkinänkuoressa (National early childhood education core curriculum in a nutshell)* [website]. Retrieved on 2 September 2021 from <https://www.oph.fi/fi/koulutus-ja-tutkinnot/varhaiskasvatussuunnitelman-perusteet-pahkinankuoressa>

281 Finnish National Agency for Education: *Perusopetuksen opetussuunnitelman perusteet (National core curriculum for basic education)* [website]. Retrieved on 24 June 2021 from <https://www.oph.fi/fi/koulutus-ja-tutkinnot/perusopetuksen-opetussuunnitelman-perusteet>.

282 Finnish National Agency for Education: *Lukion opetussuunnitelmien perusteet (National general upper secondary core curriculum)* [website]. Retrieved on 13 August 2021 from <https://www.oph.fi/fi/koulutus-ja-tutkinnot/lukion-opetussuunnitelmien-perusteet>

283 Finnish National Agency for Education: *Varhaiskasvatussuunnitelmien perusteet (National early childhood education core curriculum)* [website]. Retrieved on 24 June 2021 from <https://www.oph.fi/fi/koulutus-ja-tutkinnot/varhaiskasvatussuunnitelmien-perusteet>.

concerning the languages, history, cultures, lifestyles and nature of their linguistic and cultural area is utilised in the education.<sup>284</sup>

In addition to the national core curricula for basic education and general upper secondary education, curricula for the teaching of Sámi, Romani and one's native as supplementary education have been published. The provision of these subjects is voluntary for the educational institution, but their significance for the linguistic and cultural identity of the learners is extremely high.<sup>285</sup>

### 5.5.2.3 Amendments to Government Decree on the National Objectives for Education Referred to in the Basic Education Act and in the Distribution of Lesson Hours

As of 1 August 2016, pursuant to the Government Decree on the National Objectives for Education Referred to in the Basic Education Act and in the Distribution of Lesson Hours, studies of the second official language of Finland start as the second mandatory foreign language (B1) in grade 6 at the latest, but the studies can also be started earlier as the first mandatory foreign language (A1) or the first optional foreign language (A2) if decided locally.<sup>286</sup>

In addition, two weekly hours of education in the A1 language were added to the Government Decree on the National Objectives for Education Referred to in the Basic Education Act and in the Distribution of Lesson Hours for grades 1 and 2 in 2018. A local A1 language curriculum can be prepared for the second official language, a foreign language and Sámi for grades 1 and 2. Teaching of the A1 language starts at the latest in the spring of grade 1, with at least half an hour per week.<sup>287</sup> The earlier start of the teaching of the A1 language is discussed in more detail in Section 6.3 of this report.

In Swedish language schools, Finnish or English is usually studied as the A1 language, and either English or Finnish is also generally offered as the A2 language. Meanwhile, in Finnish language schools English is the most common A1 language and an A2 language is less

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284 Finnish National Agency for Education (15 June 2021). Opetushallituksen vastaukset oikeusministeriölle (Replies by the Finnish National Agency for Education to the Ministry of Justice).

285 Finnish National Agency for Education (15 June 2021).

286 Finnish National Agency for Education (15 June 2021); Vipunen – Education Statistics Finland: *Kieli- ja muut ainevalinnat (Languages and other optional subjects)*[website]. Retrieved on 5 July 2021 from <https://vipunen.fi/fi-fi/perus/Sivut/Kieli-ja-muut-ainevalinnat.aspx>.

287 Finnish National Agency for Education (15 June 2021); Vipunen – Education Statistics Finland: *Kieli- ja muut ainevalinnat (Languages and other optional subjects)*[website]. Retrieved on 5 July 2021 from <https://vipunen.fi/fi-fi/perus/Sivut/Kieli-ja-muut-ainevalinnat.aspx>.

common. There are major differences between education providers providing education in Finnish and Swedish concerning when the teaching of the second official language starts and the number of courses offered.<sup>288</sup>

According to a study by the University of Jyväskylä, there is still much room for improvement in Swedish language teaching nationwide. Language teachers have stated that the situation of Swedish language teaching is concerning. The start of B1 Swedish was pushed forward to the 6th grade in 2016, but no hours were added to the distribution of lesson hours in 2012, unlike now for the A1 language. The situation causes inequality among pupils, as municipalities make different decisions on how the already scarce Swedish lessons are distributed across the four grades.<sup>289</sup>

### 5.5.3 Teaching of national languages

#### 5.5.3.1 Teaching of Finnish

Finnish speakers receive teaching in their native language and other subjects in Finnish. However, the number of lessons is low compared to many other countries, such as Estonia and Germany. As the content of the subject “native language and literature” is very broad in Finland, there is insufficient time to teach and practise good standard language skills and writing skills. In the opinion of the Finnish Language Board of the Institute for the Languages of Finland, the number of lessons in native language and literature in the distribution of comprehensive school lesson hours should be increased so that more emphasis could be placed on the ability to write good standard language. It should also be ensured in general upper secondary and vocational education that graduates have the language competence and standard language writing skills required for further studies and working life. In the case of higher education in English, the challenge is to ensure that the education also prepares the students for Finnish society.<sup>290</sup>

#### 5.5.3.2 Development needs in education in Swedish

According to the Government Programme of PM Marin, a comprehensive study will be carried out on the specific characteristics, challenges and development needs of

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288 Finnish National Agency for Education (15 June 2021); Vipunen – Education Statistics Finland: *Kieli- ja muut ainevalinnat (Languages and other optional subjects)*[website]. Retrieved on 5 July 2021 from <https://vipunen.fi/fi-fi/perus/Sivut/Kieli-ja-muut-ainevalinnat.aspx>.

289 Vaarala, H. et al. (2021). pp. 115–116.

290 Institute for the Languages of Finland (22 June 2021).

education in Swedish (from early childhood education to higher education), and a long-term programme of measures will be created to ensure equality.<sup>291</sup>

Gun Oker-Blom, the rapporteur appointed by the Ministry of Education and Culture, has studied the current status and development needs of Swedish language early childhood education. The study is the first comprehensive report on education in Swedish in Finland. The report was presented to Jussi Saramo, Minister of Education, and Tuomo Puumala, State Secretary, on 11 March 2021.<sup>292</sup>

According to the report, education in Swedish must be developed at all levels in a goal-oriented manner in line with future requirements and in parallel with education in Finnish. The premise is that education in Swedish must be of a high quality and equally accessible throughout the educational path, from early childhood education to higher education.<sup>293</sup>

According to Section 10 of the Basic Education Act (628/1998), the language of instruction and the language used in extracurricular teaching must be either Finnish or Swedish. The language of instruction may also be Sámi, Romani or sign language. In addition, part of teaching may be given in a language other than the pupils' native language referred to above, provided that this does not risk the pupils' ability to follow teaching.

When early childhood education and care was transferred to the management of the Finnish National Agency for Education (in 2013) and the legislation was amended, the Act on Early Childhood Education and Care (540/2018) was not adapted to the Basic Education Act in terms of the language of instruction. It would be justified to use the wording used on the language of instruction in the Basic Education Act in all other Acts regarding education as well. The current wording in section 8 of the Act on Early Childhood Education and Care, "early childhood education and care is organised in both languages of the municipality or joint municipal authority", has created uncertainty about the interpretation of the law in practice. An amendment of the text is therefore highly justified.<sup>294</sup>

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291 *Pääministeri Sanna Marinin hallituksen ohjelma 10.12.2019 (Prime Minister Sanna Marin's Government Programme 10 December 2019)* (2019), p. 164.

292 Ministry of Education and Culture (11 March 2021). *Ruotsinkielisen koulutuksen kehittämisestä ensimmäinen kokonaisselvitys* [press release]. Retrieved on 11 August 2021 from <https://valtioneuvosto.fi/-/1410845/ruotsinkielisen-koulutuksen-kehittamisesta-ensimmainen-kokonaisselvitys>

293 Oker-Blom, G. *Den svenskspråkiga utbildningen i Finland: särdrag, utmaningar, utvecklingsbehov och förslag till åtgärder (Education in Swedish in Finland: characteristics, challenges, development needs and proposed measures)*. Publications of the Ministry of Education and Culture 2021:9. <http://urn.fi/URN:ISBN:978-952-263-904-2>.

294 Oker-Blom, G. *Den svenskspråkiga utbildningen i Finland: särdrag, utmaningar, utvecklingsbehov och förslag till åtgärder (Education in Swedish in Finland: characteristics, challenges, development needs and proposed measures)*, pp. 152–153.



Safeguarding the administration and operating prerequisites of education in Swedish is the key. To ensure that bilingual families will continue to choose a Swedish-language school, it is important that the quality of education in these schools remains at least as good as in Finnish-language schools.<sup>295</sup>

The current Government Programme also contains other provisions related to the teaching of the national languages. For example, the Government Programme includes rapid preparation of a programme to strengthen the learning of the second national language at school. The Government has also set the objective of reinstating the compulsory status of the second official language in the matriculation examination.<sup>296</sup> The earlier start of Swedish language teaching in basic education has resulted in too few Swedish lessons during the last few years of comprehensive school; in the worst case, pupils have no Swedish lessons at all during the final grade of comprehensive school.<sup>297</sup>

In recent years, there has been much discussion about the decline in language teaching and its impact on future language resources in Finland. Even if a pupil is motivated to learn languages, external resources and factors related to the teaching arrangements can become an obstacle. For example, in upper secondary schools there is little room for a wide range of language studies, and the heavy workload during general upper secondary education, i.e. the large number of other subjects and the lack of time, means that students choose not to study any optional languages. In admission based on prior academic record, students are admitted to a higher education institution on the basis of a grade they obtain based on their matriculation examination result, which may encourage students to study higher-scoring subjects instead of optional foreign languages.<sup>298</sup> This has had an impact on the popularity of languages in the matriculation examination.

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295 Svenska Finlands folkting (30 June 2021).

296 *Pääministeri Sanna Marinin hallituksen ohjelma 10.12.2019 (Prime Minister Sanna Marin's Government Programme 10 December 2019)* (2019), p. 170.

297 Svenska Finlands folkting (30 June 2021).

298 Finnish Network for Language Education Policies: *"En pysty ottamaan valinnaista kieltä vaikka haluaisin" – Valinnaiset kielet vähenevät lukiossa ("I cannot study an optional language even though I would like to" – Optional languages becoming less common in upper secondary schools)*. Retrieved on 2 September 2021 from [https://www.kieliverkosto.fi/fi/journals/kieli-koulutus-ja-yhteiskunta-syyskuu-2020/en-pysty-ottamaan-valinnaista-kielta-vaikka-haluaisin-valinnaiset-kielet-vahenevat-lukiossa](https://www.kieliverkosto.fi/fi/journals/kieli-koulutus-ja-yhteiskunta-syyskuu-2020/en-pysty-ottamaan-valinnaista-kielta-vaikka-haluaisin-valinnaiset-kielet-vahenevat-lukiossa;).; Opettaja: *Kieltenopetus kuihtuu – mikä neuvoksi? (Language teaching is dwindling – what should we do?)* Retrieved on 2 September 2021 from <https://www.opettaja.fi/tyossa/kieltenopetus-kuihtuu-mika-neuvoksi/>.

### 5.5.3.3 Experiment with the second official language in basic education

During the term of PM Juha Sipilä's Government, a language experiment was made possible in which the basic education curriculum did not include the second official language. The experiment was a way of implementing a lighthouse project on expertise and education included in the Sipilä Government action plan, which called for increasingly diverse language teaching and the launch of a regional experiment on expanding the available languages in line with a resolution approved by Parliament. The pilot was preceded by Parliament's processing of a citizens' initiative on Swedish as an optional language<sup>299</sup>. In rejecting the citizens' initiative, Parliament required the Government to clarify the legal prerequisites for regional experiments to extend the range of available languages without making the studying of the second official language compulsory.<sup>300</sup>

The experiment required a temporary amendment to the Basic Education Act, and a separate Act was enacted because of it.<sup>301</sup> According to a Government proposal<sup>302</sup>, the purpose of the Act was to carry out an experiment to broaden the range of available languages without making the studying of the second official language compulsory. The basic education curriculum of pupils participating in the experiment pursuant to the Act would include a foreign language instead of the second official language of Finland. These pupils were also exempted from studying the second official language in upper secondary education.

Participation in the experiment was voluntary for pupils, and the experiment was carried out by giving municipalities and other education providers the opportunity to apply for a permit for the language experiment from the Finnish National Agency for Education. The experiment was open to pupils in basic education with authorised education providers who had started their 5th or 6th grade during the 2018 school year and had not started studies of the second official language. The basic education curriculum of the pupils participating in the experiment would not include any studies in the second official language, but they would study at least two foreign languages.

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299 KAA 2/2014 vp, Kansalaisaloite, Ruotsin kieli valinnaiseksi oppiaineeksi kaikilla kouluasteilla (Citizens' initiative, Swedish as an optional subject at all levels of education).

300 EK 54/2014 vp — M 2/2014 vp, Eduskunnan kirjelmä, Kansalaisaloite: Ruotsin kieli valinnaiseksi oppiaineeksi kaikilla kouluasteilla (Parliamentary communication, Citizens' initiative, Swedish as an optional subject at all levels of education).

301 Act on an Experiment on the Second Official Language of Finland in Basic Education (Laki toisen kotimaisen kielen kokeilusta perusopetuksessa 1134/2017).

302 HE 114/2017 vp, Hallituksen esitys eduskunnalle laiksi toisen kotimaisen kielen kokeilusta perusopetuksessa (Government proposal to Parliament on the Act on an Experiment on the Second Official Language of Finland in Basic Education)

The objectives of the experiment were to increase the opportunity of the education providers participating in the experiment to expand their language offering and to gain more information about factors related to language choices, as well as to investigate the impact of the increased number of options on the expansion and strengthening of language skills. It also aimed to monitor the impact on learning outcomes, language choices and the language offering, as well as the impact on pupils' post-primary education. The Act on the experiment entered into force on 1 January 2018 and will remain largely in force until the end of 2024. The Act would have allowed for a language experiment involving 2,200 pupils, but the experiment was not realised, as it proved inexpedient due to the low number of applicants.<sup>303</sup>

#### 5.5.3.4 Immigrants' linguistic integration in society and language learning

Learning the national languages is an essential part of an immigrant's integration in Finnish society. To successfully acquire and build their Finnish or Swedish language skills in working life, immigrants need new knowledge about the possibilities of language learning at the workplace, as well as support, models and resources for workplaces. Good experiences have been gained from Finnish language courses for taxi drivers and a model of supervised internships in the field of nursing, for example.<sup>304</sup>

The Finnish Language Board of the Institute for the Languages of Finland has commented on ensuring the quality of language teaching for adult immigrants from the perspective of the learning of Finnish.<sup>305</sup> However, it is important to invest in Finnish or Swedish language teaching for all immigrants. The previous language report investigated integration

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303 Saarinen, T. (12 September 2018). *Toisen kotimaisen valinnaistamiskeskustelun pitkä historia ja lyhyt toteutus (The long history and short realisation of the debate on making the second official language optional)*. Finnish Network for Language Education Policies. Retrieved on 22 July 2021 from <https://www.kieliverkosto.fi/fi/journals/kieli-koulutus-ja-yhteiskunta-syyskuu-2018/toisen-kotimaisen-valinnaistamiskeskustelun-pitka-historia-ja-lyhyt-toteutus>

304 Räsänen, M. (2020). *Kielipolitiikan vuosi 2019 (Year of language policy 2019)*. Online publications of the Institute for the Languages of Finland; 65. [https://www.kotus.fi/files/8994/Kielipolitiikan\\_vuosi\\_2019.pdf](https://www.kotus.fi/files/8994/Kielipolitiikan_vuosi_2019.pdf)

305 Institute for the Languages of Finland: *Aikuisten maahanmuuttajien kielenopetuksen laatu on varmistettava. Suomen kielen lautakunnan kannanotto 11.1.2017 (The quality of language teaching for adult immigrants must be ensured. Opinion of the Finnish Language Board 11 January 2017)*. Retrieved on 12 September 2021 from [https://www.kotus.fi/ohjeet/suomen\\_kielen\\_lautakunnan\\_suosituksia/kannanotot/aikuisten\\_maahanmuuttajien\\_kielenopetuksen\\_laatu\\_on\\_varmistettava](https://www.kotus.fi/ohjeet/suomen_kielen_lautakunnan_suosituksia/kannanotot/aikuisten_maahanmuuttajien_kielenopetuksen_laatu_on_varmistettava).

in Swedish in more detail, noting as a key observation that cost-effective models of integration training for Swedish-speaking immigrants should be considered<sup>306</sup>.

As outlined in the Government Programme, the Ministry of Education and Culture has launched programmes to enhance quality and equality in early childhood and basic education (the Right to Learn development programmes), which cover the period from 2020 to 2022. The development programmes will reform legislation, strengthen the effectiveness of the funding systems for early childhood and basic education, and seek practices and operating methods that will strengthen and influence equality.<sup>307</sup>

The development programmes on the quality and equality of early childhood and basic education will safeguard and support the learning potential and educational transitions of children and young people with an immigrant background, especially at education transition points. More attention will be paid to the assessment of the language skills and other learning skills of pupils who have recently arrived in Finland. In addition, the expertise of the staff in early childhood education and care and primary education teachers in language-sensitive teaching will be supported.

The measures will support children with an immigrant background during the transition from home to early childhood education and care, during early childhood education and care, during the transition from early childhood education to preschool education, and during the transition from there to teaching in preparation for basic education or directly to basic education. Furthermore, the teaching of Finnish or Swedish as a second language (language S2) in early childhood education will be promoted, and efforts will be made to support pupils with an immigrant background during the transition points in education.<sup>308</sup>

The national early childhood education core curriculum pays special attention to teaching Finnish/Swedish as a second language and functional language learning. More attention should be paid to this at the local level, as the learning of the second language often starts during early childhood education and care. Even children with an immigrant background

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306 Prime Minister's Office (2017). *Hallituksen kertomus kielilainsäädännön soveltamisesta 2017 (Government report on application of language legislation 2017)*, pp. 125–128.

307 Ministry of Education and Culture (28 May 2021). Opetus- ja kulttuuriministeriön kirje oikeusministeriölle (Letter from the Ministry of Education and Culture to the Ministry of Justice), (VN/6256/2019/OM)

308 Ministry of Education and Culture (28 May 2021). Opetus- ja kulttuuriministeriön kirje oikeusministeriölle (Letter from the Ministry of Education and Culture to the Ministry of Justice), (VN/6256/2019/OM)

who were born in Finland have many language skill challenges in primary education according to studies by the Finnish Education Evaluation Centre.<sup>309</sup>

Reforms to support the learning and studies of learners with an immigrant background (children, pupils or students whose native language or language spoken at home is not Finnish, Swedish or Sámi) also include the expansion of compulsory education, the development of student counselling, the identification of skills within the continuous learning framework and measures targeting under-represented groups.<sup>310</sup>

Agreements between the Ministry of Education and Culture and higher education institutions (for the period 2021–2024) include annual funding of €3.8 million as part of the internationalisation programme for higher education institutions. The funding will be used to develop and offer advanced courses in Finnish or Swedish as a second language in cooperation with partners, and to make these language courses available to students outside the higher education institution, which requires more advanced teaching in Finnish or Swedish as a second language. Five higher education institutions in the Helsinki metropolitan region (the University of Helsinki, Aalto University, Haaga-Helia University of Applied Sciences, Laurea, University of Applied Sciences and Metropolia University of Applied Sciences) are responsible for the project, but the courses and other activities are intended to benefit the higher education sector as a whole.

Preparatory education for immigrants is offered at universities of applied sciences with the aim of developing the students' Finnish language skills from level B1 to level B2, providing the students with the necessary skills for higher education and familiarising them with a specific field of study. The preparatory education does not give direct access to a degree programme. The preparatory education is offered free of charge to the student.<sup>311</sup>

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309 Finnish National Agency for Education (15 June 2021); Junttila, N., Rehn, C., Costiander, K., Kahiluoto, T. & Alila, K. (2020). *Turvapaikkaa hakevat ja paperittomat lapset sekä S2/R2 -opetus varhaiskasvatuksessa (Persons seeking asylum, undocumented immigrant children and teaching Finnish or Swedish as a second language in early childhood education)*. Finnish National Agency for Education, Reports and studies 2020:24.

310 Valtioneuvoston koulutuspoliittinen selonteko (Government report on education policy), p. 59

311 Ministry of Education and Culture (1 September 2021).

## 5.5.4 Sámi languages

### 5.5.4.1 General

The Act on Early Childhood Education and Care obliges municipalities to organise day care for children in Sámi, while pursuant to the Basic Education Act, pupils living in the Sámi homeland who are proficient in Sámi must be primarily taught in Sámi.<sup>312</sup>

The 2013 report on the application of language legislation examined the status of day care in Sámi, i.e. early childhood education, language nests and basic education, and highlighted development needs in these areas.<sup>313</sup> Early childhood education, language nests and teaching of Sámi are of the utmost importance for the maintenance and revitalisation of the endangered Sámi languages, which has been highlighted during the monitoring period.

Special attention has been paid to the improvement of the status of the Sámi languages in recent years in the recommendations concerning Finland by several international monitoring bodies. For example, the Committee of Ministers of the Council of Europe, which monitors the application of the European Charter for Regional or Minority Languages, has recommended that Finnish authorities urgently consolidate Sámi language education outside the Sámi homeland, in particular by providing permanent funding for language nests and adult education.<sup>314</sup>

With regard to the Framework Convention for the Protection of National Minorities, the Committee of Ministers recommended consolidation of the support for Sámi language teaching, paying particular attention to language nests, distance education and teacher training.<sup>315</sup>

The Advisory Board on Language Affairs has also paid attention to the need to support the use and revitalisation of the Sámi languages by ensuring that Sámi speakers and those interested in the Sámi languages can study Sámi throughout Finland. The revitalisation of Sámi also requires adequate resources for Sámi language teaching.<sup>316</sup>

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312 Arola, L. (2021), p. 15; Basic Education Act (628/1998).

313 Finnish Government (2013), pp. 92–94.

314 Committee of Ministers of the Council of Europe (3 October 2018). Recommendation CM/RecChL(2018)5 of the Committee of Ministers to member States on the application of the European Charter for Regional or Minority Languages by Finland.

315 Committee of Ministers of the Council of Europe (12 February 2020).

316 Advisory Board on Language Affairs (24 October 2018).

The working group for the development of Sámi languages and Sámi language education, established by the Ministry of Education and Culture in February 2020, has been of special importance, as its work has provided a basis for promoting the status of the Sámi languages in early childhood education and teaching. The working group was tasked with examining the status of Sámi early childhood education and Sámi teaching as a whole, and submitting proposals on matters such as cultural and language nest activities for the Sámi, the availability of Sámi language teaching materials, increasing recognition of the Sámi languages and the Sámi history and culture, promoting Nordic school cooperation in Sámi teaching and training needs of Sámi-speaking social welfare and health care personnel. The final report of the working group was handed over to Minister of Education Jussi Saramo and State Secretary Tuomo Puumala on 15 April 2021. Separate reports by the working group were published on 1 December 2020.<sup>317</sup>

#### 5.5.4.2 Early childhood education and care

The 2013 language report indicated that Sámi day care (now early childhood education and care) was the best implemented social welfare service at the time. The government grant for this service played, and still plays, an important role. However, there were also challenges in the organisation of early childhood education and care, such as the lack of trained Sámi-speaking staff, and the unequal status of early childhood education and care in Sámi outside the Sámi homeland. The significance of a child's registered native language in the organisation of early childhood education and care was also mentioned.<sup>318</sup>

According to the 2020 Sámi barometer, half the respondents in the Sámi homeland reported that their child was receiving early childhood education and care in Sámi. A few reported that their child was receiving early childhood education and care in Finnish, or was in a Finnish language nest. However, outside the homeland, the majority of respondents' children received early childhood education and care in Finnish. The Sámi barometer indicates that although the right to early childhood education and care in Sámi applies, in principle, regardless of a person's place of residence, it is rarely implemented

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317 Ministry of Education and Culture (28 May 2021); Ministry of Education and Culture (6 February 2020). *Työryhmä kehittämään saamelaisopetusta (Working group to develop Sámi teaching)* [press release]. Retrieved on 2 July 2021 from <https://minedu.fi/-/tyoryhma-kehittamaan-saamelaisopetusta>; Ministry of Education and Culture (15 April 2021). *Loppuraportti saamen kielten ja saamenkielisen opetuksen kehittämisestä (Final report on the development of the Sámi languages and teaching in Sámi)* [press release]. Retrieved on 2 July 2021 from <https://minedu.fi/-/loppuraportti-saamen-kielten-ja-saamenkielisen-opetuksen-kehittamisesta>.

318 Finnish Government (2013), p. 92.

outside the Sámi homeland. Outside the Sámi homeland, early childhood education in Sámi is provided by the cities of Rovaniemi, Oulu and Helsinki.<sup>319</sup>

According to the Sámi Barometer, most of the respondents in the Sámi homeland were satisfied with the early childhood education and care services (day care, pre-primary education, lower comprehensive school, upper comprehensive school), and relatively few respondents considered the services to be poorly organised. In the homeland, almost all respondents had chosen Sámi early childhood education and care for their children, and the majority had chosen basic education in Sámi. In general, the respondents were highly satisfied with the early childhood education and care and satisfied with the teaching, but there were concerns about the teaching of the subject in upper comprehensive school and how the school supports the Sámi language skills of the children.<sup>320</sup>

Education services were also considered important outside the Sámi homeland. Early childhood education and care in Sámi and teaching of Sámi or teaching in Sámi were mentioned in many replies by respondents outside the Sámi homeland. In particular, there were concerns about how a child would grow up as a Sámi outside the Sámi homeland if they did not learn the Sámi language.<sup>321</sup>

The 2020 Sámi barometer also highlighted the lack of trained personnel in early childhood education and teaching.<sup>322</sup>

The Sámi Barometer draws attention to the fact that outside the Sámi homeland, linguistic rights mainly apply to children who are entitled to early childhood education and care in their native language and two hours per week of supplementary education in their native language at school. In addition, the Sámi Language Act guarantees the right to deal with specific central government authorities in Sámi. Unlike municipalities in the Sámi homeland, municipalities outside the homeland are ineligible for government support for Sámi education. However, funding for cultural and language nest activities for the Sámi is available in the entire country.<sup>323</sup>

A working group established by the Ministry of Education and Culture proposed the strengthening of early childhood education and care in Sámi, especially outside the Sámi

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319 Arola, L. (2021). pp. 40–42 and p. 21.

320 Arola, L. (2021). p. 46 and p. 67.

321 Arola, L. (2021), p. 68.

322 Arola, L. (2021), p. 72.

323 Arola, L. (2021), p. 14.



homeland.<sup>324</sup> As part of the working group's work, a report on the staffing resources and training needs in Sámi early childhood education and teaching was prepared<sup>325</sup>. According to the report, the lack of Sámi-speaking staff makes it difficult to realise and develop Sámi early childhood education and teaching services, and in addition to concrete teaching and early childhood education and care, the lack of resources makes it difficult to provide other services (such as student welfare services) to Sámi-speaking children and young people.<sup>326</sup>

The key observations concerning early childhood education and care in Sámi seem to correspond to the questions raised in 2013 about the availability of Sámi-speaking early childhood education professionals and the organisation of early childhood education and care outside the homeland.

#### 5.5.4.3 Language nests

The 2013 language report indicated that Sámi language nests had made a particular contribution to the promotion of the status of the endangered Inari and Skolt Sámi. The report noted that language nests are one of the most important language revitalisation activities, and therefore the need for language nests should be surveyed and parents' awareness of them should be increased.<sup>327</sup>

In the 2020 Sámi barometer, a couple of respondents in the Sámi homeland stated that their child was receiving early childhood education and care in Finnish, or was in a Finnish language nest. A total of 2% of respondents from outside the homeland reported attendance in a language nest.<sup>328</sup>

According to PM Marin's Government Programme, support for Sámi language nests will be increased to meet the expanded needs.<sup>329</sup> The working group established by the Ministry of Education and Culture concluded that Sámi language nests should be made a more integral part of early childhood education and care. Since 1993, cultural and language

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324 Ministry of Education and Culture (2021).

325 Arola, L. (2020). *Selvitys saamenkielisen opetus- ja varhaiskasvatushenkilöstön saatavuudesta ja koulutuspoluista (Report on availability of Sámi-speaking teaching and early childhood education and care personnel and educational paths)*. Publications of the Ministry of Education and Culture 2020:30. <http://urn.fi/URN:ISBN:978-952-263-836-6>

326 Arola, L. (2021), p. 17.

327 Finnish Government (2013), p. 6 and pp. 92–93.

328 Arola, L. (2021). pp. 40–41.

329 *Pääministeri Sanna Marinin hallituksen ohjelma 10.12.2019 (Prime Minister Sanna Marin's Government Programme 10 December 2019)* (2019), p. 169.

nest activities for Sámi children under the school age have been developed to revitalise the Sámi languages. Thanks to the language nests, the number of active speakers of the Sámi languages has increased by hundreds. Sámi language nests are not mentioned in the current Act on Early Childhood Education and Care or the national early childhood education core curriculum. A Sámi language nest is a proven means of revitalising the endangered Sámi languages.<sup>330</sup>

#### 5.5.4.4 Basic education

According to the 2013 language report, a key problem was that a large number of Sámi children lived outside the Sámi homeland and did not receive education in Sámi.<sup>331</sup> The report also highlighted the lack of qualified subject teachers in basic education, the lack of high-quality teaching materials based on the Sámi culture, the need to secure the continuity of Sámi language teaching and distance education needs.<sup>332</sup>

As mentioned above, there is a high level of satisfaction with teaching services in the Sámi homeland. According to the results of the Sámi barometer, there were concerns about the teaching of the subject in upper comprehensive school and how the school supports the Sámi language skills of the children, as well as the availability of Sámi-speaking teaching staff.<sup>333</sup>

Studies by the Ministry of Education and Culture have revealed that there are many needs regarding Sámi language teaching staff. The availability of early childhood education teachers and class teachers has been well supported, but the situation with subject teachers and special needs teachers remains a challenge.<sup>334</sup> The lack of teachers affects all the Sámi languages, Sámi language subject teachers and Sámi-speaking teachers of other subjects. There have been no qualified Skolt Sámi teachers in the past, and the fact that Northern Sámi teachers have retired has aggravated the teacher shortage in the Sámi homeland. In 2019–2021, the Giellagas Institute and the Faculty of Education of the University of Oulu implemented a three-year training project leading to a qualification as a Sámi-speaking subject teacher.<sup>335</sup>

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330 Ministry of Education and Culture (15 April 2021).

331 Finnish Government (2013), p. 6 and pp. 93-94.

332 Finnish Government (2013), p. 94.

333 Arola, L. (2021). p. 46 and p. 67.

334 Ministry of Education and Culture (Meeting on 12 May 2021).

335 Ministry of Education and Culture (28 May 2021).

Based on the final report of the Ministry of Education and Culture working group, the key development needs regarding the Sámi languages in basic education concern the availability of teaching staff, the expansion of distance education, up-to-date Sámi language teaching materials, boosting the participation of the Sámi in the development of early childhood education and teaching, as well as the need to increase the teaching of Sámi knowledge in schools and renew teaching materials. Of the Sámi languages, the report highlights the development of Skolt Sámi education as the most urgent, as Skolt Sámi is the most endangered of the Sámi languages (Inari, Skolt and Northern Sámi).<sup>336</sup>

The Ministry of Education and Culture is funding a pilot project on distance education for the Sámi languages. The project period is from 1 August 2018 to 31 August 2023. The project aims to bring more students with a Sámi background into the scope of Sámi education through distance education. Furthermore, the results and experience gained will be used to create the necessary prerequisites for the establishment of nationwide distance education of the Sámi languages.<sup>337</sup>

#### 5.5.4.5 Projects to improve the availability of teaching staff

The Giellagas Institute of the University of Oulu carries nationwide responsibility for higher education and research of the Sámi language and culture in Finland. All three Sámi languages (Northern, Inari and Skolt Sámi) are currently majors in the Sámi language and literature degree programme.

In 2016–2019, with special funding from the Ministry of Education and Culture and in cooperation with the Sámi Education Institute, the University of Oulu realised a project on early childhood education teacher training that took the Sámi language, culture and traditional knowledge into account. The 19 students who were selected for the training and started their studies in the programme were divided by language group as follows: Northern Sámi 13, Inari Sámi 4 and Skolt Sámi 2.

The Ketterä korkeakoulu (Agile university) project (2018–2021), funded by the Ministry of Education and Culture, offered teacher qualification studies for persons teaching or wanting to teach the Sámi languages or in the Sámi languages. The project provided the opportunity to complete basic and intermediate level studies in Inari, Skolt and Northern Sámi, basic level studies in literature and pedagogical studies for teachers.

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<sup>336</sup> Ministry of Education and Culture (15 April 2021).

<sup>337</sup> Ministry of Education and Culture (28 May 2021).

During the 2019–2020 academic year, the students completed 60 credits in Northern, Inari and Skolt Sámi studies. A total of 14 persons studied Northern Sámi, 11 Inari Sámi and 9 Skolt Sámi. Basic studies in Sámi literature (25 credits) started in the autumn of 2020 and the pedagogical studies for teachers (60 credits) in January 2021. These studies will be completed by the end of 2021.

In the spring of 2021, two Sámi-speaking students were admitted to the University of Oulu early childhood education teacher and class teacher programmes, each based on their own quotas. There are also two quota places in the class teacher programme of the University of Lapland for Sámi-speaking applicants.<sup>338</sup>

### 5.5.5 Sign languages

The 2013 language report revealed that concerns regarding the rights of sign-language-speaking children to their own language and culture were increasing.<sup>339</sup> The report drew attention to issues such as the absence of any mention of sign languages or the endangered status of the Finland-Swedish Sign Language in the Act on Child Day Care (Laki lasten päivähoidosta 36/1973) that was valid at the time.<sup>340</sup> The Constitutional Law Committee has also paid particular attention to the status of Finland-Swedish Sign Language and sign language teaching in its report on the Sign Language Act and its report on the 2017 language report, for example.<sup>341</sup>

According to PM Marin's Government Programme, the need to amend legislation on early childhood education and care and basic education to comply with the Sign Language Act and the UN Convention on the Rights of Persons with Disabilities will be examined, and the programme to revitalise Finland-Swedish Sign Language will be continued by measures such as defining a body responsible for language research.<sup>342</sup> The current Government Programme has thus taken the needs identified in the 2013 language report into account.

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338 Ministry of Education and Culture (28 May 2021).

339 Finnish Government (2013), p. 6.

340 Finnish Government (2013), p. 97.

341 Report PeVM 10/2014 vp of the Constitutional Law Committee – Government proposal HE 294/2014 vp; Report PeVM 2/2018 vp of the Constitutional Law Committee – Government report K 18/2017 vp.

342 *Pääministeri Sanna Marinin hallituksen ohjelma 10.12.2019 (Prime Minister Sanna Marin's Government Programme 10 December 2019)* (2019).

### 5.5.5.1 Early childhood education and care

Sign languages are not mentioned in the Act on Early Childhood Education and Care, but according to the explanatory memorandum, early childhood education and care can also be provided in sign language. Efforts must also be made to find a service that is in the child's best interest and corresponds to the child's linguistic needs.<sup>343</sup> When adopting the Act, Parliament required the Government to take action to ensure that the right of sign language speakers to receive early childhood education and care in their native language, either Finnish or Finland-Swedish Sign Language, is safeguarded.<sup>344</sup>

Children whose native language is sign language are taken into account in early childhood education and care. However, the challenge is that municipalities have different customs, practices and resources. When a child first enters early childhood education and care, a decision is made concerning in which day-care centre or family day care facility the child will be placed. If the parents wish, or if the municipality proposes, a day-care centre or family day care facility with staff and other children who speak sign language may be sought for the child. However, there are few sign-language-speaking children in small municipalities, so most are placed in a regular group of children.

Municipalities usually provide a sign language assistant if none of the employees at the facility are proficient in sign language. In most cases, there are no sign-language-speaking employees. Whenever possible, staff will be offered training in sign language. A special needs teacher will be involved in the preparation of the child's early childhood education plan and in planning the child's support needs and language development, and sometimes also in teaching the child, depending on their needs. During early childhood education, the child may receive sign language teaching from sign language teachers. If the parents are also sign language speakers, an interpreter may be used in discussions related to the implementation of the child's early childhood education plan.<sup>345</sup>

Early childhood education in sign language can be provided on the basis that the child uses sign language. CODA children, i.e. hearing children of deaf parents, and speakers of Finland-Swedish Sign Language are also taken into account in the national early childhood education core curriculum.<sup>346</sup>

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343 HE 40/2018 vp, p. 89.

344 Reply EV 67/2018 of Parliament – Government proposal HE 40/2018 vp on the Government proposal on the Act on Early Childhood Education and Care and related legislation, Resolution 4 (EV 67/2018 - HE 40/2018 vp, Eduskunnan vastaus hallituksen esitykseen eduskunnalle varhaiskasvatuslaiksi ja siihen liittyviksi laeiksi, lausuma 4).

345 Ministry of Education and Culture (28 May 2021).

346 Viittomakielen yhteistyöryhmän pöytäkirja 3/2020 (Minutes 3/2020 of the sign language cooperation group, 6 October 2020).

A 2019 assessment of basic services by the Regional State Administrative Agencies studied the extent to which children who spoke sign language and CODA children attended early childhood education and pre-primary education, and the number of employees proficient in sign language in early childhood education.<sup>347</sup> According to the assessment, 30 children who used sign language attended early childhood education and 15 pre-primary education (the number of CODA children was 31 and 8, respectively). According to the assessment, there were a total of 221 employees proficient in sign language. The assessment indicates that a key challenge is to bring these children and employees together, i.e. to allow these employees to work in the facilities where the children are attending early childhood education.<sup>348</sup>

The native language of a sign-language-speaking child is not always correctly identified in the classroom. It is important for parents to declare sign language as their child's native language and for there to be the possibility to declare more than one native language in the Population Register. Finland does not recognise the multilingual nature of children and families. Families also need more information.<sup>349</sup>

Attempts to provide more information have been made. For example, the Finnish National Agency for Education published a guide *Viittomakieliset lapset varhaiskasvatuksessa ja esiopetuksessa* (*Sign language speaking children in early childhood education and pre-primary education*) in 2018. The guide aims to provide parents with more information about the different ways of organising the early childhood education and care and pre-primary education of a child who uses sign language. For staff, the guide explains how to work with a child who speaks sign language, and what types of new working methods may be required in early childhood education and pre-primary education.<sup>350</sup>

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347 *Peruspalvelujen arviointi 2019: Viittomakieliset ja CODA-lapset varhaiskasvatuksessa ja esiopetuksessa* (*Basic services assessment 2019: Sign-language-speaking and CODA children in early childhood education and pre-primary education*). Retrieved on 2 September 2021 from <https://www.patio.fi/web/pepa-2019-valtakunnallinen/varhaiskasvatus-ja-esiopetus>.

348 Viittomakielen yhteistyöryhmän pöytäkirja 3/2020 (Minutes 3/2020 of the sign language cooperation group, 6 October 2020).

349 Viittomakielen yhteistyöryhmän pöytäkirja 3/2020 (Minutes 3/2020 of the sign language cooperation group, 6 October 2020).

350 Finnish National Agency for Education: *Viittomakieliset lapset varhaiskasvatuksessa ja esiopetuksessa*. Guides and handbooks 2018:9a. Grano Oy. <https://www.oph.fi/fi/tilastot-ja-julkaisut/julkaisut/viittomakieliset-lapset-varhaiskasvatuksessa-ja-esiopetuksessa>.

### 5.5.5.2 Basic education

According to section 6 of the Basic Education Act (628/1998), the local authority must assign to a child of compulsory school age a neighbourhood school or some other appropriate place where education is provided in their native language in which the local authority is obliged to provide education (“the primary school”). Pursuant to section 26 of the Basic Education Act, a child of compulsory school age may also apply for a place in a school other than the neighbourhood school. This is referred to as a secondary school. The Basic Education Act as such does not prevent a child whose native language is sign language from applying to a secondary school under section 26 of the Basic Education Act, but there is no right to receive education in the secondary school.

According to section 10 of the Basic Education Act, the language of instruction at the school may be sign language. Pupils with auditory impairments must be provided with teaching in sign language when required. According to section 10 of the Basic Education Act, the pupil may also be taught sign language as the native language if the parent or guardian so chooses. According to section 8 of the Government Decree on the National Objectives for Education Referred to in the Basic Education Act and in the Distribution of Lesson Hours (422/2012), sign language teaching must be organised during lessons reserved for native language, literature and other languages. In most cases, children who speak sign language attend a municipal comprehensive school and receive the interpretation services they need to participate in education.

Pupils who speak sign language may also be included in the scope of section 18 of the Basic Education Act, which allows for special teaching arrangements for reasons such as the pupil’s health. The vast majority of sign language pupils receive special support because of their hearing impairment, and their compulsory education is extended. In accordance with the Basic Education Act and the guidelines of the national core curriculum, the education provider decides the arrangements for sign language education and the support services necessary for its provision.<sup>351</sup> According to the final report of a special support development group of the Ministry of Education, the education provided to the deaf who speak sign language can be interpreted as falling within the scope of special support, even though sign language is not explicitly mentioned.<sup>352</sup>

The provisions of the Basic Education Act were drafted before the entry into force of the Sign Language Act (359/2015), and they primarily protect the right of hearing-impaired

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351 Ministry of Education and Culture (28 May 2021).

352 Kuurojen liitto ry (28 June 2021); Ministry of Education and Culture: *Vaativa erityinen tuki esi- ja perusopetuksessa. Kehittämisyhmän loppuraportti (Demanding special support in pre-primary and basic education. Final report of the development group)*. Publications of the Ministry of Education and Culture 2017:34, p. 34.

pupils to receive basic education. However, sign language is also used by persons other than the hearing impaired, such as CODA children.

According to section 12 of the Basic Education Act, a pupil must be taught Finnish, Swedish or Sámi as their native language in keeping with the language of instruction. A pupil may also be taught the Romani language, sign language or some other language which is the pupil's native language if the parent or guardian so chooses. Practical problems have been identified in the implementation of sign language education for deaf pupils and pupils with varying degrees of hearing impairments due to the lack of sign language teachers, for example. CODA pupils often find it difficult to receive teaching in the subject sign language and literature alongside Finnish or Swedish, which is taught as their native language.<sup>353</sup>

According to a 2014 survey by the Finnish National Agency for Education and the Finnish Association of the Deaf (Kuurojen liitto ry), there were pupils with sign language as their first or second language in at least 42 schools. Only three of the schools had more than five pupils with sign language as their native language and/or deaf pupils. The study found that as a result of the neighbourhood school principle and cochlear implants, fewer pupils with varying degrees of hearing impairments were placed in special municipal schools or school units of the Centre for Learning and Consulting operating under the Finnish National Agency for Education. The situation can be considered extremely challenging in terms of the linguistic, cultural and above all, social development of the pupils who are not placed in these schools.<sup>354</sup>

The 2020 sign language barometer studied the opportunities of children from sign language families to receive sign language education, and to attend day care or school in their own language. In addition to the language diversity of the sign language families, the family's place of residence, other resources available to the family and the linguistic and pedagogical capacities of the available teachers (classroom or distance education) all played a role in whether the families consider sign language education essential for their hearing children. Some parents did not find day care or education in sign language necessary, and felt that the sign language environment at home was sufficient for their hearing children, while other families were of the opinion that the presence of sign language at the day-care centre or school would significantly support the development of

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353 Kuurojen liitto ry (28 June 2021).

354 Ministry of Education and Culture (28 May 2021); Selin-Grönlund, P., Rainò, P., Martikainen, L. (2014). *Kuurojen ja viittomakielisten oppilaiden lukumäärä ja opetusjärjestelyt (Number and teaching arrangements of deaf pupils and pupils with sign language as their native language)*. Finnish National Agency for Education, Reports and studies 2014:11.



their child's linguistic skills. The number of sign-language-speaking families living in the same municipality seems to have a significant impact on the ability of the municipalities to provide linguistic support to children in sign-language-speaking families. In municipalities where there are several such families, it has been possible to create a sign language day care group consisting of deaf, hearing impaired and hearing CODA children. As the children move on to school, it also seems to be easier to organise group teaching of sign language (and teaching in sign language). However, this may require some perseverance on the part of sign-language-speaking families: some parents who replied to the barometer have had to organise their own teaching group and find a pedagogically and linguistically qualified native language teacher for the group.<sup>355</sup>

The Finnish Association of the Deaf has stated that a child who is deaf or hearing impaired and has sign language as their native language is considered able to cope with their studies solely with the help of hearing aids, with the support of a classroom assistant who uses speech-supporting signs or with the help of an interpreter. This is often because staff proficient in sign language are not available or cannot be found. Furthermore, deaf sign language speakers are rarely employed as teachers. However, interpretation or any of the other means mentioned above are not a substitute for teaching in one's native language. The use of face masks has become a challenge during the COVID-19 pandemic, as a face mask largely obscures facial expressions and the movements of the mouth, which are essential elements of sign language. This makes it difficult to follow both teaching and interpretation.<sup>356</sup>

### 5.5.5.3 Finland-Swedish Sign Language

The Sign Language Act (359/2015), which entered into force in 2015, also explicitly applies to Finland-Swedish Sign Language.<sup>357</sup> A report published by the Ministry of Justice in 2016 drew attention to the lack of teachers and interpreters proficient in Finland-Swedish Sign Language and the lack of a body responsible for research into the language. According to the report, the key development needs regarding Finland-Swedish Sign Language were related to language research and the training of teachers proficient in the language. The

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355 Rainò, P. (2021), p. 82.

356 Kuurojen liitto ry (28 June 2021).

357 Pimiä, K. & Soininen, M. (2014). *Viittomakielilakia valmistelevan työryhmän mietintö (Report of the working group preparing the Sign Language Act)*. Publications of the Ministry of Justice, Reports and opinion 42/2014. <http://urn.fi/URN:ISBN:978-952-259-381-8>

main conclusion was that a comprehensive programme for the revitalisation of the highly endangered Finland-Swedish Sign Language was needed.<sup>358</sup>

Progress has been made in the revitalisation of Finland-Swedish Sign Language in recent years. The Universities of Helsinki and Jyväskylä now share the responsibility for research into Finland-Swedish Sign Language.<sup>359</sup> The Ministry of Education and Culture has funded the planning and coordination of the revitalisation programme for Finland-Swedish Sign Language.<sup>360</sup> Education projects carried out by the Humak University of Applied Sciences were part of the work to revitalise Finland-Swedish Sign Language. In 2015–2017, the Livs I project included the planning and implementation of language expert training and the collection of teaching materials, the creation of a network of Finland-Swedish Sign Language users for the needs of the trainers and the creation of descriptions of the structural features and grammar of Finland-Swedish Sign Language. In 2018–2020, the Livs II project realised a training project for Finland-Swedish Sign Language interpreters (25 students). It produced Finland-Swedish Sign Language interpreters for the labour market as quickly as possible. Grants were awarded to the Finnish Association of the Deaf in 2019 and 2020 to continue the work on the revitalisation of Finland-Swedish Sign Language.<sup>361</sup>

#### 5.5.5.4 Finnish Sign Language teacher education development project

In 2018, the Ministry of Education and Culture granted funding for the implementation of a Finnish Sign Language teacher education development project. The project has provided further education for sign language teachers, both those who have received teacher training and sign language teachers in the field who lack linguistic and/or pedagogical sign language training. Meanwhile, digital teaching materials for sign language teaching have also been developed for national use.<sup>362</sup>

Government grants granted in the spring of 2021 have also been used to fund the development of Finnish and Finland-Swedish Sign Language teaching.<sup>363</sup>

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358 Soininen, M. (2016). *Selvitys suomenruotsalaisen viittomakielen kokonaistilanteesta (Report on the overall status of Finland-Swedish Sign Language)*. Publications of the Ministry of Justice, Reports and guidelines 2/2016. <http://urn.fi/URN:ISBN:978-952-259-490-7>

359 Ministry of Education and Culture (28 May 2021), pp. 6–7.

360 Ministry of Education and Culture (28 May 2021).

361 Ministry of Education and Culture (28 May 2021).

362 Ministry of Education and Culture (28 May 2021); University of Jyväskylä. *Suomalaisen viittomakielen täydennyskoulutusohjelma 2019-2020 (Further education in Finnish Sign Language 2019–2020)*. Retrieved on 2 September 2021 from <https://www.jyu.fi/hytk/fi/laitokset/kivi/opiskelu/tutkinto-ohjelmat-ja-oppiaineet/viittomakieli/opiskelu-2/taydennyskoulutusohjelma-2019-2020/taydennyskoulutusohjelma2019-2020>.

363 Finnish National Agency for Education (15 June 2021).

### 5.5.6 Romani

The 2013 Government report on the application of language legislation found that Romani was an endangered language whose use had declined in a threatening manner. The report revealed that the launch of university courses in Romani and language nests had helped revitalise Romani language skills, but that only some Romani children received Romani language teaching during basic education.<sup>364</sup>

The Ministry of Justice published a report on the implementation of the linguistic rights of the Romani in February 2014. According to the report, the key practical problems are a lack of qualified Romani language teachers and written teaching materials for different age groups, and regional differences in Romani language teaching.<sup>365</sup>

For example, the status of Romani in education has been further emphasised in the recommendations of the Committee of Ministers of the Council of Europe on the European Charter for Regional or Minority Languages.<sup>366</sup> The Committee of Ministers has recommended that the Finnish authorities urgently increase and improve the training of Romani-speaking teachers, expand the production of Romani language teaching materials and increase the provision of Romani language teaching. With regard to the Framework Convention for the Protection of National Minorities, the Committee of Ministers recommended that the authorities should increase their efforts to revitalise the Romani and Karelian languages by actively promoting their first language teaching in schools.<sup>367</sup>

#### 5.5.6.1 Early childhood education, basic education and language nests

Pre-primary education became compulsory on 1 August 2015, which can be seen as supporting the positive development of Romani children at the beginning of their learning path. According to several studies, irregular attendance has been one of the challenges concerning the early childhood education and care and pre-primary education of Romani children. It is important for Romani parents to view the beginning of the learning path as a natural part of their child's growth and development.<sup>368</sup>

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364 Finnish Government (2013), p. 6 and pp. 100-102.

365 Soininen, M. (2014). *Romanien perustuslaissa turvattujen kielellisten oikeuksien toteutuminen (Implementation of the linguistic rights of the Romani secured by the Constitution of Finland)*. Publications of the Ministry of Justice, Reports and guidelines, 11/2014. <http://urn.fi/URN:ISBN:978-952-259-355-9>

366 Committee of Ministers of the Council of Europe (3 October 2018).

367 Committee of Ministers of the Council of Europe (12 February 2020).

368 Suomen romanipoliittinen ohjelma (ROMPO) 2018–2022 (Finnish Romani policy programme 2018–2022), pp. 23–24.

The Finnish Romani policy programme for 2018–2022 includes measures regarding the early childhood education and care, pre-primary education and basic education of Romani children. The programme ensures that more information on the Romani minority is available during the initial and further education of employees working in early childhood education and care and pre-primary education, and targeted information on the available forms of early childhood education and care is provided to the parents of Romani children in home care. Another measure is for the Finnish National Agency for Education to prepare a nationwide survey on the participation of Romani children in early childhood education and care and pre-primary education, including proposed measures. The survey will also study the qualitative impact of attendance.<sup>369</sup>

The Finnish National Agency for Education has monitored the basic education completion rate of Romani pupils, their overall school performance and the quality of cooperation between Romani homes and schools in the 2000s in surveys carried out in close national cooperation with the Romani. Special government grants and other resources were allocated to support the basic education of Romani pupils between 2008 and 2015. During this period, the Finnish National Agency for Education granted 38 education providers government grants totalling some €2.5 million. The Finnish National Agency for Education estimates that approximately 80% of all Romani pupils in basic education in Finland were covered by the grants at least to some extent. The objectives of the development activities were to improve the commitment of Romani pupils to school and reduce absenteeism, increase the completion rate in basic education and guide the Romani to further studies after basic education.<sup>370</sup>

According to information provided by the Ministry of Education and Culture, some 170–180 pupils received Romani language teaching with the support of the government grants for basic education between 2008 and 2015. This is approximately a fifth of all Romani pupils. After 2016, the number of pupils dropped to less than a hundred. COVID-19 seems to have reduced the number of pupils learning Romani, but new statistics are not available yet.<sup>371</sup>

The measures of the Romani policy programme aim to increase teaching staff's awareness of Romani pupils to ensure Romani children and young Romani are taken into account in student counselling. The programme mentions as good practice that the municipalities

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369 Suomen romanipoliittinen ohjelma (ROMPO) 2018–2022 (Finnish Romani policy programme 2018–2022), pp. 23–24.

370 Suomen romanipoliittinen ohjelma (ROMPO) 2018–2022 (Finnish Romani policy programme 2018–2022), pp. 25–26.

371 Ministry of Education and Culture (28 May 2021).

participating in the development activities supported by the Finnish National Agency for Education have prepared municipality-specific development plans for the basic education of Romani children and young Romani, as well as carrying out annual monitoring of the achievement of their objectives. One of the most efficient ways of improving the learning outcomes and school motivation of Romani pupils is to employ vocationally trained classroom assistants with a Romani background for primary schools and upper comprehensive schools. Some municipalities have also employed Romani to work as peripatetic classroom assistants if the number of Romani pupils in the municipality is small and these pupils are scattered across a number of educational institutions. Some of the classroom assistants have also worked part-time as teachers of Romani language and the history and culture of the Romani.<sup>372</sup>

According to information provided by the Ministry of Education and Culture, the number of Romani language teachers has decreased due to retirements and career changes. On the other hand, the possibility to study Romani at the University of Helsinki has raised the level of competence of some teachers. In line with the measures of the Romani language revitalisation programme, efforts should be made to increase the number of Romani language teachers through university education.<sup>373</sup> It is possible to become a qualified Romani language teacher under the current arrangements, but more students are needed in universities and studies leading to a qualification as a Romani language teacher. The situation with teaching materials in Romani is considered fairly good.<sup>374</sup>

Good experiences gained from Romani language nests and the desire to expand and consolidate activities were emphasised in the Ministry of Justice's 2014 report. At their best, language nests can increase the interest of the speaking community in their own language and raise awareness of the language among the rest of the population. The expanded Romani language nest activities were considered an important step forward in the revitalisation of the Romani language. On the other hand, it was noted that a more comprehensive plan for the revitalisation of the Romani language was necessary.<sup>375</sup>

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372 Suomen romanipoliittinen ohjelma (ROMPO) 2018–2022 (Finnish Romani policy programme 2018–2022), pp. 25–27.

373 Ministry of Education and Culture (28 May 2021).

374 Ministry of Education and Culture (28 May 2021).

375 Soininen, M. (2014). *Romanien perustuslaissa turvattujen kielellisten oikeuksien toteutuminen (Implementation of the linguistic rights of the Romani secured by the Constitution of Finland)*. Publications of the Ministry of Justice, Reports and guidelines, 11/2014, p. 35.

### 5.5.6.2 Revitalisation of Romani

One of the measures in the Finnish Romani policy programme (2018–2022 ROMPO2) is to draw up a national action plan for the revitalisation of the Romani language.<sup>376</sup> The Finnish National Agency for Education established an expert body to prepare the Romani language revitalisation programme in the summer of 2020. The programme will be prepared in 2021 and 2022. The programme will include proposals on the teaching and practice of the Romani language, promotion of the Romani language and its fields of use, research, standardization of the language and publishing materials in the Romani language. Another goal is to increase the cultural offering and media content available in Romani for different target groups. All the measures in the programme aim to strengthen the right of the Romani to preserve and develop their language.<sup>377</sup> The Romani community plays an important role in the revitalisation of the language.<sup>378</sup>

In general, it can be stated that the needs highlighted in the 2013 language report are still relevant for the Romani language. An important step forward is the fact that a programme for the revitalisation of the language is being prepared. The status of the Romani language will also be examined in the language policy programme to be prepared in 2021.

## 5.5.7 Karelian

### 5.5.7.1 Language teaching

Karelian is an autochthonous or indigenous language, and the closest related language of Finnish. It has been spoken in Finland for as long as Finnish. The Karelian language and its status have been the subject of much debate in recent years. For example, there have been calls for more revitalisation of the language by the state.<sup>379</sup> A book published in 2017 examined the Karelian-speaking population in Finland and their status after World War II, as well as their possibilities to use Karelian and pass it on to future generations.<sup>380</sup>

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376 Huttu, H. (ed.) (2018).

377 Ministry of Education and Culture (28 May 2021).

378 Susanna Rajala and Miriam Schwartz, Finnish National Agency for Education. Romaniasiain neuvottelupäivän webinaari 16.9.2020 (Webinar during a Romani affairs event on 16 September 2020).

379 See e.g. Sarhimaa, A. (14 September 2020). *Kotoperäinen karjalan kieli tarvitsee oman kielilain (The indigenous Karelian language requires its own language act)* [Vieraskynä column]. Helsingin Sanomat. Retrieved on 22 July 2021 from <https://www.hs.fi/mielipide/art-2000006634710.html>.

380 Sarhimaa, A. (2017). *Vaietut ja vaiennetut – Karjalankieliset karjalaiset Suomessa (The silenced Karelian-speaking Karelians in Finland)*.

The Karelian language is explicitly mentioned in the current Government Programme, on the basis of which the language policy programme will be prepared. A study group appointed by the Ministry of Justice will prepare the language policy programme in 2021, and the programme will also consider Karelian.

The 2013 language report dealt with the Karelian language, as requested by the Constitutional Law Committee. It also covered aspects related to education.<sup>381</sup> The Karelian language has also been mentioned in international recommendations concerning Finland. For example, with regard to the Framework Convention for the Protection of National Minorities, the Committee of Ministers of the Council of Europe recommended in 2020 that the authorities should increase their efforts to revitalise the Romani and Karelian languages by actively promoting first language teaching of these languages in schools.<sup>382</sup>

The Karelian language and the Karelian culture can be studied as a minor in the University of Eastern Finland, which is also the centre for Karelian language research. Future native language teachers are also provided with basic information about Karelian. Karelian is a popular subject to study.<sup>383</sup>

The teaching of Karelian is subject to the same provisions as the teaching of foreign languages, which can be studied as (1) the advanced syllabus in a foreign language (a mandatory or an optional language), (2) the basic syllabus in a foreign language (an optional language), or (3) the native language for immigrants or a language maintenance course funded by a separate government grant.<sup>384</sup>

Karelian-speaking associations have drawn attention to the fact that in practice, the teaching of Karelian in Finland is very limited and Karelian is not taught in basic education, for example. The volume of teaching should be increased and the teaching should be developed systematically.<sup>385</sup> Some adult education centres offer Karelian language courses, but these are subject to a charge and of varying quality. At the tertiary level, Karelian language and culture can be studied as a minor in the University of Eastern

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381 Finnish Government (2013), pp. 106-107.

382 Committee of Ministers of the Council of Europe (12 February 2020).

383 University of Eastern Finland. *Kielen elvyttäjät (Language revitalisers)*. Retrieved on 12 August 2021 from <https://www.uef.fi/fi/artikkeli/kielen-elvyttajat>; University of Eastern Finland. Karjalan kielen elvytys Itä-Suomen yliopistolle (University of Eastern Finland made in charge of the revitalisation of Karelian). Retrieved on 2 September 2021 from <https://www.uef.fi/fi/artikkeli/karjalan-kielen-elvytys-ita-suomen-yliopistolle>.

384 Ministry of Education and Culture (28 May 2021).

385 Karjalazet Nuoret Suomes – Karjalaiset Nuoret Šuomešša ry (23 June 2021). Suojärven pitäjöseura ry (2 July 2021). Karjalan Kielet ry (2 July 2021).

Finland, but it is not offered as a major anywhere. Occasional Karelian language courses are also offered to varying degrees by other universities, such as the University of Helsinki.<sup>386</sup>

There used to be a Karelian language nest in Nurmes, Finland. It was managed by the Karelian Language Society (Karjalan Kielen Seura ry). However, there are currently no Karelian language nests in Finland. It has been possible to occasionally study Karelian as an optional subject in some comprehensive schools in Joensuu, for example. There was a peripatetic Karelian language teacher in Joensuu in 2019, and this arrangement was also organised by the Karelian Language Society.<sup>387</sup>

It can be said that it is important to try to increase and develop the teaching of the Karelian language. Revitalisation is crucial in this context.

### 5.5.7.2 Language revitalisation

The 2013 language report highlighted the need to prepare a Karelian language revitalisation programme.<sup>388</sup> Progress has been made in recent years with the aid of funding from the Ministry of Education and Culture in the preparation of the revitalisation programme. The Karelian Language Society implemented the Karelian language revitalisation programme in 2017–2019 with a special grant from the Ministry of Education and Culture. The premise for this work was to establish Karelian as a permanent part of education and to make use of distance education. Language and music clubs were also considered important for the language's revitalisation.<sup>389</sup>

The responsibility for the revitalisation of the Karelian language was transferred to the University of Eastern Finland at the beginning of 2021. The Ministry of Education and Culture has granted the University of Eastern Finland €200,000 for the revitalisation of the Karelian language in 2020–2022. Decisions on the necessary follow-up measures will be made on the basis of the experience gained from the revitalisation work.<sup>390</sup> The revitalisation programme is based on information generated by research into the Karelian language and other minority languages. The university will work in cooperation with the language community, taking into account all the Karelian dialects. The two-year funding

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386 Karjalazet Nuoret Suomes – Karjalaiset Nuoret Šuomešša ry (23 June 2021).

387 Karjalazet Nuoret Suomes – Karjalaiset Nuoret Šuomešša ry (23 June 2021).

388 Finnish Government (2013),

389 Kieliasian neuvottelukunnan järjestämä tilaisuus karjalan kielestä 1.6.2018 (Event on the Karelian language arranged by the Advisory Board on Language Affairs on 1 June 2018).

390 Ministry of Education and Culture (28 May 2021).



period will include the development of teaching in the Karelian language and culture, as well as the production of teaching materials.<sup>391</sup>

### 5.5.8 Russian language

The 2013 Government report on the application of language legislation noted that Russian language teaching in Finland is still rather limited. However, efforts had been made to increase the teaching of Russian, especially as a foreign language.<sup>392</sup>

According to a statement by the Union of Russian-speaking Associations in Finland (Suomen Venäjänkielisten Keskusjärjestö), the right to study one's own language is not respected in many municipalities. This is a matter for the municipality itself to decide, but in many cases, Russian-speaking residents are unaware of the possibility for their children to have their own language taught at school, as this is often not mentioned by the schools. Remedial teaching for Russian-speaking pupils who need it is offered in different parts of Finland. The level of remedial teaching heavily varies, depending on the budget of the municipality or school.<sup>393</sup>

According to the Ministry of Education and Culture, projects to promote the Russian language have not been realised in the case of general upper secondary education. For example, there have been no major changes in recent years in terms of students who take the Russian examination during the matriculation examination. These figures are affected by the proportion of native speakers of Russian. Russian language projects in general upper secondary education are no different from those in other languages. At present, the most visible project is the LUKKI network, coordinated by Helsingin Suomalainen Yhteiskoulu, which has been given the nationwide task of developing language teaching. LUKKI focuses on the development of language teaching in general upper secondary schools.

The preparation of the upper secondary school language profile in line with the new national upper secondary school core curriculum also aims to make Russian language

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391 University of Eastern Finland. *Karjalan kielen elvytys Itä-Suomen yliopistolle (University of Eastern Finland made responsible for the revitalisation of Karelian)*. Retrieved on 2 September 2021 from <https://www.uef.fi/fi/artikkeli/karjalan-kielen-elvytys-ita-suomen-yliopistolle>.

392 Finnish Government (2013), p. 104.

393 Suomen Venäjänkielisten Keskusjärjestö ry (24 June 2021).

skills visible and increase learning of the language. A language profile is prepared for each student.<sup>394</sup>

### 5.5.9 Estonian language

According to the Tuglas Association (Tuglas-seura), the teaching of Estonian as a native language is haphazard and largely organised according to the definition of each municipality. Only about one in three Estonians in Finland receive teaching in their native language. For example, there are approximately 1,000 Estonian-speaking children between the ages of 7 and 16 in both Vantaa and Helsinki, but only 600 children in Vantaa and 200 in Helsinki receive teaching in their native language.

Since the 2014–2015 academic year, the University of Helsinki has offered the opportunity to obtain the qualification of an Estonian language teacher, but the formal qualification can only be used as a native language teacher in comprehensive school, because Estonian is not taught as a native language or a foreign language in upper secondary schools. In 2014, Estonian was taught as a foreign language in four Finnish upper secondary schools, but no upper secondary school offered Estonian as a foreign language in 2020. One Estonian course is being offered in an upper secondary school in Kouvola in the autumn of 2021. Estonian as a native language is taught at Sibelius-lukio upper secondary school in Helsinki, but only as an examination course. Estonian as a foreign language is taught only to a limited extent, even though it would be an easy language to learn for Finns, as it is closely related to Finnish.<sup>395</sup>

### 5.5.10 Somali language

According to the Finnish Somali League, at least in the Helsinki metropolitan region, schools have distributed information about COVID-19 in many different languages, and interpretation services are widely available at school events. The number of multilingual counsellors has also increased.

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394 Ministry of Education and Culture (28 May 2021).

395 Tuglas-seura (2 July 2021).

## 5.6 Key observations regarding education

1. It would be justified to use the wording used on the language of instruction in the Basic Education Act in all other Acts regarding education as well..
2. The earlier start of Swedish language teaching in basic education has resulted in too few Swedish lessons during the last few years of comprehensive school. Municipalities make different decisions concerning how to distribute the already scarce Swedish lessons across the four grades.
3. The number of lessons in native language and literature in the distribution of comprehensive school lesson hours should be increased so that more emphasis could be placed on the ability to write good standard language. It should also be ensured in general upper secondary and vocational education that graduates have the language competence and standard language writing skills needed for further studies and working life.
4. The earlier start of the teaching of the A1 language was a welcome decision that improved educational equality nationwide, but it did not change the dynamics between the languages in practice – pupils now simply start to learn English slightly earlier.
5. In Sámi early childhood education and care, measures are still needed to ensure the availability of professional staff and provide sufficient early childhood education and care outside the Sámi homeland as well. Sámi language nests should be made a more integral part of early childhood education and care.
6. In basic education, it is important to be able to increase the availability of Sámi-speaking staff, in particular, and to expand distance education, as well as to implement the other proposals of the working group established by the Ministry of Education and Culture. There is an urgent need to develop Skolt Sámi education, in particular.
7. It is still important to pay attention to sign language speakers in early childhood education and care, and in the development of these services. Sign-language-speaking children and pupils should be identified, their different needs and the needs of their families should be recognised and the families should be provided with more information on the available teaching approaches.

8. Progress has been made in the revitalisation of the Finland-Swedish Sign Language, and it is important to continue this work.
9. The development of a Romani language revitalisation programme is an important step towards ensuring that the practical steps in education which are needed to revitalise the language are taken.
10. The progress made in the revitalisation of the Karelian language is an important step forward through which it will be possible to develop the teaching of the language.
11. A key challenge in the teaching of other languages, such as Russian and Estonian, is the random nature of the teaching. More information about teaching is also required.
12. In the case of all immigrants, it is essential to increase their knowledge of the national languages, as this will contribute to their integration and improve their access to information. Raising awareness of the different language groups among early childhood education and care staff also remains important.

## 6 Opportunities and challenges for the future

### 6.1 Health and social services reform

The responsibility for organising social welfare and health care services and rescue services will be transferred from municipalities and joint municipal authorities to wellbeing services counties as a result of the health and social services reform.<sup>396</sup> The premise in the preparation of the reform has been safeguarding the existing linguistic rights. This has been done at the legislative level, i.e. statutory linguistic rights will not be compromised by the transfer of the tasks from the municipalities to the wellbeing services counties. However, the safeguarding of linguistic rights depends not only on legislation, but also on how the services are organised and implemented. For customers using social welfare and health care services, the key is how linguistic rights will be implemented in practice.

As the size of the regions responsible for the organisation of social welfare and health care services increases in comparison to the size of the municipalities and the relative share of the linguistic minorities in the population, linguistic rights may be compromised in practice. The health and social services reform will transfer responsibility for the provision of primary health care and social welfare services to the wellbeing services counties where Swedish speakers are the minority, with the exception of the Wellbeing Services County of Ostrobothnia. The reform therefore includes measures to ensure that linguistic rights are respected in practice. For members of the Swedish-speaking minority, important means of participation and influencing will include national language boards and forms of cooperation between bilingual wellbeing services counties. However, the actual effects of these means of participation and influencing will depend on the resources allocated to them.

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396 HE 241/2020 vp, Hallituksen esitys eduskunnalle hyvinvointialueiden perustamista ja sosiaali- ja terveydenhuollon sekä pelastustoimen järjestämisen uudistusta koskevaksi lainsäädännöksi sekä Euroopan paikallisen itsehallinnon peruskirjan 12 ja 13 artiklan mukaisen ilmoituksen antamiseksi (Government proposal to Parliament on an Act on the establishment of wellbeing services counties and the organisation of health care, social welfare and rescue services, as well as on issuing the notification pursuant to Articles 12 and 13 of the European Charter of Local Self-Government).

The increase in size of the regions responsible for organising social welfare and health care services will also have positive effects on linguistic rights. In principle, the wellbeing services counties will be in a much better position than the existing service providers to ensure that the rights of sign language speakers are respected, for example. As the capacity of the service providers increases, and social welfare and health care services are integrated with a single provider, social welfare and health care employees proficient in sign language from the entire region will be available for services such as interpretation under the management of the wellbeing services county.<sup>397</sup>

The practical implementation of linguistic rights requires planning by the authorities, and guidance and supervision will also play an important role. Another key issue in this respect is financing. For example, a Sámi language supplement in the Lapland Wellbeing Services County will support the organisation of services in Sámi in response to an observation made by the Constitutional Law Committee on the funding of social welfare and health care services in Sámi during the regional administration reform of the previous parliamentary term.<sup>398</sup>

In its report, the Constitutional Law Committee emphasised that the Government must monitor and assess the effects of the health and social services reform on the practical implementation of linguistic rights and take any necessary action to ensure that patients and clients have access to services in their own language. These comments also applied to services in Sámi. Furthermore, the Constitutional Law Committee considered it important that the Government monitor and assess the impact of the implementation of the reform on the practical implementation of the rights of sign language speakers and take any necessary action to ensure that the rights of sign language patients and clients are respected. In its report, the Social Affairs and Health Committee concurred with the Constitutional Law Committee.<sup>399</sup> In addition, Parliament called for the status of special care in Swedish to be monitored to ensure that expertise in the Swedish language and

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397 Report PeVL 17/2021 vp of the Constitutional Law Committee – Government proposal HE 241/2020 vp

398 Statement PeVL 17/2021 vp of the Constitutional Law Committee – Government proposal HE 241/2020 vp; Statement PeVL 26/2017 vp of the Constitutional Law Committee – Government proposal HE 15/2017 vp, Government proposal HE 47/2017 vp, Government proposal HE 52/2017 vp, Government proposal HE 57/2017 vp, Government proposal HE 71/2017 vp.

399 Report PeVL 17/2021 vp of the Constitutional Law Committee – Government proposal HE 241/2020 vp and report StVM 16/2021 vp of the Social Affairs and Health Committee – Government proposal HE 241/2020 vp

services for persons with intellectual disabilities are safeguarded in the new operating environment and that sufficient resources will be available.<sup>400</sup>

Over the years, Finland has also received several recommendations from international monitoring bodies regarding the provision of social welfare and health care services in one's native language. For example, the resolution of the Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by Finland states that Finland should ensure that in practice, Swedish speakers have access to health care and social welfare services in their first language. Efforts should be made in particular to combat any intersectional discrimination against Swedish-speaking children, the elderly, and persons with disabilities using such services. Furthermore, Finland should clarify, in close consultation with the Sámi, the statutory rights concerning the provision of Sámi language health care and social welfare services in the Sámi homeland, and define attainable and measurable objectives. Sufficient budgetary resources should be made available to allow these objectives to be met.<sup>401</sup>

In its Recommendations on the application of the European Charter for Regional or Minority Languages by Finland in 2018, the Committee of Ministers recommended, among other measures, that the Finnish authorities urgently take further measures to ensure the accessibility of social and health care in Swedish and in the Sámi languages.<sup>402</sup>

Since the 2006 language report, the authorities have monitored the use of the customer's native language in social welfare and health care settings. One of the key themes of the Government's previous language report in 2017 was the implementation of linguistic rights in social welfare and health care.<sup>403</sup> As part of the Government's monitoring of the implementation of the health and social services reform, the next language report must include an assessment of the impact of the reform on linguistic rights in practice in social welfare and health care services and rescue services.

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400 Parliamentary reply EV 111/2021 vp – Government proposal HE 241/2020 vp

401 Resolution CM/ResCMN(2020)1 on the implementation of the Framework Convention for the Protection of National Minorities by Finland

402 Recommendation CM/RecChL(2018)5 of the Committee of Ministers to Member States on the application of the European Charter for Regional or Minority Languages by Finland

403 Prime Minister's Office (2017)

## 6.2 Judicial system

One of the themes of the 2013 Government report on the application of language legislation was the implementation of linguistic rights at District Courts. The implementation of linguistic rights is one of the key prerequisites of a fair trial. Like other authorities, courts of law must take the initiative to ensure that linguistic rights are respected. Judges' linguistic qualification requirements and practical solutions for the implementation of linguistic rights differ between monolingual and bilingual courts of law.<sup>404</sup>

The 2013 report studied a reform of the District Court network that entered into force at the beginning of 2010 in which the number of District Courts was reduced to 27, as well as the impact of the reform on the implementation of linguistic rights at District Courts.<sup>405</sup> The 2017 Government report on the application of language legislation reported that a Finnish language department with Finnish as its working language had been established in September 2014 at the District Court of Ostrobothnia in Vaasa. At that time, Swedish was the majority language of the population in the jurisdiction of the District Court of Ostrobothnia.<sup>406</sup>

The 2017 report also studied a Government proposal on an Act amending the Courts Act<sup>407</sup>, which was submitted to Parliament on 26 January 2017 and amended the new Courts Act (673/2016) that entered into force on 1 January 2017. The proposal realised the reform of the District Courts, reducing the number of District Courts from 27 to 20. The proposal was also considered to have an impact on the practical implementation of linguistic rights.<sup>408</sup>

In approving the proposal, Parliament required the Government to monitor the effects of the reform of the District Courts, paying particular attention to matters such as the implementation of linguistic rights, and to submit a report to the Legal Affairs Committee

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404 Finnish Government (2013), p. 71.

405 Finnish Government (2013), pp. 71-76.

406 Prime Minister's Office (2017), pp. 145-146.

407 Government proposal HE 270/2016 vp on amending the Courts Act and related legislation

408 Prime Minister's Office (2017), p. 147; Government proposal HE 270/2016 vp on amending the Courts Act and related legislation, p. 1.



by the end of 2022.<sup>409</sup> On 15 March 2021, the Ministry of Justice appointed a rapporteur and established a steering group to assess the effects of the reform of the District Courts. According to the decision on the appointment, the report must be submitted to the Ministry of Justice by 30 September 2022 at the latest.<sup>410</sup> An investigation of the reform of the District Courts has therefore been started.

The reform of the District Courts is an important change in terms of the citizens' legal protection, and its effects must be monitored in the future. It is important to monitor the practical effects of the reform on the implementation of the linguistic rights of individuals, and the practical arrangements used to ensure that linguistic rights are respected at the District Courts, particularly in the case of Swedish. This may also affect public confidence in the functioning of the courts. International recommendations have also called for the authorities to closely monitor and, if necessary, take action regarding the implementation of the population's linguistic rights at the District Courts.<sup>411</sup> By the time of the preparation of the next Government report on the application of language legislation, sufficient information on the practical effects of the reform of the District Courts should be available to allow more comprehensive monitoring.

### 6.3 Earlier teaching of the A1 language and the status of English in Finland

As part of the New Comprehensive Education lighthouse project of PM Sipilä's Government, an experiment was carried out on earlier start to language teaching. As a result of the experiment, it was decided to push forward the start of language teaching throughout the country so that the teaching would start from the first grade, in the spring of the first grade at the latest. The change applied to pupils starting school in the autumn of 2020. Prior to the reform, teaching of the first foreign language had to start in the third

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409 Reply EV 126/2020 vp of Parliament – Government proposal HE 270/2016 vp on amending the Courts Act and related legislation (EV 126/2017 vp – HE 270/2016 vp, Eduskunnan vastaus, Hallituksen esitys eduskunnalle laeiksi tuomioistuinlain ja eräiden muiden lakien muuttamisesta)

410 Ministry of Justice: *Selvityshenkilön ja –ohjausryhmän asettaminen (käräjäoikeuksien rakenneuudistus ja summaariset riita-asiat)* (Appointing a rapporteur and establishing a steering group [District Court reform and summary procedure for civil cases]) [website]. Retrieved on 1 July 2021 from <https://oikeusministerio.fi/hanke?tunnus=OM025:00/2021>.

411 Resolution CM/ResCMN(2020)1 of the Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by Finland

grade at the latest, but several municipalities had already started to offer teaching earlier, partly thanks to the experiment mentioned above.

The experiment was based on a survey project, *Monikielisyys vahvuudeksi – Suomen kielivarannon tilasta ja tasosta (Development of Finland's Language Reserve – Making Multilingualism Finland's Strength)*, which was launched by the Ministry of Education and Culture in February 2017.<sup>412</sup> The report, prepared by professor Riitta Pyykkö, examined the state and development needs of Finland's language reserve, providing an overview of international language education policy. A key finding was the narrowing down of the language reserve produced by the education system in the long term. Interest in studying optional foreign languages has declined over the last 20 years. One of the objectives of the experiment on earlier language teaching was therefore to increase the number of available languages so that more children would choose French, German, Russian, Spanish, Chinese or Japanese as their A1 language. This was also a wish of the *Monikielisyys vahvuudeksi - Suomen kielivarannon tilasta ja tasosta (Development of Finland's Language Reserve – Making Multilingualism Finland's Strength)* survey, which recommended that the A1 language should primarily be a language other than English.

However, according to a report prepared by the University of Jyväskylä Centre for Applied Language Studies and the Finnish Network for Language Education Policies in February 2021, the earlier start of language teaching has neither increased the available language portfolio nor diversified language learning. According to the report, English is primarily chosen (and offered) as the A1 language.<sup>413</sup> Responses from language teachers in the report indicate that in many municipalities, English is automatically designated as the A1 language, i.e. there is no choice to be made in practice. The report states that the original rationale for the earlier start of the teaching of the A1 language was to diversify language learning and the language portfolio, but this does not seem to have been realised in the municipalities, at least not yet. One can therefore note that the earlier start of the teaching of the A1 language was a welcome decision that improved educational equality nationwide, but in practice, it did not change the dynamics between the languages – now pupils simply start to learn English slightly earlier.<sup>414</sup>

The situation looks the same in the light of statistics. In 2019, the choice of A language (including both A1 and A2) during grades 1–6 in basic education was dominated by

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412 Pyykkö, R. (2017).

413 Vaarala, H. et al. (2021).

414 Vaarala, H. et al. (2021).

English (83%), followed by Finnish (5.7%), Swedish (4.2%) and German (3.9%).<sup>415</sup> The high proportion of Finnish as an A language is due to the fact that Finnish is often started as the A1 language in Swedish-speaking schools. The effects of the nationwide earlier teaching of the A1 language were not yet clearly visible in the 2019 statistics, as the earlier teaching started in all schools from 1 January 2020. However, in some municipalities the teaching of the A1 language had already been pushed forwards earlier, either at the municipality's own initiative or as part of the New Comprehensive Education lighthouse project.<sup>416</sup>

In her keynote speech for the 2021 Language Parliament arranged by the University of Jyväskylä Finnish Network for Language Education Policies on 14 April 2021, Professor Riitta Pyykkö studied what progress had been made in the development of the Finnish language reserve since her *Monikielisyys vahvuudeksi – Suomen kielivaranon tilasta ja tasosta (Development of Finland's Language Reserve – Making Multilingualism Finland's Strength)* survey. Pyykkö also noted that in practice, a wider portfolio of languages had only been achieved in very few municipalities, as English was still often chosen as the first foreign language. In other words, the earlier start to language learning had in practice led to an earlier start to the learning of English.

In the next Government report on the application of language legislation, the dominance of English in language choices and education, and its impact on the Finnish language reserve, must be monitored. The strengthening of the position of English in society in general and the significance of this development for the status of the national languages should also be examined.

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415 Vipunen – Education Statistics Finland. Retrieved on 22 July 2021 from [https://vipunen.fi/fi-fi/\\_layouts/15/xlviewer.aspx?id=/fi-fi/Raportit/Perusopetus%20-%20ainevalinnat%20-%20A-kieli%20-%201-6%20-%20maakunta.xlsb](https://vipunen.fi/fi-fi/_layouts/15/xlviewer.aspx?id=/fi-fi/Raportit/Perusopetus%20-%20ainevalinnat%20-%20A-kieli%20-%201-6%20-%20maakunta.xlsb)

416 Vaarala, H. et al. (2021).

## 7 Summary of the experiences gained during the monitoring period on the application of language legislation and the current language situation in Finland

In accordance with the Government Decree on the Enforcement of the Language Act (Valtioneuvoston asetus kielilain täytäntöönpanosta 433/2004), this language report covers Finnish, Swedish and Sámi, as well as Romani and sign language, and the language situation in Finland in general.

The population of Finland continued to grow throughout the monitoring period. In 2020, the number of native speakers of Finnish, Swedish or Sámi decreased by 11,702, and the number of foreign language speakers increased by 20,203. This means that foreign language speakers maintained the population growth, and the same was true for all the years of the monitoring period. The relative share of Finnish speakers has decreased by one percentage point between 2017 and 2020, while the share of Swedish and Sámi speakers has remained the same and the share of foreign language speakers has increased by one percentage point.

It can be summarised that the increasing use of English in society and in digital solutions is affecting the status of the Finnish language. For Swedish, the status as a second national language is strong from the legal perspective, but in practice, consistent and planned measures are needed from the authorities to ensure that the rights are better implemented in practice. For sign language, the availability of interpretation is a key challenge. However, some progress has been made in the field of research into Finland-Swedish Sign Language. The establishment of a revitalisation programme for the Romani language is an important step towards developing language teaching and addressing the practical challenges involved.

Linguistic rights are fundamental rights that are well protected by law. The application of legislation by the authorities is crucial to the practical implementation of these rights. The experiences of the language groups indicate that not even the availability of statutory services is always self-evident. Key issues include differences between service in Finnish and Swedish, as well as the provision and effortlessness of interpretation. It seems that the administration is still facing challenges in designing its activities in a manner which would

give the language groups the sense that linguistic rights are being smoothly implemented and the authorities provide services in different languages and for different target groups in a proactive and visible manner. The Government Programme of PM Marin includes a host of entries on linguistic rights. However, the realisation of these policies may be jeopardised if the authorities fail to understand the perspective of the language groups.

In 2020, the Committee of Ministers of the Council of Europe recommended that Finland should take immediate action to safeguard the societal consensus concerning Finnish-Swedish bilingualism by stepping up awareness raising, underpinned by an explicit commitment at the highest political level. Commitments made regarding public services in the Swedish language should be realistic, effective, matched by adequate resources and regularly monitored. A key measure by the Government in this respect is the development of the new Strategy for the National Languages of Finland.

The language service obligation of private companies pursuant to section 25 of the Language Act has been examined for the purposes of this report. Based on the investigation, it is recommended that equality plans be developed to ensure that they also take into account equality between language groups. In addition, when the Language Act is amended, the said section could be clarified so that it would clearly specify how the Language Act applies to private parties and which activities are covered by the provision. The investigation also revealed that the obligations laid down in language legislation are usually taken into account in procurement in bilingual municipalities, but they could be more strictly specified as absolute criteria for procurement through the Language Act. Furthermore, attention should be paid to the quality requirements of language service obligations. The reference to language could be made more explicit by referring to the statutory obligation in language legislation as an absolute prerequisite for procurement.

A key question for the Government is how the authorities themselves perceive the protection of linguistic rights in practice. If the premise is to meet the minimum requirements specified in legislation on the basis of general formulations, it is more likely that linguistic rights will be implemented inadequately and further corrective measures will be necessary later. It would be desirable for linguistic rights to be seen as a quality criterion, and for their safeguarding in practice and in customer service situations to be taken into account in advance when planning activities, so that they would be implemented as part of the normal service process, even if the staff were in a hurry. This is especially important in communications, for example, where demands concerning the speed of communication have increased. Concerning communications, it is not always understood that social media is also included in the scope of language legislation.

A lack of resources is commonly cited as the reason for poor access to services. The Government considers a needs assessment and good planning of services to be the key

to meeting this challenge. This is especially the case when new government offices are created or the existing organisation is changed, at which point it is necessary to consider what is required in practice to realise linguistic rights.

This report covers the three key themes of digitalisation, education, and the police, rescue services and emergency response centre services. In the case of the police, there are still challenges pertaining to the implementation of linguistic rights. In addition to communications, there have been challenges pertaining to service. These challenges have been identified by the police in all key respects. Further and specialised education in Swedish and the provision of online courses in Swedish have not reached a sufficient level to ensure equal education in the police organisation. Overall, the provided education seems to treat Swedish speakers differently from Finnish speakers. According to the Ministry of the Interior, education in Swedish must be put on an equal footing with education in Finnish. Any scarcity of resources requires careful advance planning to ensure that the services, interpretation and communications will still be functional in the event of a hectic schedule. What is required from the police is multilingual, clear communications and greater internal diversity. Diversity has been specified as a goal for the next few years for the Police University College.

Communications by the rescue services and access to the services in both national languages have improved in recent years. In connection with the renewal of the Pelastustoimi.fi website and once the Lapland Rescue Department adopts the new website platform, communications in Sámi will also be improved. There are still deficiencies in bilingual communications regarding accidents, especially in social media. There has been some progress in the case of emergency services. The Swedish-speaking minority's language rating for the emergency service has improved, and a pilot project on emergency calls in sign language has been launched.

Digital operating models and the digitalisation of services have been justified by the potential to improve language services. However, there are indications that this goal has not been fully met in practice. In some cases, the design of language services is not considered until at a late stage, at which point the necessary technical solutions are already in place and costly to adapt. The premise in most government AI projects is Finnish only. It is often argued that the technology is language-independent, but on the other hand, many AI applications are based on language technology solutions.

The promotion of linguistic rights and their practical implementation require active planning and practical measures by the authorities. The implementation of extensive measures is challenging, and the results are difficult to monitor. Sometimes even individual, more concrete measures lead to a different result than the one planned in advance. An example of this is the earlier start to the teaching of the A1 language, which

increased educational equality nationwide, but did not change the dynamics between languages in practice. The final result is that pupils now start to learn English slightly earlier.

In terms of education, it can be stated that the earlier start of Swedish language teaching in basic education has resulted in too few Swedish lessons during the last few years of comprehensive school. Municipalities make different decisions concerning how to distribute the already scarce Swedish lessons across the four grades. According to a report on the current status and development needs of early childhood education and care in Swedish that was completed in the spring of 2021, it would be justified to use the wording used on the language of instruction in the Basic Education Act in all other Acts regarding education as well.

The availability of Sámi-speaking teaching staff remains a challenge, although some progress has been made. Sufficient early childhood education and care should also be provided outside the Sámi homeland. In basic education, it is important to be able to utilise and expand distance education. There is an urgent need to develop Skolt Sámi education, in particular.

Progress has been made in the revitalisation of Finland-Swedish Sign Language. Efforts should be made to ensure that the different needs of sign-language-speaking children and pupils, and the needs of their families, are recognised and the families are provided with more information on the available teaching approaches. The development of a Romani language revitalisation programme is an important step towards ensuring that the practical steps in education that are needed to revitalise the language are taken. The revitalisation of the Karelian language is also an important step forward in developing the teaching of the language. In the case of the other language groups, there is general uncertainty regarding access to teaching in one's own language.

The Government considers it important that information about the Finnish linguistic landscape and language groups in Finland is disseminated to young people at schools and elsewhere. Contact between groups is considered one of the most effective ways to influence prejudice. Prejudice can also be effectively removed by providing more information. Each authority has its own responsibilities in this respect.

As part of the Government's monitoring of the implementation of the health and social services reform, the next Government language report in 2025 must include an assessment of the impact of the reform of linguistic rights in practice in social welfare and health care services and rescue services. By the time the next Government report is prepared, sufficient information on the practical effects of the reform of the District Courts

should also be available to allow the monitoring of the reform. The next report should also include a more comprehensive assessment of the role of English in administration.



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## Meetings

Mikko Sarja, acting Deputy Ombudsman, Deputy Chief Secretary, Licentiate of Laws, Master of Laws with court training, 5 February 2021  
 Ministry of Education and Culture (Meeting on 12 May 2021).  
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## Other

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