



Strasbourg, 14 March 2012

ECRML (2012) 1

**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN FINLAND**

**4th monitoring cycle**

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

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

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

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

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

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

### Chapter 1 - Background information

#### 1.1 *Ratification of the Charter by Finland*

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

2. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers<sup>1</sup>. The Finnish authorities presented their fourth periodical report to the Secretary General of the Council of Europe on 30 September 2010, i.e., 18 months after it was due. The authorities explained that they had requested a number of non-governmental organisations, advisory boards representing minorities, research institutes, communities and associations, to submit written opinions on the issues covered by the report. The Committee of Experts welcomes the fact that representatives of the speakers were involved in the preparation of the report, but regrets the delay in the submission of the report.

3. This fourth evaluation report is based on the information obtained by the Committee of Experts from the fourth periodical report of Finland, as well as through interviews held with representatives of the regional or minority languages in Finland and the Finnish authorities during the “on-the-spot” visit, which took place from 7 to 10 December 2010. In accordance with Article 16 paragraph 2 of the Charter, the Committee of Experts also received written comments on the situation of the Karelian, Romani, Sámi and Swedish languages.

4. In its previous evaluation report on Finland (ECRML (2007) 7), the Committee of Experts of the Charter (hereinafter referred to as “the Committee of Experts”) outlined particular areas where policy and practice could be further improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations (RecChL (2007) 7) which were addressed to the Finnish authorities.

5. The present report contains detailed observations which the Finnish authorities are encouraged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a fourth set of recommendations to be addressed to Finland by the Committee of Ministers, as provided in Article 16, paragraph 4 of the Charter.

6. The Committee of Experts adopted the present report on 21 September 2011.

#### 1.2 *Presentation of the regional or minority language situation in Finland: up-date*

7. The languages covered by Part III of the Charter in Finland are Swedish (the less widely used national language) and Sámi, including North, Inari and Skolt Sámi. The authorities provided new data concerning the number of speakers.

8. The Swedish language is spoken as a mother tongue by 5.4% of the Finnish population<sup>2</sup>. The authorities state in their 4th periodical report<sup>3</sup> that at the beginning of 2009, Finland was divided into 348 municipalities, of which 19 were Swedish-speaking and 34 bilingual<sup>4</sup>. 14 of the bilingual municipalities had a Swedish-speaking

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<sup>1</sup> MIN-LANG (2009) 8 Outline for 3-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

<sup>2</sup> i.e., by 289.951 persons at the end of 2008, see 4th periodical report of Finland on the application of the Charter, p. 3 and 5, hereinafter referred to as the 4th periodical report.

<sup>3</sup> 4th periodical report, pp. 53-54.

<sup>4</sup> The linguistic status of the municipalities is determined for ten years at a time on the basis of population statistics. A municipality is considered bilingual if at least 8% of its population or 3000 of its residents speak a minority language as their mother tongue.

majority and 20 a Finnish-speaking majority<sup>5</sup>. A total of 1.5 million Finns, i.e., one third of the population, resided in bilingual municipalities, where municipalities have to provide services both in Finnish and in Swedish. Of all Swedish speakers, approximately 140 000 resided in municipalities with a Finnish-speaking majority and approximately 38 000 Finnish speakers lived in bilingual municipalities with Swedish as the majority language.

9. Sámi is used in the Sámi Homeland, but also in other parts of Finland. According to the Sámi Parliament, there were approximately 8706<sup>6</sup> Sámi living in Finland in 2007. Of these, 3577 persons, i.e. 46.5% of all Sámi in Finland, lived in the Sámi Homeland in Northern Finland and 54.9% outside. The Sámi Homeland consists of the municipalities of Enontekiö, Inari and Utsjoki and the region of the Reindeer Herding Association of Lapland in Sodankylä municipality. In the Sámi Homeland, the Sámi account for about one third of the whole population of the area.

10. 1778 persons had declared Sámi as their mother tongue in the Population Register by the end of 2008<sup>7</sup>. This is a slight increase compared to 2004<sup>8</sup>. However, this does not necessarily imply an increase in the number of speakers, as the registration principle in the Population Register Centre is that only one language can be chosen by citizens when making their declaration. According to the Sámi Parliament, out of the 5317 Sámi entitled to vote, 1544 speak Northern Sámi, 357 Skolt Sámi and 279 Inari Sámi as their mother tongue.<sup>9</sup> North Sámi is the most commonly used Sámi language in Sweden and Norway, and 70–80% of all the Sámi in the Nordic countries speak this language. Apart from the Skolt area, Skolt Sámi is also spoken in the Kola Peninsula. Inari Sámi is spoken only in Finland.

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

12. According to the representatives of the speakers, there are nearly 5000 active speakers of Karelian in Finland. The language is mainly spoken in the municipalities of Valtimo, Kuhmo and Suomussalmi, located in the Provinces of Eastern Finland and Oulu.

13. There is an estimated number of 10 000-12 000 Roma in Finland. The 4th periodical report did not provide recent figures on the number of speakers of Romani in Finland. According to the Advisory Board on Romani Affairs, the number has remained relatively unchanged over the past years<sup>10</sup>. The Roma live scattered throughout the country, the majority of them in the towns of Southern and Western Finland. Most of the persons speaking Romani are elderly and there is very limited transmission of the language through generations. Middle-aged and young Roma mostly use Finnish in their every-day communication, but they understand spoken Romani. There is a tendency amongst young people to mix words and expressions in Romani and Finnish. According to a survey done amongst Roma in 2006, only 30-40% of the families use the language amongst themselves, but not on a regular basis.

14. There are 48 740 speakers of Russian<sup>11</sup> in Finland, a number that has increased since the previous monitoring cycle<sup>12</sup>. This figure includes the so-called "old Russians", "new Russians" who are migrants, and the Ingrian returnees. The situation of the first two groups was described in the Committee's 1<sup>st</sup> evaluation report (ECRML (2001)3 paragraph 14) and the situation of the Ingrian population of Finnish origin in the second report (ECRML (2004) 7 paragraph 15). According to the speakers, the number of speakers of Russian is higher at approximately 52 000 persons.

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<sup>5</sup> According to the Report of the Government on the application of language legislation, 2009, from 2009, there are 34 bilingual municipalities, 19 with Finnish and 15 with Swedish as the majority language.

<sup>6</sup> 4th periodical report, p. 4, and Report of the Government on the application of language legislation, 2009, p. 10. However, the authorities stated on p. 5 of the periodical report that there were "in all 9350 Sámi in Finland" in autumn 2007.

<sup>7</sup> 4th Periodical Report, p. 3 and p. 5.

<sup>8</sup> In 2004, the official language statistics showed 1732 persons who had declared their mother tongue as the Sámi language. With reference to the previous monitoring cycle, according to the Sámi Parliament, 1378 persons spoke North Sámi, 337 Skolt Sámi and 258 Inari Sámi (3rd evaluation report, paragraph 10).

<sup>9</sup> Report of the Government on the application of the language legislation, 2009, p.10.

<sup>10</sup> Report of the Government on the application of language legislation, 2009, p. 10.

<sup>11</sup> 4th periodical report, p. 6.

<sup>12</sup> There were 37 253 at the end of 2004.

15. The situation of the Tatar language has not changed since the Committee of Experts' previous monitoring round and, according to the authorities and the representatives of the speakers, the number of speakers has remained stable, at around 800 persons.

16. As regards the Yiddish language, according to the Jewish Community of Helsinki, there are nearly 200 speakers of Yiddish<sup>13</sup>. Most of the Yiddish speakers live in the capital region, but there are also communities in Turku. Yiddish is an endangered language, as the young generation's language skills are limited.

### 1.3. *Particular issues arising from the evaluation of the report*

#### **Delay in reporting**

17. Finland submitted its 4th periodical report with a delay of 18 months, which has severely hampered the monitoring process of the Charter. The Committee of Experts regrets this delay and considers it detrimental to the good functioning of the Charter system. It therefore urges the Finnish authorities to comply with their obligation to report on the application of the Charter at three-yearly intervals as foreseen in Article 15. 1 of the Charter.

#### **Lack of translation**

18. The Committee of Experts regrets the fact that the 4th report on the implementation of the Charter was not translated into Finnish and Swedish at the time it was made available in English.

19. Representatives of the speakers have also expressed the wish that all documents related to the process of Finland reporting on the Charter should be translated at least in Swedish and Sámi. These documents include the reports, recommendations and questions of the Council of Europe, as well as the Finnish periodical reports and answers. For example, no documents other than the recommendations of the Committee of Ministers have been available in Swedish so far. Some representatives of the speakers also regretted the fact that no answers had been given to their letters asking for information on the preparation timetable of the report, their request to be heard in the preparation process and their demands for publication of the reports in Swedish.

#### **Recognition of new regional or minority languages**

20. By declaration from the Ministry of Foreign Affairs of Finland addressed to the Secretary General of the Council of Europe on 27 November 2009, Finland declared that it undertakes to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 of Article 7 also to the Karelian language. The Committee of Experts welcomes this recognition and that this process was carried out in co-operation with the speakers.

#### **Territorial Issues**

21. The 32 municipal mergers carried out at the beginning of 2009 reduced the number of the municipalities by 67. Half of them combined more than two municipalities. The authorities report that the merging of municipalities has changed the language status of certain municipalities. According to the 4th periodical report, at the beginning of 2009, there were 34 bilingual municipalities, 14 with a Swedish-speaking majority and 20 with a Finnish-speaking majority<sup>14</sup>. In comparison, in 2008, there were 43 bilingual municipalities in Finland, of which 22 had Swedish and 21 Finnish as the majority language<sup>15</sup>.

22. The authorities report that they have tried to ensure that linguistic rights were respected when municipalities were merged, in accordance with the Act on the Structural Reform of Municipalities and Services that foresees that municipalities must, when planning changes, ensure the linguistic rights guaranteed by the Constitution. Municipal mergers resulting in a bilingual municipality becoming unilingual had to be avoided.

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<sup>13</sup> Report of the Government on the application of language legislation, 2009, p. 78.

<sup>14</sup> According to the Report of the Government on the application of language legislation, 2009, from 2009, there are 34 bilingual municipalities, 19 with Finnish and 15 with Swedish as the majority language.

<sup>15</sup> Report of the Government on the application of language legislation, 2009, pp. 8-9.

23. It appears that bilingual municipalities have merged with other bilingual municipalities, except for the municipality of Särkisalo which became a unilingual Finnish-speaking municipality. Other unilingual Finnish municipalities became bilingual when they merged, such as Kälviä, Lahtaja and Ullava when they merged with Kokkola.

24. More mergers are still expected for the coming years. The Committee of Experts recalls its previous recommendation<sup>16</sup> and encourages the authorities to continue the dialogue with representatives of the speakers to ensure the preservation of linguistic rights as recognised by the Constitution.

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<sup>16</sup> Paragraph 28, 3<sup>rd</sup> evaluation report on Finland.

## **Chapter 2 – Conclusions of the Committee of Experts on how the Finnish authorities reacted to the recommendations of the Committee of Ministers**

### **Recommendation No. 1**

*“further strengthen education in Sámi, notably through the development of a structured policy and a long-term financing scheme”;*

25. No structured policy concerning education in Sámi was developed in the reporting period. The first meeting of the working group for the revitalisation of Sámi languages was held only in November 2010. No comprehensive and systematic development of Sámi teaching, nor a long-term funding plan has been adopted. The Sámi Parliament has not been given the authority or the resources to develop Sámi teaching.

### **Recommendation No. 2**

*“take urgent measures to protect and promote Inari and Skolt Sámi, which are still particularly endangered languages, in particular by means of the provision of language nests on a permanent basis”;*

26. According to the information received, language nests are still not provided with permanent financing by the government. The Sámi Council and the Sámi Parliament consider that the language nest activities in Inari and Skolt Sámi remain on an uncertain and temporary basis because of their project-based nature.

### **Recommendation No. 3**

*“further develop the use of Sámi in the media, especially as regards TV and in newspapers, when appropriate in cooperation with other Nordic countries”;*

27. The Finnish broadcasting company (YLE) has enhanced its television broadcasting in Sámi. A programme for children, *Unna Junná* is now broadcast once a week. The programme can also be watched on TV Finland satellite channel. The languages of the programme are mainly North Sámi, but Inari and Skolt Sámi are also used. There are still no newspapers in Sámi.

### **Recommendation No. 4**

*“take further measures to ensure the accessibility of social and health care in Swedish and Sámi”;*

28. More efforts are needed in the field of social and health care in order to provide adequate services in Swedish and Sámi. The open issue of emergency calls for Sámi and Swedish has still not been solved.

### **Recommendation No. 5**

*“develop and implement innovative strategies for the training of Romani teachers and extend the production of teaching materials in Romani.”*

29. The Committee of Experts acknowledges the fact that efforts have been made by the authorities in the field of education in Romani, but serious deficiencies still exist in practice.

## **Chapter 3 - The Committee of Experts' evaluation in respect of Parts II and III of the Charter**

### **3.1. Evaluation in respect of Part II of the Charter**

30. Part II of the Charter (Article 7) sets out a number of general objectives and principles that a Party is obliged to apply to all the regional or minority languages on its territory. For Finland, this evaluation will include the Sámi and Swedish languages, as well as the Karelian, Romani, Russian, Tatar and Yiddish Languages. As the Sámi and Swedish languages are also covered by Part III of the Charter, most of the observations concerning those languages will be presented under Chapter 3.2.



31. The Committee of Experts will not comment on those provisions of Part II for which no major issues were raised in the third evaluation report and/or for which the Committee of Experts has not received any new information requiring their implementation to be reassessed.

## **Article 7 - Objectives and principles**

### **Paragraph 1**

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

- a. the recognition of the regional or minority languages as an expression of cultural wealth;***

#### *Karelian*

32. By declaration contained in an instrument from the Ministry of Foreign Affairs of Finland registered at the Secretariat General of the Council of Europe on 30 November 2009, the government of Finland decided to modify the declarations contained in the Instrument of Acceptance of the Charter as follows: "Finland declares, referring to Article 7, paragraph 5, that it undertakes to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 of the said article to the Romanes language, to the Karelian language and to the other non-territorial languages in Finland". The Committee of Experts welcomes the official recognition of the Karelian language and the extension of the principles listed in paragraphs 1 to 4 of Article 7 to Karelian, as a non-territorial language of Finland.

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

33. In the previous monitoring round, the Committee of Experts was made aware of the potential negative consequences of the reform of municipal and service structures, and in particular the restructuring of local government and services. The reform may lead to mergers of municipalities into bigger units and influence administrative borders in regions where regional or minority language-speaking populations live, i.e. in the Swedish- and Sámi-speaking regions. A reform of the judicial system, the prosecutorial system and the police system was also planned. The Committee of Experts therefore looked forward to receiving more information in the next monitoring round on these issues and invited the Finnish authorities to take all appropriate measures in consultation with the speakers, and in particular with the Swedish Assembly and the Sámi Parliament.

34. The reform of the regional state administration took effect on 1 January 2010. For a general presentation of this reform, the Committee of Experts refers to the 4th periodical report. The authorities have also informed the Committee of Experts that the comments of non-governmental organisations have been taken into account in the reorganisation of administrative divisions. The Swedish Assembly in Finland and the Sámi Parliament were consulted during legislative drafting, including the restructuring of municipalities and services and the reorganisation of the regional state administration.

35. As far as languages are concerned, the reform merged the previous six bilingual regional authorities into two bilingual administrative authorities. During the reform process the number of Swedish-speaking and bilingual municipalities declined from 62 to 50 by the beginning of 2010. At the beginning of 2009 one majority Finnish municipality was merged with two majority Swedish municipalities to form Raasepori. Two bilingual Swedish majority municipalities merged with Loviisa at the beginning of 2010.

36. One of the municipal mergers connected with the reform made the Swedish-speaking Finby municipality part of an entirely unilingual Finnish municipality, and this had a direct effect on the linguistic rights of the residents of Finby. In the view of the speakers, this meant a considerable weakening of the linguistic rights of the Finby inhabitants at least at legal level. According to the speakers, the bilingual road names signs in Finby are still in place, but their official status is unclear. An example of good will is however shown by the fact that the

new city of Salo that Finby now belongs to has reserved part of the merger subsidy paid by the state for the improvement of services in Swedish.

37. The Swedish Assembly of Finland informed the Committee of Experts that they were satisfied by the outcome of the merging of Kokkola. Speakers had initially feared that the plan to merge the bilingual region of Central Ostrobothnia, including the city of Kokkola, with the region further north would significantly weaken the fundamental rights of the Swedish speakers of Kokkola to receive services in their own language. However, the Finnish government finally decided on 20 November 2009 that Central Ostrobothnia would be joined with the bilingual region of Vaasa situated further south.

38. As the reform is an ongoing process, and since more mergers can be expected for the coming years, the Committee of Experts encourages the authorities to ensure that the linguistic rights of the speakers are preserved when forming the new municipalities, as recommended by the Constitutional Law Committee of the Parliament, which underlined the necessity to analyse the linguistic impact of the mergers and the obligation to choose the alternative which provides the best conditions for guaranteeing the linguistic rights.

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

39. The Government submitted two reports to the Parliament on the application of the Language Act, in 2006 and in 2009. In the second report, the Government acknowledged the fact that the practical measures it had recommended for implementing the Language Act in 2006 had not been introduced. As a result, it reiterated its recommendations.

40. The Swedish-speakers and the media have discussed the need to create the function of a language ombudsman to properly monitor the implementation of the Language Act, with the task of supervising the safeguarding of linguistic rights. This idea is also supported by Swedish-speakers whom the Committee of Experts met during the on-the-spot visit.

*Karelian*

41. The Ministry of Education continued to support activities related to Karelian in 2007 and 2008. In 2007–2009, as part of the funding granted for fostering societal interaction, the Ministry allocated an annual 100 000 Euros for the teaching of and research on Karelian. Government subsidies were granted for instance for activities of societies promoting the position of Karelian. In 2008, a total sum of 4300 Euros were granted as Government subsidies to the Karelian Language Society for reviving the language. In addition to the annual general subsidies, both the Ministry of Education and the National Council for Literature have awarded the Society grants for projects on Karelian.

42. However, the Committee of Experts has been informed by the representatives of the speakers that the financial support is not enough to cover all the activities carried out by the Karelian language organizations.

43. The Committee of Experts commends the authorities for their support towards the Karelian language and encourages them to continue these efforts, especially concerning funding.

*Romani*

44. In its previous report, the Committee of Experts urged the authorities to strengthen the promotion of Romani by developing a language planning programme, in co-operation with the speakers (ECRML (2007)7, paragraph 42). The Advisory Board on Romani Affairs considered that Romani is an endangered language and regretted that the sectoral legislation adopted so far has not led to a language planning programme. The Board proposed to develop a systematic language programme and it requested the Constitutional Law Committee of the Parliament to oblige the Council of State to actively and systematically implement the legislation on Romani and to run the language programme.

45. The Ombudsman for Minorities and the Advisory Board on Romani Affairs have proposed the preparation of a national Romani language programme, which would make it possible to improve the teaching of

the Romani language and culture in municipalities, to develop the language and promote its position. A National Policy on Roma was also launched in December 2009. One of the six key areas listed is the promotion of Romani language and culture, and several actions have been proposed to improve the position of the Romani language. The decision of the Council of State on the implementation of the Policy on Roma was accepted in December 2010, and several policy guidelines should start to be implemented in Spring 2011. One of these concerns the promotion of the teaching of the Romani language at university level.

46. The authorities state in their 4th periodical report that the Roma Language Board of the Research Institute for the Languages of Finland has adopted a Roma language policy programme. One of their recommendations, which is also shared by other representatives of speakers whom the Committee of Experts met during the on-the-spot visit, is that some articles of Part III of the Charter should also be applied to the Romani language. According to this Board, if no active measures are taken for the Romani language, it will not be used anymore in Finland within ten years. The Advisory Board on Romani Affairs also told the Committee of Experts that the possibilities for a comprehensive Language Act on Romani language should be studied in order to enhance its position.

47. The Committee of Experts underlines that this programme was already discussed during the last monitoring cycle, and regrets that no practical progress has been made with regard to its implementation. It therefore urges the authorities to take the necessary measures and to report back in the next monitoring cycle.

#### *Russian*

48. In its previous evaluation report, the Committee of Experts encouraged the authorities to develop the appropriate measures and strategies to promote the Russian language, in co-operation with the speakers (ECRML (2007)7, paragraph 46). It furthermore asked for more information about the possible closure of the Russian public library of the Institute for Russian and East European Studies and the fact that the books would be dispersed in different specialised libraries not open to the public.

49. The authorities confirm in their periodical report that the library continues its activities, and that a RUSSIA info service on the Internet was introduced in 2005, with the aim of bringing together Russia-related information produced by various organisations<sup>17</sup>.

50. The authorities do not however report on the measures taken and the strategies to promote the Russian language. The representatives of the speakers informed the Committee of Experts during the on-the-spot visit that they have experienced difficulties in developing a dialogue with the government regarding the status of the Russian language since the language is not actually treated as a regional or minority language.

#### *Yiddish*

51. The Committee of Experts welcomes the appropriation of 11 900 Euros granted in 2007 by the Ministry of Education for a Yiddish language development project at the Jewish School in Helsinki, covering 70% of the total costs of the project.

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

52. The Government has distributed selective press subsidies, of a total of 500 000 Euros in 2008, for newspapers published in minority languages, corresponding electronic publications and news services provided in Swedish. The Committee of Experts welcomes this. According to Section 3 of the Decree on Press Subsidies, these selective press subsidies may be granted to newspapers which are published at least once a week.

#### *Karelian*

53. According to the Karelian Language Society, Karelian gained much media attention during the reporting period. The Society has introduced an Internet radio channel, which started broadcasting in Karelian on 20 April 2009. The Ministry of Education has supported the radio project with a grant of 2000 Euros.

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<sup>17</sup> <[http://tatiana.aleksanteri.helsinki.fi/index.php?GUI\\_language=eng](http://tatiana.aleksanteri.helsinki.fi/index.php?GUI_language=eng)>

54. The Committee of Experts welcomes these positive steps. However, the Finnish Broadcasting Company YLE does not broadcast weekly programmes in Karelian, whereas the Committee of Experts had been informed in the last monitoring round that YLE would accept to broadcast one hour a week of programmes in Karelian once the status of the language is clarified, which is now the case.

#### *Romani*

55. In the previous monitoring round, the Committee of Experts encouraged the authorities to develop strategies to facilitate the use of Romani both in public and private life.

56. As far as broadcasting time in Romani is concerned, there are no television broadcasts for Roma or in the Romani language in Finland. The Finnish Broadcasting Company YLE continues to broadcast a 14-minute radio programme in Romani on the *Radio Suomi* channel once a week which, according to the speakers, is not sufficient. This programme, entitled *Romanihelmiä – Romano mirits* ("Roma Pearls"), reports news and current affairs.

57. Speakers informed the Committee of Experts during the on-the-spot visit that, according to the law, YLE must provide services in Sámi, Romani and Finnish Sign language. The Sámi Parliament has the right to be heard every two years, before the YLE administrative Council submits its report on the implementation of the public service, but no corresponding right exists for the Roma.

58. According to the Advisory Board on Romani Affairs, there is a demand for a network publication in Romani, that would be accessible to the 10 000 Roma people who live scattered across the country.

#### *Russian*

59. According to the 4th periodical report, concerning radio broadcasting, Radio Satellite Finland Ltd broadcasts programmes mainly in Russian, with news and current affairs programmes. At the beginning of 2008, it agreed on part-time broadcasting of radio programmes with Radio *Majak*, a radio channel playing Russian pop music. The new programme format targets in particular Russian-speaking people living in Finland.

60. As regards the print media, the authorities report that support continued to be given to *Spektr*. The representatives of the speakers, however, informed the Committee of Experts that the magazine needed more financial support. In the past it was published weekly, but is now only published once a month. The other publications mentioned in the third evaluation report, namely the Russian version of *LiteraruS*, *Russkij Svet* and *Severnyi torgovyi put – Venäjän kauppatie*, continued to be published during the reporting period.

61. There are no special programmes in Russian on national public service television.

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

62. The Finnish authorities report that the Karelian Culture Association financially supports summer courses on Dvina Karelian, organised annually in the Republic of Karelia in Russia. The teachers for the courses come from the University of Petrozavodsk in Russia. The Association also grants financial support for printing textbooks in the Republic of Karelia<sup>18</sup>.

63. The Karelian Language Society also started preparation in June 2010 to establish a network magazine for the Karelian speakers in Finland, Russia and Sweden.

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

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<sup>18</sup> 4th periodical report, p. 27.

### *General Issue*

64. In its previous evaluation report, the Committee of Experts encouraged the authorities to closely follow the application of the public procurement system in order to ensure that municipalities provide pre-school education in regional or minority languages. It also encouraged the authorities to consider the possibilities of developing teacher training and preparing teaching materials as part of a coordinated policy on education because of the identified need for competent teachers at all levels of education as well as for appropriate teaching materials.

### *Karelian*

65. In its previous evaluation report, the Committee of Experts encouraged the authorities to develop a strategy in co-operation with the speakers to promote the teaching of Karelian.

66. A language nest was established in Nurmes in Northern Karelia in autumn 2009 by the city of Nurmes and the Finnish Cultural Foundation. The Centre of Excellence of the Karelian language and culture in Joensuu is also helping to develop this language nest and establish new ones.

67. At schools, Karelian can be studied as mother tongue only according to the model for migrant languages, which means it is taught only 1-2 hours per week. It can also be studied as a foreign language or an optional subject. Private courses are being provided by Karelian language associations, open colleges and parishes. The Karelian Language Society intends to produce teaching materials for the language nests, and text books for primary schools, home and virtual teaching. Furthermore, a professorship of the Karelian language and culture was established at the University of Joensuu in 2008. In Joensuu, the Karelian language is taught at basic and advanced study level. About 30 students attended classes in the first year. The Committee of Experts commends the authorities for the initiatives taken and looks forward to receiving information on further developments of Karelian education.

### *Romani*

68. In its previous report, the Committee of Experts urged the Finnish authorities to devise innovative solutions to the lack of Romani teachers in co-operation with the speakers and to ensure the provision of adequate and sufficient teaching materials (ECRML (2007)7, paragraph 70). This was also the subject of a recommendation of the Committee of Ministers, which recommended to the Finnish authorities to **“develop and implement innovative strategies for the training of Romani teachers and extend the production of teaching materials in Romani”** (ECRML (2007)7, p. 48).

69. The authorities report that the situation as regards the teaching of Romani did not change significantly during the reporting period. The municipalities have the duty to provide education in Romani, but this is not really followed in practice, and most parents are not aware that they can ask for education in Romani. Teaching materials are still insufficient and there are too few teachers and publications.

70. A revival project for Romani was carried out from 2004 to 2007, funded by the Research Institute for the Languages of Finland, the National Board of Education, the Finnish Cultural Foundation and the Society of Swedish Literature in Finland. Its purpose was to raise parents' awareness of the importance of the language and to increase its use by the youngest generations, by establishing language nests and language clubs. As regards the awareness of parents, the Committee of Experts is also pleased to note that the Ministry of Social Affairs and Health published new material, such as the early childhood education series in Finnish and Romani directed at Roma parents and distributed through child and maternity clinics, or the brochure *Romanilapsi perusopetuksesta* (“A Roma child in basic education”).

71. The position of Roma children in day-care and pre-school education is still a cause for concern. Three language nests were established in autumn 2009 by the Team for the Roma at the National Board of Education in different parts of Finland. Representatives of the speakers informed the Committee of Experts that 8 nests are currently operational in Finland, and that they were granted 100 000 Euros in 2009. It is however not clear to the Committee of Experts whether these language nests provide day-care in Romani on a daily basis or only some activities in the language a few hours per week. The Committee of Experts asks the authorities to clarify this

issue in the next periodical report. Language clubs have been established for older children in some municipalities and summer schools have also been organised, which were attended by approximately 100 children altogether in 2009.

72. The National Board of Education grants annual state subsidies for the teaching of Romani in pre-schools, comprehensive schools and general upper secondary schools for 2.5 hours of lessons per week for at least 2 pupils. The subsidies amounted to 300 000 Euros in 2008. Approximately 120 pupils receive teaching of Romani. Representatives of the speakers told the Committee of Experts that the teaching in schools is organised at irregular hours and that its availability varies according to the community.

73. State aid was also granted to 14 municipalities in 2007 in order for them to establish permanent measures and activities to develop education of Roma children, strengthen Roma identity and foster the knowledge of Roma culture. In 2008, state aid was further granted to 15 new municipalities and these activities concerned 24 municipalities in 2009. The authorities report that nearly all of them have continued their development activities in 2010.

74. Concerning the development of teacher training, the Ministry of Education adopted a national core curriculum for vocational qualifications and for the specialist vocational qualification of Roma culture instructor, of which the Romani language constitutes one of the modules. Studies are also being conducted by the authorities to ascertain the amount of interest for training courses for teachers of Romani in polytechnics. The National Centre for Professional Development in Education has organised further education for Romani language teachers over a longer term. A project was launched for Romani language teachers in autumn 2009 to increase their knowledge about e.g. educational methods and the specific features of Romani. This project introduced teachers to new educational methods and new material for supporting the education of Roma pupils. Summer schools, which have proved to be popular, have also been organised by the Team for the Roma at the National Board of Education in order to provide further education to teachers of Romani.

75. A project on basic education entitled *Basic education of Roma 2* was launched in 2007 by the National Board of Education concerning pre-school education, transfer to the seventh grade and the completion stage of basic education. The project focuses on such issues as cooperation between home and school and the provision of appropriate information to educational professionals and Roma parents. During the project, the authorities have for example met Roma parents at seminars all over the country and raised their awareness of the importance of the Romani language as a cultural resource of Roma children and a factor strengthening their identity. Another purpose of the project is to create support networks consisting of educational professionals and Roma parents. Particular attention has been paid to the significance of pupil welfare services and guidance counselling to Roma pupils.

76. As regards textbooks and teaching materials, the main problem still resides in the fact that it is difficult to find authors, since Romani is not taught at universities for the moment. The emphasis so far has been put on the production of teaching material for pre-school and basic education. However, the authorities have developed international cooperation for the production of materials and asked authors of textbooks from the majority population for their help in the preparation of material. Training has also been provided to the authors. The Committee of Experts therefore commends the authorities for their efforts towards developing teaching of Romani and looks forward to receiving information on further developments in the next monitoring round.

77. Nevertheless, less than 10% of the children have the possibility of studying Romani. The Romani speakers also complained that it was not possible to take the matriculation examination in Romani. The government recognises that the number of children receiving teaching of the Romani language seems to be decreasing. Representatives of the speakers told the Committee of Experts that there was a need for more resources to increase the teaching at all the levels of education as well as in adult education.

78. Despite the progress made in teaching in and/or of Romani during the last monitoring cycle, the results show that an adequate model still needs to be developed in cooperation with the speakers in order to make the provision available for all Roma children.

***The Committee of Experts encourages the authorities to find, in cooperation with the speakers, an adequate and sustainable model of teaching in and/or of Romani.***

### *Russian*

79. In its previous evaluation report, the Committee of Experts encouraged the Finnish authorities to find ways to increase the teaching in and of Russian.

80. According to the fourth periodical report, municipalities arrange for pre-school education in Russian in Helsinki, Vantaa and Kotka. Preparations are underway for pre-school education in the cities of Lappeenranta, Imatra and Joensuu.

81. The government states in its report to the Parliament that young people lack the motivation to study the language. Russian as a mother tongue is not a compulsory subject, and no grade is normally given to it. When there are lessons given in mother tongue, they usually take place outside the child's own school and outside the regular teaching hours. Teaching groups comprise students of different ages and levels. It is also possible to study Russian as a foreign language.

82. It appears that there is both a demand for having Russian as the medium of education among the speakers and, due to the low prestige of the language among young speakers, a need to promote the study of Russian among young speakers.

***The Committee of Experts encourages the authorities to find, in cooperation with the speakers, adequate models of teaching in and/or of Russian as regional or minority language.***

### *Tatar*

83. The teaching of the Tatar language continues to be ensured within the community for one hour per week. Another hour is devoted to religion courses. Two-week summer courses have also been organised during the reporting period. The representatives of the speakers whom the Committee of Experts met during the on-the-spot visit have confirmed that the current situation was convenient for them.

### *Yiddish*

84. Since 2004, the National Board of Education provided financial support to the activities of the *Idishe vort* Yiddish language club launched by the Jewish community of Helsinki. This club hosts a Yiddish language teaching group which provides elementary language courses to adults, and holds Yiddish discussion gatherings and literature classes. However, according to the report of the government, support from the National Board of Education was granted until 2006. There is no other teaching of Yiddish, as the Jewish school uses Finnish as language of instruction. Yiddish seems only to be used in festive activities, such as the Klezmer-singers' festival and choir practices.

***The Committee of Experts encourages the authorities to develop means to foster the teaching of the Yiddish language, which is about to disappear in Finland.***

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

85. The Committee of Experts refers to its previous assessment according to which there are facilities enabling non-speakers of Swedish and Sámi to learn these languages.

86. The authorities furthermore report that open colleges in many localities increased their teaching of Karelian. The language can be learnt in Karelian associations, orthodox parishes and open colleges, throughout the year but also in summer courses.

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

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

88. According to Section 11 of the Universities Act (558/2009), a university can decide to use a language other than Finnish or Swedish as the language of instruction and examinations.

#### *Karelian*

89. The University of Joensuu established a professorship of the Karelian language and culture in 2008.

90. The Research Institute for the Languages of Finland (KOTUS) has also prepared a dictionary of Karelian in six volumes and is planning to publish it in an electronic format.

#### *Romani*

91. In the previous monitoring cycle, the Committee of Experts encouraged the authorities to pursue the question of university-level education more systematically. The Roma Training Unit of the National Board of Education had proposed that quotas be introduced for the admission of Roma students in teacher training and in degree programmes of general linguistics, and the Advisory Board on Romani Affairs had underlined the importance of including in a revival programme for Romani the development of linguistics to support language teaching and material production, and the possibility for Romani language teachers to graduate as teachers of other subjects in Romani. The Finnish authorities had been encouraged by the Committee of Experts to find appropriate answers to those requests.

92. The authorities report that between 2000 and 2010, two theses on the Roma language in Finland were presented at the Institute for General Linguistics at the University of Helsinki. The Committee of Experts understands however that no teaching of Romani is provided at university level for the moment, but that the University of Helsinki should start such teaching from 2012. The National Policy on Roma also calls for the setting up of teaching of the Romani language at university level, which will provide easier access to Romani teaching and enhance the development of teaching methods. Sufficient resources must be provided for it.

93. Two posts of researchers on Romani language are currently held at the Research Institute for the Languages of Finland (KOTUS). Their activities comprise *inter alia* the planning of the teaching of the Roma language and publishing textbooks.

94. Research on the Romani language is being carried out by the Research Institute for the Languages of Finland (KOTUS) through its Roma language Board. The Institute is currently planning to publish a basic work on the syntax of the Romani language spoken in Finland. KOTUS aims at encouraging the use of the language and supporting activities to revive it. It therefore organised an international research congress on Romani in 2010.

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

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

#### *Karelian*

96. The authorities report that in 2008 the Karelian Language Society established a centre of excellence of the Karelian language and culture in Joensuu. The Regional Council of North Karelia supported the establishment of the centre by granting 4500 Euros for that purpose. The centre has increased contacts among Karelian speakers in Finland and intensified cooperation with Karelian speakers in Russia. It aims at developing cross border cooperation. Moreover, the centre has produced a number of publications in Karelian and created an internet radio, a network shop and pdf-newspaper service. A network magazine for the Karelian speakers in Finland, Russia and Sweden is also being prepared by the Karelian Language Society.

97. The Committee of Experts welcomes this and encourages the authorities to continue their support.



## Russian

98. The Finnish-Russian Society maintains the KuKa database<sup>19</sup> on Russia-related cooperation projects of cultural and non-governmental organisations, and contact details of Russian actors who have participated in the projects. The KuKa database is one of the monitoring instruments under the *Russia programme in art and culture*, run by the Ministry of Education.<sup>20</sup> The programme aims at encouraging art and cultural actors in Finland and Russia to develop bilateral and multilateral contacts in the fields of art and culture.

99. Furthermore, a pupil exchange project for children of general upper secondary schools wanting to study in Russia has been organised by the Finnish-Russian Society since 2007. The project is funded by the National Board of Education.

100. Exchanges between universities take place through the Finnish-Russian Cross-Border University (CBU) project, which provides masters programmes in different fields.

## Paragraph 2

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

101. For a general presentation of the legislation in respect of this undertaking, the Committee of Experts refers to its previous reports (ECRML (2001)3 paragraph 57, (2004)7 paragraph 66 and (2007)7 paragraph 87).

102. The authorities report that the speakers have the right to use minority languages in prison, following the decision of the Parliamentary Ombudsman in 2006.

## Paragraph 3

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

103. In its last evaluation report, the Committee of Experts encouraged the authorities to develop further measures in the field of education and in the media sector to increase understanding and tolerance vis-à-vis regional or minority languages and their speakers. It also encouraged the authorities to adopt a policy aimed at raising the media's awareness of regional or minority languages and at discouraging intolerant or degrading speech.

104. In 2007, the Finnish authorities organised a media campaign on discrimination faced by different minorities, in order to raise the awareness of the general public on this issue. The Finnish Broadcasting Company YLE produced a series of one-minute television documents on this theme, which were viewed by approximately 20 million spectators. A DVD containing 29 of these documents was also published for training purposes.

105. The Ministry of the Interior is coordinating the campaign "Yes – Equality is Priority", in which the Sámi Parliament participates. It has also issued guidelines for promoting equality by the internal affairs administration, and corresponding recommendations to the municipal emergency service administration. Language is one of the six grounds of discrimination prohibited by the guidelines. The equality plan of the Ministry, currently under

<sup>19</sup> See [www.kukatietokanta.fi](http://www.kukatietokanta.fi)

<sup>20</sup> *Russia programme in art and culture*; Publications of the Ministry of Education 2005:29;  
< [http://www.minedu.fi/export/sites/default/OPM/Julkaisu/2005/lititeet/opm\\_307\\_opm29.pdf](http://www.minedu.fi/export/sites/default/OPM/Julkaisu/2005/lititeet/opm_307_opm29.pdf)>.

preparation, will oblige the different actors in the administrative sector for example to ensure services under the Language Act and the Sámi Language Act and to provide public information about the services.

106. Concerning the Romani language, lectures and exhibitions have been organised by the Team for the Roma at the National Board of Education for employees in different fields. Lectures on Roma culture have been given by some schools, and training on the culture was organised as well. The authorities report that the Finnish Broadcasting Company Ltd organised the *Mundo* project on media training and on-the-job learning for ethnic minorities in Finland, including media professionals with Roma background. According to the authorities, Roma are more present on TV than before, and are portrayed more positively in the media in general.

107. With respect to Sámi, the Committee of Experts was informed by the Sámi Parliament that tolerance towards Sámi people has not increased amongst the majority population. The Ombudsman for Children holds for example that adults and school pupils of the majority population should be better informed about the contemporary life and culture of the Sámi. Such information should be given according to him as part of instruction at schools and by more comprehensive awareness-raising campaigns. According to the Government's Child and Youth Policy Programme referred to by the authorities, equality will be fostered and discrimination prevented by making Sámi culture better known at different educational levels. The results of the survey carried out in 2007-2008 by the Ombudsmen for children in Finland, Norway and Sweden, show also that Sámi children in Finland expressed their view that media continued to give a very stereotyped picture of the Sámi. They also wish to be better informed about their culture, and would like the radio, television and internet to offer more services in Sámi.

108. The representatives of the Sámi speakers have expressed their concern that the history, community and culture of the Sámi are almost completely ignored in the national curriculum for Finnish schools, thus contributing to the persistence of conventional stereotypes about Sámi and finally to intolerance and lack of understanding for the development of the modern Sámi community. Therefore, the Sámi Parliament has called on the Ministry of Education and Culture to include modules on Sámi history, culture and community in different subjects during the revision of the national curriculum. The Committee of Experts agrees with the Sámi Parliament that more efforts are needed to raise awareness among the majority population about the Sámi culture and community as an integral part of Finnish society.

109. With regard to Swedish, the Committee of Experts was informed during the on-the-spot visit that there has been a significant increase in negative remarks about the duty to learn and use Swedish in the recent years, especially in the context of the political debate related to the administrative reform.

110. Regarding Russian, the speakers informed the Committee of Experts that they still face hostility and are sometimes portrayed negatively in the media. Young people do not always dare to use their mother tongue in public. In their view, there would still be a need to develop respect, understanding and tolerance in Finnish society.

***The Committee of Experts encourages the authorities to take measures to promote tolerance and raise awareness among the majority population about the Russian language as an integral part of the Finnish culture.***

#### ***Paragraph 4***

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

111. The authorities have informed the Committee of Experts about the report "Better interaction – better preparation" issued in autumn 2008, containing proposals from Swedish-speaking NGOs about cooperation between the ministries and NGOs. It is not clear however to the Committee of Experts what follow-up was given to that.

## Paragraph 5

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

112. In the case of Finland, the Karelian, Romani, Russian, Tatar and Yiddish languages are considered as non-territorial languages. In its appreciation of the situation of these languages vis-à-vis paragraphs 1 to 4 of article 7, the Committee of Experts has kept in mind that those principles should be applied *mutatis mutandis*.

### 3.2 The evaluation in respect of Part III of the Charter

#### 3.2.1 The Swedish language

113. In this section, the Committee of Experts will focus its presentation on problematic areas in the protection and promotion of Swedish. It will therefore not assess the implementation of provisions which were fulfilled in the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> monitoring cycles, apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

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

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

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

116. Representatives of the speakers informed the Committee of Experts that in their view, the situation of the Swedish language had worsened during the reporting period and it is increasingly difficult to contact the authorities in Swedish. For them, there is a need for a long-term language strategy and a better implementation of the language legislation. They also informed the Committee of Experts about their initiative to have a National

Action plan – promoting two national languages in Finland, that aims at reinforcing bilingualism in Finland and at a better enforcement and supervision of the language legislation.

## **Article 8 - Education**

117. Representatives of the speakers informed the Committee of Experts that in their view, more resources should be put into all language teaching and that the level of the skills in Swedish does not match the standards that are set in order to ensure the linguistic rights of the citizens according to section 17 of the Constitution.

### **Paragraph 1**

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

#### **Pre-school Education**

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

118. Pre-school education is provided in Swedish by the municipal social welfare authorities, as foreseen by the Children's Day Care Act<sup>21</sup> particularly section 11 which foresees that municipalities shall within a reasonable period arrange day-care for all children in their own language. Concerns were however raised by the speakers in the last monitoring round about the possible negative consequences of the municipal reform on the provision of pre-school education, and the discontinuation of day-care in Swedish in some municipalities as a result of the inadequate public procurement procedures. The Committee of Experts therefore considered the undertaking fulfilled, but looked forward to receiving information on the new reforms and practices.

119. In the fourth monitoring cycle, the authorities acknowledge that some municipalities still do not verify in their public procurement whether private service providers ensure the realisation of linguistic rights in practice. The Swedish Assembly has therefore underlined the need to provide municipalities with more precise guidelines concerning public procurement.

120. The authorities also refer to difficulties experienced by local authorities in recruiting a sufficient number of day-care staff when they establish new Swedish-speaking day-care centres or purchase day-care services in Swedish, as a result of the increased demand for day-care in Swedish linked to migration to Southern Finland and the capital region. It is also difficult to find qualified substitutes in Swedish-speaking regions. The Swedish degree course for day-care personnel is in Ostrobothnia. A proposal for starting a new degree course in the capital region in 2011 has been put forth.

121. The Committee of Experts still considers this undertaking fulfilled, but would welcome more information on the issues it has raised in the next monitoring cycle.

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

122. The authorities state in their 4th periodical report that Swedish-speaking comprehensive schools suffer especially from a shortage of Swedish-speaking special needs teachers and science teachers. Teaching material equivalent to that published in Finnish is not available in Swedish. Therefore the Swedish Cultural Foundation in Finland has underlined the need to take special measures to ensure the availability of teaching materials in Swedish.

123. The Committee of Experts considers this undertaking still fulfilled at present, but encourages the authorities to find ways to remedy the situation described above.

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

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<sup>21</sup> Children's Day Care Act, 36/1973; as amended by Act No 875/1981.

124. The Committee of Experts considered this undertaking fulfilled in its previous evaluation report but asked for more information about how the government would counter the effects of a single-evaluation test for the Matriculation Examination, as a result of the 2004 amendment to the High School Act. The Committee of Experts was especially looking forward to receiving more information about how the authorities would develop and encourage studies in the second official language, supporting a positive image of Finland as a bilingual society and promoting the importance of mastering both official languages, as they had committed themselves to doing.

125. The authorities are conscious that the fact that the Swedish language test is no longer compulsory in the matriculation examination has weakened the motivation to study Swedish, not only at general upper secondary schools, but also at universities and polytechnics. Furthermore, most Finnish-speaking students postpone their Swedish language studies until the seventh grade, when they become mandatory. The authorities are therefore carrying out two development projects with the aim of increasing knowledge of the second official language: the "Project on national languages" 2007-2009, and the "Project to develop the position of the second national language" 2007-2010.

126. The representatives of the speakers have expressed their concern to the Committee of Experts about the slowness of the Government in taking action regarding the deteriorated knowledge of languages. In November 2010, a report of the Ministry of Education showed that the share of pupils doing the Swedish language test had decreased drastically from 98% to 66%. Urgent measures are therefore needed to promote better knowledge of Swedish. It is unclear to the Committee of Experts if this decline will have an effect on the provision of Swedish secondary education, and what consequences this development will have on the long term provision of services in Swedish. It therefore asks the authorities to comment on this issue in the next periodical report.

127. The representatives of the speakers have also informed the Committee of Experts about their concern about the public debate in Finland demanding that the obligatory teaching of Swedish in Finnish schools should be abolished. Apparently until now there has been a large consensus among the leading political parties in Finland on maintaining the obligatory Swedish but it has nevertheless been put under discussion.

128. The Committee of Experts considers this undertaking to be fulfilled at present, but would welcome more information on what steps have been taken by the authorities to reverse the negative trend in learning and teaching Swedish in the next periodical report.

***d. i. to make available technical and vocational education in the relevant regional or minority languages;***

129. This undertaking was considered fulfilled in the last monitoring cycle. However, the Committee of Experts notes from the report of the Government to the parliament that Finnish-speaking students in vocational institutions have poor Swedish language skills<sup>22</sup>. The teaching of the Swedish language is neither sufficient nor are Swedish language studies appreciated in vocational education. The report underlines that this may become a problem in the future as those students often work in the service sector afterwards.

130. The Committee of Experts stills considers the undertaking fulfilled, but would welcome more information on the undertaking in the next monitoring cycle.

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

131. This undertaking was considered fulfilled in the previous monitoring rounds. The Committee of Experts nevertheless encouraged the authorities to make additional resources available so as to ensure full implementation of university education in Swedish. The problem of the recognition of degrees obtained in Sweden, especially for law and medicine, was also raised.

132. The authorities state in their 4th periodical report that a reform of the universities took place in the reporting period, whereby universities became independent institutions governed by public law. The Act on the Implementation of the Universities Act took effect on 1 August 2009 (59/2009). The Government provides their

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<sup>22</sup> Report of the Government on the application of language legislation, 2009, p. 65.

basic financing. Section 12 of the Act foresees that the Swedish-language Åbo Akademi University, the Swedish School of Economics and Business Administration, the University of Helsinki, the Finnish Academy of Fine Arts, the Sibelius Academy, the Theatre Academy Helsinki and the Aalto University must continue to ensure that a sufficient number of persons knowing Swedish are educated for the needs of Finland. The Swedish Cultural Foundation in Finland has emphasised the need to monitor the effects of the reform on the practical opportunities to study in Swedish.

133. The report of the Government on the effects of the University reform is expected for 2012. The Committee of Experts is therefore looking forward to receiving more information on the effects of the reform on the availability of university and higher education in Swedish in the next report.

134. As regards the difficulties evoked by the speakers for the recognition of degrees in law and medicine obtained in Sweden, the authorities state in their fourth periodical report that the legislation in place consists of:

- the National Board of Education that decides whether foreign qualifications confer the required competence for civil service posts in Finland;
- the Act on the Recognition of Professional Qualifications (1093/2007) that regulates the recognition of professional qualifications which citizens of Member States of the European Union and the European Economic Area have obtained in other Member States;
- the Act on Competence for Civil Service Posts Conferred by Higher Education Studies Taken Abroad (531/1986). Vocational qualifications obtained in Sweden are recognised by virtue of this Act.

135. Decisions on the recognition or comparability of qualifications obtained in Sweden are taken by the National Board of Education, which cooperates with educational authorities in Sweden.

136. In view of these precisions, the Committee of Experts considers the undertaking fulfilled.

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

137. This undertaking was considered fulfilled in the last evaluation report, but the Committee of Experts expressed the wish to receive more information about the concerns raised by the speakers that the history of Swedish in Finland should be more visible in the curriculum.

138. The fourth periodical report states that studying the common history of nearly 600 years between Finland and Sweden is obligatory only in comprehensive schools, within basic education. The Swedish Assembly in Finland considers that the history of the Swedish rule in Finland should also be taught as an obligatory subject in general upper secondary schools.

139. Based on the information received, the Committee of Experts concludes that the undertaking is fulfilled, but encourages the authorities to give consideration to the concerns expressed by the Swedish-speakers about the teaching of the history reflected by the Swedish language in Finland.

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

140. In the previous monitoring cycles, the Committee of Experts considered the undertaking partly fulfilled as there had been no comprehensive evaluation of the quality of Swedish language education, and no periodic reports on measures taken and progress achieved in relation to Swedish education had been made public.

141. The Finnish authorities state in the 4th periodical report that a comprehensive report on the teaching of Swedish in general upper secondary schools in Swedish was published in 2007. The status of vocational basic education provided in Swedish has been studied in inventories of educational needs. The documents have been published in Swedish. It is however not clear to the Committee of Experts whether these reports are periodic.

142. The Committee of Experts maintains its previous conclusion that the undertaking is partly fulfilled and would welcome more information on this subject in the next monitoring cycle.

## Article 9 - Judicial authorities

### Paragraph 1

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

#### ***In criminal proceedings:***

- a. i. to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;***
- ii. to guarantee the accused the right to use his/her regional or minority language; if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;***

#### ***in civil proceedings:***

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

#### ***in proceedings before courts concerning administrative matters:***

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

143. In the previous monitoring reports, the Committee of Experts considered these undertakings formally fulfilled. It urged the Finnish authorities to increase the number of judges and other personnel with a command of Swedish in order to improve the use of Swedish before courts. It also urged the authorities to take steps to ensure that the linguistic rights of the Swedish-speakers are fully implemented in court proceedings.

144. The Committee of Experts also encouraged the authorities in the previous monitoring round to ensure that changes in the borders of judicial districts would not have any negative effect on the use of Swedish. The authorities report that the ongoing reform of district courts reduced the number of these courts from 54 to 27 at the beginning of 2010. According to the Government Programme, due consideration has to be given to safeguarding the rights of both the Finnish speakers and the Swedish speakers. The Swedish Assembly of Finland has however expressed its concern about the fact that the district court reform abolished one of the two Swedish-speaking district courts in Finland, when the Parainen District Court was merged with the new Turku District Court. The authorities further report that at the same time the District Court of Varsinais-Suomi was supplemented with a separate department for safeguarding the linguistic rights of the Swedish speakers in the district, as prescribed by the District Court Act, and that the judges appointed in this department are subject to stricter language proficiency qualifications than other judges. The District Court has presently four court judges with excellent knowledge of Swedish. The Committee of Experts commends the authorities for this initiative.

145. The Committee of Experts looks forward to receiving more information on the concrete consequences of this reform with regard to this undertaking in the next monitoring round.

146. Concerning the training of staff, the authorities report that the courts organise language training. However, the number of district court judges with a knowledge of Swedish is reported to have remained largely unchanged over the last years<sup>23</sup>.

147. As regards the Prosecution office, the authorities report that the knowledge of Swedish has improved among the staff, thanks to new qualification requirements on language proficiency, asking for a higher level of

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<sup>23</sup> Government report on the application of language legislation, 2009, p. 56.

competence in Swedish than foreseen in the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003). This has applied to three prosecutor posts in the offices of Helsinki, Itä-Uusimaa and Länsi-Uusimaa, two posts in the office of Varsinais-Suomi and five in the office of Ostrobothnia.

148. The authorities report that in practice the linguistic rights of Swedish-speaking parties are not fully realised when considering the criminal process in its entirety. According to a survey conducted by the authorities, the realisation of linguistic rights is influenced e.g. by the fact that Swedish-speaking parties are at least partly questioned in Finnish in pre-trial investigation<sup>24</sup>. The situation also varies from one office to another: in the prosecution offices of Helsinki, Itä-Uusimaa and Länsi-Uusimaa, prosecutors estimated the securing of linguistic rights in pre-trial investigations more negatively than the average. Estimates in the Prosecution offices of Ostrobothnia and Varsinais-Suomi were more positive. Furthermore, not all cases with Swedish-speaking parties are systematically assigned to Swedish-speaking prosecutors, and these parties are not automatically addressed in Swedish at main hearings.

149. The results of the questionnaire sent in 2008 by the Ministry of Justice to the chief judges of all district courts show that the bilingual district courts have determined the language of proceedings either by asking the parties which language they prefer, or on the basis of the language used by them in pre-trial investigation, or by looking up their mother tongue in the population register. The authorities state that the right of parties to use their mother tongue may remain unrealised especially in written proceedings. Only a quarter of the bilingual district courts reported that, if such cases occur, they try to find out the parties' language by asking them, from documents or from the population register.<sup>25</sup>

150. Concerning the information on linguistic rights, it seems that two thirds of bilingual district courts inform the parties of their right to use Finnish or Swedish, on their own initiative. In the case of unilingual district courts, in nearly half of them it is not customary to inform the party of his/her linguistic rights. The authorities report that however, if it is known that a Swedish-speaking person also knows Finnish, he/she is often encouraged to use Finnish instead of Swedish.

151. The reasons for Swedish-speakers to choose to speak Finnish instead of Swedish are various. They can do so in order to speed up proceedings, because they think that it may be easier to agree to proceedings in Finnish, or because they have the impression to be better understood in the case where the judge is only Finnish-speaking. The Ministry of Justice has also been made aware of the insufficient number of jurors knowing Swedish, which lead in some cases to the situation where some jurors did not understand the language of proceedings in trials.

152. Concerning the lengths of proceedings, the chief judges said that in two thirds of the bilingual districts the language of proceedings had had no effect on the length of proceedings. Four district courts stated however that the language of proceedings has either some or a considerable effect on the length of proceedings, mainly due to having the trial material translated, or the need to use interpretation. As regards the case brought to the Ombudsman in 2006 concerning the average lengths of proceedings conducted in Swedish before the Vaasa Court of Appeal, the Deputy Parliamentary Ombudsman concluded that the proceedings conducted in Swedish lasted longer than those in Finnish, especially for criminal cases. One of the reasons for this situation came from the lack of resources and the small number of cases. In the report submitted by the Vaasa Court of Appeal to the Ombudsman, it appears that the difference between the length of Finnish and Swedish proceedings was of approximately 5 months for the period 2005-2006. The authorities are of the view that the differences between the lengths of proceedings did not warrant further measures.

153. It appears to the Committee of Experts that the language is being used in practice, although there are still deficiencies in the implementation of these undertakings. The Committee of Experts notes that the lack of qualified Swedish-speaking staff still hampers the conduct of the proceedings in Swedish, despite the efforts of the authorities to organize language training. It encourages the authorities to take further measures to increase

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<sup>24</sup> According to the results of the questionnaire sent by the Ministry of Justice to the prosecutors in bilingual prosecution offices, only less than 7% of the prosecutors estimated that the persons being heard are always interrogated in the pre-trial investigation in their own language when it is Swedish. But more than half of the prosecutors estimated that the interrogations in the pre-trial investigation are mostly carried out in the own language of the person being heard when that language is Swedish. Report of the Government on the application of language legislation, 2009, p. 50.

<sup>25</sup> Report of the Government on the Application of Language Legislation 2009, p. 50 to 52.



the number of judges and other personnel with a command of Swedish in order to strengthen the use of Swedish before courts.

154. The Committee of Experts considers the undertaking partly fulfilled.

## **Article 10 - Administrative authorities and public services**

### **Paragraph 1**

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

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

155. The Committee of Experts concluded in the two previous monitoring rounds that the undertaking was only formally fulfilled. The Committee of Experts observed in the last monitoring round that problems regarding the availability of public officials mastering the Swedish language still existed, although several initiatives to improve the use of Swedish within State administration had taken place.

156. The authorities state that when a citizen contacts state and municipal bilingual authorities, he/she can choose the language, Swedish or Finnish<sup>26</sup>.

157. The Committee of Experts has been made aware of several cases involving the police, where the linguistic rights contained in the Language Act had not been secured. These cases have been dealt with by the Parliamentary Ombudsman. Furthermore, following the police reform, there are no longer any police districts with Swedish as the administrative language. The bilingual subunits that were formed only perform executive functions in line with the decisions made by the large police districts. According to the speakers, this will have negative repercussions on the use of Swedish, and in practice, chances to speak to the police in Swedish have diminished in all bilingual districts. The Committee of Experts has been informed that the National Police Board was established in 2010, which will inter alia report on the application of the language legislation. The Committee of Experts welcomes this initiative and looks forward to receiving more information in the next periodical report.

158. It has to be furthermore noted that in the capital region Swedish-speakers feel that the authorities use Finnish even though they addressed them in Swedish. Approximately one third of the Swedish speakers declared that they use Finnish in their communication with the authorities because they want to obtain better treatment<sup>27</sup>.

159. The Committee of Experts maintains its previous conclusion that this undertaking is formally fulfilled. It seems that the arrangement for using Swedish as an official language works in a large number of cases but there are still situations where there exist difficulties in practical implementation.

### **Paragraph 2**

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

...  
***b the possibility for users of regional or minority languages to submit oral or written applications in these languages;***

160. The Committee of Experts considered the undertaking fulfilled in the previous monitoring round.

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<sup>26</sup> Government report on the application of language legislation, 2009, p. 10.

<sup>27</sup> Government report on the application of language legislation, 2009, p. 26.

161. According to the Language Barometer 2008, which surveyed 43 municipalities on the functionality of municipal services in Swedish in different sectors, 39% of the Swedish-speaking respondents experienced that they always or mostly obtained services in Swedish. Another 39% reported that the availability of service in Swedish varied, and 22% answered that they seldom or never obtained any service in Swedish. The corresponding figures for representatives of the Finnish-speaking minority, reporting on service provided in Finnish in mainly Swedish-speaking municipalities, were 84%, 13% and 3%, respectively. With some tangible variations in municipalities, it appears that in general, linguistic rights tend to be less ensured when the minority represents a small proportion of the population.<sup>28</sup>

162. In all sectors covered by the Barometer, services provided in Swedish were regarded as being of poorer quality than services in Finnish. The answers provided by the Finnish and the Swedish speakers differed most in respect of emergency call centre services and emergency services, local police authorities, waste disposal authorities and employment offices. Bilingual municipalities were more successful in rendering services in Swedish than Finnish-speaking municipalities with a Swedish-speaking minority.

163. The authorities also make reference to a guide published by the Association of Finnish Local and Regional Authorities, aimed at helping municipalities to assess and develop their services provided in Swedish.

164. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled. Nevertheless, it encourages the authorities to improve the provision of services in Swedish.

### **Paragraph 3**

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

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

165. In the third evaluation report, the Committee of Experts concluded that this undertaking was formally fulfilled, and encouraged the authorities to ensure by practical measures that the linguistic rights laid down by the legislation are fully implemented in practice, notably when municipalities buy services from the public sector.

166. According to Sections 24 and 25 of the Language Act,<sup>29</sup> services shall be provided in both national languages, and private actors responsible for performing public administrative functions are subject to the same language requirements as public authorities. It is the responsibility of the state and municipal authorities to ensure that the linguistic rights are complied with, even in situations where services are purchased from a private service provider. However, the authorities report that most municipalities do not verify in their public procurement whether private service providers ensure the realisation of linguistic rights in practice. In the review of the implementation of the Language Act, only one sixth of the assessed bilingual municipalities had set the smooth functioning of bilingual services as a condition for a contract.<sup>30</sup> One quarter ensure the implementation of linguistic rights through clarifications or their own observations and monitoring; and two bilingual municipalities stated that they evaluate it according to complaints from citizens on the service.

167. The Swedish Assembly in Finland has pointed out that because the procurement instructions of municipalities are still deficient the authorities responsible for procurement should issue municipalities with more precise guidelines, underlining the need to ensure the realisation of linguistic rights. The Assembly has decided to publish its own informal guidelines for public procurement and thus advise municipal councils to take account of linguistic rights when purchasing services.

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<sup>28</sup> According to the Language Barometer, if the minority represents at least 25% of the population, it seems that service is usually provided in the language of the minority. However, if the quantitative share of the minority is below 20% of the population of the municipality, the availability of services in the language becomes weaker. In Government report on the application of the language legislation, 2009, p. 23.

<sup>29</sup> Language Act (423/2003).

<sup>30</sup> Report of the Government on the application of language legislation 2009, p. 20.

168. The authorities also report about the Act on Restructuring Local Government and Services, which took effect in February 2007.<sup>31</sup> It provides that public authorities, when planning and implementing arrangements under the Act, must take into account, among other issues, the rights of the Finnish-speaking and the Swedish-speaking populations to use their own language and to be served in this language.

169. The Committee of Experts has been made aware by the Swedish Assembly that they receive complaints from the public concerning all sectors of the government authorities on various types of problems, such as ignorance of the linguistic rights of the individual, inadequate oral and written services in Swedish, unsatisfactory availability of information or signage, and so forth. The Swedish Assembly therefore stressed the need to continuously inform employees at state and municipal authority level about the provisions of the Language Act, and to offer the employees opportunities to improve their language skills.

170. The Committee of Experts still considers this undertaking to be formally fulfilled, and urges the authorities to issue precise guidelines on the public procurement instructions for municipalities, stressing the need to realise the linguistic rights in organising tenders and the actual provision of services.

#### **Paragraph 4**

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

...

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

171. In the previous monitoring round, the Committee of Experts considered this undertaking partly fulfilled in practice and asked for further information on the practical application of the Act on the Knowledge of Languages Required of Personnel in Public Bodies and the Language Act.

172. The Government proposed in its report on the application of the language legislation that the authorities should systematically review their personnel policy, for example taking into account the importance of language skills in recruiting personnel as well as in the training and remuneration systems of the personnel. Procedural models should be developed in this respect, to ensure that the requirement of language skills is a systematic part of the recruiting procedure.

173. The authorities inform the Committee of Experts in the 4th periodical report that deficiencies still exist in complying with the Act on the Knowledge of Languages Required of Personnel in Public Bodies. This is particularly true in the case of recruitment, as job advertisements do not always mention the required language qualifications or the language is not considered as a merit. Furthermore, ministries and state departments do not always publish announcements of vacant posts in Swedish, even if skills in Swedish are required. In practice, only certain civil servants are expected to have a good knowledge of Swedish – those dealing with Nordic co-operation for example.

174. Representatives of the speakers have also told the Committee of Experts that a continuous problem lies in the fact that for positions requiring an academic degree, the language qualification requirements for state-employed officials are excellent skills in Finnish, and satisfactory knowledge of Swedish. The results are two-fold: the Swedish-speaking population is in a less favourable position than the Finnish-speaking population when they apply for official positions; government officials with only a satisfactory knowledge of Swedish are expected to provide Finnish and Swedish speakers with services on an equal basis, but they do not always succeed in doing so.

175. The public authorities organise language training for their staff, but these courses are often done on a voluntary basis, and therefore are not guaranteed systematically for all officials and employees. The Finnish Border Guard organises basic courses in Swedish for officers, and several municipalities, such as those in the

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<sup>31</sup> Act on restructuring Local Government and Services (169/2007).

capital region, arrange language training during working hours and some pay an additional remuneration for language skills.

176. In respect of police administration, following the reform in the administrative structures of the local police in 2009, more precise language proficiency requirements were imposed on the staff of the regional units. A legislative amendment to the Decree on Police Administration provides that the language proficiency requirements in regional units are determined according to the linguistic status of the unit's jurisdiction. However, the authorities state that the number of policemen who know Swedish is insufficient and that basic police training is not arranged as often in Swedish as in Finnish.<sup>32</sup>

177. Based on the information received, the Committee of Experts considers the undertaking fulfilled but encourages the authorities to provide incentives for staff language training, or to organise compulsory language courses in bilingual municipalities.

#### **Article 11 – Media**

178. The Committee of Experts has been informed that the Government has distributed selective press subsidies.<sup>33</sup> In the state budget for 2008, an amount of 500 000 Euros was appropriated for supporting newspapers published in minority languages, corresponding electronic publications and news services provided in Swedish. According to Section 3 of the Decree on Press Subsidies, selective press subsidies may be granted for newspapers which are both published and printed in Finland and which come out at least once a week. Representatives of the speakers expressed their concern during the on-the-spot visit about the fact that in practice, the amount has been reduced for Swedish press, which is enough to maintain press in Swedish language, but not to put it on an equal footing with the Finnish press. 50 000 Euros have been set aside for a Sámi newspaper.

#### **Paragraph 1**

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

...

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

...

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

179. This undertaking was considered partly fulfilled in the last monitoring cycle as there is no private television or radio in Swedish and since all the programmes are broadcast by the national public broadcasting company YLE.

180. The authorities have informed the Committee of Experts that there are still no private Swedish-language radio or television channels with nation-wide coverage. Instead, a number of local cable television channels transmit privately funded programmes in Swedish. These channels send some hours of local and regional news and programmes per week, but the Government does not support the activities financially. The Government has not received any applications for licences for new, private radio or television channels broadcasting in Swedish.

181. The Committee of Experts recently decided to review its approach with regard to Article 11.1.b and Article 11.1.c taking into consideration the developments in the field of broadcasting media which have taken

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<sup>32</sup> Report of the Government on the Application of Language Legislation 2009, pp. 46 to 50.

<sup>33</sup> Decree on Press Subsidies, (389/2008).

place since the Charter was adopted in 1992. The traditional distinction between a monolithic “public service broadcaster” and private broadcasters has eroded. By now, several categories of bodies exist which can be said to deliver a “public service mission” to a greater or lesser extent. Some are publicly owned or controlled, others are privately owned or are joint ventures. Some are closer to the voluntary sector. Furthermore, there is now a far greater variety in delivery methods and platforms (digital television and radio, internet broadcasting, etc.). Together these developments call for a more flexible interpretation of Articles 11.1. b. and c., in particular so as not to exclude public service broadcasting from its ambit.<sup>34</sup>

182. In view of the revised approach, the Committee of Experts considers these undertakings fulfilled.

### **Paragraph 2**

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

183. This undertaking was considered fulfilled in the last monitoring cycle.

184. The authorities confirm in their report that the Government has granted the Finnish Broadcasting Company Ltd a licence for showing the SVT Europa channel, a programme mix channel of the Swedish public service broadcasting company (*Sveriges Television Ab*), in the digital television network with a coverage almost throughout the country. The Committee of Experts commends the authorities for this initiative.

185. The Committee of Experts considers this undertaking fulfilled.

## Article 12 - Cultural activities and facilities

### **Paragraph 1**

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

...

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

186. In the previous monitoring rounds, the Committee of Experts was not able to conclude whether this undertaking was fulfilled or not, due to a lack of information.

187. No information on this undertaking was available in the 4th periodical report. The Committee of Experts urges the authorities to provide more information on this undertaking in the next periodical report.

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<sup>34</sup> Cf. 3<sup>rd</sup> Report of the Committee of Experts on Germany, paragraph 17; 2<sup>nd</sup> Report of the Committee of Experts on Austria, paragraph 150.

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

188. This undertaking was considered fulfilled in the last evaluation report with regard to printed works as the Helsinki University Library receives a copy of all printed documents published in the country, including in Swedish, but the Committee of Experts asked the authorities for more information in the next evaluation round concerning the audio, audio visual and other works in the Swedish language.

189. The Committee of Experts did not receive any information concerning the audio, audio visual and other works in the Swedish language in the 4th periodical report. It therefore concludes that the undertaking is fulfilled concerning printed material and not fulfilled with respect to audio and audio visual works in the Swedish language.

## **Article 13 - Economic and social life**

### **Paragraph 2**

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

...

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

190. In the previous evaluation round, the Committee of Experts, while recognising the efforts made by the authorities, concluded that this undertaking was only partly fulfilled. It urged the authorities to take appropriate measures to ensure the effective use of Swedish in social and health care facilities. The Committee of Experts urged the authorities to step up their efforts and ensure the effective use of Swedish in emergency call centres. Furthermore, this deficiency was also the subject of the Committee of Ministers' recommendation no. 4 (RecChL (2007)7).

191. The authorities report<sup>35</sup> that the availability of social welfare and health care services in citizens' mother tongue still varies greatly from one municipality to another. According to the results of an inquiry conducted in 2008 by the Ministry of Social Affairs and Health, it is indeed much easier for clients to receive services in their own language in bilingual municipalities with a Swedish majority than in bilingual municipalities with a Finnish majority, especially where child welfare, elderly care services, mental health services and on-duty services are concerned. Problems have especially been recognised in the Helsinki metropolitan area. The attention of the Committee of Experts has also been drawn by Swedish-speakers to the fact that an increasing problem is that social welfare, health care and hospital services are outsourced to private actors. In the context of the public procurement procedures, the authorities seem to neglect the safeguard of provision of services in Swedish.

192. According to the representatives of the speakers whom the Committee of Experts met during the on-the-spot visit, linguistic rights within the social welfare and health care services are not complied with adequately according to the provisions of the Language Act, especially in the capital region. The Swedish Assembly in Finland received complaints from citizens concerning the actual care and treatment (doctors and other medical personnel who lack knowledge of Swedish), but also the lack of instruction and information material in Swedish regarding their care, unsatisfactory availability of information or signage in hospitals and health care centres, insufficient language skills of operator or reception personnel, statutory patients' records that are not issued in Swedish, and so forth. Difficulties of receiving health care services in Swedish both at the Vaasa Central

<sup>35</sup> Report of the Government on the Application of Language Legislation, 2009, pp.34-37 and 4th periodic report, p. 63.

Hospital (within paediatric neurology for example) and at the Tampere University Hospital (care for stroke patients, among other areas) have also been reported.

193. Concerning more specifically child welfare, services are not systematically offered in Swedish unless the customer so requires. This is especially the case in municipalities with a Finnish-speaking majority and in southern Finland. The Committee of Experts has also been informed about the closure of the Tammisaari maternity ward, where full services were provided in Swedish and Finnish, and which was closed against the wish of the local Swedish-speaking majority. Speakers regret the fact that now only the Porvoo maternity ward can provide full Swedish services in Southern Finland.

194. As regards care for the elderly, care in Swedish is available in bilingual municipalities with a Swedish-speaking majority, but it is not always arranged in municipalities with a Finnish-speaking majority. The situation is reported to be especially difficult in some large municipalities of Southern Finland, where some working shifts do not have anybody speaking Swedish.

195. The authorities report that in the case of the health care sector, where the lack of personnel with language skills is particularly important, exceptions have been made in the recruitment of staff in cases where the employee's language skills had shown minor deficiencies. In half of the bilingual municipalities of Finland, the language skills of the applicant are verified during the recruitment procedure by requiring a language skill certificate, and some municipalities pay their personnel a language skill bonus. Language trainings are also organised.

196. The Swedish Assembly in Finland considers that the deficiencies in on-duty services in customers' mother tongue increase the risk of misunderstandings in the care and undermine the realisation of linguistic rights and that it is particularly important for children, elderly persons and psychiatric patients to be cared for in their mother tongue.

197. Concrete positive actions can however be reported: a language programme on good care in Swedish and Finnish, containing practical recommendations for improving the services of the hospital as regards the use of language, was adopted by the Executive Board of the Hospital District of Helsinki and Uusimaa in 2007. The Executive Board also introduced at the same time a language bonus to encourage its staff to use Swedish in their work. Representatives of the speakers told the Committee of Experts that the number of employees receiving the supplement has increased considerably since the system was installed. The Swedish Assembly in Finland published a Swedish dictionary for Finnish-speaking nursing staff, intended to facilitate communication between the patients and the nurses, and to encourage nurses to speak Swedish. Over 30 000 copies of the dictionary have been distributed free of charge throughout the country, to health care students and their teachers and to hospital and health care centre staff.

198. The Parliamentary ombudsman issued several decisions on the language and health care during the reporting period. For the realisation of their linguistic rights, patients must receive copies of their patient records in their mother tongue, in either Finnish or Swedish. Patients of bilingual hospital districts are entitled to study the documents concerning their care in their mother tongue. If the documents were not originally written in the patients' language they must be translated if the patients so request.<sup>36</sup> In the Ombudsman's opinion it was problematic that the Finnish Patient Insurance Centre used an external counsel when responding to Swedish-language cases concerning patient injuries, whereas Finnish-language cases were processed using their own lawyer resources. Because of this procedure the Swedish-speaking party, who lost the case, incurred higher litigation expenses than a Finnish-speaking party would have incurred in a comparable situation.<sup>37</sup> The Parliamentary Ombudsman called on the Ministry of Social Affairs and Health to clarify the provisions regarding the language in patient records when revising the legislation.

199. Concerning the emergency call centres, which had already been singled out in the last monitoring report, the authorities state in their 4th periodical report<sup>38</sup> that problems still persist in South-west Finland, mainly due to the difficulty of recruiting duty officers with a knowledge of Swedish, and because there are no statutory language proficiency qualifications for duty officers. Furthermore, according to the results of the Language

<sup>36</sup> Decision of the Parliamentary Ombudsman reg. no. 3086/4/06.

<sup>37</sup> Decision of the Parliamentary Ombudsman reg. no. 2938/4/04.

<sup>38</sup> 4th periodic report, p. 65.

Barometer 2008, the quality rating for services of emergency call centres varied considerably by region. The Swedish Assembly in Finland considers that the teaching of Swedish to Finnish-speaking officers has not improved the availability of emergency services in Swedish. It also considers it a problem that the training only takes place in Kuopio and is in Finnish only. The Swedish Assembly suggested to the authorities to arrange a relocated degree programme in Swedish for emergency call centre employees, but this has so far not been done.

200. The authorities have issued a report on the reform of emergency call centres, recommending that the centres should render services in both Finnish and Swedish, that an additional bilingual course for duty officers be organised in the Helsinki metropolitan area, and that more attention be paid to language qualifications of the staff in recruitment procedures. The Committee of Experts was informed that the Ministry of the Interior is revising the legislation on emergency call centres and reviewing the qualifications required of the staff in this context. According to the information received during on-the-spot visit, out of 48 officers working in the emergency call centres 6 are Swedish-speakers and 23 can respond in Swedish. There are no Swedish language courses.

201. The Committee of Experts would welcome more information on what further steps the authorities have taken in order to remedy the language deficiency in the emergency call centres in the next periodical report.

202. In view of the difficulties encountered by speakers in practice, and despite the commendable efforts made by the authorities, the Committee of Experts considers this undertaking still partly fulfilled.

***The Committee of Experts strongly urges the authorities to step up their efforts and ensure the effective use of Swedish in social care facilities.***

### 3.2.2. The Sámi language

203. In the evaluation that will follow and with reference to paragraphs 113-115 above, the Committee of Experts will not comment on the following articles/provisions :

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

### **Article 8 - Education**

204. During the last monitoring round, the Committee of Experts was made aware of structural and financial problems with regard to Sámi teaching in general. It therefore encouraged the authorities to adopt a structured policy and provide adequate funding for Sámi education including the development of teaching materials and the adoption of a regional curriculum. This was also the object of the Recommendation N°1 of the Committee of Ministers which recommended that the Finnish authorities “**further strengthen education in Sámi, notably through the development of a structured policy and long-term financing scheme**” (RecChL(2007)7).



205. According to the survey done in 2007-2008 by the Ombudsmen for Children in Finland, Sweden and Norway on the opinions and experience of Sámi children, the basic problem identified in Sámi-language teaching was the lack of continuity, due to the shortage of qualified Sámi-speaking subject teachers.

206. The Committee of Experts has been informed that on 24 September 2010, the Ministry of Education and Culture appointed a steering group and a working group to draw up a programme for the revitalisation of the Sámi languages. The group held its first meeting on 29 November 2010. Its purpose is to create a comprehensive and long-term plan of action for ensuring the preservation and development of the Sámi languages, paying particular attention to the preservation of the Inari Sámi and Skolt Sámi languages. The Sámi Parliament expects the project to lay the foundation for the development of Sámi teaching nationwide, for improving access to this teaching and for helping the revitalisation of Sámi languages through school. Its implementation will require a guarantee of sufficient resources and a long-term plan that will make the programme available to Sámi people of all ages throughout the country, reaching the older population as well through courses for adults. One practical solution that has been put forward by the Sámi Parliament is the setting up of Sámi language centres in areas where the Sámi languages are particularly weak, on the model of what has been done in Norway. Other key sectors identified for the working group are: social welfare, health care and education services, culture and media, trade and industry policy. The Committee of Experts looks forward to receiving more information on the concrete developments and results of this revitalisation programme in the next monitoring round.

207. Concerning more specifically teaching materials, the Committee of Experts was informed in the last monitoring round by the Sámi Parliament that the grant for the production of teaching materials has remained unchanged for years. As a result, the development and production of teaching materials in Sámi has not met the basic needs of language teaching. The Committee of Experts therefore believed that there was an urgent need to increase the production of teaching materials in Sámi on the one hand, and to ensure the availability of competent teachers and improve continuing teacher training.

208. The authorities are conscious that there is a shortage of teaching materials especially in general upper secondary education and adult education, but there is also a need for material that supports the revival of the Sámi language and is suitable for use in language nests. Representatives of the speakers underlined that the lack of teaching material increases the work of the teachers. The authorities acknowledge the fact that in the next few years, specific supportive measures are needed for promoting instruction in Skolt Sámi. Besides scarce resources, also problems with finding Skolt Sámi translators and authors have hampered the production of teaching material in Sámi.

209. The authorities state in their 4th periodical report that material has been produced in North, Inari and Skolt Sámi for all educational levels, from pre-school education to adult education. The funds granted to the Sámi Parliament for the production of teaching materials have amounted to 258 000 Euros per year, and, according to the representatives of the speakers, the teaching material appropriations were increased by 83.000 Euros during 2010. However the Sámi Parliament would prefer that this funding be allocated to hiring full-time employees to prepare teaching materials in Inari Sámi and Skolt Sámi, as there is no special funding available for this purpose at the moment. The representatives of the speakers reiterated their concern during this monitoring cycle about the serious shortage of Sámi-speaking teachers and teaching materials in Sámi, particularly in the Inari Sámi and Skolt Sámi languages.

210. A solution could be found in the promotion of web-based material. This could also be particularly relevant for Sámi children living outside the Sámi Homeland. The statistics of the Sámi Parliament in 2007 showed indeed that an increasing number of Sámi lived outside the Sámi Homeland: 59% of 11-17 year-olds, 60% of those aged between 18 and 24, and 70% approximately of the group under the age of 10. According to the first education report of the Sámi Parliament published in November 2008, the situation of the teaching in and of Sámi is particularly alarming outside the Sámi Homeland. Sámi is taught on the same grounds as immigrant languages, and the report showed that very few Sámi children and young people are taught Sámi. The number of speakers is therefore on the decline.

211. The authorities report about interesting projects of virtual and distance teaching. In 2004–2007, the National Board of Education supported the development of virtual teaching of and in Sámi by means of its *Virtuaalisaaime* ("Virtual Sámi") project. In this virtual school project, pupils living outside the Sámi Homeland

have been taught Sámi by distance teaching from the Homeland. The project is also intended to compile a resource bank for teachers and schools, containing information on the Sámi and their culture and intended as a teaching material environment for stimulating language instruction. Inari municipality is also improving the opportunities for distance learning of Sámi.

212. The Sámi Training Centre has also proposed to arrange basic education by means of distance teaching. However, no digital material exists separately for distance teaching of Sámi, but virtual teaching material has been prepared for studies of Sámi at general upper secondary schools and in adult education. This work has been financed from the *Interreg* programme of the European Union. Furthermore, the Sámi Parliament has proposed the launch of virtual teaching of the Sámi language at the Sámi Education Institute in Inari, but this has so far not taken place.

213. The representatives of the speakers have furthermore drawn the attention of the Committee of Experts to the importance of speakers of Sámi as a second language. This group of pupils constitutes in their view the most significant potential for increasing the number of Sámi speakers and safeguarding the future of the Sámi languages. The Sámi Parliament therefore asked the Ministry of Education and Culture to revise the mother tongue syllabus by including in it "Sámi as a second language".

214. The Sámi Parliament has also informed the Committee of Experts that it has not been provided with the authority or the resources to develop Sámi teaching. It has therefore proposed to the Ministry of Education and Culture that its teaching and learning material office should be converted into a development centre with national responsibility for Sámi teaching, to report on and negotiate about the status and needs of such teaching annually with the Ministry.

215. Problems have also been evoked by representatives of the speakers about the fact that in several municipalities of the Sámi Homeland, because of the shortage of resources and the small size of schools, Sámi-speakers were de facto obliged to participate in "Finnish mother tongue" classes, instead of "Finnish for Sámi speakers".

216. The Committee of Experts welcomes the efforts made by the authorities towards improving the availability of distance learning of Sámi. It looks forward to receiving more information on these projects, and especially the Sámi revitalisation programme in the next monitoring round. It observes, however, that there has been little concrete improvement with regard to teaching materials in Sámi, and that the shortage of qualified teachers is still a matter of concern for the future.

#### **Paragraph 1**

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

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

217. In the last evaluation report, the Committee of Experts acknowledged the increase of funds allocated to pre-school education. It stressed, however, that additional efforts were necessary to support pre-school education, to increase the number of trained Sámi personnel and to develop appropriate teaching materials. This undertaking was considered partly fulfilled. The Committee of Experts therefore encouraged the Finnish authorities to take further steps to ensure pre-school education in the Sámi language on a permanent basis.

218. The authorities acknowledge the importance of giving Sámi children the opportunity to attend day-care services in Sámi, and for them to develop their command of the language. The Sámi Language Act puts an obligation on municipalities to arrange teaching of the Sámi language and municipalities receive subsidies from the state for arranging teaching in and of Sámi. However speakers informed the Committee of Experts that language rights are not implemented, due to a constant lack of staff speaking Sámi. The authorities also report that there are fewer qualified Sámi-speaking kindergarten teachers than needed, and pedagogical guides on Sámi culture and language are non-existent. Concerning teaching material, the authorities report that the Sámi

Parliament produces material in all three Sámi languages, but that difficulties have been encountered as regards Skolt Sámi material, as there are not enough authors with a knowledge of this language.

219. Language nests are widely considered by the speakers to be the best solution for the revitalisation of the Sámi language at an early age. Speakers informed the Committee of Experts that the best results in language revitalisation have been obtained with Inari Sámi language nests established in the villages of Inari and Ivalo. In comparison with 20 years ago, now more than fifty children and adolescents can speak Inari Sámi to a native language standard. The Ombudsman for Minorities also considers language nest activities to be of primary importance for the preservation and revitalisation of Sámi. He therefore asked the Ministry of Education in January 2009 to clarify how it intends to ensure Sámi language nest activities in the long term.

220. The Sámi Parliament underlined however during the on-the-spot visit the recurrent lack of funding for these language nests. In the 2011 budget, the central government allocates 350 000 Euros to Sámi language nests, and the aim is to make funding for language nests a permanent appropriation. The funding allocated at present covers less than half of the actual costs of the language nests.

221. The authorities report that Inari municipality has started day care in Skolt Sámi in Ivalo village, with activities comparable with language nests, and that a project has been initiated but is not yet in function, due to the small number of children, in Sevettijärvi.

222. The only North Sámi language nest to date is in Vuotso in Sodankylä, but the Inari local authority is making surveys for setting up a North Sámi language nest. There is a North Sámi speaking day-care centre unit in Utsjoki church village.

223. As regards pre-school education, the authorities report that all municipalities in the Sámi Homeland provide pre-school education in Sámi, and that Sevettijärvi School provides pre-school education in Skolt Sámi.

224. The Committee of Experts has been made aware of a case brought to the National Discrimination Tribunal of Finland by the Ombudsman for Minorities. The Tribunal considered that the City of Rovaniemi had discriminated against Sámi children because it had not taken sufficient measures to fulfil its statutory obligation to arrange day care for them. Sámi children had a statutory right to day care in their own mother tongue, on an equal basis with Finnish-speaking children.

225. The Committee of Experts considers that the undertaking is still partly fulfilled.

***The Committee of Experts urges the Finnish authorities to take further steps to ensure pre-school education in the Sámi languages especially by means of the provision of language nests on a permanent basis.***

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

226. This undertaking was considered partly fulfilled in the last monitoring round because, despite the fact that Sámi had been taught as mother tongue, there was a lack of a common regional curriculum, creating thus a huge workload for the teachers who have to work on their individual teaching materials and curriculum, leading even in some cases and according to representatives of the speakers, to exclusion of Sámi education.

227. According to the information received in this monitoring round, in the Sámi Homeland municipalities 150 pupils have attended basic education in North Sámi, 11 in Inari Sámi (in Inari and Ivalo), and 4 in Skolt Sámi (in Sevettijärvi and Ivalo).

228. In their 4th periodical report, concerning the issue of the common regional curriculum, the authorities state that it is up to the municipalities in the Sámi Homeland to adopt a curriculum for Sámi-language instruction, based on the national core curriculum that was adopted by the National Board of Education in 2004. They also inform the Committee of Experts that by 2007, all these municipalities had prepared and adopted a curriculum for instruction in Sámi. The National Board of Education holds that it would be sensible to prepare a core curriculum for instruction in Sámi. The cooperation between the Sámi Homeland municipalities would result in a regional curriculum for instruction in Sámi.

229. Representatives of the speakers again voiced their concern to the Committee of Experts about the fact that no uniform curriculum existed for teaching in Sámi. The Basic Education Act<sup>39</sup> requires that education providers adopt a separate curriculum for teaching in Sámi. Local authorities have found this task to be difficult because there are no uniform instructions, and have therefore asked the help of the Sámi Parliament. The Sámi Parliament has submitted several statements to the Ministry of Education and Culture, asking for a curriculum document that would harmonise the contents of special teaching and the number of hours to be set aside for Sámi and Finnish teaching. This uniform set of instructions would enable Sámi culture content to be included in school teaching consistently in all municipalities providing Sámi teaching.

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

***The Committee of Experts encourages the authorities to facilitate the creation of the common regional curriculum for Sámi.***

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

231. In the three previous evaluation rounds, the Committee of Experts considered this undertaking partly fulfilled. In the last evaluation report, it also encouraged the authorities to strengthen teaching in Inari and Skolt Sámi (ECRML (2007)7 paragraph 190).

232. According to the authorities, the number of separate Sámi-language teaching groups in general upper secondary schools has declined. They have also informed the Committee of Experts that the general upper secondary school in Ivalo teaches Inari Sámi by means of distance teaching. Skolt Sámi is taught in Sevettijärvi and Ivalo. Of the high schools, only the one in Utsjoki teaches a few subjects also in North Sámi.

233. According to the survey done in 2007-2008 by the Ombudsmen for Children in Finland, Sweden and Norway, a problem referred to in Finland was the fact that the matriculation examination tests of subjects studied at school in Sámi, for example biology, could not be taken in Sámi. In the Finnish matriculation examination, only the tests of mother tongue and a foreign language can be taken in Sámi.

234. The lack of qualified Sámi-speaking teachers and of appropriate teaching materials continues to be the main obstacle to teaching. Representatives of the speakers have also underlined that a practical problem in some schools is the lack of a permanent classroom for Sámi classes.

235. In the light of this information, the Committee of Experts still considers this undertaking to be partly fulfilled.

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

236. In the two previous monitoring rounds, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Experts was made aware that the Sámi Training Centre was providing courses in Sámi language, culture and handicrafts. It asked however for further information about the development of the Sámi Training Centre in the next report, given the fact that there was apparently little interest from Sámi students to attend these courses.

237. The Act and Decree on the Sámi Training Centre entered into force in August 1993. By virtue of authorisation by the Ministry of Education (491/530/2006), the Sámi Training Centre may arrange vocational basic education in Finnish and Sámi in Inari municipality. By a separate decision, the Ministry of Education has authorised the Sámi Training Centre to arrange supplementary vocational education.

238. The authorities report that the Sámi Training Centre offers training leading to vocational upper secondary qualifications in the fields of handicraft and industrial arts, natural resources and the environment, hotel and

<sup>39</sup> Section 5 of the Basic Education Act (628/1998).

catering, social welfare and health care, tourism, business, and computing and software. It provides a wide range of courses in the Sámi language and culture and part of the instruction is given in Sámi.

239. In view of this information, the Committee of Experts considers the undertaking fulfilled.

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

240. This undertaking was considered fulfilled in the last monitoring cycles.

241. The representatives of the speakers have expressed their satisfaction to the Committee of Experts about the fact that since autumn 2010, it has been possible to take university-level studies and complete a Bachelor's degree in Sámi languages, specifically in Inari Sámi and North Sámi, at the Sámi Education Institute in Inari, which comply with the degree requirements of the University of Oulu.

242. The Committee of Experts commends the authorities for the improved offer and maintains its previous conclusion that the undertaking is fulfilled.

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

243. In the previous monitoring round, the Committee of Experts had not been provided with any updated information on the teaching of Sámi history and culture and reiterated therefore that this provision was partly fulfilled. The Committee of Experts furthermore encouraged the Finnish authorities to take steps to improve the representation of Sámi history and culture in the history curriculum for the territory where the language is used and to provide the Committee of Experts with information on this in the next periodical report.

244. According to the national core curriculum, schools in the Sámi Homeland must teach Sámi history. However, the Committee of Experts was informed that information about the Sámi history and culture was rather scarce and superficial. The authorities state that even some history of the textbooks written in Sámi present the Sámi and their culture very briefly, and that no updated textbook on Sámi history is available in Finland. The representatives of the speakers also pointed out that the visibility of the Sámi culture in the Sámi-language teaching materials is not satisfactory.

245. The Committee of Experts considers the undertaking still partly fulfilled and encourages the authorities to take measures to remedy the unsatisfactory situation.

***The Committee of Experts encourages the authorities to take measures to ensure that the history and culture reflected by the Sámi languages are adequately presented both in Finnish and Sámi language education in the Sámi Homeland.***

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

246. This undertaking was considered partly fulfilled in the third monitoring round. The Committee of Experts, although recognising the increased efforts of the government to develop the training of teachers, encouraged the authorities to facilitate teacher training, in particular for Inari and Skolt Sámi, for which no basic and further teacher training exists, and for which additional measures were needed.

247. Speakers have informed the Committee of Experts that there is still a serious shortage of Sámi-speaking teachers and teaching materials in Sámi, particularly in the Inari Sámi and Skolt Sámi languages. The Report of the Government on the application of language legislation 2009 stated as well that the increased lack of teachers over the last few years has mainly concerned Inari Sámi and Skolt Sámi, as well as the subject teaching given in all three Sámi languages in the higher grades of basic education.

248. The authorities state in the 4th periodical report that the training is the responsibility of the Giellagas Institute of the University of Oulu. Class teachers teaching in North Sámi are, as a rule, trained teachers. Some

students speaking Inari and Skolt Sámi have also completed teacher training. The authorities state however that the training lasts at least 4 years and that the scarce number of teacher trainees has not increased so far the availability of teachers for basic teaching of Inari and Skolt Sámi.

249. Concerning subject teaching, no Sámi-speaking students have applied for subject teacher training. An initiative was taken by the Sámi Parliament, which tried to increase the number of students applying for Sámi-language teacher training but has not found suitable means to support potential applicants. The Committee of Experts is concerned about this decreasing trend, which may lead in the near future to a complete shortage of teachers of the Sámi language.

250. As regards further training of teachers, the authorities state that the National Board of Education has received few applications for funds for further training of teachers speaking Sámi or in Sámi, and that there is a scarce availability of Sámi-speaking instructors. Concerning Skolt or Inari Sámi, no further training has been arranged. The authorities report on an initiative taken by the Research Institute for the Languages of Finland KOTUS and the Inari Sámi Association to organise a one-year training programme on Inari Sámi, intended for qualified teachers, authorities and media and aiming at speeding up the availability of professionals speaking this language. The Committee of Experts welcomes this initiative especially since it makes training more available to the teachers in the Sámi Homeland.

251. The Committee of Experts is concerned about the decreasing trend regarding Sámi teachers, especially for Inari Sámi and Skolt Sámi, which will jeopardize in the long term the availability of Sámi teachers. The authorities should find adequate incentives for young people to commit themselves to a teaching career in Sámi, if necessary, for example, by additional scholarships or promised employment contracts. The authorities should also look into developing distance and blended learning for further teacher training.

252. The Committee of Experts maintains its previous conclusion that the undertaking is still only partly fulfilled. The Committee of Experts encourages the authorities to take inventive measures in order to train teachers for Skolt and Inari Sámi.

***The Committee of Experts encourages the authorities to take measures to strengthen basic and further teacher training , especially for subject teachers in the Sámi languages.***

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

253. In the last monitoring round, the Committee of Experts considered that the undertaking was not fulfilled and urged the Finnish authorities to find ways of developing appropriate monitoring in close cooperation with the Sámi parliament. It encouraged the Government to develop an appropriate mechanism responsible for monitoring the measures taken and progress achieved in Sámi education and for drawing up periodic reports which will be made public.

254. No specific information was given on the implementation of this undertaking in the 4th periodical report. The National Board of Education monitors the effects of the national core curricula for education and qualifications mainly when assessing education, but the Committee of Experts understands that it does not concern specifically the teaching of Sámi.

255. The Committee of Experts therefore still considers this undertaking not fulfilled.

## **Paragraph 2**

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

256. In the previous monitoring round, the Committee of Experts considered this undertaking partly fulfilled, as was the case also in the second round, because there was very little teaching of any of the Sámi languages outside the Sámi Homeland, other than at universities. The Committee of Experts encouraged the authorities to take appropriate measures to develop the teaching of Sámi outside the Sámi Homeland.

257. The authorities report that the constitutional right of the Sámi to their own language and culture also applies to the Sámi residing outside the Sámi Homeland. Municipalities are however not bound to arrange this teaching outside this area, unlike in respect of the day care of children.

258. The Committee of Experts has been made aware of the conclusions of the first education report of the Sámi Parliament in November 2008. The report is intended as an instrument of the Sámi Parliament for solving educational questions. The report states that the situation of the teaching in and of Sámi is particularly alarming outside the Sámi Homeland and that consequently, Sámi speakers remain more or less illiterate in Sámi. The number of Sámi speakers is on the decline. The education report showed that very few Sámi children and young people are taught Sámi.

259. Sámi is taught in Oulu, Rovaniemi and Tampere. The authorities report that in 2007-2008, a total of 36 pupils, 29 of whom were in basic education and 7 in general upper secondary school education, received subject teaching of Sámi outside the Sámi Homeland. Difficulties in arranging Sámi teaching for Sámi speakers have been reported to the Committee of Experts in the town of Rovaniemi.

260. The Sámi Parliament has proposed to abolish the regional limitation on special funding for Sámi teaching foreseen in section 45(1) of the Act on the Financing of the Provision of Education and Culture<sup>40</sup>, which limits the funding to local authorities in the Sámi Homeland. This would allow teaching on a permanent basis in cities with a sufficiently large Sámi-speaking population, such as Helsinki, Tampere, Oulu and Rovaniemi. This proposal has however to date not been accepted.

261. During the reporting period the Decree for complementary teaching<sup>41</sup> was revised, lowering the minimum number of pupils required for a teaching group from 4 to 2 in the municipalities outside the Sámi Homeland. The teaching is of two hours per week in this subject. According to the speakers, however, this revision has not changed the general situation of the Sámi teaching. The Education providers have no statutory requirements to provide instruction in pupils' native languages and must apply for the discretionary government grant separately each year. No special syllabus for this teaching exists in the current national curriculum. Because of the limited number of hours, it is not possible either to follow the existing syllabi for "Sámi as mother tongue" or "Sámi as a foreign language". Online teaching would be the best solution according to the speakers<sup>42</sup>.

262. In view of this information, and despite the efforts made by the authorities in amending the legislation, the Committee of Experts still considers this undertaking partly fulfilled. It encourages the authorities to develop innovative measures to foster distance-learning tools and to encourage Sámi children and young people outside the Sámi Homeland to learn Sámi.

## **Article 9 - Judicial authorities**

### **Paragraph 1**

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

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<sup>40</sup> 1705/2009.

<sup>41</sup> Decree 1777/2009 on the grounds for discretionary government grants for complementary teaching for Sámi-speaking and Romani-speaking pupils in basic education and in upper secondary school.

<sup>42</sup> The Sámi Parliament informed the Committee of Experts that teaching provided on the basis of this Decree is indeed not a school subject in itself, and that the Sámi language can thus not be taught as an ordinary school subject with a grade, either as mother tongue or a foreign language. Teaching can only be provided in some locations, and the Decree does not enable permanent full-time positions for Sámi language-teachers to be set up.

***In criminal proceedings:***

a. ...

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

***In civil proceedings:***

b. ...

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

***In proceedings before courts concerning administrative matters:***

c. ...

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

263. The Committee of Experts considered that these undertakings were still only formally fulfilled in the third evaluation report. It considered that there was a need for improvement, in particular by taking measures aimed at improving the Sámi language skills of legal officials and administrative personnel, but also by ensuring the training of interpreters in Sámi legal terminology.

264. According to the report on the implementation of the Sámi Language Act in 2004-2006, the courts falling under the scope of the Act ensured the efficiency of services in Sámi by using interpreters and translators, and most of them informed the public about their services in Sámi. The authorities also state that a number of forms used for the administration of justice have been translated into all three Sámi languages. Thus, forms are available in Inari and Skolt Sámi, but the users do not always know Sámi terminology, and the Skolt Sámi orthography in particular is often influenced by Finnish forms.

265. The prosecution office informed the Committee of Experts that interpretation or translation services are seldom called for. The Prosecution Office of Lapland has one prosecutor who is studying the Sámi language and culture. In addition, one of the judges of the District Court of Lapland, a few lay judges and the bailiff at Ivalo Court speak Sámi. In the view of the Leading District Prosecutor of Lapland, the service provision in Sámi in the administration of criminal justice is satisfactory in the region.

266. The Committee of Experts considers this undertaking formally fulfilled. There are also indications of practical use. The Committee of Experts encourages the authorities to design measures to strengthen the use of Sámi in the court system.

**Article 10 - Administrative authorities and public services**

267. In the previous monitoring cycle, the Committee of Experts noted that, despite difficulties in implementing this undertaking, the Finnish authorities had adopted measures to improve the language skills of personnel. It was however made aware of the fact that the system of calculating the amount of funds allocated by the authorities to the municipalities in which Sámi is used in order to cover their extra expenses, was based on the overall size of the population and not the actual expenses, which could lead to problematic situations. Utsjoki, for example, the only municipality in Finland with a majority of Sámi people and where the need for Sámi-speaking services is the greatest, received the lowest amount of subsidies.



268. In the 4th periodical report, the authorities state that the appropriation has amounted to 130 000 Euros per year, but do not specify whether the system for allocating the funds has changed.

**Paragraph 1**

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

**a. ...**

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

269. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled but encouraged the authorities to continue their efforts to ensure an effective implementation of the Sámi Language Act in the Sámi Homeland. It also encouraged the authorities to disseminate the guide made by the Sámi Parliament on the contents of the Sámi Language Act, in particular among the authorities with whom the Sámi speakers are in contact, as the use of Sámi varied greatly in practice.

270. According to the report issued by the Sámi Language Bureau and the Sámi Language Council on the implementation of the Sámi Language Act in 2008, it appears that the entry into force of the Act had not in fact changed the number of state or municipal employees speaking Sámi. Furthermore, the report also showed that the authorities had deficient knowledge about the different Sámi languages. In the Sámi Homeland, services in Sámi were not offered actively, and the provision of information about the services was insufficient. Sámi people mostly considered that the prevailing atmosphere did not encourage them to demand services in Sámi. The attitude of the authorities towards the Sámi Language Act is often negative. The authorities do not on their own initiative show their capability to serve the customers in the Sámi language and services are arranged only if the customer requires them. It was unclear to many authorities how the obligations under the Sámi Language Act should be fulfilled in practice.

271. The authorities state that the Local Register Office of Lapland, which covers all municipalities in the Province of Lapland, serves customers in North Sámi both orally and in writing.

272. The Committee of Experts has also been informed that 10 border guards are able to communicate in Sámi and 3 police officers are learning Sámi, using paid leave.

273. In view of the information received both from authorities and speakers, the Committee of Experts considers the undertaking formally fulfilled. There seem to exist deficiencies in the practical implementation of the Sámi Language Act, but at the same time there is a certain degree of use of Sámi in the state administration, which means that the undertaking is partly fulfilled also in practice. The Committee of Experts encourages the authorities to strengthen their efforts to ensure an effective implementation of the Sámi Language Act.

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

274. In the last monitoring round, the Committee of Experts considered that the undertaking was fulfilled as regards North Sámi, but not fulfilled for Inari and Skolt Sámi. It therefore maintained its previous conclusion that the undertaking was only partly fulfilled.

275. The 4th periodical report states that so far, the police administration has not managed to produce electronic forms in Sámi because the special characters of the Sámi language could not be used in the web system. However the Police Department of the Ministry of the Interior has promised that the most important forms of the police would soon be made available in Sámi. The Committee of Experts is looking forward to receiving more information on the availability of electronic forms of the police in Sámi in the next monitoring round.

276. Central forms of certain authorities, such as the Finnish Tax Administration and the Social Insurance Institution, have been translated into North Sámi. The authorities also state that call-up notices are produced in Sámi in the Upper Lapland Regional Office, and that they are displayed on municipal notice boards in the Sámi Homeland municipalities. However it is not specified whether this concerns the three Sámi languages.

277. The authorities also report that, according to the Sámi Council, widely used administrative texts and forms are not sufficiently available to the public in Sámi or in bilingual format.

278. The Committee of Experts considers this undertaking fulfilled concerning North Sámi, but not fulfilled in practice as regards Inari Sámi and Skolt Sámi. It encourages the authorities to develop more widely used administrative texts and forms in Sámi and in bilingual format.

## **Paragraph 2**

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

...

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

279. The Committee of Experts had to maintain its conclusion in the previous evaluation report that this undertaking was partly fulfilled. It was made aware that the Municipality of Utsjoki used Sámi in its debates, and requested further information regarding the other municipalities in the next periodical report.

280. No updated information was given to the Committee of Experts concerning this undertaking in the fourth monitoring cycle. As a result, the Committee of Experts still considers this undertaking to be partly fulfilled, and urges the authorities to provide more information in the next monitoring cycle.

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

281. This undertaking was considered fulfilled since the first monitoring round, as place names in the Sámi Homeland were available in North Sámi and sometimes in Skolt and Inari Sámi.

282. The Committee of Experts notes with interest that a topographic database was introduced in 2007 by the Land Survey of Finland, which is regularly updated. Sámi place names and road names have been put widely into use thanks to this database. The Committee of Experts would like to commend the Finnish authorities for this database, which contained at the end of 2007 more than 6000 North Sámi place names, approximately 4500 Inari Sámi names and nearly 300 Skolt Sámi names. However, the database information apparently does not cover the northernmost parts of Lapland. The Committee of Experts therefore encourages the authorities to continue this work and to extend the information to the northernmost parts of Lapland.

283. The Committee of Experts considers this undertaking fulfilled.

## **Paragraph 3**

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

...

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

284. The Committee of Experts was not able to come to a conclusion as to the fulfilment of this undertaking during the last evaluation round. It requested the authorities to provide information relating to this specific undertaking in the next monitoring round. The Committee of Experts was in particular looking forward for information about the implementation of the Sámi Language Act and about its application in relation to outsourced public services.

285. No precise information was made available to the Committee of Experts with regard to this undertaking in the 4th periodical report. The Committee of Experts would like to remind the authorities that, as stated in the explanatory report of the Charter, article 10.3. concerns the action by bodies providing public services, whether under public or private law, where they remain under public control: postal services, hospitals, electricity, transport and so on.

286. Based on the continued lack of information, the Committee of Experts has to conclude that the undertaking is not fulfilled. It urges the authorities to provide relevant information in the next monitoring cycle.

#### **Paragraph 4**

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

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

287. This undertaking was considered partly fulfilled in the previous monitoring rounds. Despite the obligation foreseen by the law to arrange for interpretation, in practice the capacity to provide sufficient translators/interpreters was lacking, especially as regards Skolt Sámi and Inari Sámi.

288. The authorities mention that interpretation is available in the Upper Lapland Regional Office and the Jaeger Brigade for oral applications and that employment offices in the Sámi Homeland served customers in Sámi by means of interpretation. It was however not specified whether it concerned North, Skolt or Inari Sámi.

289. In view of this information, the Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled.

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

290. In the third evaluation report, the undertaking was considered partly fulfilled. The Committee of Experts recognised that initiatives were taken by the authorities to remedy this situation, but considered that there was a need for improvement, especially concerning Skolt and Inari Sámi.

291. According to the report of the government on the application of language legislation for the period 2006-2009, the language training of the personnel has not increased significantly. No significant change is reported to have taken place in the municipalities with regard to the number of personnel with knowledge of the Sámi language since the Sámi Language Act entered into force. The municipalities in the Sámi Homeland have a possibility to apply for state support for the additional expenses linked to the linguistic training of the personnel arising from the application of the Sámi Language Act<sup>43</sup>. The Sámi Parliament underlined as well during the on-the-spot visit the fact that the local and central government authorities do not have enough Sámi-speaking personnel.

292. The survey that was done in the Sámi Homeland municipalities for the report on the implementation of the Sámi Language Act shows that 7.1% of the municipal and state civil servants who responded to the questionnaire spoke Sámi as their mother tongue. Of the respondents speaking Sámi as a second language, 2.7% regarded their knowledge of Sámi as good, and 5.1% as satisfactory. The percentage of those respondents who, according to their own estimate, were able to use Sámi in their work had grown by 4.8% after the comparison study conducted in 2000. However the knowledge of Sámi was not regarded as a particular

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<sup>43</sup> Report of the Government on the application of language legislation, 2009, p. 70.

qualification for official functions or as a merit in 87% of posts and employments in the Sámi Homeland, in cases where its knowledge was not compulsory for the post.

293. Concerning more specifically the Employment administration, the authorities also state that in 2004-2006 customer service in Sámi was available in the Sámi Homeland only in Kaaresuvanto employment office in the municipality of Enontekiö. Other employment offices in the Sámi Homeland served customers in Sámi by means of interpretation. Similarly, only Kaaresuvanto employment office was able to provide advice to customers in Sámi for filling in Sámi-language forms. The conclusions of the report recommend that the number of Sámi-speaking staff be increased in the employment office units in the Sámi Homeland and that the resources of Sámi-language services be improved.

294. Concerning the border guards, the Committee of Experts has been informed that 10 border guards are able to communicate in Sámi. They are trying to improve the language skills of their officers in the Sámi Homeland by in-service training.

295. Knowledge of Sámi is considered as a merit for the applicants for posts in the Upper Lapland Regional Office. The Committee of Experts notes furthermore with satisfaction that the staff have been trained with regard to the obligations under the Sámi Language Act and the European Charter for Regional or Minority Languages.

296. Based on the information received, the Committee of Experts considers that this undertaking is still partly fulfilled.

#### **Paragraph 5**

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

297. The Committee of Experts did not receive sufficient information in the last monitoring round to be able to assess the fulfilment of this undertaking in practice, and therefore encouraged the authorities to provide more information in the next periodical report. There appeared to be practical difficulties in some parts of public administration in the use of Sámi names in writing, mostly due to the fact that computers were not equipped to recognise Sámi letters. The Committee therefore encouraged the authorities to find ways to overcome those logistical problems and possibly benefit from the experience made in other countries facing the same difficulties, such as Norway.

298. In the fourth evaluation report, the authorities report that a new Finnish keyboard setting has been developed by the Research Institute for the Languages of Finland KOTUS which permits to write also in Sámi. However, keyboards with the new order of keys are not yet available. The Committee of Experts welcomes this new development and is looking forward to receiving information about the practical results of this innovation.

299. The Committee of Experts is therefore not in a position to conclude whether the undertaking is now fulfilled.

#### **Article 11 - Media**

300. According to the opinions expressed by Sámi children and young people in the survey done in 2007-2008 by the Ombudsmen for Children in Finland, Sweden and Norway, the young people would like the radio, television and internet to offer more services in Sámi.

#### **Paragraph 1**

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

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

a. ...

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

301. In the third evaluation round, the Committee of Experts considered this undertaking partly fulfilled, as was the case in the second round, mostly because of the lack of children's programmes, and of journalists in Inari and Skolt Sámi.

302. The authorities report that the Finnish broadcasting company YLE has enhanced its television broadcasting in Sámi, and that its strategy planning includes the development of Sámi-language programmes. A programme for children, *Unna Junná*, which lasts 15 minutes, is now transmitted once a week on Sunday mornings. The programme can also be watched on TV Finland satellite channel. The languages of the programme are mainly North Sámi, but Inari and Skolt Sámi are also used. The Committee of Experts welcomes the fact that the programme is subtitled in Finnish and Swedish, as it allows the majority population to understand it and increases the understanding towards the Sámi language and the Sámi people.

303. Sámi language television news, *Oddasat*, is broadcast in the northern parts of Finland. Nationwide re-runs are also broadcast late in the evening and the following morning, with Finnish and Swedish subtitles. *Oddasat* is also available in other European countries on Saturday, via the TV Finland channel. However, the Committee of Experts was informed that the programme does not have a fixed time slot, which makes it difficult for speakers to watch it.

304. Children's programmes and news can also be viewed on the YLE's internet service *Areena*, thus allowing persons living outside the Sámi Homeland to follow these programmes. The Committee of Experts welcomes these positive steps.

305. Concerning radio programmes, the Sámi Radio of YLE broadcasts approximately 1800 hours of radio programmes in North Sámi per year in Northern Lapland, 100 hours in Skolt Sámi and 100 hours in Inari Sámi. A children's programme is available once a week in Inari, Skolt and North Sámi. News programmes in Inari and Skolt Sámi are broadcast once a week. The radio programme service in Sámi is also available to listeners outside the Sámi Homeland through *Areena*.

306. In view of this information, the Committee of Experts considers the undertaking fulfilled but would like to encourage the authorities to further develop broadcasting in Sámi, in particular on television.

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

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

307. In the previous monitoring cycle, the Committee of Experts considered these undertakings only partly fulfilled, as there are neither private television programmes nor radio stations in Sámi, all programmes being broadcast by the national public broadcast company YLE.

308. The authorities state in their 4th periodical report that they did not receive any applications for licences to establish private Sámi-language radio or television channels during the reporting period. The Committee of Experts has not been informed of any measures taken by the authorities to encourage and/or facilitate broadcasting in Sámi outside the public sector.

309. The Committee of Experts maintains its previous conclusion that this undertaking is partly fulfilled. It encourages the authorities, in cooperation with the speakers, to look into whether it is feasible to create additional broadcasting services in Sámi outside the public sector.

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

310. The Committee of Experts considered this undertaking not fulfilled in the previous monitoring round, as was the case in the second. It urged the authorities to take concrete measures to encourage and/or facilitate the creation of a Sámi newspaper, if necessary in co-operation with neighbouring countries.

311. The authorities report about a journal entitled *Anarâs*, published 4 to 5 times a year and subsidised by the Ministry of Education. According to its practice, the Committee of Experts cannot consider papers published occasionally as newspapers.

312. The system for press subsidies changed during the reporting period. Selective press subsidies can be sought for newspapers and network publications published in Sámi. In the state budget for 2008, an amount of 500 000 Euros was therefore granted for supporting newspapers in all minority languages.

313. However, no Sámi-language journals applied for press subsidies in 2008, and the authorities consider that the possible establishment of a Sámi-language newspaper largely depends on the activity of Sámi speakers themselves.

314. The Committee of Experts considers this undertaking formally fulfilled. It encourages the authorities to take further steps to encourage and/or facilitate the creation of a newspaper in Sámi, if appropriate in cooperation with Norway and Sweden and to report about it in the next periodical report.

## **Article 12 - Cultural activities and facilities**

### ***Paragraph 1***

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

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

315. The undertaking was considered fulfilled in the previous monitoring rounds. The Committee of Experts nevertheless considered that consultations should be held between the authorities and the Sámi Parliament with a view to identifying the real needs and allocating appropriate funds, as the Sámi Parliament considered that the funding did not correspond to the real needs.

316. The funds granted in the state budget for Sámi-language culture and associations showed an increase, from 168 000 Euros in 2006 to 205 000 Euros in 2009. However the amount of the actual appropriation for culture remained unchanged.

317. The authorities state that in the human rights policy report submitted to the Parliament in September 2009, the Government set as an objective to prepare a programme to revitalise the Sámi language.<sup>44</sup>

318. A Sámi youth body, in connection with the Sámi Parliament, has been planned. The Ministry of Education funded the project and granted the Sámi Parliament an additional subsidy of 40 000 Euros.

319. The Committee of Experts has also been informed about the creation of the Sámi Cultural Centre, which should be opened in 2012. This centre is devised to be the administrative and cultural centre for the Sámi in Finland, and is also intended to maintain and develop the Sámi language, culture and livelihoods. The State Provincial Office of Lapland has granted 5 million Euros for financing the centre.

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<sup>44</sup> Government Report to Parliament on the Human Rights Policy of Finland 2009, p. 170.

320. The Committee of Experts maintains its previous conclusion that the undertaking is fulfilled.

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

321. The Committee of Experts considered this undertaking fulfilled in the previous monitoring rounds as the Research Institute for the Languages in Finland (KOTUS) was set up to promote and develop the languages used in Finland including the Sámi languages. It was however concerned by the temporary research positions established for Inari and Skolt Sámi which could be discontinued because of the lack of subsidies.

322. The 4th periodical report states that the Sámi Language Council under the Sámi Parliament is planning to establish a Sámi Language Centre. The Council is planning a Sámi dictionary and Sámi terminology projects as well as an electronic vocabulary data bank for the Sámi languages. During the on-the-spot visit, the Committee of Experts was also made aware of the publication by KOTUS of a grammar of Skolt Sámi. KOTUS has employed a researcher for Inari Sámi.

323. Concerning more specifically North Sámi, in the view of the representatives of the speakers, language management and terminology work should be based on Nordic cooperation in order for this language, spoken in Norway, Sweden and Finland, to develop uniformly.

324. The Committee of Experts considers this undertaking fulfilled. It looks forward to receiving more information on the development of the Sámi Language Centre in the next monitoring round.

## **Paragraph 2**

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

325. This undertaking was considered fulfilled in the last monitoring round.

326. In 2008, the Ombudsman for Minorities published a study on the Sámi language in the Helsinki Metropolitan area that revealed that the Sámi culture is barely visible in the capital city<sup>45</sup>. A roundtable was later organised, which tried to address these issues, and see how the Sámi culture could be preserved as a living culture in urban conditions.

327. Based on this new information, the Committee of Experts must revise its previous conclusion and consider the undertaking partly fulfilled. It encourages the authorities to take measures to allow, encourage and/or provide appropriate cultural activities and facilities outside the Sámi Homeland, where the number of speakers justifies it.

## **Article 13 - Economic and social life**

### **Paragraph 2**

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

...

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<sup>45</sup> 2009 Annual report of the Ombudsman for Minorities, pp.23-24.

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

328. The Committee of Experts was not able to conclude whether this undertaking was fulfilled in the two previous monitoring rounds because of a lack of information. According to the Sámi Language Act, State enterprises as well as private entities responsible for public authorities' services are bound to respect linguistic rights in the Sámi Homeland. The Committee of Experts therefore encouraged the authorities to provide more information on the implementation of the legislation on this very specific aspect in the forthcoming report.

329. No specific information on this undertaking was included in the 4th periodical report. In view of the repeated lack of information, the Committee of Experts must conclude that the undertaking is not fulfilled. It urges the authorities to provide such information in the next periodical report.

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

330. The undertaking was considered partly fulfilled in the previous monitoring rounds. In the third monitoring round, the Committee of Experts acknowledged the serious and concrete efforts made by the authorities, especially the increase in the budget allocated for securing social and health care services in Sámi. However, in view of the lack of staff mastering Sámi in social and health care services and the absence of Sámi-speaking staff in the emergency call centres, the Committee of Experts encouraged the Finnish authorities to strengthen further their efforts and urgently take measures for linguistic training of staff in social and health care facilities and emergency call centres. This undertaking was also the subject of the Committee of Ministers' recommendation n<sup>o</sup>4, recommending that the Finnish authorities "**take further measures to ensure the accessibility of social and health care in (...) Sámi**" (Recommendation RecChL (2007)7).

331. The authorities report that the annual grant given to the Sámi Parliament to subsidise municipalities to make available services in Sámi in the social welfare and health care sectors amounted to 600 000 Euros in the reporting period, which was the same amount as in 2004 and 2005.

332. The report of the government on the application of language legislation states that the linguistic rights are secured randomly in the social welfare and health care services. The Sámi-language services are best ensured in Inari and Utsjoki. However, in these municipalities, reception services, child and maternity clinic and dental services, for example, are provided mainly in Finnish. There are great deficiencies in the services of child psychiatry and speech therapy. Elderly people cannot always obtain health care services in Sámi in the Lapland Central Hospital and the Oulu University Hospital.

333. The Sámi speakers confirm the existing difficulties. Furthermore, they claim that the Sámi Homeland municipalities do not offer any information material concerning social and health services in Sámi, or Sámi-oriented guidebooks on child upbringing or tests measuring the linguistic development of children. The Committee of Experts was also informed during the on-the-spot visit that there are no services in Sámi for small children in social and health care.

334. The authorities report that according to Utsjoki municipality, insufficient psychological, speech therapy and occupational therapy services in Sámi hamper and even prevent the rehabilitation of Sámi-speaking children. In Utsjoki, elderly Sámi cared for in institutions or by drop-in services do not receive care in their own language. The municipality of Enontekiö was found to have breached the Sámi Language Act when arranging child day care, health services and services for the elderly. The National Discrimination Tribunal of Finland considered that Sámi children had a statutory right to day care in their own mother tongue on an equal basis with Finnish-speaking children, and that all Sámi had a statutory right to health services, services for the elderly and basic education in the Sámi language. For more information on this case, the Committee of Experts would like to refer to the 4th periodical report.



335. The Committee of Experts is furthermore extremely concerned about the fact that, according to the report on the implementation of the Sámi Language Act, the emergency call centre of Lapland in Rovaniemi is still unable to serve customers in Sámi, and has not managed to recruit Sámi-speaking staff qualified as duty officers. As stated in the report, the lack of emergency call centre services in Sámi may impede access to aid, especially for those Sámi children and elderly people who do not know Finnish. The emergency call centre did not publish its brochure in Sámi, as had been envisaged in the last monitoring round.

336. In the light of the information received, the Committee of Experts has to conclude that the undertaking is still only partly fulfilled.

***The Committee of Experts urges the Finnish authorities to find an adequate solution to the shortage of staff speaking Sámi in the emergency call centres, and to further develop social welfare and health care services in Sámi especially for small children and elderly people.***

#### **Article 14 - Transfrontier exchanges**

##### ***The Parties undertake:***

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

337. The undertaking was considered fulfilled in the last monitoring round. Transfrontier exchanges between Sámi people of the Nordic countries are being done through various bodies in many fields.

338. The Ombudsmen for Children in Finland, Sweden and Norway recommended in the conclusions of their survey on factors influencing the well-being of Sámi children that the Governments of Finland, Sweden and Norway should cooperate more closely in order to ensure the linguistic rights and educational equality of Sámi children. Cooperation should be increased especially for producing Sámi-language teaching material, enabling teacher training and further training, preparing a core curriculum for the teaching of Sámi culture and history, and establishing contacts between schools in the Sámi Homeland (both children and young people). Furthermore, the national broadcasting companies should cooperate more to provide programmes for Sámi children and young people.

339. Cooperation is taking place between the Sámi Parliaments of Finland, Norway and Sweden on a range of issues, including the language. The Sámi Parliamentary Council, a liaison body between these parliaments, is initiating a preliminary study concerning the setting up of a joint language authority as an Interreg project, which would oversee all Sámi language issues and research. The aim is to produce a preliminary study and an application for continued Interreg funding to set up a new kind of Nordic Sámi language authority for a trial period.

340. The Committee of Experts has also been informed of a draft Nordic Sámi Convention between Finland, Sweden and Norway containing provisions on cross-border cooperation, and the teaching and studies of Sámi and culture. Its purpose is to consolidate the legal position of the Sámi people and to enhance the activities of the Sámi community as a people across national borders. It seems that the draft is still under consideration.

341. The Committee of Experts considers that the undertaking is fulfilled and looks forward to receiving information on the developments of this Convention in the next monitoring round.

#### **Chapter 4 – Findings of the Committee of Experts in the fourth monitoring round**

A. The Committee of Experts appreciates the excellent co-operation with the Finnish authorities with regard to the preparation and organisation of the on-the-spot visit. This has allowed the Committee of Experts to obtain precise and relevant information on policy and legal developments in the promotion and protection of regional or minority languages in Finland. However, the Committee of Experts regrets the fact that the fourth periodical report was submitted 18 months after it was due, which is detrimental to the good functioning of the Charter system.

B. The Committee of Experts commends the Finnish authorities on the high level of promotion and protection of regional or minority languages and for their continued efforts to further improve the implementation of the Charter in Finland. In particular it praises the Finnish government for having presented the second report on the language legislation to the Parliament in 2009, which has to some extent raised awareness on the needs of the speakers and proposed measures to better ensure the promotion and protection of regional or minority languages. The language laws set high standards of protection and promotion of regional or minority languages, but their implementation in practice seems to be deficient in a number of cases. There is a need to inform the relevant bodies of the obligations created by the legislation and to increase funding where necessary.

C. In this monitoring round the Committee of Experts found that some of the problems identified in the previous round still persist. The on-going administrative reform has raised worries among the Swedish speakers that their language rights will not be protected adequately. The problems connected with the public procurement system as regards day-care centres and care of the elderly in regional or minority languages, although mitigated, are still not eliminated in all relevant municipalities. There is a need to further raise awareness of municipalities about their obligation to provide services in regional or minority languages. All regional or minority languages need better visibility in the media.

D. The need to raise awareness of the Finnish-speaking majority population about Finland's regional or minority languages as an integral part of Finland's cultural heritage still exists, in particular regarding the Russian and Romani languages whose speakers face discrimination and stigmatization.

E. As regards the Swedish language, its position as a second official language of Finland is more fragile. There is a growing reluctance towards the need to use and learn Swedish among Finnish speakers. The regulation on the matriculation exam, according to which the other national language is no longer a compulsory subject, seems to have produced some negative effects concerning the willingness of pupils to learn Swedish and the ability of administrative staff to provide services in that language. Nevertheless, the obligations under the charter are by and large fulfilled at present. However, shortcomings identified in the previous monitoring rounds concerning difficulties in using the Swedish language in court proceedings or in health care services still persist. In particular there are still not enough Swedish-speaking staff in the emergency call centres.

F. As regards the Sámi language, education at all levels is hampered by the lack of a structured policy for Sámi education, of language planning and of long-term financing measures. Furthermore, there is no established monitoring mechanism with regard to teaching in/of Sámi. This affects teacher training, the production of teaching materials and the elaboration of a common regional curriculum. The teaching of Sámi outside the Sámi Homeland remains problematic considering the high number of Sámi children and young people living outside the area. There has been improvement as regards the presence of Sámi on TV as the national broadcaster created children's programmes in Sámi. However, there are still no Sámi newspapers published in Finland although the funds have been created for that purpose. Regarding health care in the Sámi language, some serious problems remain, especially as far as some specialists' treatment or care of the elderly are concerned. The emergency call centres still have no staff speaking the Sámi language.

G. Inari Sámi and Skolt Sámi remain in a weak position and they urgently need support measures especially in education where the language nests are seen as the best tool for keeping these languages alive.

H. Romani still faces serious difficulties in the field of education, resulting from the chronic shortage of teachers and the lack of appropriate teaching materials as well as from the absence of Romani at university level. In addition, some municipalities neglect their duty to provide teaching of/in Romani. These shortcomings

and the lack of awareness among parents about their right to request regional or minority language education for their children very much affect the protection and promotion of Romani.

I. As regards the Russian language, the most serious difficulty lies in the fact that it is not treated as a regional or minority language. For education in Russian, there should be clearer instructions to municipalities and schools to make them aware of their obligations vis-à-vis teaching in and of Russian and encourage them to be more proactive in offering such teaching.

J. As for Karelian, the Committee of Experts welcomes the official recognition of the Karelian language and the extension of the principles listed in paragraphs 1 to 4 of Article 7 to Karelian, as a non-territorial language of Finland. The authorities provide financial and other support for the language development. Future efforts to strengthen the position of the language, especially in the education field, are needed.

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

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

At its 1137th meeting on 14 March 2012, the Committee of Ministers adopted its Recommendation addressed to Finland, which is set out in Part B of this document.

## Appendix I: Instrument of Acceptance

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**Finland :**

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

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

#### In Article 8 :

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

#### In Article 9 :

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

#### In Article 10 :

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

#### In Article 11 :

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

#### In Article 12 :

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

#### In Article 13 :

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

#### In Article 14 :

Paragraph a  
Paragraph b.

**Period covered: 01/03/98 -**

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

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

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

In Article 8 :

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

In Article 9 :

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

In Article 10 :

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

Paragraph 3, sub-paragraph a  
Paragraph 4, sub-paragraphs a, b  
Paragraph 5

In Article 11 :

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

In Article 12 :

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

In Article 13 :

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

In Article 14 :

Paragraph a  
Paragraph b.

**Period covered: 01/03/98 -**

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

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

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

**Period covered: 01/03/98 -**

**The preceding statement concerns Article(s): 7**

**Declaration contained in an instrument from the Ministry for Foreign Affairs of Finland, dated 27 November 2009, registered at the Secretariat General on 30 November 2009 - Or. Engl.**

The Government of Finland has decided to modify the declaration contained in the Instrument of Acceptance of the Charter as follows:

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

**Period covered: 30/11/2009 -**

**The preceding statement concerns Article(s): 7**

## Appendix II: Comments by the Finnish authorities

### EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

#### **Comments by the Government of Finland on the Report of the Committee of Experts to be presented to the Committee of Ministers of the Council of Europe in accordance with Article 16 of the Charter**

With regard to the Report of the Committee of Experts to be presented to the Committee of Ministers of the Council of Europe in accordance with Article 16 of the Charter, the Government of Finland provides the following comments:

#### **RECENT DEVELOPMENTS**

The Finnish Action Plan for Monitoring of Discrimination 2010–2013 has been adopted by the Monitoring Group for Monitoring of Discrimination in January 2010. The action plan is based on the Government's internal need to collect data on the implementation of fundamental rights with a view to improving anti-discrimination policy in different areas of life. During the period 2010–2013 the monitoring of discrimination will be implemented by means of discrimination surveys covering all grounds of discrimination to be conducted annually. The annual discrimination surveys will deal with the following areas of life, which are crucial for the implementation of equality: education and recreation (year 2010), working life (year 2011), access to justice and security (year 2012), social welfare and health services (year 2013).

The Parliament has approved, on 8 March 2011, the Government Bill for an amendment of the Act on the Parliamentary Ombudsman (535/2011), by which a Human Rights Centre is established in connection with the Office of the Parliamentary Ombudsman. The Human Rights Centre is meant to be a national human rights institution in accordance with the Paris Principles. The task of the Human Rights Centre consists of counselling, education, provision of expertise, making of statements as well as giving information on and monitoring of fundamental rights. The amendments of the Act enter into force and the Human Rights Centre will start to function on 1 January 2012.

Ministry of Justice has appointed a working group to prepare a proposition for the first national human rights action plan of Finland. This process provides an excellent opportunity to take stock of human rights and review institutional structures. The action plan shall address the Government's priorities in promoting the basic and human rights during this Government's term of office, chart the roles of the different actors in the field of human rights, and include concrete measures for promoting the realization of the basic and human rights in the different administrative sectors. It is stated in the Government Programme for Prime Minister *Jyrki Katainen's* Government that the first human rights action plan of Finland will be prepared in 2011. It is also stated that as required by the Parliament, the Government will submit a more comprehensive human rights policy report where the implementation of the set targets will be reviewed.

The action plan will apply to the years 2012-2013. The monitoring of projects will be organised so that reports on the implementation of the projects will be issued in connection with the more comprehensive report submitted to the Parliament. The action plan shall include a proposition on how its implementation will be monitored and evaluated. The working group has broad-based interaction with various human rights organisations and other interest groups. A panel consisting of representatives of non-governmental organisations and other human rights actors has been set up to support the working group in its work. The working group will submit its proposition by the end of January 2012.

#### **DETAILED COMMENTS**

#### **Chapter 2 – Conclusions of the Committee of Experts on how the Finnish authorities reacted to the recommendations of the Committee of Ministers**

The Programme Document of the Government of Finland, agreed upon by the government coalition on 22 June 2011, elaborates a number of measures to be taken within the area of linguistic matters during the four-year period of mandate. The measures are relevant throughout the Report (e.g., in Para 116), but are presented here,

because the measures at the same time constitute declarations of intention that may have a bearing on many of the recommendations.

In the Programme of the Government, the bilingualism of Finland is identified as an enriching feature and a resource. Therefore, the realization of linguistic rights will be developed on the basis of the proposals presented by the so-called *Ahtisaari-group* of experts in advance of the elections. Under the leadership of the Prime Minister, a long-term linguistic strategy will be elaborated for the development of two vital national languages. For that purpose, the Office of the Prime Minister has issued a decision on the strategy for the national languages, on the basis of which work will commence during the period of 2 November 2011 – 31 December 2012 and which also establishes a high-level steering group to oversee the work with the strategy. On the basis of the strategy, measures to be undertaken will be identified for the period of mandate of the Government. The programme of the Government also states that the military training in Swedish will be maintained as required by law.

In the same Programme of the Government, it is stated that the realization of the rights of those who use the sign language will be developed and the possibilities to enact a Sign Language Act will be looked into.

The Programme of the Government pledges to develop the working conditions of the cultural self-government and the representative assembly of the Sami. The rights of the Sami as an indigenous people will be developed, *inter alia*, by clarifying legislation that relates to land-use and by participating actively in international co-operation that aims at the strengthening of the legal and *de facto* protection of indigenous peoples. The aim is to realize the measures of the programme for the re-vitalization of the Sami languages, and the necessary resources for this are secured. The programme will assess the situation of all three Sámi languages spoken in Finland, and it will focus on education, day care, social welfare and health care services, culture and the media. The aim is to create, in co-operation with the Ministry of Education and Culture, a permanent mode of operation for the re-vitalization of the Sami languages.

The programme of Government also puts forward the development and nurturing of the self-government (autonomy) of the Åland Islands in co-operation with the Åland Islands. The modernization of the system of self-government of the Åland Islands and the inquiry into the needs for reform will be continued. A functioning communication in the Swedish language between the governmental structures of mainland Finland and the self-government of the Åland Islands will be secured. The development of the co-ordination of matters relating to the Åland Islands will be developed in the Council of State.

#### **Paragraph 25**

The working group for the elaboration of the programme for the revitalization of the Sami languages is due to complete its work by the end of 2011.

### **Chapter 3 – The Committee of Experts' evaluation in respect of Parts II and III of the Charter**

#### **Paragraph 33**

The report repeatedly refers to the insufficiency of public funding for implementing the proposed measures. One objective of the ongoing municipal reform is to reorganise municipalities into larger functional entities, which will also have a stronger economic basis for funding the measures referred to in this report. The state subsidy system will be revised at the same time with the municipal structure. On that occasion it will be possible to pay attention to some functions requiring funds as mentioned in the report.

After the reform of the jurisdictions of the courts of first instance was completed, there is one bilingual jurisdiction with Swedish as the language of majority left, the court of Ostrobothnia, after the court of Pargas/Parainen was merged with the court of Turku/Åbo, which is bilingual with Finnish as the language of the majority. There are currently seven bilingual courts of first instance with Finnish as the language of the majority. The other courts of first instance in mainland Finland are monolingually Finnish-speaking, but have, nonetheless, certain duties to provide some services also in the Swedish language.

The court of first instance in the Åland Islands is monolingually Swedish-speaking on the basis of the Self-Government Act of the Åland Islands.

At the moment, a reform of the jurisdictions of the courts of appeal is on-going.

### **Paragraphs 52, 178, 312 and 313**

The Government Decree on Press Subsidies (389/2008) provides for subsidies intended to promote the publishing of newspapers and web papers in Swedish, Sámi, Romani and the sign language. In 2012 the State budget for press subsidies will remain unchanged (EUR 0.5 million).

Section 5 of the Decree provides that press subsidies may be granted for supporting newspapers and web publications in Swedish, Sámi, Romani or the sign language. In addition, press subsidies are payable for the production of news services in Swedish and the production and publishing of material in Sámi in connection with a paper published in Finnish or Swedish. The purpose is thus to promote the freedom of expression as well as versatility and pluralism in communications.

The Government amended the Decree on Press Subsidies on 19 May 2011 (538/2011). The amended Decree took effect on 1 June 2011. After the amendment, press subsidies are now payable also for Sámi web publications and supplements published in Sámi in connection with Finnish or Swedish papers.

Press subsidies could be granted to Sámi newspapers even before the amendment, but the Sámi-speaking population has not had a newspaper of their own since 2001. After the amendment of the Decree it is possible to apply for press subsidies for publishing Sámi supplements or web publications connected with newspapers. The maximum circulation of 15,000 copies mentioned in the Decree is not applicable to the supplements or web publications.

Furthermore, according to section 2 subsection 2 of the Act on Yleisradio Oy (Finnish Broadcasting Company) (1380/1993), the Company is responsible for providing broadcasts also in minority languages and for minority groups. The Company broadcasts e.g. Sámi news reports on both the radio and the television, and children's programmes in Sámi. In addition, the Company broadcasts radio programmes in Russian.

Thus, Finland has made progress in safeguarding the rights of minorities in communications, especially in recent times. In practice this is visible e.g. in the plan of the *Lapin Kansa* newspaper, issued in Rovaniemi, Lapland, to start publishing news in Sámi before the end of 2011. Subsidies of EUR 50,000 granted by the Government make it possible to provide this news service in a minority language. The newspaper aims at regular news service in Sámi. Moreover, e.g. the Finnish Broadcasting Company has increased its broadcasts in Russian and Sámi since 2010, especially on the Internet.

### **Paragraph 69**

Para. 69 reads as follows: "The municipalities have the duty to provide education in Romani, but this is not really followed in practice, and most parents are not aware that they can ask for education in Romani."

Municipalities are not obliged but permitted to provide teaching of Romani as a mother tongue. If they provide such teaching, they are entitled to receive a separate state subsidy for that purpose. Para. 69 should be changed to read e.g. as follows: "The municipalities that offer education in Romani language may receive earmarked state subsidies for financing the organising of the teaching. However, many parents are not aware... "

### **Paragraph 74**

The University of Helsinki will start instruction of the Romani language as a minor subject officially in autumn 2012. The University has already provided individual Romani courses during the 2000s.



### **Paragraph 111**

In line with the proposals made in the "Better interaction – better preparation" report, both HAUS Finnish Institute of Public Management Ltd and Swedish-speaking NGOs have arranged training on methods and models of interaction. Besides, it is noteworthy that Swedish-speaking NGOs have been represented in the Advisory Board on Civil Society set up by the Government in 2007 and its divisions, and they have participated in preparing the Government's decision-in-principle on promoting democracy in Finland (Ministry of Justice 17/2010).

### **Paragraph 132**

In addition to what is mentioned in the paragraph, section 76, sub-section 1, of the Universities Act (558/2009) prescribes that Åbo Akademi University, which by law is a monolingually Swedish-speaking university, shall in particular satisfy the Swedish-speaking population's need of education and research and to take into account in its activities the bilingualism of the country.

### **Paragraph 138**

The Report makes reference to the history of the Swedish rule in Finland, as if there would have existed, sometime in the past, a colonial relationship between Sweden and Finland. During the Swedish period, Finland was merely a group of provinces and not a national entity, so there was no colonial relationship. Therefore, the Committee may wish to try to find an expression more suited to describe the integral nature of the areas, currently constituting the Republic of Finland, in the Swedish Realm during the period preceding 1809.

### **Paragraph 144**

Since 2005, the Act on Courts of First Instance makes it possible in section 18 a, sub-section 2, to create, by way of individual decisions of the Ministry of Justice, so called language sections at courts of first instance. By the Decision of the Ministry of Justice of 1 December 2009 (Nr 18/31/2009OM), it was decided that a language section would be established at the Court of First Instance of the Turku Area. The modalities of such a section and how cases are dealt with there are determined in the rules of procedure of the court itself, as adopted by the chief judge of the court. This is the only linguistic court department created so far, and it started to operate on 1 January 2010.

In addition to what was said in the preceding paragraph about the reform in 2005 and its implementation in 2009-2010, the legislation concerning courts of first instance was amended at the end of 2009 so that in bilingual jurisdictions, so-called minority judges could be designated. Hence on the basis of section 1 b of the Act on the Courts of First Instance (581/1993), it has been made possible, for the purpose of guaranteeing the linguistic rights, to identify so-called minority judges for bilingual court jurisdictions, that is, persons who have excellent proficiency in the language of the minority in the jurisdiction.

According to the provision, there shall be at least one such judge in each bilingual jurisdiction. The Government has, through section 2a of the Government Decree on the Appointment of Judges (42/72000), determined the number of such minority judges in each jurisdiction affected, which are altogether eight courts of first instance.

The linguistic requirements for these positions are excellent oral and written proficiency in the language of the minority population within the jurisdiction and satisfactory oral and written proficiency in the language of the majority. In effect, this means that there is a duality established for the positions as a judge in the bilingual jurisdictions at the same time that there is an assurance concerning the availability of judges in the minority language.

The numbers at the courts of first instance are as follows:

- Turku/Åbo Area: 4;
- Espoo/Esbo: 2;
- Helsinki/Helsingfors: 3;
- Keski-Pohjanmaa/Mellersta Österbotten: 4;
- Vantaa/Vanda: 1;
- Länsi-Uusimaa/Västra Nyland: 3;

- Pohjanmaa/Österbotten: 8;
- Itä-Uusimaa/Östra Nyland: 2.

The minority judges are Finnish-speakers in only one of these bilingual court jurisdictions, Pohjanmaa/Österbotten (that is, Ostrobothnia), while they are Swedish-speakers in the other jurisdictions.

At the court of first instance of Åland, all judges are Swedish-speakers because the jurisdiction is identified as a Swedish-speaking one in the Act on the Self-Government of the Åland Islands.

### ***Paragraphs 148 and 157***

Attention has been and is continuously being paid to the implementation of linguistic rights in police administration. According to the Government Programme of Prime Minister *Jyrki Katainen*, police education will be ensured in both national languages, and the essential skills needed in encounters with different cultures will be developed in police training.

With reference to para. 157 the Government states that the structural reform of the police administration has created new opportunities for developing police activities further. The police administration can now better lead and steer the activities and act as flexibly as possible in the continuously changing operating environment.

The reform has also set guidelines for overall development of the performance guidance system of the police. This development work will emphasise the guidance relation between the Ministry of the Interior and the recently established National Police Board, and further the guidance relation between the Board and the individual police units. The objective is to create a performance guidance chain which is as consistent and natural as possible, from the level of the Ministry to the practical operative level of police activities. Such a comprehensive performance guidance system permits genuine interaction between the strategic and the operative management of the police.

It will not be possible to assess in more detail the impacts of the second stage of the structural reform of the police administration until the new structures have been operative so long that the activities have reached an established stage.

### *Performance guidance*

One performance target set in the related agreement concluded between the Police Department of the Ministry of the Interior and the National Police Board on 1 March 2010 is, regarding organisational development, to safeguard the provision of services in Swedish. According to section 3.1 of the agreement, a key measure to be taken by the National Police Board is that the Board will start correcting the deficiencies in the implementation of the language legislation found in the administrative branch of the police and pointed out in the Government's report of 2009. Attention will be paid to performance management documents, to developing the data systems so as to function in both national languages and to safeguarding the implementation of linguistic rights in pre-trial investigation. The National Police Board will designate an official responsible for monitoring the implementation of the language legislation in the police administration and develop methods for monitoring the implementation.

Section 2.4 of the performance target agreement concluded between the Ministry of the Interior and the National Police Board on 2 February 2011 sets as a target for the Board to correct the deficiencies in the implementation of the language legislation.

The criteria for assessing the implementation of the performance targets include the following:

- The National Police Board has continued to correct the deficiencies found in the implementation of the language legislation in the administrative branch of the police and pointed out in the Government's report of 2009, by paying attention to performance management documents and to developing the data systems.
- The National Police Board has developed methods for monitoring the implementation of the Language Act.
- Police services provided in Sámi have been developed.

The Legal Affairs Unit and the Police Department of the Ministry of the Interior pay monitoring visits related to supervision of legality, for which the advisory staff of the National Police Board is responsible. The monitoring visit of 8 November 2011 included different themes, one of which was linguistic rights:

- Decisions of the Parliamentary Ombudsman and their effects;
- Status of the measures to correct the deficiencies in implementing the language legislation in the police administration (performance management documents and data systems);
- Measures to develop the methods for monitoring the implementation of the Language Act; and
- Status of police services provided in Sámi.

### **Paragraphs 155-158**

In its own administrative branch, e.g. in customs and tax administrations, the Ministry of Finance has endeavoured to ensure client service in the clients' language e.g. by means of organisational arrangements by referring clients to units or civil servants which know their language and by arranging the office hours so that the necessary number of civil servants knowing different languages is always available. For maintaining the necessary language skills in organisations of authorities it is important that also clients use their own language when contacting the authorities. The phenomenon mentioned in para. 158, i.e. the use of Finnish services by Swedish speakers, contributes to weakening the opportunities to maintain the "critical mass" needed for safeguarding services in Swedish in the organisation of public administration.

### **Paragraph 161**

A new Language Barometer survey will be carried out during the first half of 2012.

### **Paragraphs 172 and 173**

The Ministry of Justice issued on 24 January 2011 a recommendation for application in the recruitment at ministries, including the relevant provisions and a checklist to be used at recruitment (*Kielitaito ministeriöiden työhönotossa – säännöksiä ja työhönottoon liittyvä tarkistuslista*). This is to counter the common thinking, referred to in the last sentence of the Para., that only some civil servants would need to have a good knowledge of Swedish, for example, those dealing with Nordic co-operation and the Åland Islands. The point of departure is, of course, that those civil servants for whom a certain level of knowledge of Swedish is prescribed shall know the language for the provision of services to the individuals. The Ministry of Justice issued on 7 November 2011 a recommendation for application in, *inter alia*, the correspondence between authorities, in which it emphasizes that such correspondence with municipalities must take place in the language of the municipality or in both languages, and the latter applies if the municipality is bilingual.

### **Paragraphs 190 and 199**

The Emergency Response Centre Administration has proposed that a course for duty officers of emergency response centres should be arranged in Swedish in Vaasa at the beginning of 2012.

### **Paragraphs 200–201**

In Finland, a municipality constitutes the basic unit for linguistic division. At the beginning of 2011, with the entry into force of the Act on Emergency Response Centre Operations (692/2010) and on the basis of the Language Act (424/2003), the Emergency Response Centre Administration became a bilingual authority, which provides services in both Finnish and Swedish in its administrative district.

It is possible to arrange the processing of emergency calls in each administrative district in accordance with linguistic needs by means of data systems, so that also the staff's skills of languages other than the national ones can be utilised. From the standpoint of the Swedish language the new administrative model and the direction of emergency calls make it possible to utilise the current skills of the staff evenly throughout the Emergency Response Centre Administration. The current resources permit a better standard of services than

before although the Swedish-speaking staff is located physically in different emergency response centres. The centres in Finnish-speaking areas have staff who can serve clients in Swedish, too.

Pursuant to the Language Act, the Emergency Response Centre Administration uses the language of the majority population in its administrative district, i.e. Finnish, as its working language, unless it is more appropriate to use Swedish or both national languages or, for a special reason, a foreign language.

Duty officers of emergency response centres are not subject to any legal provisions on linguistic qualifications, but under e.g. the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003) the Emergency Response Centre Administration is obliged to ensure, by organising lessons and through other personnel policy measures, that its personnel has a sufficient knowledge of languages in order to attend to the tasks of the authority. Moreover, when a person is being recruited for an official position, it must be verified that his or her knowledge of languages meets the linguistic requirements for the work assignments. The Administration has met the demand for services in different languages by planning and allocating the staff resources accordingly. No need seems to exist for establishing a special unit in order to safeguard the services of the different linguistic groups.

### ***Paragraphs 264, 271, 285, 291, 330***

Since 2003, testing of the proficiency in Sami has taken place at the Centre of Applied Language Research of the University of Jyväskylä. Altogether 222 persons have participated in the testing by 2011. The persons who have undergone testing are mainly Finnish-speakers who need proof of their proficiency in Sami for employment in the public sector. The level at which the proficiencies have been established is mainly the intermediate level of good, which in the European reference frame would imply a proficiency at the levels of B1 or B2.

### ***Paragraph 276***

Regarding para. 276 the Government specifies that the Upper Lapland Regional Office publishes call-up notices in all three Sámi languages, i.e. North Sámi, Inari Sámi and Skolt Sámi.

### ***Paragraph 288***

Regarding para. 288 the Government specifies that, when necessary, interpretation is available in all three Sámi languages.

### ***Paragraph 335***

The administrative model of the Emergency Response Centre Administration which took effect at the beginning of 2011 makes it possible to better utilise the skills of the staff also for providing services in languages other than the national ones. In the activities of the emergency response centres, account is taken of the needs of the Sámi, special groups, ethnic minorities and groups with immigrant background. These needs often relate to linguistic issues. For this purpose, in addition to developing the administration, the authority may improve e.g. interpretation services or technical and other capacities to meet different challenges from clients.

### ***Paragraph 340***

The negotiations for a Nordic Sámi Convention have been officially initiated in March 2011 and are expected to take up to five years. The Convention aims at strengthening the realization of the rights of the Sámi in preserving and developing their language, culture, livelihoods and social life throughout the Nordic Sámi area and to eliminate hindrances.

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

### **Recommendation RecChL(2012)2 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Finland**

*(Adopted by the Committee of Ministers on 14 March 2012  
at the 1137th meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

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

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

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

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

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

1. further strengthen education in Sámi, notably through the development of a structured policy and a long-term financing scheme;
2. take urgent measures to protect and promote Inari and Skolt Sámi, which are particularly endangered languages, in particular by means of the provision of language nests on a permanent basis;
3. take further measures to ensure the accessibility of social and health care in Swedish and Sámi;
4. develop and implement innovative strategies for the training of Romani teachers, extend the production of teaching materials in Romani and increase the provision of teaching of Romani;
5. take measures to increase awareness and tolerance vis-à-vis the regional or minority languages of Finland, both in the general curriculum at all stages of education and in the media.