

To the Committee of Experts of the European Charter for Regional or Minority Languages of the Council of Europe.

Meeting with Swedish organisations in Helsingfors (*Helsinki*) Finland 10th of December 2010

Remarks by Finlandssvensk samling rf

Introduction

A delegation from Finlandssvensk samling rf, the only grassroots organisation specialised in the rights of the Finland-Swedes, visited the Secretariat of the Charter in November 2007 to express our concerns. The remoulding of the administrative organisation of Finland tends to neglect the traditional geographical area of the Finland-Swedes. Our concerns have grown stronger since the visit. Swedish majority municipalities, districts and institutions have been merged and become Finnish dominated, in some cases with a marginal proportion of Swedish speakers. In most cases the merger decisions have been taken against the wish of the Finland-Swedish organisations and the regions concerned.

In this report we have chosen to use the Swedish place names (and in some cases names of authorities) with, for clarity, the Finnish forms in brackets. *The local majority language form is presented in Italics.*

According to the official recommendation (published in Swedish

<http://www.kotus.fi/index.phtml?!=sv&s=707> and referenced in English at

<http://www.kotus.fi/index.phtml?!=sv&s=2109>) the majority form is to be used in English texts.

Therefore, for example the use of the forms Raasepori and Parainen in Finland's report is incorrect as the local majority forms are the Swedish Raseborg and Pargas.

We prefer the term Finland-Swedes (sv *finlandssvenskar*) instead of Swedish-speaking Finns sometimes used, when referring to persons registered as having Swedish as their mother tongue. (There is no ancestry rules for Finland-Swedes similar to the definition of the Sami. The mother tongue is registered after birth and can easily be changed later by the person himself.)

We are aware that the Language Charter deals with promotion of language, not primarily with the rights of groups, but see the Charter as potentially important for creating conditions where our language rights can be realised.

Low resourcing for the monitoring and implementation of the Charter

The Government submitted its fourth periodical report on the implementation of the Charter on the 30th of September 2010, more than four years after the third report. This significant delay is one of many signs showing the lack of resourcing for the monitoring and implementation of the Charter in Finland. The political interest in its implementation is low. Our impression is that the reporting on the implementation of the Charter hasn't been discussed by the Ministers or gained particular interest among the Parliamentarians. The Finnish and Swedish language media have shown little interest in the Charter, to our understanding mainly due to lacking knowledge. The Charter is seen as a nice declaration with no particular significance, which means that its potential as a minority language promotion tool has not been realised.

Finland has neglected its information duty under article 6 of the Charter. The state has not actively provided information on the rights and duties deriving from the Charter to the Finland-Swedes. The Unit for Human Rights Courts and Conventions at the Ministry for Foreign Affairs, as stated in the report, answers enquiries and provides materials on request only. In fact, at least in the case of Finlandssvensk samling, even requests have been neglected. No answers have been given to our letter asking for information on the preparation timetable of the report, request to be heard in the preparation process and our demands for publication of the reports in Swedish. Our requests for

translations have on different occasions been sent to the Unit, to the Minister of Foreign Affairs and published in many Swedish language newspapers. The state should actively present the possibility to participate in the reporting process at least by the use of press releases and better webpages.

To the present day the 4th implementation report by Finland is presented in English only. The earlier implementation reports produced by Finland have been published in English and Finnish only. The same is true for the evaluation reports by the Committee of Experts. **No Swedish (or Sami) version of the reports has been produced in spite of many requests from Finlandssvensk samling and others;** to our knowledge at least Folktinget and journalists from Swedish language media have requested it. Only one single page from the reporting procedure, the latest recommendations of the Committee of Ministers, is available in Swedish.

The Secretariat of the Charter has kindly translated its evaluation reports into one of the official language of the state. In the case of Finland this language elected has been Finnish. **Our suggestion is that the next evaluation report should be translated into Swedish on behalf of the Charter administration.**

The unit responsible for reporting to the Committee of Experts states on its webpage <http://www.formin.fi/public/default.aspx?contentid=89005> that the objective of the Charter is to promote small language facing extinction (in Swedish "målet är att värna om små utdöende språk", in Finnish "tavoitteena on suojella pieniä katoamassa olevia kieliä"). This contributes to the misunderstanding that the Charter has no relevance for Swedish in Finland.

Information efforts by Finland-Swedish organisations

Finlandssvensk samling notes with content that Folktinget and Svenska kulturfonden have initiated and financed a report by international law expert Kristian Myntti and a seminar on the relevance of the Council of Europe conventions for Swedish in Finland. Sadly, the report was presented in the media as dismissing the relevance of the conventions, whereas in fact, it only concluded that the conventions by themselves are not sufficient to safeguard the Swedish minority. It emphasised correctly the significance of specific national legislation including the constitutional national language status, the Language Act and many other provisions. The international rules are valid as law of Finland and should be seen as supplementing and strengthening the national rules.

Our organisation has been the most active in referring to the Charter in Swedish language debate and our website provides a wealth of information on the Council of Europe minority conventions: <http://www.finlandssvensksamling.org>. All our members have received the text of the Charter and the brochure produced by the Council of Europe in its Swedish language version, reprinted with a short introductory text on the specific obligations of Finland. We have distributed the brochure in our meetings, in some libraries and on other occasions.

The significance of administrative divisions for the promotion of Swedish

There has been a significant increase in the public diminishing remarks or directly negative remarks about the Swedish language group in the recent years. This became especially evident in parliamentary and general political debate in the autumn of 2009. The use of the word privileges, (in Finnish "etuoikeudet") became politically acceptable when referring to the legal rights to use Swedish in education and when dealing with public authorities especially in connection to the request made by the Finland-Swedes for consideration of the traditionally Swedish language regions when planning administrative reform. These kinds of remarks have been vastly condemned, but it remains a fact that these have been uttered by some high-level politicians. One problem is the connection in the politicians' minds between the Finland-Swedish population and the Svenska Folkpartiet party. Swedish interest are often seen as if they were ingredients in a populist strategy of the SFP to gain votes or

influence in a particular region, i.e. party strategy, not genuine concerns for the future of the Swedish population.

Finlandssvensk samling considers essential the territorial aspect of the construction of the national language regime. This pillar of the construction of Swedish as a national language has been ignored in favour of the second pillar related to individual rights to Swedish services, which in turn is difficult to realise without the territorial aspect.

The basic unit for public authority for language status in Finland is the municipality (sv *kommun*, fi *kunta*). State and regional authority language status (such as police districts, health districts) is based on the language statuses of the municipalities in the area. The majority language of the municipality or the larger regional administration is of great significance for the linguistic construction of societal life. For example the administrative language is Swedish in majority Swedish authorities and the demanded knowledge of Swedish in Swedish majority authorities is higher than in formally bilingual Finnish majority districts. Originally the bilingual national language regime was constructed on the assumption that there should be at least one, usually more, districts in every field of administration with Swedish language majority. This principle has been ignored and the political demands to organise districts with this objective have been very weak. The understanding of the territorial aspect of Finland's language regime is poor, not only among the majority, but even among the Finland-Swedes themselves.

Swedish, naturally in older forms, has been spoken in the coastal regions of Finland much longer than for example European languages in the Americas, for many hundred years longer. In older times the seas provided the best routes of transport. To illustrate this consider the county names West Bothnia, Västerbotten on the eastern coast of Sweden and Ostrobothnia, *Österbotten* (Pohjanmaa), on the western coast of Finland. Some groups, though small, influence public opinion by strengthening the impression that Swedish is a new language in Finland, a language of the rulers, not a language of the people. Naturally, the official status of Swedish is related to the use of Swedish as the main administrative language when Finland constituted the eastern part of the Kingdom of Sweden, but only a small proportion of Swedish speakers have belonged to the ruling class.

Swedish as a regional language can be illustrated by historical language statistics: The great majority of Swedish speakers have lived in a local majority position, in 1880 this proportion was 86 percent and as many as 60 percent lived in unilingually Swedish municipalities. In 1950 the proportions were 27 percent Swedish municipalities and 34 percent bilingual with a Swedish majority, that is 61 percent in a local majority position. In 1980 this had changed as only 49 lived in a local majority position. In the capital Helsingfors (*Helsinki*), once a predominantly Swedish town, the Finland-Swedes amount to less than 10 percent. Many municipalities had changed their status from sv-fi to fi-sv due to migration within the country. Now only three municipalities in mainland Finland (and the 16 municipalities of the Åland Islands) are unilingually Swedish, all in Ostrobothnia.

Due to administrative reform the only remaining two bilingual Swedish majority municipalities in Östra Nyland (*Itä-Uusimaa*) *Liljendal* and *Pernå* (Pernaja) merged with Lovisa (*Loviisa*) at the beginning of 2010. This was the result of the chosen policy to form bigger municipalities with a significant Swedish minority. The alternative, available according to the municipality reform law, to merge the municipalities' social and health services only (without full municipality merger) was dismissed at an early stage. The loss of two majority municipalities was not notably discussed in the Finland-Swedish media. At the beginning of 2009 one majority Finnish municipality was merged with two majority Swedish ones to form *Raseborg* (Raasepori). Finby (*Särkisalo*) lost its bilingual (fi-sv) status by merging with Finnish unilingual municipalities to become a part of the Finnish unilingual Salo. **The bilingual road name signs in Finby are still in place, but their official status is unclear. Finlandssvensk samling will enquire about the possibilities to give the existing Swedish road names a permanent status.** This would manifest the traditional position of the Finland-Swedes in the area and have practical significance, for example for the fire brigade or ambulance, when maps are updated.

Finlandssvensk samling has repeatedly referred to the Charter part II article 7.1.b demanding respect for de geographical area of the minority language. Juha Janhunen, our president, referred to this provision in legal proceedings challenging the decision of the health district **Helsingfors och Nylands sjukvårdsdistrikt HNS (*Helsingin ja Uudenmaan sairaanhoitopiiri HUS*) to close the *Ekenäs (Tammisaari)* birth ward** against the wish of the local Swedish language majority in the subregional district *Västra Nylands sjukvårdsområde* (Länsi-Uudenmaan sairaanhoitoalue), its three member municipalities *Ingå* (Inkoo), *Raseborg* (Raasepori) and *Hangö (Hanko)*, Folktinget and many other Swedish language organisations and a massive popular support expressed by public manifestations, letter writing and collection of names. The decision of the health district board was taken with a one-vote margin.

The administrative court Helsingfors förvaltningsdomstol (*Helsingin hallinto-oikeus*) stated that the international obligations of Finland mentioned by Janhunen are of no relevance in relation to the challenged decision. No judicial argumentation was provided. The decision to close the birth ward has not come into force since it has been challenged in the Supreme administrative court of Finland, but both courts have decided not to prohibit the execution of the decision. The ward was closed on 31st of May 2010. The Västra Nyland babies are now born in birth wards where the provision of care in the Swedish language is occasional (sometimes all midwives and doctors speak Swedish, but most likely this is not the case, it is a question of good or bad luck.) Families from other close by areas wishing to have full Swedish care when giving birth no longer have the alternative to travel to Ekenäs where they could be absolutely sure to avoid language problems. The Borgå (*Porvoo*) birth ward is now the only place known to provide full Swedish services in southern Finland (again except Åland).

In Ekenäs full services were provided in Swedish and Finnish. Ekenäs (the southern part of Raseborg) has an 80 percent local Swedish majority, the Västra Nyland-region a 60 percent Swedish majority. The support for the birth ward was massive across language, age and geographical borders. The sense of loss was enormous for many people and for the fully bilingual Västra Nyland hospital. This year decisions have been made to move many psychiatric patients from the nearby HNS Ekenäs psychiatric hospital (Ekåsen).

The decision by the Government to let Helsingfors (*Helsinki*) incorporate 30 square kilometres of the municipality Sibbo (*Sipoo*) with inhabitants and municipal service centres has weakened especially the Finland-Swedes trust in the Rule of Law. Sibbo, a traditionally Swedish municipality east of Helsingfors, now with a significant Swedish minority, lost a great part of its inhabitants. Many of them have significantly lesser chances to function in Swedish in the predominantly Finnish Helsingfors. The opinion of the inhabitants shown clearly stated by local referendum was ignored.

There are no longer any police districts with Swedish as their administrative language. Five districts with Swedish majority were lost. The alternative to merge three Swedish majority districts along the coast of Ostrobothnia was not seriously considered by the stronger parties in Government. As a compromise subunits where formed with the sv-fi status, but is is questionable whether they can be considered authorities in the meaning of the Language Act 6 § 2 defining language status. The Swedish language competence demanded in these subunits is higher, but they only perform executive functions in line with the decisions made by the large police districts. The strategical decisions are taken by the large police districts. This will have more visible consequences in the future, but according to our personal experiences the chances to speak to the police in Swedish have become smaller in all bilingual districts, also in the subunits with a Swedish majority. For example, in four cases out of five, where persons we know from *Kimitoön* (Kemiönsaari), have rang the police, they have been asked to speak Finnish. The same is true for many other areas, contacts to alarm centres, advanced health services and so on. The local services in Kimitoön, for example renewal of passports at the local police station, work perfectly in Swedish.

Finlandssvensk samling made a general complaint to the Ombudsman listing many detrimental reforms. The Ombudsman noted that our organisation did not bring forward specific breaches and promised to follow the situation. **In spite of the negative developments there has not been a significant increase in the number of complaints to the Ombudsman.** The reasons are difficult to point out, but here are some possible explanations. Because the breaches of the Language Law are so commonplace it is difficult to choose which breaches to report (if every breach were reported the Ombudsman would receive thousands of complaints every day). Most people don't know that the Ombudsman is the correct address for complaints and most people think it is complicated to file a complaint. When asked many say they don't want to upset anyone. They might, for example, need the services of a particular hospital ward again in the future and don't want to be considered as difficult patients.

The Constitutional Law Committee of the Parliament (sv grundlagsutskottet, fi perustuslakivaliokunta, responsible for the constitutional review of legal acts pre legislation) made a significant positive contribution when reviewing the recent reform of regional state administration, the so-called Karleby (*Kokkola*) case. **The Committee outlined a clear language sensitive procedure for forming administration districts (obligatory linguistic impact analysis and the obligation to chose the alternative providing the best conditions for the realisation of the linguistics rights).** The formulation of the opinion, which is binding, was clear enough to stop the plans to move the bilingual Karleby to a northern district formed by unilingual Finnish municipalities. Karleby now belongs to a district where around half of the inhabitants are Finland-Swedes. The decision had been negative had it been a political decision only, not a legal one. This indicates a negative shift in the political language climate. Even a united and determined political voice of the Finland-Swedes can be ignored. If this constitutional interpretation (§122) is followed in the future it should stop further plans to ignore linguistic geography, for example the proposal by a working group to close the bilingual appeal court in Vasa (*Vaasa*).

Language regions have been duly considered when the forestry centres (state services to forest owners) were organised. This is mentioned to show that exceptions to the negative trend are possible. One district, *Kustens skogscentral* (Rannikon metsäkeskus), covers practically all the Swedish and bilingual municipalities (excluding Åland), operates bilingually in Swedish and Finnish and has the overall responsibility for all the Swedish services in this field. The rest of the forestry districts are monolingually Finnish. This model was formed before the Karleby opinion of the Constitutional Law Committee.

The delegation from Finlandssvensk samling consists of president Juha Janhunen, Helsingfors (*Helsinki*) and board members Stig Björkman, *Jakobstad* (Pietarsaari) and Carl-Gustaf Aminoff, Borgå (*Porvoo*). We are happy to bring you further information on particular points of interest.

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As a general introduction to the language regime of Finland we recommend:

Kenneth D. McRae: Conflict and Compromise in Multilingual Societies Finland, Wilfrid Laurier University Press, Waterloo, Ontario, Canada, 1997 / re-edition in Finland by Academia Scientiarum Fennica, 1999.

Other documents presented to the Committee of Experts on this occasion:

- The remarks of Finlandssvensk samling rf regarding the Third Periodic Report on Implementation of the Framework Convention on the Protection of National Minorities from May 2010
- Additional information on the developments of language statistics and the Swedish areas in Finland