

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

SEPTEMBER 2010

Table of Contents

| | |
|---|-----------|
| INTRODUCTION | 1 |
| GENERAL PART | 3 |
| 1. BASIC INFORMATION ON FINLAND | 3 |
| Population, religion and languages..... | 3 |
| Special status of the Åland Islands..... | 3 |
| 2. REGIONAL OR MINORITY LANGUAGES IN FINLAND | 4 |
| Swedish | 4 |
| Sámi | 4 |
| 3. NUMBERS OF PERSONS SPEAKING REGIONAL OR MINORITY LANGUAGES IN FINLAND | 5 |
| Swedish-speaking Finns | 5 |
| Sámi | 5 |
| The definition of persons speaking a regional or minority language..... | 5 |
| 4. NUMBERS OF NON-TERRITORIAL LANGUAGES AND OF PERSONS USING THEM IN FINLAND | 6 |
| Roma language | 6 |
| Russian | 6 |
| Tatar | 6 |
| Yiddish..... | 6 |
| Karelian | 7 |
| Sign languages..... | 8 |
| 5. GOVERNMENT STATEMENTS AND REPORTS | 8 |
| PART I | 9 |
| I.1 NATIONAL LEGISLATION IMPLEMENTING THE CHARTER..... | 9 |
| Constitution | 9 |
| Language Act..... | 9 |
| Sámi Language Act | 10 |
| Non-discrimination Act | 11 |
| Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland | 11 |
| Decree on the Advisory Board for Ethnic Relations (ETNO)..... | 11 |
| Act on the Ombudsman for Children | 12 |
| I.2 BODIES AND ORGANISATIONS FURTHERING THE PROTECTION AND DEVELOPMENT OF REGIONAL OR MINORITY LANGUAGES | 12 |
| RESEARCH CENTRE FOR THE LANGUAGES OF FINLAND | 12 |
| FiBLUL FINNISH BUREAU FOR LESSER USED LANGUAGES | 13 |
| SWEDISH ASSEMBLY IN FINLAND..... | 13 |
| SWEDISH CULTURAL FOUNDATION IN FINLAND | 13 |
| SÁMI PARLIAMENT..... | 13 |
| ADVISORY BOARD ON ROMANI AFFAIRS | 14 |
| FINNISH ASSOCIATION OF RUSSIAN-SPEAKING ORGANISATIONS | 14 |
| FINNISH ISLAMIC CONGREGATION | 14 |
| JEWISH CONGREGATION IN HELSINKI..... | 14 |
| KARELIAN LANGUAGE SOCIETY | 14 |
| I.3 BODIES AND ORGANISATIONS CONSULTED ON THE PREPARATION OF THE REPORT | 15 |
| I.4 PROVISION OF INFORMATION ON RIGHTS AND DUTIES DERIVING FROM THE APPLICATION OF THE CHARTER..... | 15 |

| | |
|--|-----------|
| I.5 IMPLEMENTATION OF RECOMMENDATIONS | 16 |
| I.6 PROVISION OF INFORMATION ON THE RECOMMENDATIONS OF THE COMMITTEE OF MINISTERS | 17 |
| I.7 CONTRIBUTION TO IMPLEMENTING THE RECOMMENDATIONS | 17 |
| PART II | 18 |
| ARTICLE 7: OBJECTIVES AND PRINCIPLES | 18 |
| 1a) Recognition of the regional or minority languages as an expression of cultural wealth | 19 |
| 1b) Administrative divisions..... | 19 |
| 1c) Action to promote regional or minority languages in order to safeguard them | 20 |
| Language Act | 20 |
| Sámi Language Act and Sámi language | 21 |
| Roma | 22 |
| Karelian | 23 |
| Russian | 23 |
| Yiddish | 24 |
| Sign language | 24 |
| 1d) Facilitation and/or encouragement of the use of regional or minority languages, in speech and writing | 24 |
| Activities of the Research Institute for the Languages of Finland..... | 24 |
| Selective press subsidies | 24 |
| Sámi languages..... | 24 |
| Roma | 25 |
| Russian | 26 |
| Karelian | 27 |
| 1e) Maintenance and development of links between groups using a regional or minority language and other groups.... | 27 |
| Activities of FIBLUL | 27 |
| Karelian | 27 |
| 1f) Provision of appropriate forms and means for the teaching and study of regional or minority languages..... | 27 |
| Teaching of Roma..... | 27 |
| Roma language teaching material..... | 30 |
| Russian | 30 |
| Karelian | 31 |
| 1g) 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 | 31 |
| Karelian | 31 |
| 1h) The promotion of study and research on regional or minority languages at universities or equivalent institutions ... | 32 |
| Roma | 32 |
| Russian | 32 |
| 1i) Promotion of transnational exchanges for languages used in two or more States | 33 |
| Sámi..... | 33 |
| Roma | 33 |
| Russian | 33 |
| 2. Elimination of unjustified distinction relating to the use of a regional or minority language | 34 |
| Right to use minority language in prison | 34 |
| Roma | 34 |
| 3. Respect, tolerance and mutual understanding between all linguistic groups | 35 |
| 4. The needs and wishes expressed by the groups using regional or minority languages in determining the policy with regard to these languages..... | 35 |
| Swedish | 35 |
| Sámi languages..... | 36 |
| Roma | 37 |
| 5. Application of the principles listed in paragraphs 1 to 4 of Article 7 to non-territorial languages..... | 37 |
| PART III | 38 |
| III.1 SWEDISH – THE LESS WIDELY USED NATIONAL LANGUAGE | 38 |
| ARTICLE 8: EDUCATION | 38 |

| | |
|---|----|
| Day care..... | 38 |
| Pre-school education | 39 |
| Basic education | 39 |
| General upper secondary education | 40 |
| Vocational education | 41 |
| Education at universities and polytechnics | 42 |
| University reform | 42 |
| Recognition of foreign qualifications | 43 |
| Teacher education..... | 44 |
| Assessment of the quality of language teaching..... | 44 |
| ARTICLE 9: JUDICIAL AUTHORITIES | 45 |
| Legislation | 46 |
| Judiciary..... | 46 |
| Prosecution service | 47 |
| Police administration | 48 |
| Border Guard..... | 49 |
| Supervision of legality by the Parliamentary Ombudsman | 50 |
| ARTICLE 10: ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES | 51 |
| Language proficiency of employees performing public functions | 52 |
| Defence administration..... | 52 |
| Employment administration | 53 |
| Local administration..... | 53 |
| Language Barometer 2008..... | 54 |
| Services purchased by municipalities..... | 55 |
| Act on Restructuring Local Government and Services | 56 |
| Reform project for regional state administration | 56 |
| ARTICLE 11: MEDIA | 57 |
| Radio and television services in Finland..... | 58 |
| Swedish-language media..... | 59 |
| ARTICLE 12: CULTURAL ACTIVITIES AND FACILITIES | 59 |
| Promotion of arts and other cultural activities | 60 |
| ARTICLE 13: ECONOMIC AND SOCIAL LIFE | 61 |
| Social welfare and health care services in citizens' own languages..... | 62 |
| Hospital district language programme | 62 |
| Language bonus | 62 |
| Study on social and health services in customers' mother tongue..... | 63 |
| On-duty services and language | 64 |
| Emergency response centres | 65 |
| ARTICLE 14: TRANSFRONTIER EXCHANGES..... | 66 |

III.2 SÁMI LANGUAGE: A REGIONAL MINORITY LANGUAGE..... 67

| | |
|---|----|
| ARTICLE 8: EDUCATION | 67 |
| Day care..... | 67 |
| Pre-school education | 68 |
| Basic and general upper secondary education | 69 |
| Teaching of and in Sámi outside the Sámi Homeland | 69 |
| National core curriculum for Sámi-language instruction | 70 |
| Virtual teaching in Sámi | 71 |
| Education at universities and polytechnics | 72 |
| Teacher education..... | 72 |
| Adult education and further education | 73 |
| Further education of teachers..... | 73 |
| Sámi Training Centre | 73 |
| Production of teaching material | 74 |
| Survey of opinions of Nordic Sámi children and young people | 75 |
| ARTICLE 9: JUDICIAL AUTHORITIES | 76 |
| Judiciary..... | 77 |
| Prosecution service | 77 |
| Police administration | 78 |
| Border Guard..... | 78 |

| | |
|---|----|
| Supervision of legality by the Parliamentary Ombudsman | 79 |
| ARTICLE 10: ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES | 79 |
| General | 80 |
| Local administration | 81 |
| Defence administration | 81 |
| Employment administration | 82 |
| Language proficiency requirements for civil servants | 82 |
| Sámi language in the Evangelical Lutheran Church and the Orthodox Church of Finland | 83 |
| Sámi name planning | 83 |
| ARTICLE 11: MEDIA | 84 |
| Finnish Broadcasting Company Ltd | 85 |
| Sámi Radio | 85 |
| Television broadcasts | 85 |
| Sámi-language press | 86 |
| Press subsidies | 86 |
| ARTICLE 12: CULTURAL ACTIVITIES AND FACILITIES | 87 |
| Funding for Sámi culture | 88 |
| Cultural activities for children and young people | 88 |
| Sámi Cultural Centre | 89 |
| ARTICLE 13: ECONOMIC AND SOCIAL LIFE | 89 |
| Patients' rights | 90 |
| Emergency response centres | 91 |
| ARTICLE 14: TRANSFRONTIER EXCHANGES | 92 |
| Draft Nordic Sámi Convention | 92 |

APPENDIX I.....93

APPENDIX II.....94

| | |
|--------------------------------|----|
| BIBLIOGRAPHY | 94 |
| APPENDIXES TO THE REPORT | 96 |

INTRODUCTION

The European Charter for Regional or Minority Languages was opened for signature by the member States of the Council of Europe in Strasbourg on 5 November 1992, when it was also signed by Finland. Finland ratified the Charter on 9 November 1994, and it entered into force both in Finland and internationally on 1 March 1998. By the end of September 2010 the Charter has been ratified by 25 member States of the Council of Europe.

The purpose of the Charter is to protect and promote the historical regional or minority languages of Europe. It aims to maintain and develop the cultural traditions and heritage in Europe, and to foster respect for the inalienable and commonly recognised right to use a regional or minority language in private and public life. In Parts I and II, the Charter enunciates the objectives and principles that the Parties undertake to apply to all the regional or minority languages spoken within their territories. These objectives and principles include respect for the geographical area of each language, and the promotion, facilitation and encouragement of the use of regional or minority languages in speech and writing, as well as in public and private life.

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

Upon ratifying the Charter, Finland declared that it will apply 65 of the provisions under Part III of the Charter to the Swedish language (the less widely used official language) and 59 to the Sámi language (a regional language). Furthermore, Finland declared that it undertakes to apply, *mutatis mutandis*, the principles listed in Part II of the Charter to the Roma language and other non-territorial languages. In December 2009 Finland supplemented the latter declaration by including the Karelian language. The corresponding amendment to the Decree implementing the Charter took effect on 4 December 2009.¹

The implementation of the Charter is monitored by a Committee of Experts, which examines the periodic reports presented by the Parties. The reports are also made public. The Committee of Experts is composed of one member per Party. The Parties nominate their candidates for the Committee. The members of the Committee are appointed by the Committee of Ministers of the Council of Europe from a list of individuals of the highest integrity and recognised competence in the matters dealt with in the Charter. The members of the Committee are appointed for a period of six years, and they are eligible for reappointment.

Bodies or associations legally established in a Party may draw the attention of the Committee of Experts to matters relating to the undertakings entered into by that Party under Part III of the Charter. After consulting the Party concerned, the Committee of Experts may take account of this information in the preparation of its report. These bodies or associations may further submit statements concerning the policy pursued by the Party in accordance with Part II. On the basis of the reports and the information received from bodies or associations mentioned above, the Committee of Experts prepares a report for the Committee of Ministers. This report is accompanied with the comments which the Parties have been requested to make, and it may be made public by the Committee of Ministers. The report contains the proposals made by the Committee of Experts to the Committee of Ministers for the preparation of any necessary recommendations of the latter body to one or more of the Parties.

¹ Decree no. 68 of the President of the Republic to amend Section 2 of the Decree on the Implementation of the European Charter for Regional or Minority Languages (956/2009).

In the context of monitoring the implementation of the Charter during the third reporting period, the Committee of Experts sent the Finnish authorities additional questions concerning the third periodic report of Finland. The Committee of Experts also visited Finland from 13 to 17 November 2006, meeting representatives of the Government and the non-governmental sector. For monitoring the implementation of the Charter in Finland, the Committee of Experts consulted the third periodic report of Finland, the answers given by the Government to the additional questions to supplement the third periodic report, as well as the information received during the country visit of the Committee. In addition, bodies and associations legally established in Finland had an opportunity to draw the attention of the Committee of Experts to matters of interest for them. Having considered the third periodic report, the Committee of Experts submitted its third country-specific report concerning Finland and its draft recommendations to the Committee of Ministers in spring 2007. The Government was given an opportunity to comment on the report and the draft recommendations.

On 21 November 2007, the Committee of Ministers adopted its Recommendations on the application of the Charter by Finland. The Recommendations are attached to the present report.

The present report is the fourth periodic report submitted by the Government of Finland on the application of the Charter. The report deals with developments after the previous periodic report, issued in 2006, and mainly until March 2009. It also describes some later developments.

Further information

For further information on United Nations and Council of Europe human rights conventions and on periodic reports concerning their implementation, please contact the Unit for Human Rights Courts and Conventions of the Ministry for Foreign Affairs of Finland, at the following address:

Unit for Human Rights Courts and Conventions (OIK-40)
Ministry for Foreign Affairs
Legal Service
P.O. Box 411
FIN- 00023 Government
Tel: +358-9-1605 5704, Fax: +358-9-1605 5951
E-mail: OIK-40@formin.fi

GENERAL PART

1. BASIC INFORMATION ON FINLAND

Population, religion and languages

At the end of 2008, the population of Finland numbered 5,326,314 persons, of whom 143,256 had nationality other than Finnish. Nationals of Russia (26,909), Estonia (22,604), Sweden (8,439), Somalia (4,919) and China (4,620) were the largest groups of foreigners residing in Finland.²

At the end of 2008, 80.7% of the population in Finland belonged to the Evangelical Lutheran Church, 1.1% to the Orthodox Church and 1.3% to other religious communities, and 16.9% did not belong to any religious community.

The national languages of Finland are Finnish and Swedish. At the end of 2008, 4,844,047 persons (90.9%) of the population in Finland spoke Finnish as their mother tongue, 289,951 persons (5.4%) spoke Swedish and 1,778 persons (0.03%) Sámi. The number of persons with a mother tongue other than Finnish, Swedish or Sámi was 190,538, i.e. 3.6% of the population. Immigration continually changes the numbers of the languages spoken and their speakers in Finland. Russian is the most common foreign language spoken as a mother tongue (48,740 persons). The next most commonly spoken foreign languages are Estonian (22,357 persons), English (11,344 persons), Somali (10,647 persons) and Arabic (8,806 persons).

Special status of the Åland Islands

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

Other basic information on Finland was provided in the previous periodic report.

² Statistics Finland, Population Statistics; < http://www.stat.fi/til/vaerak/2008/vaerak_2008_2009-03-27_tie_001_fi.html >. The statistics given in the present report are based on information provided by Statistics Finland, <<http://www.stat.fi>>.

2. REGIONAL OR MINORITY LANGUAGES IN FINLAND

Swedish

General information on the status of Swedish as the less spoken national language in Finland was provided in the previous periodic report.

Sámi

The Sámi of Finland, Sweden and Norway are represented in each country by a Sámi Parliament, which is a representative body elected by Sámi people from amongst themselves. The Finnish Sámi Parliament, consisting of 21 members and 4 deputies, is elected by Sámi every four years. The following elections will take place in 2011.

The definition of "Sámi" is based on the Act on the Sámi Parliament.³ In connection with its elections in 2007 the Sámi Parliament collected data on the numbers of Sámi and Sámi-speaking people in Finland. According to information from the persons entitled to vote at the elections, there were approximately 8,706 Sámi living in Finland in 2007. Of these, 3,577 persons, i.e. 46.5% of all Sámi in Finland, lived in the Sámi Homeland in northern Finland. The Sámi Homeland consists of the municipalities Enontekiö, Inari and Utsjoki and the region of the Reindeer Herding Association of Lapland in Sodankylä municipality. Thus, approximately 5,129 Sámi (54.9%) lived outside the Sámi Homeland, and 644 (6.9%), lived abroad. In the Sámi Homeland, the Sámi account for about one third of the whole population of the area.

According to the statistical data collected by the Sámi Parliament for its elections in 2003 there were in all 7,956 Sámi in Finland in 2003. This was 750 persons less than in 2010. The Sámi population in Finland seems to have increased by 11.9% during the reporting period. In 2003, the Sámi living in the Sámi Homeland numbered 3,669, which is 46.1% of all Sámi in Finland. However, the percentage of this group of all Sámi in Finland has grown by only 0.4%.

By contrast, the number of Sámi living elsewhere in Finland has increased considerably. Whereas in 2003 a total of 3,702 Sámi (46.5% of the Sámi population in Finland) lived outside the Sámi Homeland and 585 (7.4%) abroad, 1,427 more Sámi lived outside the Sámi Homeland in Finland in 2007. Taking also account of the Sámi living abroad, it seems that the percentage of Sámi living outside the Sámi Homeland increased during the reporting period by 7.9 percentage units.

³ Act on the Sámi Parliament (974/1995), Section 3.

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

Swedish-speaking Finns

Of the population in Finland, 289,951 speak Swedish as their mother tongue (5,4%, on 31 December 2008). Swedish is one of the two national languages of Finland. Because the percentage of Swedish-speaking Finns is lower than that of Finnish speakers, the former are considered as a *de facto* language minority in Finland.

Sámi

According to the statistical data collected by the Sámi Parliament for its elections in autumn 2007 there were in all 9,350 Sámi in Finland at that time. At the end of 2007 the Sámi accounted for 0.17% of the entire population in Finland (5,300,484 persons on 31 December 2007). Section 7 of the Sámi Language Act provides that a Sámi resident in Finland has the right to declare Sámi as his or her mother tongue for purposes of the Population Register. Since all persons speaking Sámi as their mother tongue have not exercised this right, the number of Sámi shown by the official statistics is not the real number of persons using the Sámi language.

Approximately one third of the Sámi in Finland speak Sámi as their mother tongue. There exist a total of ten Sámi languages, which belong to the group of Finno-Ugrian languages. In Finland three different Sámi languages are spoken: North Sámi, Inari Sámi and Skolt Sámi.

By the end of 2008, a total of 1,778 persons had declared Sámi as their mother tongue in the Population Register. Of these persons, approximately 1,700 speak North Sámi, approximately 400 Skolt Sámi and approximately 300 Inari Sámi. Since 2004 the number of those declaring Sámi as their mother tongue has grown by 46 persons. North Sámi is also 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.

The definition of persons speaking a regional or minority language

The information provided in this report about the numbers of persons speaking a regional or minority language originates from the population information system maintained by the Population Register Centre and the local register offices.⁴ Their registration of data is based on statutory declarations made by citizens themselves and authorities *ex officio*. The data registered in respect of each natural person include his or her name and personal identity code, address, nationality and native language, family relations and dates of birth and death. Statistics Finland compiles statistics on nationalities, languages and countries of birth on the basis of the information provided by the Population Register Centre.⁵ The underlying principle applied to the registration of languages is that each person has only one language of his or her choice. Thus, a person's language is determined in accordance with his or her own

⁴ <http://www.vaestorekisterikeskus.fi/vrk/home.nsf/pages/index_eng>; <<http://www.maistraatti.fi/en/index.html>>.

⁵ <http://www.stat.fi/index_en.html>.

declaration. Everyone is entitled to later change the information included in the population information system.⁶

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

Roma language

The number of Roma people in Finland is approximately 10,000. As to general information about speakers of the Roma language, reference is made to the third periodic report. More detailed information about the Roma language is provided in part II of this fourth report, in connection with Article 7.

Russian

At the end of 2008 there were 48,740 Russian speakers in Finland, and 26,909 of them were citizens of Russia. The historical Russian-speaking population of approximately 5,000 persons in Finland has been joined by a large number of new immigrants. During the reporting period the number of Russian speakers in Finland grew by 11,487 persons. At the end of 2008 the number of Russian citizens residing in Finland had increased by 2,283 persons from 2006.

As to Russian speakers and so-called Ingrian Finns in other respects, reference is made to the third periodic report. More detailed information about the Russian language is provided in part II of this fourth report, in connection with Article 7.

Tatar

There are approximately 800 Tatars of Turkish ancestry in Finland. Most of them speak Tatar, a language belonging to the group of Turkic languages, as their mother tongue. As to general information about speakers of Tatar, reference is made to the previous periodic report.

Yiddish

The Jewry in Finland consists of approximately 1,600 members. There are Jewish communities in both Helsinki and Turku. The membership of the Jewish Community of Helsinki has grown mainly because of immigration from the territory of the former Soviet Union and Israel.

The Jewish Community of Helsinki maintains lively cultural activities.⁷ The status of Jewish culture is promoted by means of the *Hazamir* Choir, the *Judaica* Club, the *Hug Ivri* Hebrew Language Club and the *Idishe Vort* Yiddish Language Club. The Community also publishes five issues of a newsletter entitled *Hakehila* per year. Moreover, the Community runs a day care centre for children and a home for the elderly.

⁶ Personal Data Act (523/1999), Section 11. However, sensitive data may be collected in personal data files on conditions laid down in an act or a decree. Separate provisions exist on access to sensitive data.

⁷ <<http://www.jchelsinki.fi>>.

The Jewish Community of Helsinki also maintains a private Jewish school, which corresponds to a comprehensive school. The school has approximately one hundred pupils in classes at nine levels. The language of instruction is Finnish. In addition to instruction corresponding to the comprehensive school syllabus, the school provides education for Jewishness, which includes instruction of the Hebrew language.

As to general information about Yiddish speakers, reference is made to the previous periodic report.

Karelian

According to Section 17(3) of the Constitution of Finland all groups have the right to maintain and develop their own language and culture. This provision applies to all linguistic groups irrespective of legal status, and thus also to the Karelian language. In practice, Karelian has in Finland the same rights as the non-territorial minority languages.

In 2004 the Ministry of Education commissioned the University of Joensuu to examine the position of the Karelian language in Finland and the measures needed for developing the language and establishing its position. On the basis of the report submitted by the University in June 2004 and the proposals for measures based on the report, the Ministry requested universities, organisations and other actors to issue their opinions on the Karelian language question and arranged in spring 2006 negotiations with promoters of the Karelian language and representatives of the University.

In 2008 representatives of the Karelian Language Society paid, on their own initiative, visits to Ministries and the Ombudsman for Minorities. The Society wanted to draw the Ombudsman's attention to the fact that the speakers of Karelian in Finland were not recognised as a separate ethnic group but were referred to as one of the Finnish tribes. Further, the Karelian language was regarded as a Russianised Finnish dialect, and the Karelian culture of traditions was referred to as Finnish culture. The Society pointed out that there are approximately 5,000 active speakers of Karelian in Finland and proposed that Finland should take measures to implement the relevant treaties of the Council of Europe also in respect of the Karelian language.

The initiative of the Karelian Language Society resulted in discussions on the position of the language in spring 2008 in an unofficial group led by the Prime Minister's Office. The group consisted of representatives of the Ministry of Justice, the Ministry of Education, the National Board of Education and the Research Institute for the Languages of Finland. The Karelian Language Society proposed that the Decree issued on the implementation of the European Charter for Regional or Minority Languages be amended by including a mentioning of the Karelian language.⁸ The Decree had been amended earlier by including in its Section 2 a new third paragraph prescribing that Finland applies the Charter to the extent appropriate to the Roma language and other non-territorial languages.⁹

By virtue of the Administrative Procedure Act the Prime Minister's Office transferred the proposal of the Karelian Language Society to amend the Decree to the Ministry for Foreign Affairs in autumn 2008. In its statement on the proposal, the Ministry of Justice considered that the Decree could be amended. According to the amendment of the Decree regarding the Karelian language, adopted on 27 November 2009 and in effect as of 4 December 2009, Finland applies the European Charter for Regional or Minority Languages to the Karelian language to the extent it has ratified the Charter.¹⁰

⁸ Decree on the Implementation of the European Charter for Regional or Minority Languages (23/1998).

⁹ Decree amending the Decree on the Implementation of the European Charter for Regional or Minority Languages (718/1998).

¹⁰ Decree no. 68 of the President of the Republic to amend Section 2 of the Decree on the Implementation of the European Charter for Regional or Minority Languages (956/2009).

Sign languages

According to Section 17(2) of the Constitution of Finland, the rights of users of sign languages and of those who need interpretation and translation because of disability shall be guaranteed by acts of Parliament. There are two national sign languages in Finland: the Finnish sign language and the Finnish-Swedish sign language. Approximately 5,000 deaf persons use the Finnish sign language as their mother tongue. The total number of users of the Finnish sign language is approximately 14,000. The users of the Finnish-Swedish sign language number only approximately 200–150.

5. GOVERNMENT STATEMENTS AND REPORTS

According to the Government Programme of Prime Minister Matti Vanhanen's second Cabinet (19 April 2007) the right of the Sámi people to maintain and develop their own language and culture will be secured under the cultural autonomy provisions of the Constitution. Moreover, the Government will give due consideration to the safeguarding of the rights of both Finnish and Swedish speakers when reforming the court system and the police administration. It will also promote diverse language programmes in schools and develop the teaching of the second national language.

According to the Programme the Government will, in its plan for the development of higher education institutions, cater for the special needs of higher education provided in Swedish. The reception of the Finnish and Swedish television programmes will be secured on an equal basis in all stages of the digitalisation of TV broadcasting. Access to social and health services will be guaranteed in Finnish and Swedish and, where possible, they will be provided in Sámi as well. The Government will reward its personnel by paying a bonus for language skills in order to ensure that the purpose of the Language Act is accomplished.

In autumn 2009 the Government submitted its second report on human rights policy to the Parliament. A report on human rights policy is issued for each electoral period.

PART I

I.1 NATIONAL LEGISLATION IMPLEMENTING THE CHARTER

Constitution

The Constitution of Finland was described in the previous periodic report.

According to the Government Programme of Prime Minister Matti Vanhanen's second Cabinet, the Government will evaluate the operation of the Constitution, which took effect in 2000, and appoint a parliamentary steering group to review the Constitution with a view to potential amendments. On 31 January 2008 the Ministry of Justice set up a working group ("*Perustuslaki 2008*") to examine the functioning of the Constitution and to identify and discuss issues related to possible needs for amending the Constitution. After the working group submitted its report in October 2008, the Government set up a parliamentary committee to draft the necessary amendments to the Constitution. The preparation was based on the report of the working group. The committee's report included the amendments in the form of a government proposal¹¹. The amendments are intended to take effect on 1 March 2012.

The effects of the constitutional reform project on the realisation of Swedish speakers' and Sámi speakers' linguistic rights are described below in Part III.

Language Act

Authorities are responsible for supervising the implementation of the Language Act primarily in their own administrative sectors.¹² The Ministry of Justice monitors the enforcement and application of the Language Act. According to the Act the Ministry of Justice issues, as necessary, recommendations in questions related to legislation on national languages and may also undertake measures to rectify defects it has observed.¹³ The Ministry also gives advice to other authorities and citizens in questions related to the application of language legislation and issues opinions for e.g. law drafting projects. For its supervisory task, the Ministry of Justice has established a task force for linguistic issues, comprising three positions established for the purpose.

Each electoral period the Government reports to the Parliament on the application of language legislation and on the securing of linguistic rights.¹⁴ An account of the reports of 2006 and 2009 is given below in connection with Article 7.

Similarly, on the basis of Section 28 of the Sámi Language Act, each authority supervises the application of the Act within its own area of operation. The Sámi Parliament monitors the application of the Act and may, as necessary, issue recommendations in questions related to language legislation and take initiatives in order to rectify defects it has observed.

¹¹ Government proposal to the Parliament to amend the Constitution of Finland, HE 60/2010 vp.

¹² Language Act (423/2003), Section 36(1).

¹³ Language Act (423/2003), Section 36(2).

¹⁴ Language Act (423/2003), Section 37.

Section 29 of the Sámi Language Act provides that the Sámi Language Bureau and the Sámi Language Council appointed by the Sámi Parliament shall, each electoral period, jointly issue the Sámi Parliament with a report on the application of the legislation on the Sámi language, on the enforcement of the linguistic rights of the Sámi and on the development of language conditions. According to Section 4 of the Government Decree on the implementation of the Sámi Language Act (108/2004) the report is appended to the report submitted by the Sámi Parliament to the national Parliament under Section 7 of the Act on the Sámi Parliament (974/1995).¹⁵

According to Section 37 of the Language Act (423/2003) the Government reports to the Parliament each electoral period, as supplemental material to the Report on Governmental Measures, on the application of language legislation and on the securing of linguistic rights and, as necessary, on other linguistic conditions. The report deals not only with Finnish and Swedish but also with at least Sámi, Roma and the sign language.

The first report to the Sámi Parliament under the Sámi Language Act was submitted to the Ministry of Justice during the reporting period. This language report is based on a more comprehensive report given to the Sámi Parliament on the implementation of the Sámi Language Act in 2004–2006. According to the language report, the number of Sámi-speaking personnel and services provided in Sámi in the Sámi Homeland municipalities has not changed in fact. Children living outside the Sámi Homeland are left completely without teaching of and in their mother tongue.

The Ministry of Justice also provides training to authorities on issues related to language legislation. A central theme of the training has often been the obligation of municipalities to ensure that the private providers of services commissioned by them realise the linguistic rights in their activities.¹⁶

The Ministry of Justice is assisted in its work by the Advisory Board on Language Affairs, which is a permanent preparatory body of experts. The first Advisory Board was mandated for the years 2004–2007, and the current one has a mandate for 2008–2011. The activities of the Advisory Board were described in the previous periodic report.

Sámi Language Act

An account of the Sámi Language Act was given in the third periodic report.

During the reporting period the tax administration was reorganised by enacting an act which took effect on 1 May 2008. The National Board of Taxes and the nine regional tax offices were combined into a new authority to be known as the Finnish Tax Administration. The authority is subordinate to the Ministry of Finance and operates in the whole country.¹⁷ The local and district tax administrations were abolished with the reorganisation.

The new Tax Administration was made subject to the Sámi Language Act by amending Section 2 of the Act.¹⁸ Consequently, the Sámi now have the right to use the Sámi language in their own matters in all units of the Tax Administration and all its offices located in the Sámi Homeland.¹⁹

¹⁵ Sámi Language Act (1086/2003), Section 29; Language Act (423/2003), Section 37.

¹⁶ Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003).

¹⁷ Tax Administration Act (237/2008).

¹⁸ Act amending Section 2 of the Sámi Language Act (260/2008).

¹⁹ Sámi Language Act (1086/2003), Sections 4 and 12.

Non-discrimination Act

The Non-discrimination Act, in force as from the beginning of 2004, provides that each authority must draw up an equality plan describing the measures which the authorities take in order to foster equality and to prevent discrimination and intervene in it.²⁰ The Ministry of Labour issued general recommendations on the contents of equality plans on 9 September 2004 and revised them in 2007 so that the plans must now also cover the activities of the authorities as employers.²¹

The implementation of the Non-discrimination Act and equality plans is described in more detail in the third periodic report of Finland on the implementation of the Framework Convention on the Protection of National Minorities.²²

Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland

The sphere of activity, duties and powers of the Ombudsman for Minorities are laid down in an act which entered force on 1 September 2001.²³

The Office of the Ombudsman for Minorities was originally subordinate to the Ministry of Labour. At the beginning of 2008, when state administration was reorganised, the Office was transferred under the Ministry of the Interior. The independent and impartial status of the Ombudsman remained unchanged.

In 2008 the Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland was supplemented with a provision stipulating that the Ombudsman is responsible for conducting and commissioning impartial studies on questions related to ethnic discrimination.²⁴ The new provision was intended to make the Finnish legislation comply with Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The Ombudsman for Minorities determines independently the objects of his examinations and studies and the manner in which they are conducted.

The activities of the Ombudsman for Minorities and the National Discrimination Tribunal of Finland were described in more detail in the third periodic report of Finland on the application of the European Charter for Regional or Minority Languages and the third periodic report of Finland on the implementation of the Framework Convention on the Protection of National Minorities.

Decree on the Advisory Board for Ethnic Relations (ETNO)

In August 2008 the Advisory Board for Ethnic Relations (ETNO), which operates in conjunction with the Ministry of the Interior, started its fourth term, which will expire in 2011. During the reporting period the Advisory Board was reinforced by setting up a new Regional Advisory Board for Ethnic Relations in Southern Finland. There are currently four Regional Advisory Boards in addition to the national Advisory Board for Ethnic Relations.

²⁰ Non-discrimination Act (21/2004).

²¹ < http://www.mol.fi/mol/en/03_labourlegislation/02_equality/index.jsp >.

²² < <http://formin.finland.fi/public/download.aspx?ID=54236&GUID={76A41CB2-C0F4-4374-81CF-F1EB2DDB728E}> >

²³ Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland (660/2001).

²⁴ Act amending Section 2 of the Act on the Ombudsman for Minorities and the Discrimination Tribunal (679/2008).

The Advisory Boards for Ethnic Relations were described in more detail in the third period report of Finland on the application of the European Charter for Regional or Minority Languages and the third periodic report of Finland on the implementation of the Framework Convention on the Protection of National Minorities.

Act on the Ombudsman for Children

The Ombudsman for Children started work on 1 September 2005. The basic duties of the Ombudsman are laid down in the Act on the Ombudsman for Children and the Government Decree on the Ombudsman for Children.²⁵ The Ombudsman is responsible for protecting the best interest, welfare and rights of children at the general level of societal policy and legislation, and for promoting the United Nations Convention on the Rights of the Child. In order to fulfil her duties the Ombudsman cooperates with other authorities, organisations and other actors in child policies.

Because the Ombudsman for Children is a state authority, her activities are subject to the Language Act in respect of services provided in Finnish and Swedish. The central documents of the Ombudsman are translated into Swedish, and the Ombudsman provides web services also in Swedish.²⁶

The Sámi Language Act in its current form was enacted before the post of the Ombudsman for Children was established in 2003. Because the Sámi Language Act applies only to other special ombudsmen, the Ombudsman for Children has at her own initiative decided to act in accordance with the Act by providing web services in North Sámi.²⁷

The brochure published by the Ombudsman for Children on the UN Convention on the Rights of the Child has been translated into Swedish, Roma, North Sámi, Inari Sámi and Skolt Sámi.²⁸ The Convention was translated into North Sámi during a joint EU-funded project between the Finnish, Swedish and Norwegian Ombudsmen for Children.

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

RESEARCH CENTRE FOR THE LANGUAGES OF FINLAND

The Research Centre for the Languages of Finland is a linguistic research institute maintained by the state. Research is carried out on Finnish, Swedish, the Sámi languages, Roma, the Finnish sign language and languages that cognate to Finnish. The Research Centre conducts language and name planning, compiles dictionaries, provides linguistic counselling, organises courses and carries out research projects.

Address: Vuorikatu 24, 00100 Helsinki

Telephone: +020 781 3200 Telefax: +020 781 3219

www.kotus.fi

²⁵ Act on the Ombudsman for Children (1221/2004); Decree on the Ombudsman for Children (274/2005).

²⁶ <<http://www.barnombudsman.fi/Resource.phx/lapsiasia/svenska/index.htm>>.

²⁷ <<http://www.lapsiasia.fi/se/ovdasiidu>>.

²⁸ <http://www.lapsiasia.fi/julkaisut/lapsen_oikeuksien_esitteet>.

FiBLUL FINNISH BUREAU FOR LESSER USED LANGUAGES

The European Bureau for Lesser Used Languages (EBLUL) of the European Union has an independent Finnish section (*Finnish Bureau for Lesser Used Languages; FiBLUL*), which is the cooperation body of persons speaking the traditional minority languages in Finland. The seven minority languages represented in the activities of FiBLUL are Swedish, Sámi, Roma, Russian, Tatar, Yiddish and Karelian.

Telephone: +358 9 6930 7322

Email: veronica.herzberg@gmail.com

www.fiblul.fi

SWEDISH ASSEMBLY IN FINLAND

The Swedish Assembly in Finland (Folktinget), promotes the implementation of the rights of the Swedish-speaking Finns and aims at promoting their position. Among other tasks, the Assembly gives opinions on questions concerning the Swedish language and on the position of the Finnish language in Sweden.

Address: Unionsgatan 45 H 110, 00170 Helsingfors

Telephone: +358 9 6844 250 Telefax: +358 9 6844 2550

Email: folktinget@folktinget.fi

www.folktinget.fi

SWEDISH CULTURAL FOUNDATION IN FINLAND

The purpose of *the Swedish Cultural Foundation in Finland*, established in 1908, is to support the Swedish language and the culture, education and other activities of the Swedish-speaking population in Finland. The foundation is an umbrella organisation of more than 400 individual funds, based on testamentary gifts and other donations from individuals, communities and companies. The foundation is owned and administered by the Society of Swedish Literature in Finland.

Address: Simonsgatan 8 A, P.O. Box 439, 00101 Helsingfors

Telephone: +358 9 6930 7300 Telefax: +358 9 694 9484

Email: kansliet@kulturfonden.fi

www.kulturfonden.fi

SÁMI PARLIAMENT

The Sámi Parliament promotes the Sámi language and culture and the status of the Sámi as an indigenous people under the self-government guaranteed by the Constitution. The Sámi Parliament has preparatory and consultative competence in matters falling within the self-government. As a representative body elected by the Sámi themselves, the Sámi Parliament also represents the Sámi in both national and international fora.

Address: Angelintie 696, 99870 Inari

Telephone: +358 10 839 3100

Email: info@samediggi.fi

www.samediggi.fi

ADVISORY BOARD ON ROMANI AFFAIRS

The Advisory Board on Romani Affairs (RONK) is a cooperative body of the Roma and authorities, subordinate to the Ministry of Social Affairs and Health. The duties of the Advisory Board include the promotion of the Roma language and culture.

Address: Ministry of Social Affairs and Health, P.O. Box 33, 00023 Government
Email: ronk@stm.fi www.romani.fi/

FINNISH ASSOCIATION OF RUSSIAN-SPEAKING ORGANISATIONS

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

Address: Haapaniemenkatu 7-9 B, 00530 Helsinki
Telephone: +358 45 652 7869 Telefax: +358 19 544 868
Email: faro@kolumbus.fi, al@faror.com www.faror.com

FINNISH ISLAMIC CONGREGATION

The Islamic Congregation in Finland, established in 1925, represents the Tatar community. The Congregation fosters the Tatar culture and the position of the Tatar language in Finland.

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

JEWISH CONGREGATION IN HELSINKI

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

Address: Malminkatu 26, 00100 Helsinki
Telephone: +358 9 586 0310 Telefax: +358 9 694 8916
Sähköposti: srk@jchelsinki.fi www.jchelsinki.fi

KARELIAN LANGUAGE SOCIETY

The purpose of the Karelian Language Society, established in 1995, is to promote the position of the Karelian language in Finland by increasing interest in the language and supporting research and publishing aimed at maintaining and developing the language.

Address: c/o Pertti Lampi, Laakavuorentie 14 B 43, 00970 Helsinki
Telephone: +358 400 246 266 (secretary)
Email: peter.pond@netsonic.fi www.karjalankielenseura.fi

1.3 BODIES AND ORGANISATIONS CONSULTED ON THE PREPARATION OF THE REPORT

The fourth periodic report of the Government of Finland on the application of the European Charter for Regional or Minority Languages was drafted by the Unit for Human Rights Courts and Conventions at the Legal Service of the Ministry for Foreign Affairs, in cooperation with different sectoral ministries and other authorities. Actors of civil society participate in the drafting of the report at different stages, if they so wish. When beginning the drafting, the Ministry for Foreign Affairs requested the competent authorities as well as 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.

1.4 PROVISION OF INFORMATION ON RIGHTS AND DUTIES DERIVING FROM THE APPLICATION OF THE CHARTER

The Language Charter and the related recommendations of the Committee of Ministers have been published in Finnish, Swedish and North Sámi.²⁹ The Charter and its translations are included in the Statute Book of Finland. In addition, the text of the Charter is available in the FINLEX database of legislation, which is also linked with the website of the Ministry for Foreign Affairs. The Statute Book of Finland is available in print format, and the Internet may be used free of charge e.g. at public libraries.

The Sámi Language Act provides that acts of primary concern to the Sámi, as well as other such statutes, treaties and other instruments and notifications published in the Statute Book of Finland, shall on the decision of the Government or the pertinent Ministry be published also as a Sámi translation.³⁰ In the Act, the Sámi language refers to the Inari Sámi, Skolt Sámi and North Sámi languages. The Charter and the recommendations of the Committee of Ministers have not been published in Inari Sámi or Skolt Sámi.

The periodic reports of the Government of Finland on the application of the Charter are published on the website of the Ministry for Foreign Affairs. The fourth periodic report will be published on the website as soon as possible. The report will be sent out to different authorities and non-governmental organisations.

The Unit for Human Rights Courts and Conventions at the Ministry for Foreign Affairs provides, upon request, materials relating to the Charter, the implementing legislation and the monitoring of the implementation, and answers enquiries concerning the rights and obligations deriving from the Charter. The contact details of the Unit are given in the introduction to the report.

²⁹ <<http://formin.finland.fi/Public/default.aspx?contentid=66823>>.

³⁰ Sámi Language Act (1086/2003), Section 9.

1.5 IMPLEMENTATION OF RECOMMENDATIONS

The measures adopted by the Government to implement the recommendations of the Committee of Ministers are described in more detail in Parts II and III of the report. Regarding the individual recommendations, these measures can be summarised as follows:

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

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

No actual evaluation of education in Sámi has been carried out or planned in Finland. In respect of general upper secondary school education, the matriculation examination produces annually information about the development and standard of the teaching of the Sámi language.

Education in Sámi is described below in connection with Article 8, pp. 67 to 75.

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;

The Sámi Council and the Sámi Parliament consider that the language nest activities in Inari and Skolt Sámi rest on an uncertain and temporary basis because of their project-based nature. In the opinion of these bodies, the language nests should be provided with permanent financing.

The other measures adopted to promote Inari and Skolt Sámi are described below in connection with Article 8, pp. 67 to 75.

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;

The Government grants the Sámi Parliament annually an appropriation which the Sámi Parliament allocates to the municipalities in the Sámi Homeland for covering the costs incurred in their provision of services in Sámi. However, according to Utsjoki municipality, these municipalities can cover only part of their service provision in Sámi by this appropriation. Because the appropriation is granted for one year at a time, no long-term planning is possible.

The use of Sámi in mass media in other respects is described below in connection with Article 11, pp. 84 to 86.

4. take further measures to ensure the accessibility of social and health care in Swedish and Sámi;

Accessibility of social and health care in Swedish and Sámi are described below in connection with Article 13, pp. 61 to 65, and p. 90.

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

The training of Romani teachers and the production of teaching materials in Romani are described below in connection with Article 7, pp. 29 and 30.

1.6 PROVISION OF INFORMATION ON THE RECOMMENDATIONS OF THE COMMITTEE OF MINISTERS

The recommendations issued by the Committee of Ministers in 2007 on the basis of the third periodic report of Finland were translated into both national languages of Finland, i.e. Finnish and Swedish, and to North Sámi. The recommendations were sent out to a large number of actors for information on 2 January 2008. The recommendations are published in Finnish, Swedish, North Sámi and English on the website of the Ministry for Foreign Affairs. The third periodic report of Finland on the application of the Charter is available at the website, too.³¹

1.7 CONTRIBUTION TO IMPLEMENTING THE RECOMMENDATIONS

As regards the contribution of authorities to the implementation of the recommendations of the Committee of Ministers, reference is made to the information provided above. The recommendations have been communicated to a large number of authorities. Any measures needed on the national level are the responsibility of each sector of administration.

³¹ <<http://formin.finland.fi/Public/default.aspx?contentid=66823>>.

PART II

ARTICLE 7: OBJECTIVES AND PRINCIPLES

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

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

- a) the recognition of the regional or minority languages as an expression of cultural wealth;*
- b) the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;*
- c) the need for resolute action to promote regional or minority languages in order to safeguard them;*
- d) the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*
- e) the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;*
- f) the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;*
- g) the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;*
- h) the promotion of study and research on regional or minority languages at universities or equivalent institutions;*
- i) the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States;*

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

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

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

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

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

As to this sub-paragraph there is nothing to report.

1b) Administrative divisions

Section 122 of the Finnish Constitution provides that, in the organisation of administration, the objective shall be suitable territorial divisions, so that the Finnish-speaking and Swedish-speaking populations have an opportunity to receive services in their own language on equal terms. A corresponding provision exists in Section 35 of the Language Act. The regulation is connected with the principle of linguistic equality laid down in Section 17(2) of the Constitution, which obligates the public authorities to provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.

In October 2008 the working group set up by the Ministry of Justice to revise the Constitution ("*Perustuslaki 2008*") submitted its memorandum, addressing also the realisation of linguistic rights in the constitutional reform that it proposed.³²

According to the working group, changes in public administration may influence the realisation of rights related to the national languages. In particular, changes in the structure of local administration which influence the linguistic situation of municipalities may have a bearing on the realisation of linguistic rights of individuals. The working group pointed out that the recent splitting of Swedish-speaking areas into parts caused the Swedish speakers to become a minority in some new areas. Similarly, ongoing projects to develop administration may also be reflected in the linguistic rights of the Sámi. Other ongoing measures relevant to the realisation of linguistic rights include the reorganisation of the regional state administration, which involves a comprehensive review of the administrative structure, and the restructuring of public administration in other respects.

³² Memorandum of the Constitution 2008 Working Group, Ministry of Justice 2008:8, available in Finnish at <http://www.om.fi/Etusivu/Julkaisut/Julkaisuarvisto20022009/Tyoryhmamietintoja/Tyoryhmamietintojenarkisto/Tyoryhma_mietintoja2008/1222680546463>.

The working group stated as its position that it is vital to combat the threats against the realisation of linguistic rights imposed by the ongoing and already completed administrative restructuring.³³

So far, the changes in administrative divisions put into effect have not increased the number of complaints filed with the Parliamentary Ombudsman regarding the realisation of linguistic rights. In 2008 the Ombudsman, as a supervisor of legality, paid attention to the effect of administrative reorganisation on the realisation of linguistic rights. The Ombudsman had received a complaint concerning, at a general level, completed or ongoing changes in administrative divisions. However, as the complaint was not based on a concrete case warranting suspicion of non-realisation of linguistic rights, the Ombudsman did not examine the matter any further. Nevertheless, he considered it appropriate to revert to the matter if any information derived from individual complaints or observations during inspections and regarding the effects of the changes in the realisation of linguistic rights should warrant it.³⁴

Comments of non-governmental organisations have, to the extent possible, been taken into account in the reorganisation of administrative divisions. The Swedish Assembly in Finland and the Sámi Parliament have been consulted during legislative drafting, including the restructuring of municipalities and services and the reorganisation of the regional state administration. The practice of hearing the Sámi Parliament is based especially on the hearing obligation laid down in the Act on the Sámi Parliament.³⁵

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

Language Act

In 2006 the Government submitted to the Parliament the first report on the application of the Language Act, which took effect at the beginning of 2004.³⁶ The report focused on the national languages, i.e. Finnish and Swedish, but it also dealt with Sámi, Roma and the sign language, which are mentioned in the Constitution. Furthermore, the report dealt with Tatar and Yiddish, which are spoken in Finland since a long time, and the most widely spoken immigrant languages in Finland, i.e. Russian, English and Somali. As to the other linguistic groups in Finland, the report provided statistical data.

The Government stated in the report that some progress had taken place in the safeguarding of linguistic rights. For instance, public authorities had improved their provision of information and customer service. However, the Government considered it manifest that the linguistic rights related to the national languages were not realised in all respects as required by the legislation. The Government made proposals for measures in order to promote the implementation of the Language Act.

The second report of the Government on the application of language legislation was submitted in spring 2009.³⁷ This report focuses on monitoring the implementation of the recommendations made in 2006 and gives an account of the amendments made in the language legislation after 2006. In line with the scope of the Language Act the report discusses the application of language legislation primarily in the activities of state authorities and bilingual municipalities. In the second report the Government states that the practical measures that it recommended for implementing the Language Act in 2006 have not

³³ Memorandum of the Constitution 2008 Working Group, Ministry of Justice 2008:8, p. 40 to 42.

³⁴ Decisions of the Parliamentary Ombudsman; Reg. no. 127/4/2008.

³⁵ Act on the Sámi Parliament (974/1995), Section 9.

³⁶ Report of the Government on the Application of Language Legislation 2006; <<http://www.om.fi/uploads/vimir.pdf>>.

³⁷ Report of the Government on the Application of Language Legislation 2009; <<http://www.om.fi/en/Etusivu/1236880953561>>.

been introduced, and that this jeopardises the realisation of basic linguistic rights. The Government reiterates the recommendation to take the measures proposed already in 2006.

According to non-governmental organisations, they too, have received complaints about deficiencies in the implementation of the Language Act. Communities and individuals often turn to the Swedish Cultural Foundation in Finland when they experience something as discrimination on the basis of their language or when services or materials are available only in Finnish. The Swedish Assembly in Finland, too, examines complaints about cases where citizens experience that they are not given sufficient safeguards to protect their linguistic rights. Between autumn 2006 and autumn 2008 the Assembly received approximately one hundred complaints through the Internet. These complaints related to all types of activities of public authorities and thus example to social welfare and health care services, services of the police and alarm centres, and contacts with courts and tribunals. The complainants reported such grievances as the unawareness of public authorities of individual customers' right to be served in their mother tongue, insufficient written or oral service in Swedish, and deficient information material and signposts. According to the Assembly, full implementation of the obligations of the Language Act necessitates determined and continuous efforts by public authorities. Employers in the public sector should inform their employees about the provisions of the Language Act and offer them opportunities to improve their language proficiency.

Swedish-speaking media have discussed the need to establish a post of a language ombudsman in order to improve the monitoring of the implementation of the Language Act.

In October 2003, in order to improve the functioning of services in the two national languages and citizens' access to these services, the Ministry of Finance launched a project to support the implementation of the new Language Act. The project group published its final report "*Provision of Services on Customer's Mother Tongue*" in January 2005.³⁸ The project examined the functioning of services on citizens' own language from the viewpoint of requirements made for good administration. The final report contained recommendations on integrating the language aspect into administrative strategies, performance management and the organisation of public service production. The report further recommended that language skills should be taken into account in preparing human resources strategies, in recruitment and in applying the new pay system of the state administration.

The report on the provision of services on customers' mother tongue also presented criteria which public organisations may use when assessing the need to develop services from the language point of view. These self-assessment criteria, based on the *European CAF criteria (Common Assessment Framework)*, also permit describing the best practices for promoting services on customers' own language.

Sámi Language Act and Sámi language

The Sámi Language Bureau under the Sámi Parliament monitors and implements the rights deriving from the Sámi Language Act.³⁹

The Sámi Language Act provides that the Sámi Language Bureau and the Sámi Language Council shall, each electoral period, jointly issue a report on the application of the legislation on the Sámi language, on the enforcement of the linguistic rights of the Sámi and on the development of language conditions. A report on the implementation of the Sámi Language Act in 2004–2006 was submitted to the Ministry of

³⁸ Provision of Services on Customer's Mother Tongue. Final Report. Publications of the Ministry of Finance VM 15a/2004; available in Finnish at

< http://www.vm.fi/vm/fi/04_julkaisut_ja_asiakirjat/01_julkaisut/04_hallinnon_kehittaminen/91467/91465_fi.pdf >.

³⁹ Act on the Sámi Parliament (1086/2003), Section 26; Decree on the implementation of the Sámi Language Act (108/2004).

Justice in spring 2008.⁴⁰ For the report, the Bureau examined the realisation of the linguistic rights of the Sámi in different sectors by sending a questionnaire to the state authorities, courts and tribunals as well as the local authorities – i.e. municipalities –, joint local authorities and state-owned or municipal companies operating in the Sámi Homeland. The purpose of the questionnaire was to examine to what extent the state authorities are familiar with the Sámi Language Act, whether the Act has changed the authorities' use of the Sámi language and whether they have increased their provision of information in Sámi.

According to the Sámi language report the entry into force of the Act had not in fact changed the number of state or municipal employees speaking Sámi. The report also showed that 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. Those Sámi who can speak Finnish mostly considered that the prevailing atmosphere did not encourage them to demand services in Sámi. It was unclear to many authorities how the obligations under the Sámi Language Act should be fulfilled in practice.

The Sámi Language Council under the Sámi Parliament is planning to establish a Sámi language centre. Furthermore, the Council is planning a Sámi dictionary and Sámi terminology projects as well as an electronic vocabulary data bank for the Sámi languages.

In its human rights policy report submitted to the Parliament in September 2009, the Government set as an objective to prepare a programme to resuscitate the Sámi language.⁴¹

Roma

During the reporting period the Ministry of Social Affairs and Health set up a working group to draft the first national *Roma policy programme*, aimed to guarantee the Roma population equality and non-discrimination. The working group, whose mandate lasted from January to September 2009, drafted the programme jointly between different sectors of administration, prepared sector-specific recommendations for measures and made proposals for the necessary reports. The Advisory Board on Romani Affairs and the central Roma organisations were informed regularly about the drafting of the programme. Promoting the Roma language and culture is one of the objectives of the programme.

In March 2009 the Roma Language Board of the Research Institute for the Languages of Finland adopted a Roma language policy programme.⁴² According to the programme the Roma language is currently seriously endangered, and urgent measures must be taken to revive it. It is estimated that without active measures the Roma language in Finland will die out within ten years, if young people no longer know the language and their children do not learn it from their parents. The Roma Language Board recommends in the programme e.g. that some Articles of Part III of the Charter should be applied to Roma, too.

The Ombudsman for Minorities and the Advisory Board on Romani Affairs have proposed the preparation of a national Roma language programme. Such a programme would make it possible to improve the teaching of the Roma language and culture in municipalities, to develop the language and to promote its position.

⁴⁰ <www.samediggi.fi>.

⁴¹ Government Report to Parliament on the Human Rights Policy of Finland 2009, p. 170.

⁴² Language Policy Programme of Roma language. Available in Finnish at <<http://scripta.kotus.fi/www/verkkokajalkaisut/julk10/>>.

The Finnish National Board of Education has a team for the Roma, which works for increasing the appreciation of the Roma language and fostering its vitality jointly with authorities and Roma themselves.

In 2008 the Ombudsman for Children published a brochure on the rights of the child also in the Roma language.⁴³

Karelian

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 EUR 4,500 for the purpose. Within a short time, the centre has both considerably increased the contacts among Karelian speakers in Finland and intensified cooperation with Karelian speakers in Russia. Moreover, the centre has produced a number of publications in Karelian.

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 annually EUR 100,000 for the teaching of and research on Karelian. Government subsidies are granted for instance for activities of societies promoting the position of Karelian. In 2008 a total sum of EUR 4,300 was 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.

The Research Institute for the Languages of Finland has no Language Board for the Karelian language.

The Karelian Language Society reports that the Orthodox Church of Finland very often arranges services in Karelian.

Russian

The library of the Institute for Russia and Eastern Europe continues its activities. In spring 2008 a study was conducted on the activities of the library ("*Kirjasto – ikkuna venäläiseen sieluun*", "The library – a window to the Russian soul"), its changing role in society and the related challenges and needs for reform. Currently two thirds of the library customers are Russian speakers. Russian immigrants experience the library as their own cultural institution. The book and journal collections of the library are sufficient for the Russian immigrants residing in the Helsinki metropolitan area.

The RUSSIAinfo service on the Internet is a project started by the Ministry of Education in 2003 with the aim of bringing together Russia-related information produced by various organisations.⁴⁴ The service portal was introduced in 2005 and is maintained by the Aleksanteri Institute of the University of Helsinki.

⁴³ <http://www.lapsiasia.fi/c/document_library/get_file?folderId=97173&name=DLFE-8257.pdf>.

⁴⁴ <http://tatiana.aleksanteri.helsinki.fi/index.php?GUI_language=eng>

Yiddish

In 2007 the Ministry of Education granted an appropriation of EUR 11,900 for a Yiddish language development project of the Jewish School in Helsinki. The appropriation covers 70% of the total costs of the project.

Sign language

The activities of the Research Institute for the Languages of Finland in the field of sign language mainly relate to the Finnish sign language, but where appropriate also to the Finnish-Swedish sign language. For this purpose the Institute cooperates with the Sign Language Unit of the Finnish Association of the Deaf, the universities providing teaching of sign language and the polytechnics training sign language interpreters. The Institute pays particular attention to the production and availability of video materials published in sign language.

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

Activities of the Research Institute for the Languages of Finland

In its own field of activities, jointly with organisations representing different language groups, the Research Institute for the Languages of Finland works for expanding the area of use of the Sámi languages, Roma and the two sign languages spoken in Finland.⁴⁵

Selective press subsidies

In accordance with the Government Programme of Prime Minister Matti Vanhanen's second Cabinet the Government distributes so-called selective press subsidies.⁴⁶ In the state budget for 2008, an amount of EUR 500,000 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.

Sámi languages

The position of North Sámi is promoted e.g. by the Sámi Parliaments in all Nordic countries as well as some universities and publishing companies.

The Research Institute for the Languages of Finland researches the Sámi languages and plans the use thereof jointly with Sámi organisations. The Institute studies the vocabulary of Sámi in cooperation with e.g. the Universities of Helsinki and Oulu. At the same time it supplements the public electronic data

⁴⁵ The Research Institute for the Languages in Finland. Action and Financial Plan 2010-2013, pp. 10 to 11.

⁴⁶ Decree on Press Subsidies (389/2008).

base on the vocabulary and origin of the Sámi languages. The Institute is planning to start to compile a popular dictionary of North Sámi in 2010. The Institute also contributes to the development of North Sámi terminology, name planning regarding the language, and research on its basic grammar. The activities of the Sámi Language Board under the Institute are being linked more closely with the work of the Sámi Parliament's language bodies.

North Sámi language planning is feasible as cooperation among different Nordic countries, but Finland has the main responsibility for the planning for Inari Sámi and Skolt Sámi because of the geographic areas where these languages are used. Nordic countries have cooperated especially in preparing glossaries in special fields.

From October 2007 the Institute has had a part-time researcher of Inari Sámi, holding a permanent post. Because the Institute has not found a qualified researcher of Skolt Sámi, it has financed separate projects on this language. To revive Inari Sámi the Institute has contributed to developing its orthography and terminology, name planning for the language, and research on its vocabulary and basic grammar.

In order to revive Skolt Sámi, the Institute has supported the language community itself in its efforts to revive the language, and intends to introduce language planning on a permanent basis. To cater for the needs of language planning and to establish standard Skolt Sámi the Institute collects voice recordings and supports the development of the Skolt Sámi vocabulary, a more detailed description of its grammar and the production of teaching material in Skolt Sámi.⁴⁷

The Sámi Language Bureau under the Sámi Parliament has translators, a language protection secretary and a secretary of Sámi language issues. Their responsibilities include e.g. the preparation of language policy issues, and matters related to the Sámi language cooperation between the Nordic countries. The posts of Inari and Skolt Sámi translators were established in the Sámi Language Bureau in spring 2008, by means of funding reserved for this purpose in the state budget. The Sámi Language Bureau also has translators of North Sámi, three of whom work only for the purposes of Utsjoki municipality.

The Decree on the Sámi Parliament requires that a translator of Sámi must have a university degree suitable for the post or other education and the right to work as an authorised translator translating from Finnish into Sámi or vice versa, as referred to in the Act on Authorised Translators.⁴⁸ Tests for a National Certificate of Language Proficiency cannot be taken in Inari or Skolt Sámi.

Roma

The Research Institute for the Languages of Finland has a Roma Language Board, which coordinates the planning for the Roma language in Finland and works for increasing the appreciation of the language. The Institute aims at producing new research information about the Roma language in Finland as part of the family of Roma dialects in Europe, to encourage the use of the language and to support activities to revive it. The Institute plans to publish a basic work on the syntax of the contemporary Roma spoken in Finland and the effects on language contacts on it.⁴⁹

The Institute is the only Finnish research institution with permanent resources for research on and language planning for Roma. It cooperates with different universities and other actors providing instruction and producing teaching material. The Institute is also building contacts with the Language

⁴⁷ The Research Institute for the Languages in Finland. Action and Financial Plan 2010-2013, p. 11.

⁴⁸ Decree on the Sámi Parliament (1727/1995), Section 5; Act on Authorised Translators (1148/88).

⁴⁹ The Research Institute for the Languages in Finland. Action and Financial Plan 2010-2013, p. 11 to 12.

Council of Sweden (*Språkrådet*), which works on Roma, too. In 2010 the Institute will organise an international research congress on Roma.

There are no television broadcasts for Roma or in the Roma language in Finland. The Finnish Broadcasting Company Ltd continues to broadcast a 14 minute radio programme in Roma in the *Radio Suomi* channel once a week. This programme, entitled *Romanihelmiä – Romano mirits* ("Roma Pearls"), reports news and current affairs.

Three magazines for Roma are published regularly.

The Advisory Board on Romani Affairs considers that the definition of "newspaper" in the above-mentioned Decree on Press Subsidies is problematic. Because the 10,000 Roma people in Finland live scattered across the country it is impossible at the moment to produce for them a newspaper or a network publication that could be regarded as a newspaper on the basis of its publication frequency. According to the Advisory Board there is evident demand for a network publication published in Roma.

Russian

Radio Satellite Finland Ltd exercises analog radio broadcasting in specifically designated locations and frequencies in the area situated between Helsinki and Lappeenranta in South-eastern Finland. According to the conditions of the company's operation licence, the programmes shall be mainly broadcast in Russian, contain news and current affairs programmes and encourage open dialogue between citizens. For the time being, the licence is valid until the end of the year 2011. At the beginning of 2008, Radio Satellite Finland Ltd agreed on part-time broadcasting of radio programmes with *Radio Majak*, a radio channel playing Russian light music. The new programme format targets in particular Russian-speaking people living in Finland.

During the reporting period the Ministry of Education subsidised the publishing of the Russian language *Spektr* journal as follows:

| | |
|------|-------------|
| 2006 | EUR 13,000 |
| 2007 | EUR 14,000 |
| 2008 | EUR 14,000. |

The support was granted from the budget appropriation reserved for fostering multiculturalism. In 2007, the publisher of *Spektr* applied for and obtained an additional subsidy from the budget appropriation for supporting cultural magazines. In 2008, the *Spektr* did not apply for an additional subsidy. The Ministry of Education has supported e.g. the publication of a Russian language literature magazine published in Finland.

The Russian language version of the *LiteraruS* literary magazine comes out four times a year and the Finnish version once a year. The free Finnish-Russian newspaper *Severnyi torgovyj put - Venäjän kauppatie* ("Russian trade route") has been published for 15 years. The newspaper comes out 12 times a year with a circulation of about 65,000 copies. The Russian Club in Tampere publishes a journal entitled *Russkij Svet* mainly for the Russian immigrants living in the Tampere area and their families. The journal comes out four times a year with a circulation of about 500 copies.

Other measures taken to facilitate and encourage the use of Russian were reported in the third periodic report.

Karelian

According to the Karelian Language Society, Karelian gained much media attention during the reporting period, and therefore the prejudice against Karelian is rapidly being dispelled. 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 EUR 2,000. The Finnish Broadcasting Company Ltd does not broadcast weekly programmes in Karelian.

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

Activities of FiBLUL

The cooperation body for the traditional minority languages in Finland, FiBLUL, fosters relations between speakers of minority languages. The languages represented in this cooperation body are Swedish, Sámi, Roma, Russian, Tatar and Yiddish, and now also Karelian.

Karelian

The Karelian Culture Association supports financially 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.

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

Teaching of Roma

The situation in the teaching of the Roma language did not change significantly during the reporting period.

The project carried out in 2004–2007 to revive the Roma language has been continued. The purpose of the follow-up project implemented in 2005–2007 was to revive the use of the language among the youngest Roma generation, for instance by establishing language nests for the youngest children. In language nests children learn to speak Roma by playing under guidance. For older children, municipalities established language clubs where children learned Roma and improved their knowledge of the language. During the project, municipalities made efforts to increase the awareness of Roma parents of the significance of speaking Roma at home. The revival project was 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.

The National Board of Education grants annually state subsidies for teaching the Roma language in pre-schools, comprehensive schools and general upper secondary schools. The providers of teaching may apply for state subsidies for 2.5 weekly lesson hours for groups which have at least 4 pupils when the course starts. At the beginning of 2007 the number of required weekly lesson hours was raised from 2 to 2.5. Annually approximately 120 pupils receive teaching of Roma. Rather few providers of such teaching apply for state subsidies. In 2008 the subsidies granted for this purpose amounted to a total of EUR 300,000.

In 2007 and 2008 the Ministry of Education also allocated separate appropriations for development activities in municipalities. These activities aim at realising the values of teaching described in the national core curriculum. According to the curriculum the position of the Roma in Finland as an ethnic and cultural minority must be taken into account in the teaching of Roma pupils. The development activities include measures e.g. for improving contacts with Roma pupils, fostering tolerance and good ethnic relations, increasing knowledge about Roma culture, improving contacts between the Roma minority and the majority population at school, developing the identity of Roma pupils, encouraging the learning of the Roma language, improving Roma pupils' opportunities of learning, developing the teaching of Roma pupils in need of particular support and developing pedagogical methods and materials that take account of the specific background of Roma pupils. Moreover, the National Board of Education has arranged training and paid guidance visits to municipalities.

Municipalities have been eligible for state subsidies for development activities on the condition that they prepare plans for supporting the basic education of Roma children and included the measures mentioned in the plans in their day-to-day activities. Municipalities may organise the activities individually or jointly. Some municipalities have prioritised e.g. the teaching of the Roma language in their development activities. Further, many municipalities have included strengthening the identity of Roma pupils, in order to increase their interest in the Roma language. The language has also been taught at a more advanced level.

In 2009, in all 24 municipalities were engaged in the development activities. Nearly all of them are continuing the activities in 2010, too. More than 700 Roma pupils in basic education are covered by the state-subsidised teaching. A new development plan for education and research has been adopted for the years 2007–2012.⁵⁰ According to the plan, measures will be taken to improve the preservation of Roma pupils' own culture, the development of their language and their attendance in education.

The teaching of the Roma language to Roma prisoners has been supported by funding distributed to prisons annually.

In 2007 a project on the basic education of Roma ("*Basic education of Roma 2*") was launched on the basis of an earlier survey examining the status of Roma children's basic education ("*Basic education of Roma 1*"), conducted in 2001 and 2002. This project pays attention to pre-school education, transfer to the seventh class and the completion stage of basic education. The project is administered by the Team for the Roma at the Finnish National Board of Education. Most measures taken under the project to develop the education of Roma children and young people are connected with teacher education, general provision of information and production of teaching material in the Roma language. The project focuses on such issues as cooperation between home and school and the provision of appropriate information to educational professionals and Roma parents. Many Roma parents are interested in the education of their children. During the "*Basic education of Roma 2*" project, authorities have e.g. met Roma parents at seminars all over the country and raised their awareness of the importance of the Roma

⁵⁰ Education and research 2007-2012. Development Plan. Publications of the Ministry of Education 2008:9.
< <http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2008/liitteet/opm11.pdf?lang=fi> >

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.

During the reporting period, the Ministry of Education adopted a national core curriculum for the vocational qualification and the specialist vocational qualification of Roma culture instructor. Studies of the Roma language constitute one module of the qualifications. In addition, the authorities have planned to arrange education of teachers of the Roma language in polytechnics and studied the existence of interested participants. Qualified Roma language teachers could work in language nests and clubs, in preschool and basic education and in secondary level education.

The National Centre for Professional Development in Education has organised further education for Roma language teachers in a longer term. A project was launched for Roma language teachers in autumn 2009 to increase their knowledge about e.g. educational methods and the specific features of the Roma language. This project introduces teachers to new educational methods and new material for supporting the education of Roma pupils.

The Team for the Roma at the Finnish National Board of Education has arranged summer schools on the Roma language, providing further education to teachers of the language and activating especially the spoken language among Roma people. The purpose of the summer schools has been to maintain the knowledge and activity of Roma language teachers.

Roma may also be the language of instruction at schools, and it may be taught as the mother tongue if the parents of a child so wish.⁵¹ However, according to the Roma policy programme, teaching of the language is not available in the major part of Finland not even at the level of basic education. The situation may be like this although the legislation provides for teaching the language, and even if a sufficient number of Roma children resided in the municipality in question. Municipalities often provide premises for Roma language nests or clubs. Still, the position of the language often depends on the activity and initiatives of the Roma residing in the municipality. The state subsidies granted for supporting the basic teaching of Roma children through the development activities have increased the activity of municipalities.

In autumn 2009 the Team for the Roma at the National Board of Education established three Roma language nests in different parts of Finland. In the language nests small Roma children are taught their mother tongue by the language immersion method and accustomed to Roma culture. The language nests are maintained jointly with the regional Advisory Boards on Romani Affairs. The language nest activities are open to Roma of all ages. Children over the age of six years may attend a Roma language summer school, which offers Roma children of different ages teaching of the language and simulative activities in it. In summer 2009, there were exceptionally two summer schools. In 2009 approximately one hundred Roma persons studied Roma in summer schools.

Despite successful projects the position of Roma children in day care and pre-school education remains a concern. More attention should be based especially to the opportunities of Roma children living in unsettled conditions to attend school.

⁵¹ Basic Education Act (628/1998), Section 10 (1288/1999).

Roma language teaching material

The production of teaching material in Roma is based on the national core curriculum of basic education. The National Board of Education produces, jointly with the Roma population, material for teaching the language. A long term objective is to prepare a series of teaching material that covers entirely the pre-school and basic education, secondary education and vocational basic education for Roma children who study Roma fully or partially as their mother tongue. The basic principle has been that Roma people should write, illustrate and lay out the material by themselves in order to maximise its credibility among Roma. Although there are only few textbooks on the Roma language, the material is of a high quality. The emphasis in the production of teaching material has been on pre-school and basic education. So far, the following material has been published or is under preparation:

- *Roma Tsimbako drom*; a Roma spelling book for pupils of different ages;
- *Hohhosko liine 1 - Tinosko laave*; material for pre-school teaching;
- *Hohhosko liine 1*; a teacher's guide;
- *Buttiako Liin 1*; a workbook for the Roma spelling book for the first class;
- *Sikjiboskiiresko Liin 1*; a teacher's material for the Roma spelling book;
- *Buttiako liin 2 syksy*; a workbook for the Roma spelling book for the second class;
- *Verbin subjunktiiv*; a Roma study element on the subjunctive mood of verbs (under preparation);
- *Samuelin päivä*; a video on Roma culture;
- *Sar me sikjavaa romanes*; a Roma grammar;
- *Bahaven ta dzamben* (Roma children sing); a CD and a song booklet; and
- *Drom - Romanien tie ("The road of the Roma")*; a book on Roma culture for schoolchildren in Finnish.

The main problem in the production of teaching material is the small number of potential authors, for there is only few persons capable of preparing material in Roma. Efforts have been made to develop international cooperation in production and to find experienced authors of textbooks from the majority population who could support the preparation of material. Furthermore, training has been provided to authors of teaching material published in Roma.

Russian

In 2008 the Office of the Ombudsman for Minorities conducted a survey on the circumstances of the Russian-speaking population in Finland ("*Venäjänsuomalaisuus Suomessa 2008*").⁵² Part of the material was based on interviews conducted by a Russian speaker hired for this purpose. Available statistical data were also collected in order to study the structure and placement of the Russian-speaking population in Finland. The survey examined e.g. the situation of the Russian language and the instruction provided in Russian, the position of Russian speakers in working life and as users of public services, and their experiences on Finns' attitudes towards them. The results of the survey were reported in Finnish and Russian.

⁵² *Venäjänsuomalaisuus Suomessa*. Selvitys vähemmistövaltuutetulle. Available in Finnish at <<http://www.vahemmistovaltuutettu.fi>>.

The cities of Vantaa and Helsinki provide day care in Russian. Municipalities are obliged to arrange pre-school education either by themselves or jointly with other providers of education. They may purchase pre-school education services from public or private service providers. Municipalities arrange pre-school education in Russian at least in the cities of Helsinki, Vantaa and Kotka. The cities of Lappeenranta, Imatra and Joensuu are making preparations for pre-school education in Russian.

Although the authorities have not increased the opportunities of teachers of Russian for further education, they have arranged individual courses for them annually.

Karelian

Karelian may be studied at schools as a foreign language, an optional subject and a mother tongue instructed to immigrants. In addition, Karelian is taught in second language upkeep instruction, subsidised by separate state funds. So far, Karelian cannot be studied as mother tongue outside the teaching to immigrants.

In 2008 the University of Joensuu established a professorship of the Karelian language and culture. The professor started work at the beginning of 2009. Moreover, there exists a national core curriculum for the instruction of Karelian. The first textbook of Karelian for adults was published in 2006 by the Karelian Language Society and Ilias Oy. The book contains a grammar of Karelian as well as proverbs, songs, poems and texts in Karelian.

The first Karelian language nest in Finland was established in the city of Nurmes, in Northern Karelia, in autumn 2009. The language nest has been supported by the city and the Finnish Cultural Foundation.

The Research Institute for the Languages of Finland has prepared a dictionary of Karelian dialects in six volumes. The dictionary covers dialects of Karelian that are currently spoken or have been spoken in Finland. The approximately 550,000 words constituting the material for the dictionary were collected between the end of the 19th century and the end of the 1970s. The dictionary project started in 1955. The first volume was published in 1968 and the last one in 2005. At the beginning of 2006 the Institute started a project to publish the dictionary in an electronic format. The web dictionary is expected to be available in 2010.

Karelian language associations, open colleges and orthodox parishes arrange courses of Karelian in many localities. The Karelian Language Society has, with its own funds and received donations, started to publish books and audio books in Karelian, created networks for the distribution of its publications and opened a shop at its website.

1g) 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

Karelian

During the reporting period, open colleges in many localities increased their teaching of Karelian. Karelian associations, orthodox parishes and open colleges arrange teaching of the language throughout the year. The language may be studied in summer courses during holidays.

Self-studies of Karelian are possible by means of Livvi-language materials published by the Karelian Language Society. The Ludian Society in Finland has published a spelling book entitled *ABC-kird* in Ludian.

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

Roma

According to the Roma language policy programme published by the Research Institute for the Languages of Finland, starting sufficiently comprehensive university teaching of the Roma language is the precondition for development and continuity in the production of teaching material in Roma, teacher education, research and language planning. The teaching of the language to adults should be developed, too. Secondary education should be improved e.g. by launching a training programme for teachers of Roma and improving the opportunities of unqualified teachers to acquire the required qualifications. In the 2000s, two theses on the Roma language in Finland were written at the Institute for General Linguistics at the University of Helsinki. The University is also engaged in research of the Finnish spoken by Roma people. The Roma language policy programme recommends increasing e.g. the resources granted for research and the engagement of the Roma themselves. It also recommends developing the research so that it will produce material for the needs of language planners, producers of teaching material, and teachers.

The Roma language is researched on a permanent basis only by the two researchers whose posts were established in the Research Institute for the Languages of Finland in 1998 and 2002. In addition, the researchers participate in such activities as planning the teaching of the Roma language and publishing textbooks.

Russian

Universities may freely decide to use a language other than Finnish or Swedish as the language of instruction and examinations.⁵³ The Polytechnics Act (351/2003), too, provides that polytechnics may, if considered necessary, use a language other than their regular instruction language in their instruction, examinations and tests. English is the studying language in the master programmes under *the Finnish-Russian Cross-Border University (CBU)*. In the *CBU* project, Finnish and Russian universities cooperate for providing master programmes in different fields. The project is intended to increase cooperation between Finnish and Russian universities. *CBU* master programmes are arranged by five Finnish and four Russian universities.

⁵³ Universities Act (558/2009), Section 11.

1i) Promotion of transnational exchanges for languages used in two or more States

Sámi

The purpose of the Sámi Council established in 1956 is, among other things, to promote the interests of the Sámi as an indigenous people, to strengthen solidarity among the Sámi and to maintain their economic, social and cultural rights. The highest body of the Council, the Sámi Conference, convenes the member organisations of the Council every fourth year. The Sámi Conference selects the fifteen members of the Council, four of which represent Sweden, five Norway, four Finland and two Russia. The latest Sámi Conference was arranged in Rovaniemi in 2008.

The Nordic Sámi Language Board, subordinate to the Sámi Parliamentary Council, has continued its activities.

Roma

Cooperation in Roma affairs takes place within the framework of the Council of Europe and its European Forum for Roma and Travellers, and especially with the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe, the European Union, and European non-governmental organisations. Moreover, the Finnish Advisory Board on Romani Affairs participates in Nordic cooperation by arranging a Nordic Roma seminar, if necessary every second year.

Russian

The Finnish-Russian Society has continued its activities to foster interaction between Finland and Russia, cooperation between the countries' citizens and non-governmental organisations, as well as cultural, environmental and economic relations between the countries. The Society maintains the KuKa database on Russia-related cooperation projects of cultural and non-governmental organisations, and contact details of Russian actors who have participated in the projects. This database, funded by the Ministry of Education, contains information about nearly three hundred completed projects.⁵⁴

The KuKa database is one of the monitoring instruments under the *Russia programme in art and culture*, run by the Ministry of Education.⁵⁵ 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.

The Finnish-Russian Society is carrying out a pupil exchange project for pupils of general upper secondary schools who wish to study in Russia. The first Finnish exchange pupils under this project, which is funded by the National Board of Education, leaved for Russia in 2007.

⁵⁴ The KuKa database of Russian contacts of cultural and civil society activities in Finland; <www.kukatietokanta.fi>.

⁵⁵ Russia programme in art and culture. Publications of the Ministry of Education 2005:29; <http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2005/liitteet/opm_307_opm29.pdf>.

2. Elimination of unjustified distinction relating to the use of a regional or minority language

Right to use minority language in prison

In 2006 the Parliamentary Ombudsman examined at a general level how supervised meetings between prisoners and their family members are arranged in situations involving the use of a language which the supervising authority does not understand. The Ombudsman stated that it is important to plan the supervision of such meetings so that the use of the minority language does not cause any misunderstandings or unfounded suspicions.⁵⁶

The equality plan of the Prison Service adopted after 2006 recognises that it is vitally important to offer more training in pluralism to prison staff in order to make it possible to identify discriminatory procedures and to change models of operation. In 2008 the Team for the Roma at the National Board of Education allocated a total sum of EUR 30,000 to six different prisons for arranging training for Roma prisoners. The National Board of Education has launched negotiations on transferring the responsibility for the training of Roma prisoners to prison authorities. The National Board of Education will probably continue to support the teaching of the Roma language to Roma prisoners because it has the know-how and staff needed for the task.

The situation of Roma prisoners in other respects is described in Finland's third report on the implementation of the Framework Convention on the Protection of National Minorities.⁵⁷

Roma

In order to raise awareness of Roma culture and to improve the cooperation between Roma and authorities, the Finnish National Board of Education has produced publications and specific teaching material. In 2007 the Board published a guidebook for contacts between Roma persons and the police (*"Romanin ja poliisin kohdatessa"*) and in 2008 a guidebook for schools on contacts with Roma pupils in pre-school and basic education (*"Romanioppilaan kohtaaminen esi- ja perusopetuksessa"*). Different projects have published material on the Roma language and culture.

The Team for the Roma at the National Board of Education has arranged lectures and exhibitions dealing with the Roma language and culture for employees in different fields. In addition, schools have made Roma culture known by means of lectures. Training on the culture has been organised jointly with for instance State Provincial Offices.

During the reporting period, Roma had a slightly stronger presence in television broadcasting than before. In 2007 a series of entertainment programmes entitled *"Manne-TV/Romano-TV"* inspired a lively discussion about Roma people among Roma themselves and in media.

The *Mundo* project, organised by the Finnish Broadcasting Company Ltd in 2004–2007 and supported under the *Equal Programme* of the European Social Fund, was a project on media training and on-the-job learning for immigrants and ethnic minorities in Finland. Also journalists and media professionals with Roma background were trained under the project.

⁵⁶ Decisions of the Parliamentary Ombudsman, reg. no. 1600/4/05.

⁵⁷ <<http://formin.finland.fi/public/download.aspx?ID=54236&GUID={76A41CB2-C0F4-4374-81CF-F1EB2DDB728E}>>.

The Roma are currently more visible than before in the press, and they are portrayed in a more positive light.

3. Respect, tolerance and mutual understanding between all linguistic groups

The Ministry of the Interior has issued guidelines for fostering 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, which is currently under preparation, will obligate 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.

The Sámi Parliament participates in carrying out the national '*YES – Equality is Priority*' campaign coordinated by the Ministry of the Interior. The campaign involves close cooperation with Sámi organisations, too. In 2009, as part of the campaign, teaching material dealing with the Sámi was prepared for comprehensive schools, and a Sámi language web journal was introduced for young people. Furthermore, in September 2008, the fourth Arctic seminar was held in Inari with the Sámi Parliament, Sámi organisations and the Sámi Training Centre. The themes of the seminar were language as an instrument for passing on the identity, history and traditions of a people, and the linguistic rights of minorities.

The Sámi Council has paid attention to the fact that tolerance towards Sámi people has not increased in practice, despite the statements in the national core curriculum for comprehensive schools.

The purpose of the above-mentioned Roma policy programme is to mainstream the promotion of the equality and inclusion of the Roma population into the activities of all administrative sectors. The programme will also cover the promotion of the Roma language and culture.

During the European Year of Equal Opportunities for All 2007, Finnish authorities carried out a comprehensive media campaign on discrimination faced by different minorities. The Finnish Broadcasting Company Ltd produced a series of one-minute television documents on the theme. They were broadcast daily during a specific theme week on the nation-wide TV 1 channel, and after the theme week as interlude films during three months. The documents had approximately 20 million spectators. Moreover, a DVD containing 29 of these documents was published for training purposes. In one of the documents a Sámi man tells the audience that during his school years the use of the Sámi language was prohibited both at school and in pupils' dormitories.

The portrayal of minorities in media and the Internet is described in the third periodic report on the implementation of the Framework Convention on the Protection of National Minorities.

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

Swedish

In December 2005 the Ministry of Finance, at the initiative of Swedish-speaking non-governmental organisations, set up a cooperation group entitled *SAG (Samarbetsgruppen)* in connection with the Citizen Participation Policy Programme. A number of Swedish-speaking non-governmental

organisations and several ministries were represented in the group, which issued its final report in September 2008. In this report, entitled "*Better interaction – Better preparation*", the group proposed models for interaction practices to be used in the cooperation between the ministries and non-governmental organisations, in general, and for enhancing the cooperation with Swedish-speaking organisations, in particular.⁵⁸

Sámi languages

Section 29, subsection 1 of the Sámi Language Act (1086/2003), provides that, for each term of the Sámi Parliament, the Sámi Language Bureau and the Sámi Language Council appointed by the Sámi Parliament shall issue a report on the application of the legislation on the Sámi language, on the enforcement of the linguistic rights of the Sámi and on the development of language conditions.⁵⁹ According to Section 4 of the Government Decree on the Implementation of the Sámi Language Act (108/2004), the report shall be annexed to the report of the Sámi Parliament to the Government, referred to in Section 7 of the Act on the Sámi Parliament (974/1995). The first language report was submitted to the Sámi Parliament in autumn 2007 and transmitted to the Government in spring 2008. The report is based on a more extensive 400-page survey attached to the report.

According to the language report, the number of Sámi-speaking persons employed by local authorities and government offices has not changed in fact. Neither has the Act essentially improved the knowledge of the Sámi language among authorities and civil servants.⁶⁰ However, the report shows that the Act has made local authorities correct their practices related to the language.

Nevertheless, the Sámi Council considers that the authorities have not taken sufficient practical measures to cater for the needs and wishes highlighted by the Sámi Parliament regarding the Sámi language.

The first education report of the Sámi Parliament was published at a joint seminar of the Sámi Parliament, the Ombudsman for Minorities and the Ombudsman for Children in November 2008.⁶¹ The report is intended as an instrument of the Sámi Parliament for solving educational questions.

The working group which prepared the report had studied the teaching of the Sámi language outside the Sámi Homeland, e.g. in the cities of Helsinki, Tampere, Oulu and Rovaniemi. The report states that although the teaching in and of Sámi is very deficient also in the Sámi Homeland the situation is particularly alarming outside this region. Since Sámi is not taught at school, Sámi speakers remain illiterate in Sámi. The number of Sámi speakers is on the decline, and no new speakers are expected.

Outside the Sámi Homeland, Sámi is taught on the same grounds as immigrant languages. The education report showed that very few Sámi children and young people are taught Sámi. According to the report the efforts of Sámi parents and local educational authorities to contribute to developing the teaching of Sámi in some localities have not produced sufficient effects.

⁵⁸ Better interaction – Better preparation. Publications of the Ministry of Finance 35/2008³

<http://www.vm.fi/vm/en/04_publications_and_documents/01_publications/04_public_management/20081013Better/name.jsp>.

⁵⁹ <http://www.samediggi.fi/index.php?option=com_content&task=blogcategory&id=74&Itemid=60>.

⁶⁰ See the account of the Sámi Language Act above.

⁶¹ Saamelaiskäräjien koulutusraportti n:o 1: Saamelaiskoulutus kotiseutualueen ulkopuolella.

Roma

The Roma policy programme also pays attention to the need to improve the position of the Roma language. Roma organisations have made an active contribution to the preparation of the programme.

Since 1997, the Research Institute for the Languages of Finland has had a Roma Language Board, which issues the recommendations on the use of the Roma language. Some members of the Board have a Roma background.

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

On 30 November 2009 Finland notified the Secretary General of the Council of Europe that it would supplement its declaration annexed to the European Charter for Regional or Minority Languages. In this supplement Finland declares that it undertakes to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 of Article 7 of the Charter also to the Karelian language as a non-territorial language. The corresponding amendment to the Decree implementing the Charter took effect on 4 December 2009.

PART III

III.1 SWEDISH – THE LESS WIDELY USED NATIONAL LANGUAGE

ARTICLE 8: EDUCATION

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

a) (i) to make available pre-school education

b) (i) to make available primary education

c) (i) to make available secondary education

d) (i) to make available technical and vocational education

e) (i) to make available university and other higher education

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

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

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

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

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

Day care

Local authorities are obliged to arrange day care in Swedish for children whose mother tongue is Swedish.⁶²

The challenges in arranging day care in Swedish are, above all, connected with the availability of Swedish-speaking staff. Migration to Southern Finland has increased the demand for day care in Swedish, especially in the Helsinki metropolitan area. Local authorities have difficulties with recruiting a sufficient number of day care staff when they establish new Swedish-speaking day care centres or

⁶² Children's Day Care Act (36/1973).

purchase day care services in Swedish. It is also difficult to find qualified substitutes in Swedish-speaking regions.

The legislation and principles on the tendering of services are also applicable to day care services. An account of the language-related obligations connected with purchased services is given in connection with Article 9.

The Åbo Akademi University educates Swedish-speaking nursery school teachers in Pietarsaari, where approximately 30 persons take a degree every year. In 2001–2006, universities carried out a programme to expand their teacher education, including the education of nursery school teachers in Swedish. By 2006 approximately 20 nursery school teachers had taken a degree in this additional education funded separately by the Ministry of Education. Further education was available also in the metropolitan area. Plans exist to decentralise the education of nursery school teachers to the metropolitan area in 2011. Annually approximately 40–50 persons take a degree of a nursery school teacher in Swedish-speaking polytechnics.

The Swedish Assembly has paid attention to the need to monitor whether day care services are in fact provided in Swedish after recent and future municipal mergers.

Pre-school education

Pre-school education is provided in Finnish and Swedish by local educational or social authorities. Some associations, for instance Folkhälsan, the non-profit social welfare and health care organisation, are additionally subcontractors in pre-school education.

Basic education

In 2007 there were in all 3,066 comprehensive schools in Finland. Of these, 2,778 were Finnish-speaking and 286 Swedish-speaking. Basic education and general upper secondary education were provided at the same time in 37 schools, five of which were Swedish-speaking. In addition, there were 145 special schools, 135 of which operated in Finnish and 10 in Swedish. In all 534,534 pupils received basic education, 6% of them in Swedish.

In tens of years a considerable percentage of the pupils in Swedish-speaking comprehensive schools have been recorded in the population register as Finnish-speaking. It is probable, however, that children of bilingual families often go to Swedish-speaking schools.⁶³

Swedish-speaking comprehensive schools suffer especially from a shortage of Swedish-speaking special needs teachers and teachers of natural sciences. 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 material in Swedish.

The Swedish Cultural Foundation in Finland has also contributed to the building costs of schools teaching in Swedish in localities with small Swedish-speaking minorities. The Foundation considers that it is important to maintain Swedish-speaking educational and care units in localities where the main language is Finnish, because the language of services is in practice most often Finnish, despite measures to support bilingualism among the staff.

⁶³ Report of the Government on the Application of Language Legislation 2009, p. 61.

The legislation on basic education was described in the third periodic report.

General upper secondary education

In 2007 there were in all 406 (440 in 2004) establishments offering general upper secondary education. Of these, 32 provided education in Swedish (36 in 2004). The pupils in Finnish-speaking general upper secondary schools numbered 99,749 and those in Swedish-speaking schools 6,304. Thus the number of pupils in Swedish-speaking general upper secondary schools had increased by 9% from 2004. Swedish-language education has become more popular above all in Central Uusimaa in Southern Finland and in Helsinki, and less popular in Southern Ostrobothnia. The change in the numbers of pupils in general upper secondary schools reflects the prevailing trend of migration to the Helsinki metropolitan area. In addition, the willingness of bilingual families to place their children in Swedish-language general upper secondary schools influences the numbers of pupils in them.⁶⁴

Swedish is an obligatory subject in general upper secondary schools. An amendment to the General Upper Secondary Schools Act in 2004 made the Swedish language test to be taken in the matriculation examination voluntary.⁶⁵ The number of pupils taking the test has declined after the amendment. In spring 2005, still 90% of all Finnish-speaking candidates for the matriculation examination took the Swedish language test, but in autumn 2008 their proportion was only 73%. Of all boys, only approximately a half takes the test. Most Swedish-speaking pupils in general upper secondary schools took the Finnish language test in the matriculation examination, and even 92% of these pupils chose the most demanding one, which is the level A test, to be taken after studies of the language from classes 1-6 of basic education.⁶⁶

The voluntariness of the Swedish language test of the matriculation examination has weakened the motivation to study Swedish not only at general upper secondary schools but also at universities and polytechnics. Students' knowledge of Swedish corresponding to level B, i.e. studies of the language from classes 7-9 of basic education, has weakened in Finnish-speaking schools, and therefore it has become necessary to increasingly focus on basic teaching of Swedish instead of vocabularies of different subject fields. The Swedish Assembly in Finland has pointed out the need to take measures necessary to maintain the popularity of Swedish studies.

In connection with the amendment of the General Upper Secondary Schools Act the Government committed itself to promoting the development of studies of Swedish as the second national language. The Government set as a target to give a positive picture of bilingualism and underlined the importance of knowing both national languages. During the reporting period, Swedish studies have been developed further. The National Board of Education is carrying out two major development projects to examine the sufficiency of teaching of Swedish in schools from the viewpoint of the Language Act, and to increase the motivation to study the language and to improve the attitudes towards it especially in Finnish-speaking schools. The projects are entitled *Kansalliskielihanke – Nationalspråksutredningen* ("Project on national languages", 2007–2009) and *TOKI-hanke – TOKI-projektet* ("Project to develop the position of the second national language", 2007–2010). One of the priorities of the TOKI project is to improve cooperation between Finnish-speaking and Swedish-speaking schools.

⁶⁴ Report of the Government on the Application of Language Legislation 2009, p. 63.

⁶⁵ General Upper Secondary Schools Act (766/2004), Section 18.

⁶⁶ Report of the Government on the Application of Language Legislation 2009, p. 64.

In addition to the development projects, the Government has subsidised e.g. a project to support the teaching of Swedish (Svenska nu), arranged at the Hanasaari Cultural Centre, language immersion activities organised by Folkhälsan, and research projects of universities.⁶⁷ Moreover, e.g. the Institute of Nordic Languages at the University of Helsinki and the Institute of Swedish and German at the University of Turku have carried out parallel projects supported by the Government. The University of Vaasa has researched and developed language immersion activities.

By an amendment of the General Upper Secondary Schools Act (1116/2008), in force from the beginning of 2009, assessment of oral language skills was included in the assessment of language teaching in general upper secondary schools. The National Board of Education prepares tests for assessing oral language skills. The amendment of the Act was intended to improve the capacity of pupils to pursue further studies and to strengthen the practical approach in the teaching of foreign languages.⁶⁸

Finland and Sweden have a common history of approximately six hundred years. Studying this history is obligatory only in comprehensive schools. The Swedish Assembly in Finland considers that the history of the Swedish rule in Finland should be taught as an obligatory subject in general upper secondary schools, too. The Society of Swedish Literature in Finland has published a book on the Finnish War fought between Sweden and Russia in 1808–1809 and the Swedish heritage left in Finland (*Finskt krig, svenskt arv. Finlands historia genom nyckelhålet 1808–1809*).⁶⁹ The book deals with the history of Finland under the Swedish rule and the effects of the common history of Finland and Sweden, which are still visible in today's society. In autumn 2008 the book was distributed for instance to Swedish-speaking pupils in general upper secondary schools.

Information about the General Upper Secondary Schools Act (629/1998) was provided in the third periodic report.

Vocational education

In 2007 approximately 152,002 students (134,000 in 2004) attended vocational education leading to a qualification. Of these students approximately 6,449 (5,700 in 2004) attended education provided in Swedish and 7,826 attended bilingual education. Of the 157 vocational institutions (200 in 2004), 17 were Swedish and six bilingual. The number of Swedish-speaking and bilingual vocational colleges did not change between 2004 and 2007.⁷⁰

In 2009 vocational basic education was provided in Swedish in five provinces. In all 15 providers have been authorised to organise vocational basic education in Swedish. Two of these are permitted to arrange such education also in Finnish in some subject fields. Three of the providers arrange vocational basic education in all their subject fields in both Finnish and Swedish. Two providers of education in Finnish arrange it in Swedish, too, in two fields. Vocational basic education in Swedish is available in eight subject fields.

Vocational institutions in Finland use a joint application system for student admission. In this system the institutions arranging basic education in Swedish provide annually more intake places in proportion to the number of primary applicants than the institutions teaching in Finnish.

⁶⁷ <<http://www.svenskanu.fi/>>.

⁶⁸ Government proposal 98/2008 vp.

⁶⁹ Tom Gullberg, Nils Erik Forsgård och Joachim Mickwitz, *Finskt krig – svenskt arv. Finlands historia genom nyckelhålet 1808-1809*; Svenska litteratursällskapet i Finland och Söderström & Co Förlags Ab 2008.

⁷⁰ Report of the Government on the Application of Language Legislation 2009, p. 64.

Finnish-speaking students at vocational institutions are required to study Swedish for one credit, and Swedish-speaking students are required to study Finnish for two credits.⁷¹ In practice, Finnish-speaking students have a weak knowledge of Swedish. This is a problem especially because they often work in the service sector after their vocational education.⁷²

Education at universities and polytechnics

Since the beginning of 2010 there have been 16 universities in Finland: 10 multi-disciplinary universities, 2 universities of technology, 1 school of economics and business administration and 2 art academies.⁷³ Moreover, there is a national defence university under the Ministry of Defence.

Providing Swedish-language university teaching to the full necessitates additional resources. For example, Swedish-language books required for exams are still scarcely available.

In 2008 at least one fourth of all students admitted to universities had a knowledge of Swedish that was weaker than required. As it has not been possible to arrange all necessary additional teaching of Swedish, the language proficiency requirements for civil servants are not fulfilled in all cases.⁷⁴

University reform

With the university reform carried out as part of the overall reform of higher education institutions, universities became independent institutions governed by public law. The Act on the Implementation of the Universities Act took effect on 1 August 2009, and thereafter the new universities organised themselves as legal persons under the new Universities Act (558/2009).⁷⁵ The new universities started operating on 1 January 2010. The number of private universities grew, for the operations of the Helsinki University of Technology, the Helsinki School of Economics and the University of Art and Design Helsinki merged into Aalto University governed by the Foundations Act. The Tampere University of Technology, too, came to be maintained by a foundation. The Universities will continue to perform a public task, and their duties, responsibilities and rights to issue degrees are regulated by acts and decrees.

The autonomy of the universities became stronger when they gained the status of independent legal persons, but their main duties, i.e. research and teaching, remained unchanged. The Government provides their basic financing, which is index-linked. In addition, the universities may finance their activities with income derived from any business of their own, donations and capital income.

At least 40% of the board members of universities governed by public law must be independent of the universities. The university collegium selects the board members and may, if it so wishes, select the majority of the members from outside the university. The chairman and vice chairman of the board are selected from outside.

During the parliamentary reading of the amendment of the Universities Act, the autonomy and the administrative model of the universities became the most significant questions. The Constitutional Law Committee of the Parliament underlined the importance of maintaining the right of universities to internal decisions in decision-making on the composition of their boards.

⁷¹ Act on Vocational Education (630/1998), Section 12.

⁷² Report of the Government on the Application of Language Legislation 2009, p. 65.

⁷³ Universities Act, Section 1 (558/2009)

⁷⁴ Report of the Government on the Application of Language Legislation 2009, p. 66.

⁷⁵ Act on the Implementation of the Universities Act (559/2009).

The Government monitors the implementation and effects of the university reform and will issue a report on it to the Education and Culture Committee of the Parliament in 2012. According to the Universities Act, 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.⁷⁶ 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.

Recognition of foreign qualifications

The National Board of Education decides whether foreign qualifications confer the required competence for civil service posts in Finland. The Act on the Recognition of Professional Qualifications (1093/2007) 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. Other decisions on the comparability of foreign qualifications with Finnish qualifications are taken by virtue of 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. The granting of rights of vocational practice in Finland is the responsibility of sectoral authorities, e.g. the National Supervisory Authority for Welfare and Health (Valvira) in respect of the health care sector.

In 1997–2008 the National Board of Education took in all 370 decisions on the recognition or comparability in Finland of qualifications obtained in Sweden. Of these, 271 related to the recognition of vocational qualifications and 99 to comparability with Finnish qualifications. Of the decisions related to recognition, 118 concerned competence for educational posts, 80 competence for civil service posts or occupations for which the degree of Bachelor of Laws or Master of Laws is required, 45 concerned competence for a social worker's post and 20 competence for emergency service posts. Individual decisions have concerned competence for other occupations (e.g. social adviser, practical nurse, child day care worker). In recognition decisions the National Board of Education has, where necessary, required the applicant to acquire work experience, to take a competence test or to adapt himself or herself to Finnish society for a longer time in order to compensate for the essential difference in the length of the studies or the content of the education or vocational activities.

A person qualified in Sweden does not always need a recognition decision of the National Board of Education. For instance, a person qualified as a class teacher after at least three years of studies in another Nordic country is directly recognised as a qualified class teacher in Finland, by virtue of the Teaching Qualifications Decree.

The National Board of Education cooperates successfully with educational authorities in Sweden. The authorities cooperate in particular within the Nordic NORRIC network on the recognition of qualifications.⁷⁷ Moreover, the Swedish National Agency for Higher Education provides the National Board of Education, if necessary, with information about the recognition of qualifications.

⁷⁶ Universities Act (558/2009), Section 12.

⁷⁷ <www.norric.org>.

Teacher education

The Government has annually provided funding for further education of Swedish-speaking teaching staff. The share of further education provided in Swedish is approximately 7% of all further education funded from the state budget.

The Government has tried to correct the shortage of subject teachers by increasing the number of intake places in subject teacher education at universities. In addition to the unit of the Åbo Akademi University in Vaasa, subject teachers of Swedish are currently educated at the University of Helsinki, where this education is bilingual.⁷⁸

Assessment of the quality of language teaching

The most central policy objectives concerning the development of education are laid down in the new development plan for education and university research adopted by the Government in December 2007.⁷⁹ The implementation of the plan will be assessed for the first time in 2010. Priorities for development are to guarantee equal opportunities for education, a high quality of education and the availability of skilled labour, to develop higher education and to safeguard competent teacher resources. The previous research and development plan was made for 2003–2008.

All assessments of the learning outcomes of basic education have covered education provided in Swedish. It has also been covered by certain other assessments, e.g. the assessment of the status of language teaching in vocational institutions in 1998. A comprehensive report on the teaching of Swedish in general upper secondary schools in Swedish was published in 2007. Furthermore, the status of vocational basic education provided in Swedish has been studied in inventories of educational needs.

The assessment tasks concerning the learning outcomes of basic education have been translated into Swedish, and the most significant outcomes have been presented separately in respect of Swedish-speaking schools. In addition, Swedish-speaking schools have received a feedback report in Swedish and a Finnish final report with a summary in Swedish. A more comprehensive Swedish summary of the learning outcomes is available on the Internet. Separate assessments have been made in respect of those subjects, which are taught only at Swedish-speaking schools. The final reports on these assessments are published in Swedish. In vocational basic education, learning outcomes are monitored by means of a system based on vocational skills demonstration. In this system Swedish-speaking schools receive materials, instructions and a feedback report in Swedish.

On the whole, the learning outcomes among Swedish-speaking pupils do not significantly differ from those of Finnish speakers. At times the outcomes have been slightly poorer in mathematics and some subjects of natural sciences. This has been attributed to the shortage of teaching materials and teachers. The learning outcomes regarding the second national language differ considerably between the Finnish speakers and the Swedish speakers, the latter having better outcomes. Above all, this difference is attributable to the increasing bilingualism of Swedish speakers and the different positions of the two languages in the national core curriculum: Finnish is studied nearly only as an A-language, i.e. from classes 1-6 of basic education, whereas Swedish is mainly a B-language, i.e. studied from classes 7-9 of basic education.

⁷⁸ Report of the Government on the Application of Language Legislation 2009, p. 60.

⁷⁹ Education and research 2007-2012. Development Plan. Ministry of Education 2008:9.

<<http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2008/liitteet/opm11.pdf?lang=fi>>

ARTICLE 9: JUDICIAL AUTHORITIES

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

a) in criminal proceedings:

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

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

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

iv. to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

b) in civil proceedings:

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

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

iii. to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

c) in proceedings before courts concerning administrative matters:

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

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

iii. to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

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

2. The Parties undertake:

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

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

Legislation

The monitoring of the implementation of the Language Act has shown that law drafting material is not always translated into Swedish in time. One third of the ministries include a summary in Swedish in their other publications, too, and half of them publish now more material in Swedish than four years ago.⁸⁰

The Parliamentary Ombudsman has taken a stand on the problems encountered in correspondence between authorities in the Province of Åland and the Finnish mainland. Authorities in the mainland have not always used Swedish in their contacts with the province in the manner prescribed in the Act on the Autonomy of Åland. According to the Ombudsman, Swedish has not always been used for instance in requests for opinions, cooperation in EU-related matters and press releases.⁸¹

Judiciary

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 will be given to the safeguarding of the rights of both the Finnish speakers and the Swedish speakers when the court system is reformed. The purpose of the district court reform is to make the number of these courts correspond to the existing needs and to ensure that judicial services are provided evenly all over the country.

The district court reform also changes the qualifications required from judges regarding their knowledge of Finnish and Swedish. The new, revised qualification requirements took effect at the beginning of 2010. A district judge holding his or her post upon the entry into force of the reform remains qualified for this post in respect of the required language qualifications, and also for a post of district judge in another district court where the post may be transferred. Correspondingly, a judge appointed as district judge for a fixed term remains qualified in respect of the language qualifications until the end of the fixed-term appointment.⁸²

In the district court reform the bilingual Parainen District Court, where the majority language was Swedish, was integrated into the bilingual District Court of Varsinais-Suomi. 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. The judges appointed in this department are subject to stricter language proficiency qualifications than other judges.

The courts themselves arrange the necessary language training for their staff. Swedish language courses are held continually e.g. in the Helsinki Court of Appeal. Moreover, the Ministry of Justice arranges Swedish language courses for its office staff performing customer service duties. The demand for such courses has exceeded the supply.

⁸⁰ Report of the Government on the Application of Language Legislation 2009, pp. 20 to 21.

⁸¹ Decisions of the Parliamentary Ombudsman, reg. no. 3433/2/06.

⁸² Act Amending the Magistrates Court Act (591/2009).

No detailed information is available regarding the development of the Swedish language proficiency of judges during the reporting period. However, in November 2008 the Ministry of Justice sent the chief judges of all district courts a questionnaire about the realisation of linguistic rights in the courts. All twelve bilingual district courts and most monolingual district courts answered the questionnaire. The answers are analysed in the second report of the Government on the application of language legislation. They show that the bilingual district courts have determined the language of proceedings by asking the parties, on the basis of the language used by them in pre-trial investigation or by looking up their mother tongue in the population register. However, the right of parties to use their mother tongue in their own matter may remain unrealised especially in written proceedings. Only one fourth 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.⁸³

The Deputy Parliamentary Ombudsman regards that district courts must look up the parties' languages in the population register. He held in one of his decisions that a district court could have established by reasonable efforts from the population register that a party's mother tongue was Swedish.⁸⁴

Likewise, the Ombudsman has confirmed in another decision that the original language of processing a matter does not affect the linguistic rights of the parties. When the district court became aware of the respondent's language, the court should have ensured the realisation of the respondent's linguistic rights at its own initiative. Therefore, the matter should not have been processed in Finnish against the respondent's wish for proceedings in Swedish.⁸⁵

In 2006 the Deputy Parliamentary Ombudsman took a stand on the average lengths of proceedings conducted in Swedish before the Vaasa Court of Appeal, having studied the lengths of similar proceedings in the Courts of Appeal in Helsinki and Turku at his own initiative.⁸⁶ He concluded that the proceedings conducted in Swedish lasted longer than those in Finnish, especially in criminal cases. However, the Ombudsman did not consider the differences so significant that the reasons for them should have been examined in more detail. He stated that the statistically slower proceedings in Swedish could be partly due to the small number of such cases. In a small group of cases, a single case may affect the average length of proceedings more than in a larger group.

In his decision concerning the Vaasa Court of Appeal, the Ombudsman regarded that the longer duration of the proceedings in Swedish resulted from e.g. lack of resources. At the end of 2006 the Vaasa Court of Appeal submitted a report on the lengths of its proceedings to the Ombudsman at his request. The report showed that the differences between the lengths of Finnish and Swedish proceedings had slightly shortened but were still considerable (in 2005 nearly five months and by 12 December 2006 approximately four and a half months). So far, the differences between the lengths of proceedings in different languages did not warrant any further measures.

Prosecution service

From the beginning of April 2007, there have been 15 local prosecution offices in Finland, five of them bilingual, and one Swedish-speaking office in the Province of Åland.

In the prosecution service, the knowledge of Swedish among the staff has been improved e.g. by means of new qualification requirements regarding language proficiency. Part of the prosecutors in bilingual prosecution offices are required to meet stricter requirements on the knowledge of Swedish than those

⁸³ Report of the Government on the Application of Language Legislation 2009, pp. 50 to 52.

⁸⁴ Decisions of the Deputy Parliamentary Ombudsman, reg. no. 3547/4/06.

⁸⁵ Decisions of the Deputy Parliamentary Ombudsman, reg. no. 354/4/06.

⁸⁶ Decisions of the Deputy Parliamentary Ombudsman, reg. nos. 1538/04 and 883/2/05.

laid down in the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003). In addition to good oral and written skills in Finnish, some prosecutors are required to have excellent oral and written skills in Swedish.⁸⁷ The language skill requirements emphasizing Swedish apply to three prosecutor posts in the offices of Helsinki, Western Uusimaa and Eastern Uusimaa, two posts in the office of Varsinais-Suomi and five in the office of Ostrobothnia. All vacant posts have been filled.

Moreover, the Prosecutor General may, by virtue of section 10(2) of the Act on Public Prosecutors (199/1997), allot a criminal case in Swedish to a subordinate prosecutor with a good command of Swedish even outside that prosecutor's regular jurisdiction. In this manner, the availability of prosecutor's services in Swedish is ensured also in Finnish-speaking offices when they are exceptionally processing criminal cases with Swedish-speaking parties.

In the court training of the 20 deputy prosecutors who started in 2008, the position of Swedish was taken into account by admitting at least two deputy prosecutors with a good knowledge of Swedish for the training period. One of them was placed in the prosecution office of Ostrobothnia and the other in the office of Eastern Uusimaa.

Although the Swedish language skill requirements have increased the number of prosecutors with an excellent command of Swedish in the prosecution service, the linguistic rights of Swedish-speaking parties are not fully realised in practice, when considering the criminal process in its entirety. The Ministry of Justice has, with the assistance of the Office of the Prosecutor General, conducted a survey on bilingual prosecution offices in order to study the realisation of linguistic rights in the prosecution service. According to the preliminary analysis of the survey the realisation of linguistic rights is influenced e.g. by the facts that Swedish-speaking parties are at least partly questioned in Finnish in pre-trial investigation, all cases with such parties are not systematically assigned to Swedish-speaking prosecutors, and these parties are not automatically addressed in Swedish at main hearings.

Police administration

The structures of the police administration are being reorganised. At the first stage of the reorganisation, the administrative structures of the local police were reformed. At the beginning of 2009 the local police service was transferred to 24 new state local districts, which replaced the earlier 90 state local district police departments. The jurisdictions of the police departments are determined by a government decree (1031/2007). Seven police departments have been established in the Provinces of Southern Finland and Western Finland respectively, four in the Province of Oulu, three in the Province of Eastern Finland and two in the Province of Lapland. The police department of the Helsinki local district has remained an independent office.

The earlier bilingual state local districts with a Swedish-speaking majority were transformed into regional units of police departments in order to safeguard access to police services in Swedish.⁸⁸ Such regional units were formed from the local district of Raasepori in the Province of Southern Finland and from the local districts of Pietarsaari, Mustasaari, Närpiö and Turunmaa in the Province of Western Finland. The linguistic status of these police departments (bilingual, with a Swedish-speaking majority) and their working language (Swedish) remained unchanged.

⁸⁷ Government Decree on Prosecution Offices (88/2007), Section 8.

⁸⁸ Language Act, Section 6(2).

More precise language proficiency requirements were imposed on the staff of the regional units by a legislative amendment which entered into force at the beginning of 2009. Section 16a (1032/2007) of the Decree on Police Administration (158/1996) provides that the language proficiency requirements in regional units are determined according to the linguistic status of the unit's jurisdiction. Thus, the requirements applicable to Swedish-speaking jurisdictions are applicable in the regional units.

Since December 2006, after a legislative amendment, policemen have had an opportunity to prove their knowledge of the second national language, required for a policeman's post, by passing a language test included in the studies for their basic diploma. After this amendment, students studying for the basic diploma at the Police College of Finland may take the test of the second national language and thus prove that they fulfil the language qualifications required for a policeman's post. The certificate of the diploma in police studies specifies the language of education and the language in which the student has taken the test of the second national language included in the basic diploma, as well as the grade of the language test. In October 2006 the Ministry of the Interior adopted an amendment of the curriculum for the basic diploma in order to improve the studies of the second national language, especially Swedish, for the language test. It is also possible to prove fulfilment of the language qualifications in other manners, provided for separately, e.g. by means of a civil service language proficiency certificate, a national certificate of language proficiency, or language studies included in higher education.

The second report of the Government on the application of language legislation shows that the number of policemen who know Swedish is insufficient and that basic education of the police is not arranged as often in Swedish as in Finnish.⁸⁹

The Deputy Parliamentary Ombudsman considers that the linguistic basic rights were not realised in a situation where a Swedish-speaking individual had, due to the insufficient knowledge of Swedish of a police patrol supervising road traffic, been compelled to drive to a police department in order to clear up his case and no Swedish-speaking policeman was not present there. According to the Ombudsman, the policemen in bilingual local districts should be capable of handling simple situations in road traffic supervision in both national languages. The full realisation of linguistic rights is particularly important in cases involving the question whether a person has committed a punishable act.⁹⁰

The Deputy Parliamentary Ombudsman has also considered that the statutory requirements of policemen's language proficiency and of proving it had not been taken into account appropriately in an individual case of recruitment. Therefore, the policemen's knowledge of Swedish did not fulfil the requirements in practice.⁹¹

The Swedish Assembly in Finland has received a number of complaints concerning deficiencies in the services of police authorities in Swedish.

Border Guard

The revised Border Guard Act took effect in September 2005.⁹² The language qualification requirements in force since 2004 were included in the special legislation on the Border Guard as such, without any provisions on exemption from the requirements.

⁸⁹ Report of the Government on the Application of Language Legislation 2009, pp. 46 to 50.

⁹⁰ Decisions of the Deputy Parliamentary Ombudsman, reg. no. 2710/4/06.

⁹¹ Decisions of the Deputy Parliamentary Ombudsman, reg. nos. 2318/4/04, 2436/4/04, 2647/4/04 and 3107/4/04.

⁹² Border Guard Act (578/2005).

The language qualification requirements applicable to the Border Guard are laid down in Section 50 of the Government Decree on the Border Guard (651/2005). This section provides as language qualifications that those border guards who are not required to have a university degree for their posts must have 1) in a bilingual authority, good oral and written skills of the language of the majority population of the authority's jurisdiction, as well as satisfactory oral and written skills of the second national language, and 2) in a monolingual authority, good oral and written skills of the language of the majority population of the authority's jurisdiction, as well as satisfactory oral and written skills of the authority's language and satisfactory understanding of the second national language. In addition, the provisions of the Government Decree on the Language Qualifications of Officers regarding Finnish and Swedish (9/2004) are applied in the Border Guard to the extent applicable.

The language qualification requirements for those posts for which a university degree is a statutory qualification are laid down in Section 6 of the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003).

Whenever the Border Guard is filling a vacant post in one of its bilingual authorities, it ensures that official duties requiring the use of Finnish and Swedish can be assigned to persons knowing these languages. Such duties are taken into account in the internal training and recruitment of the Border Guard. Separate provisions exist on the language qualification requirements concerning state employees in the Province of Åland.⁹³

Supervision of legality by the Parliamentary Ombudsman

The language issues in the activities of the Parliamentary Ombudsman relate to the right to use one's own language, protected by Section 17 of the Constitution, to the obligation of public authorities to cater for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations in Finland on an equal basis, or more generally to the safeguarding of linguistic rights. An account of the Ombudsman's activities was given in the third periodic report.

The supervision of legality in language issues is mainly based on the examination of individual complaints. The Ombudsman also assesses the realisation of linguistic rights by inspection visits. Inspections are not made only for this purpose, but the Ombudsman pays attention to the right to obtain and use services in one's own language as part of his other inspections.

In the Ombudsman's activities, perhaps the most visible element related to linguistic rights has been the position of Swedish from the standpoint of applying the Language Act. The complaints connected with this issue have mainly concerned alleged deficiencies in services provided in Swedish (customer service, answers to inquiries, forms and other information, e.g. advertisements, brochures, instructions, websites), and the use of Swedish before authorities. Thus, the situation did not change during the reporting period. Also the number of language-related complaints remained nearly unchanged (approximately 20–30 complaints per year).

⁹³ Government Decree on the Language Proficiency Required from State Employees in the Province of Åland (1218/2007).

The language-related complaints processed in 2006 concerned the language of correspondence, the language used in service of summons, the lengths of court of appeal proceedings conducted in Swedish, customer service in Swedish in a hospital, the drafting of the decree on policemen's knowledge of Swedish, the language of an implementation plan for a juvenile punishment and enforcement notifications, the language qualifications required from applicants for university teaching of Swedish, the distribution of the journal of the Social Insurance Institution, the language of Euro coins, the subtitling of television programmes broadcast in English and the discontinuation of morning news broadcasts in Swedish.

ARTICLE 10: ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES

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

a) (i) to ensure that the administrative authorities use the regional or minority languages;

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

c) to allow the administrative authorities to draft documents in a regional or minority language.

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

a) the use of regional or minority languages within the framework of the regional or local authority;

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

c) the publication by regional authorities of their official documents also in the relevant regional or minority languages;

d) the publication by local authorities of their official documents also in the relevant regional or minority languages;

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

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

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

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

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

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

a) translation or interpretation as may be required;

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

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

Language proficiency of employees performing public functions

Public authorities themselves are responsible for maintaining the language proficiency of their staff, e.g. by arranging language training, if necessary. Many authorities arrange Swedish language courses for their staff. However, these courses are often voluntary, which does not guarantee participation of those civil servants who need most improvement of their language skills for performing their official duties. Some authorities have taken measures to implement the language legislation e.g. by examining the needs for services and the language proficiency of their staff, but these activities are not systematic.

Deficiencies still exist in complying with the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003). This is particularly true of the obligation to pay sufficient attention to the language qualification requirements in recruitment by authorities: job advertisements do not always mention the required language qualifications or the language qualifications necessitated by the task in question and considered as a merit, and employees' real language skills are not verified systematically before employment. In practice, language skills are often regarded as separate additional skills, which are not always given a great value in comparison with factual knowledge.

The legislation on language qualifications has partly proved to be difficult to understand. Therefore the Ministry of Justice issued in 2005 a recommendation to take language proficiency into account in recruitment to state authorities and courts.⁹⁴ According to the Deputy Parliamentary Ombudsman, public authorities must arrange their activities so that a person with knowledge of Swedish is always available among their staff.⁹⁵

Defence administration

The National Defence University arranges teaching of Swedish as part of the instruction for the officer's degree and for official courses. Before taking the master's degree, cadet course students must take the civil service Swedish proficiency test. For those who have failed in the test once and for volunteers the University arranges a set of courses, worth four credits, preparing for the test. In addition, students at the University are offered voluntary courses in Swedish, worth three credits, during each term.

The National Defence University also arranges a voluntary course of Swedish of one lesson per week for personnel of the Defence Forces at both the University and the Defence Command. In addition, the University provides annually one or two Swedish continuation courses of three days for the Defence

⁹⁴ Available in Finnish at <<http://www.om.fi/Etusivu/Perussaannoksia/Kielilaki/Suosituksia>>.

⁹⁵ Decisions of the Deputy Parliamentary Ombudsman, reg. no. 24/4/06.

Forces personnel, and produces and acquires material for self-studies of Swedish for its students and personnel.

Pursuant to the Language Act, the students at the National Defence University may write their theses also in Swedish. Theses in Swedish have been written e.g. at the Department of Leadership and Military Pedagogy.

Besides teaching Swedish, the language specialists of the National Defence University translate into Swedish e.g. documents to be sent to the Uusimaa Brigade (the only Swedish-speaking unit of the Defence Forces) and interpret discussions between authorities and conscripts at the Brigade, if this is necessary for the legal protection of conscripts. For these tasks, two new language specialist posts have been established at the University. The University has placed the holders of the posts at the Navy Command, and they are primarily responsible for translating into Swedish documents to be sent to the Uusimaa Brigade. Their responsibilities also include planning and carrying out teaching of Swedish to the whole Defence Forces personnel.

The new Conscription Act (1438/2007) entered into force at the beginning of 2008. Section 55 of the Act contains a provision corresponding to the regulation by the earlier Conscription Act, according to which the training language for conscripts is Finnish or Swedish, and Finnish-speaking and Swedish-speaking conscripts have the right to be assigned to a unit in which the training language is their mother tongue. The Defence Forces have one Swedish-speaking unit, the Uusimaa Brigade. According to Section 55 of the Conscription Act the training language may be a language other than Finnish or Swedish if the training is associated with international military crisis management, or for some other special reason. The command language of the Defence Forces is determined by the Language Act.

Employment administration

The Ministry of Employment and the Economy was established at the beginning of 2008 by merging the Ministry of Trade and Industry, the Ministry of Labour and the Regional Development Unit of the Ministry of the Interior.

The Act Implementing the Legislation on Reform of Regional State Administration (903/2009) took effect on January 2010, repealing the earlier Act on Employment and Economic Centres and Employment and Economic Development Offices. The new Act was to carry out an overall reorganisation of the Employment and Economic Centres and the subordinate employment offices by bringing the regional administration in line with the organisation model of the new Ministry of Employment and the Economy. In addition, the direction of the centres and offices was reorganised so that the Ministry of Employment and the Economy now coordinates the direction of the different sectors of administration.

Local administration

At the beginning of 2009 Finland was divided into 348 municipalities, of which 19 were Swedish-speaking and 34 bilingual. Of all municipalities, 332 were located in the Finnish mainland and 16 in the Province of Åland. The 32 municipal mergers carried out at the beginning of 2009 reduced the number of the municipalities by 67. Half of the mergers combined more than two municipalities.

At the beginning of 2009, 14 of the bilingual municipalities had a Swedish-speaking majority and 20 a Finnish-speaking majority. A total of 1.5 million Finns resided in bilingual municipalities. Of all Swedish speakers, approximately 140,000 resided in municipalities with a Finnish-speaking majority.

The linguistic status of all municipalities up until the year 2012 has been determined by a government decision. The linguistic status is determined for ten years at a time on the basis of population statistics. A municipality is bilingual if at least eight per cent of its population or three thousand of its residents speak a minority language as their mother tongue.

Language Barometer 2008

The Language Barometer 2008 surveyed the views of the inhabitants of bilingual municipalities on the functionality of municipal services in Swedish in different sectors.⁹⁶ The survey covered 43 municipalities, of which 21 had Swedish and 22 Finnish as a minority language. A corresponding survey was conducted in 2006, but only in the Helsinki metropolitan area ("*Service på svenska i huvudstadsregionen*").⁹⁷

According to the Barometer, 39% of the Swedish-speaking answerers 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.

In all sectors covered by the Barometer, services provided in Swedish were regarded to show a poorer quality than services in Finnish. The answers of the Finnish and the Swedish minorities differed from each other most in respect of services of alarm centres, emergency authorities, 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.

The Association of Finnish Local and Regional Authorities has improved the availability of services provided in Swedish e.g. by publishing a guide for assessing services in Swedish as part of a project to improve the provision of these services in the Helsinki metropolitan area.⁹⁸ The guide is intended to help municipalities in assessing and developing their services provided in Swedish. The project, launched by the Helsinki Metropolitan Area Council, the Association of Finnish Local and Regional Authorities, the Regional Council of Southern Coastal Finland (*Sydkustens landskapsförbund*) and the Åbo Akademi University, involves all four municipalities in the Helsinki metropolitan area.

The need of municipalities and joint municipal authorities for labour force will grow in the next few years. In this context, the Swedish Assembly in Finland has paid attention to the growing need for civil servants who know Swedish. This need will be particularly pressing in day care in Southern Finland and in social welfare and health care services all over the country. At the same time, the knowledge of Swedish among employees with Finnish as their mother tongue is becoming increasingly important.

⁹⁶ Service in Swedish and Finnish – From citizens' perspective. Language Barometer 2008.

⁹⁷ Available in Finnish at < http://www.kunnat.net/k_peruslistasivu.asp?path=1;29;352;30555;101819>.

⁹⁸ Handbook for assessment of services in Swedish. The Association of Finnish Local and Regional Authorities 2007.

Services purchased by municipalities

Municipalities also purchase services from the private sector. In public procurement, the realisation of linguistic rights must be ensured in tendering and the actual production of services. Private actors responsible for performing public administrative functions are subject to the same language requirements as public authorities.⁹⁹ In tendering, municipalities must accept the tender which is economically most advantageous or least expensive for the contracting unit. The criteria for the economically most advantageous tender are e.g. the quality and language of the offered service.¹⁰⁰

However, 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.¹⁰¹ Since the provision of services in Swedish was not always mentioned as a criterion in purchase contracts, it was possible that a private service provider rendered services only in Finnish even when the municipality in question was obliged by law to provide them also in Swedish.

In 2009 the Ministry of Finance published new terms and conditions of contracts on public procurement, replacing the general terms and conditions adopted in 1994. There are separate terms and conditions of purchase contracts for services and goods.¹⁰² The new terms and conditions do not contain a separate provision on consideration for minority languages.

The Association of Finnish Local and Regional Authorities and the Ministry of Employment and the Economy maintain and finance a counselling unit for public procurement, operating within the organisation of the Association. The unit has four lawyers, who provide counselling also in Swedish. Because there is a lively demand for counselling in Swedish-speaking and bilingual municipalities, it is important to maintain the financing and continuity of the unit's activities. The unit has been granted funds for one year at a time.

By procurement instructions of their own, municipalities may in practice influence the realisation of linguistic rights in their procurement of services. 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 instructions for public procurement and thus advise municipal councils to take account of linguistic rights when purchasing services.

The Ministry of Finance monitors customer satisfaction with public services by means of annual quality barometers. The barometers contain questions about how satisfied citizens representing different language groups are with public services. In the next few years, the quality barometers are expected to produce systematic information about the trends in customer satisfaction in different language groups.

⁹⁹ Language Act (423/2003), Section 25.

¹⁰⁰ Public Procurement Act (348/2007).

¹⁰¹ Report of the Government on the application of language legislation 2009, p. 20.

¹⁰² <http://www.kunnat.net/k_perussivu.asp?path=1;161;120419;120423;120802;157049>.

Act on Restructuring Local Government and Services

The Act on Restructuring Local Government and Services took effect in February 2007.¹⁰³ 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. It is possible to depart from the cooperation requirements laid down in the Act for instance when this is necessary in order to safeguard the linguistic rights of Finnish speakers or Swedish speakers.

In Finland, services necessitating a broad population base are ensured in local administration by joint municipal authorities listed in Section 7 of the Act on Specialized Medical Care. Each municipality must belong to one joint municipal authority, and the monolingual Swedish-speaking municipalities are members to a joint municipal authority responsible for arranging services in Swedish for its member municipalities.

According to the Government Programme a system will be put in place to evaluate all major central and local government reform projects in terms of their implications for the status of the official languages of Finland. For this purpose the Ministry of Justice has, at its website, instructed drafters of legislation to pay attention to certain considerations when assessing such linguistic effects.¹⁰⁴

The Association of Finnish Local and Regional Authorities has studied the effects of the restructuring of local government on municipal services provided in Swedish, as part of the assessment programme of the restructuring project. The assessment programme is intended to produce comparable information about the changes taking place in municipalities during the validity of the Act, from the standpoint of the different operating sectors of the municipalities. The programme is also expected to strengthen the self-government and protection of interests of the municipalities. A monitoring study on the quality of services in Swedish (SpråKon) is carried out by the Swedish School of Social Science of the University of Helsinki, the Institute of Public Administration of the Åbo Akademi University and the Vaasa Unit of the Åbo Akademi University. The quality of services in Swedish is monitored jointly with the central actors responsible for the language of services.

The Association of Finnish Local and Regional Authorities cooperate with the Swedish Assembly in Finland in order to realise linguistic rights at municipal level. The rights of Swedish speakers in Finland are monitored especially by the Swedish Delegation of the Association.

Reform project for regional state administration

The reform of regional state administration, based on the Government Programme, took effect on 1 January 2010.

The reform was started in summer 2007 for clarifying the roles, duties, direction and territories of regional state authorities. It is intended to improve the citizen and customer orientation, performance and effectiveness in regional administration. The Parliament adopted the reform legislation in November 2009.¹⁰⁵

¹⁰³ Act on Restructuring Local Government and Services (169/2007).

¹⁰⁴

<<http://www.om.fi/Etusivu/Perussaannoksia/Kielilaki/Kielisaannoksetsaadostuvalmistelussa/Kielellistenvaikutustenarviointi>>.

¹⁰⁵ Government proposal 59/2009 vp; Government proposal 161/2009 vp.

The new legislation amended approximately 1,200 legislative provisions, contained in 215 acts of Parliament. By the end of the year 2012 the Government will submit to the Parliament a report on the implementation of the reform.

The reform abolished the State Provincial Offices, the Employment and Economic Centres, the Regional Environmental Centres, the Environmental Permit Authorities, the Road Districts and the Occupational Safety and Health District Offices. At the beginning of 2010 their duties were transferred to two new groups of authorities, six Regional State Administrative Agencies and fifteen Centres for Economic Development, Transport and the Environment.

A working group connected with the reform project studied the arrangement of bilingual services by those authorities which turned from monolingual to bilingual. The group studied the ability of these authorities to offer services in both Finnish and Swedish. The results of the study were taken into account in drafting the government decrees on the new authorities.

The reform of regional state administration merged the earlier six bilingual regional authorities into two bilingual administrative authorities. During the reform project the number of Swedish-speaking and bilingual municipalities declined from 62 to 50 by the beginning of 2010. The Swedish Assembly in Finland has pointed out that one of the municipal mergers connected with the reform made the Swedish-speaking Finby municipality part of an entirely monolingual Finnish municipality, and this had a direct effect on the linguistic rights of the residents of Finby. The Assembly considers that the linguistic effects of the reform cannot yet be assessed reliably, because the reform was carried out only recently.

Furthermore, the Assembly has 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. Moreover, in the reorganisation of the police administration all five police authorities with Swedish as their majority language were replaced with four Swedish-speaking regional units of police departments as from the beginning of 2009.

In November 2009 the Province of Central Ostrobothnia, including the bilingual Kokkola municipality, was merged with the bilingual administrative district of Vaasa, located south of the province. Thus, the linguistic rights of the Swedish-speaking population in Kokkola remained unchanged.

ARTICLE 11: MEDIA

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

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

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

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

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

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

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

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

2. The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language.

The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

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

Radio and television services in Finland

With the digitalisation of the television broadcasting in Finland, the Finnish Broadcasting Company Ltd has significantly increased its programmes intended for Swedish-speaking audience. Since September 2007 the Swedish-language FST channel of the company has been visible all over the country. Due to increased services, Finland has now two Swedish radio channels and one digital full service television channel for broadcasting in Swedish.

In 2007 the Government issued network and programme licences for digital television broadcasting in the region of Vaasa. The purpose of the licences was to ensure the continuity of television programmes in Swedish in the region after the final changeover to digital television broadcasting. In addition, a number of programmes and local broadcasts in Swedish are visible on the Internet.

So far there are 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. 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.

Finnish cable television networks make it possible to follow a number of Swedish-language television channels. 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. Although the licensee is the Finnish Broadcasting Company Ltd, showing SVT Europa is not part of its own public service but broadcasting subject to a separate licence.

The Swedish Assembly in Finland has emphasised the importance of ensuring the activities of state-financed radio and television channels in order to realise the legal rights of the Swedish-speaking population in Finland.

Swedish-language media

Ten newspapers in Finland are published in Swedish. In addition, there are a large number of Swedish-language magazines and other regular publications in Swedish.

The Association of Finnish Local and Regional Authorities publishes its own journal (*Kuntalehti*) in Swedish, too (*Finlands Kommuntidning*). The journal reports regularly also on the linguistic conditions of Swedish speakers at municipal and regional levels.

The Swedish Assembly in Finland considers the Swedish-language journals vital for promoting the realisation of Swedish speakers' linguistic rights.

ARTICLE 12: CULTURAL ACTIVITIES AND FACILITIES

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

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

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

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

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

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

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

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

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

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

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

Promotion of arts and other cultural activities

Arts are promoted in Finland by 9 national arts councils and 13 regional arts councils. The councils are set up with consideration to ensure that the different branches of arts are represented in them and that regional and linguistic aspects are taken into account. The central body for the different arts councils is the Arts Council of Finland. It also has two boards, which award grants and subsidies to writers and translators (the Board for Grants and Subsidies to Writers and Translators) and to visual artists whose artworks can be shown in public (the Board for Public Display Grants to Visual Artists).

The annual state budget includes an appropriation from which state artist grants are awarded for work and studies of artists in different fields. In addition, the arts councils award grants and project-specific subsidies, within the limits of their appropriations, to artists, working groups and communities. Section 5 of the Artist Grants Decree provides that it must be ensured in awarding grants that account is also taken of regional and linguistic considerations.¹⁰⁶

In 2009, 7% of all applicants for grants of national arts councils were Swedish-speaking, and they also accounted for 7% of the recipients. In the field of literature, the percentage of these applicants was 8% and their percentage of the recipients was 10%.

Discretionary grants and subsidies for public lending right compensation are allocated annually to writers and translators on the basis that books written or translated by them are kept available free of charge in public libraries. Such grants and subsidies are awarded to writers and translators who reside or have resided permanently in Finland and whose literary work enriches the cultural life in Finland. The annual appropriation available for this purpose corresponds to 10% of the sum of money used for acquisitions of literature to municipally maintained public libraries in the previous calendar year. In 2009 the appropriation amounted to EUR 2,662,891 and in all 929 writers and translators received grants and subsidies.

¹⁰⁶ Decree on Offices of Honorary Arts Professors and Artist Grants of the Government (845/1969).

In 2010, the appropriations reserved for arts and other forms of culture in the yearly state budget amounted to approximately EUR 385 million, of which EUR 198 million were financed with lottery proceeds. The cultural activities in Finnish and in Swedish are supported on equal grounds. During the reporting period, the Government continued to grant operating subsidies also to the national Finland-Swedish organisation for promoting local culture and heritage (*Finlands svenska hembygdsförbund*). The sum awarded in 2010 was EUR 65 000. In addition, a number of special foundations and funds support cultural activities in Swedish.

The Subcommittee for Children's Culture in the Arts Council of Finland awards annually grants and special subsidies for projects to foster children's culture. In 2009 the grants and special subsidies awarded amounted to EUR 480,000. Of this sum, 10% (EUR 48,000, 14 projects) were allocated for projects in Swedish.

The third term of *Taikalamppu* ("Aladdin's Lamp"), the network of Finnish arts centres for children and young people, started in 2009 and continues until the end of 2013.

ARTICLE 13: ECONOMIC AND SOCIAL LIFE

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

a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;

c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;

d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above subparagraphs.

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

a) to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;

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

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

d) to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;

e) to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.

Social welfare and health care services in citizens' own languages

The availability of social welfare and health care services in both national languages, Finnish and Swedish, is described in the second report of the Government on the application of language legislation.¹⁰⁷ The report shows, among other things, that there are still major differences between municipalities regarding the availability of social welfare and health care services in citizens' mother tongue. Many small bilingual municipalities have given up arranging special services in both national languages because of low demand. However, many bilingual municipalities report that they do not provide social welfare and health care services in Swedish permanently but may arrange them when necessary.

Hospital district language programme

The Executive Board of the Hospital District of Helsinki and Uusimaa (HUS) adopted in June 2007 a language programme on good care in both Swedish and Finnish ("*God vård på svenska och finska*"), to be observed in its strategy work. The programme contains practical recommendations for improving the services of the hospital from the language standpoint. The purpose of the programme is to better safeguard the statutory right of patients to be served on equal grounds irrespective of mother tongue. The HUS Executive Board also decided to set up a steering group to supervise the implementation of the language programme, but organisational changes have delayed the setting up of the group.

Language bonus

In June 2007 the Executive Board of the Hospital District of Helsinki and Uusimaa introduced a language bonus in order to encourage its staff to use the second national language or the sign language in their work. The number of employees receiving the language bonus has grown considerably. The city of Kokkola, too, has introduced a new, staggered language bonus system, which applies to all staff of the city.

The Swedish Assembly in Finland has contributed to solving the language problems encountered in the health care sector by publishing a concise Swedish dictionary for Finnish-speaking nursing staff ("*Jag är här för dig*", "*I am here for you*"). The dictionary is intended to facilitate communication with Swedish-speaking patients and Finnish-speaking nursing staff and to encourage nurses to speak Swedish. Furthermore, in 2006-2008 the Assembly organised five seminars for nursing staff in different parts of Finland on citizens' right to nursing in their mother tongue.

¹⁰⁷ Report of the Government on the Application of Language Legislation 2009.

Study on social and health services in customers' mother tongue

In 2008 the Ministry of Social Affairs and Health commissioned a study on social welfare and health care services in customers' mother tongue in bilingual municipalities.¹⁰⁸ Of all Swedish-speaking and bilingual municipalities, 42 reported that they provided social and health services in both Finnish and Swedish. In municipalities with a Swedish-speaking majority it was easier to receive such services in one's mother tongue than in Finnish majority municipalities. The municipalities with a Finnish majority in Ostrobothnia had paid particular attention to the linguistic rights of Swedish speakers. Also those rural-like and densely populated municipalities in Southern Finland which had a considerable percentage of Swedish-speaking inhabitants had paid attention to the availability of bilingual services. By contrast, those urban-like municipalities in Southern Finland which had a low percentage of Swedish-speaking inhabitants but a high number of them showed problems with the availability of services in Swedish. This was the case although different solution models had been developed and implemented. Many Swedish speakers were often compelled to settle for services in Finnish because the social welfare and health care staff had an insufficient knowledge of Swedish.

The study on social welfare and health care services in customers' mother tongue examined the realisation of linguistic rights especially from the standpoint of child welfare, care for the elderly and mental health services. In child welfare, the situations between different municipalities varied to a large extent irrespective of the language of their majority populations. The size of each municipality and the number of child welfare cases in it largely determined the type of supportive measures needed. Cooperation between municipalities helped to solve more rare problems. Swedish majority municipalities showed better availability of elderly care services in both national languages than those with a Finnish majority.

Although the situation was considered reasonable in municipalities with a Finnish-speaking majority, customers experienced problems with the availability of services, especially because of changes of staff and their insufficient knowledge of Swedish. It was most challenging to arrange home-help service and nursing visits at customers' home in their own language. The availability of mental health services in customers' mother tongue was better in municipalities with a Swedish-speaking majority. In these municipalities both children and young people and adults received services equally in both Finnish and Swedish. In Finnish majority municipalities, out-patient services for children were slightly better available also in Swedish than such services for young people and adults. Deficiencies were found in the provision of patient records and statements in patients' mother tongue. Municipalities with a Swedish-speaking majority included in their service purchase contracts a requirement of providing care in the patient's language. The situation varied more between Finnish-speaking municipalities.

The Swedish Assembly in Finland has pointed out that the study on social welfare and health care services in customers' mother tongue was conducted from the standpoint of municipalities providing health care services and therefore does not reflect patients' opinions sufficiently.

¹⁰⁸ Omakieliset sosiaali- ja terveydenhuollon palvelut kaksikielisissä kunnissa. Stakes raportteja 4/2008. Available in Finnish at <<http://www.stakes.fi/verkkojulkaisut/raportit/R4-2008-VERKKO.pdf>>.

Problems with the availability of services in Swedish have been recognised especially in the Helsinki metropolitan area, and they are being corrected. In 2007 a working group examining the provision of services in Swedish under the Helsinki Metropolitan Area Council made proposals for organising such services. The group proposed that the municipalities in the area should establish a joint counselling service in Swedish. Some municipalities or joint municipal authorities have prepared commitments to render services in different languages¹⁰⁹ and language programmes¹¹⁰ in order to better realise the linguistic rights of customers.

On-duty services and language

The second report of the Government on the application of language legislation shows that it is difficult to arrange on-duty services in Swedish, especially in many small municipalities and large municipalities with a Finnish-speaking majority. Municipalities with a Swedish-speaking majority report that they provide on-duty services in both Finnish and Swedish.¹¹¹

According to the Parliamentary Ombudsman, there were not many complaints concerning the realisation of linguistic rights in the health care sector during the reporting period. However, the Ombudsman has made some decisions on the language in patient records.

The Parliamentary Ombudsman considers that for the realisation of patients' linguistic rights they 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.¹¹² In the Ombudsman's opinion it was problematic that the Finnish Patient Insurance Centre used an external counsel when responding to Swedish-language actions concerning patient injuries but processed Finnish-language cases by using its 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.¹¹³

The consideration of patients' and customers' linguistic rights, especially in psychiatric special health care, social welfare institutions and authorities and prison service, is part of the supervision of legality. For example at the end of 2006, after an inspection at the Public Guardian's Office of Espoo City, the Deputy Parliamentary Ombudsman examined at his own initiative the language used in guardian's accounts. In his decision reg. no. 423/4/07 of 14 October 2008 the Ombudsman concluded that guardian's accounts should be written in the mother tongue of the guardian's principal, in either Finnish or Swedish.

The Ombudsman underlined the significance of the language of patient records also in a case where the complainant considered that a private hospital had rendered services in Swedish insufficiently. Because the complainant had been sent to this hospital by a public health care unit purchasing services from it, the hospital performed a public function and was thus obliged to safeguard the realisation of the patient's linguistic rights.¹¹⁴

¹⁰⁹ E.g. the cities of Lohja and Tammisaari.

¹¹⁰ E.g. the Hospital District of Helsinki and Uusimaa.

¹¹¹ Report of the Government on the Application of Language Legislation 2009, p. 43.

¹¹² Decision of the Parliamentary Ombudsman reg. no. 3086/4/06.

¹¹³ Decision of the Parliamentary Ombudsman reg. no. 2938/4/04.

¹¹⁴ Decision of the Parliamentary Ombudsman reg. no. 3882/4/05.

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

Emergency response centres

In 2006 the Deputy Parliamentary Ombudsman conducted an inspection at the Emergency Response Centre Administration. The emergency response centres in Vaasa and Helsinki were considered capable of functioning well in two languages, when necessary. Problems were identified especially in South-western Finland, although the emergency response centres there, too, have always one Swedish-speaking duty officer on duty. Rendering services in customers' mother tongue was problematic largely because it is not easy to recruit duty officers knowing Swedish. There are no statutory language proficiency qualifications for duty officers at emergency response centres.

During the reporting period the Government issued a report on the reform of emergency response centres.¹¹⁵ The report set objectives for developing the activities of the centres, e.g. ensuring the availability of services with consideration the local circumstances, and ensuring the quality of the services all over the country. The centres must render services in both Finnish and Swedish and respond to the linguistic needs of immigrants and the multicultural Finnish society. In order to improve the provision of services in Swedish, an additional bilingual course for duty officers will be organised in the Helsinki metropolitan area. In recruitment, the Emergency Response Centre Administration must pay attention to the language proficiency required for the tasks, taking account of the situation in individual centres.

The Emergency Response Centre Administration launched a data system project during the reporting period. The new operational model of data systems should be introduced between the years 2012 and 2015. By that time, the emergency response centres should have access to a nation-wide data system and a joint data base. In the new system, emergency calls in different languages can be directed to persons who speak the language needed.

The Ministry of the Interior is revising the legislation on emergency response centres and reviewing the qualifications required of the staff in this context.

In the Language Barometer 2008, Swedish-speaking respondents residing in bilingual municipalities gave a considerably lower mark (7.45) than Finnish-speaking respondents residing in bilingual municipalities (8.98) to activities of emergency response centres. The quality rating for services of emergency response centres varied considerably by region, although they should be of an equal quality throughout the country.

The Swedish Assembly in Finland has regarded it as a problem that duty officers of emergency response centres are trained only in Kuopio, in Finnish. The teaching of Swedish to Finnish-speaking officers has not improved the availability of emergency services in Swedish.

¹¹⁵ Available in Finnish at
<[http://www.intermin.fi/intermin/biblio.nsf/44B3AAC9D8341258C22573B50031B3A2/\\$file/542007.pdf](http://www.intermin.fi/intermin/biblio.nsf/44B3AAC9D8341258C22573B50031B3A2/$file/542007.pdf)>.

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

As to Article 14 there is nothing to report.

III.2 SÁMI LANGUAGE: A REGIONAL MINORITY LANGUAGE

ARTICLE 8: EDUCATION

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

a) (i) to make available pre-school education

b) (i) to make available primary education

c) (i) to make available secondary education

d) (i) to make available technical and vocational education

e) (i) to make available university and other higher education

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

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

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

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

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

Day care

To maintain the Sámi language and culture it is important to give Sámi children the opportunity for day care services in Sámi.

During the reporting period the Ombudsman for Minorities requested the National Discrimination Tribunal of Finland to examine whether the City of Rovaniemi had discriminated against Sámi population when arranging day care for children. The Tribunal considered that Sámi children had a statutory right to day care in their own mother tongue, on an equal basis with Finnish-speaking children. The City did not substantiate that it had taken sufficient measures to fulfil its statutory obligation to arrange day care for Sámi children in an appropriate manner. The Tribunal held that the City, in its day care arrangements, had discriminated against Sámi-speaking children on the basis of their ethnic background. The Tribunal prohibited the City from continuing or renewing the ethnic discrimination against the Sámi-speaking population in its day care arrangements, because it thus violated the Non-Discrimination Act. The City was ordered to comply with the discrimination prohibition immediately,

under penalty of a fine.¹¹⁶ The decision constitutes a significant position on how the Non-Discrimination Act must be applied, showing that a procedure in itself may be discriminatory even if the victim of discrimination is not identified.

Utsjoki municipality has paid attention to the fact that it is not possible to arrange a partly separate day care group for Sámi children whose both parents or one of them do not speak Sámi. When children who speak Sámi poorly or do not speak it at all share a day care group with children whose mother tongue is Sámi, the opportunities of the latter to develop their knowledge of the language are undermined. It is time-consuming for the employees of day care centres to guide beginners. However, the results are good. Children with Sámi as their mother tongue should have opportunities to develop perfect command of it. The lack of day care in Sámi also threatens the right of those Sámi children who have "lost" their mother tongue to the language and culture of their ancestors. The knowledge of Sámi among parents who originally had it as their mother tongue may fade away for various reasons.

During the reporting period, Inari municipality started day care in Skolt Sámi in Ivalo village. The activities are comparable with language nests, and they are partly financed with subsidies intended for social welfare and health care services in Sámi. The Sámi Parliament and the municipalities decide on the allocation of the subsidies. The parents pay the normal day care fee for their children. Funds have been reserved also for day care services in Sevettijärvi village, but so far this project has not been carried out because of the small number of children.

There are fewer qualified Sámi-speaking kindergarten teachers than needed, and pedagogical guides on Sámi culture and language do not exist at all.

As to day care provided in Sámi in other respects, reference is made to the third periodic report.

Pre-school education

Municipalities receive state subsidies for the pay costs incurred from arranging teaching in and of Sámi. This applies to pre-school education, too. All municipalities in the Sámi Homeland provide pre-school education in Sámi. Such education is arranged mainly in combined classes, where the two first class levels of the school attend basic education at the same time.

Sevettijärvi School provides pre-school education in Skolt Sámi.

The appropriations granted by the National Board of Education for the production of teaching material in Sámi may also be used for pre-school material. The Sámi Parliament produces teaching material in all three Sámi languages, also for pre-school education. The availability of Skolt Sámi material, in particular, has been scarce, for there are not enough authors of such material knowing Skolt Sámi, and skilled authors have not been found.

As to pre-school education provided in Sámi in other respects, reference is made to the third periodic report.

¹¹⁶ Decision of the National Discrimination Tribunal of Finland reg. no. 2008–25/Pe-2.

Basic and general upper secondary education

According to the Government's development plan for education and research for the years 2007–2012 the Government supports the opportunities of Sámi-speaking pupils to participate in pre-school and basic education as well as general upper secondary education in their mother tongue.

In the Sámi Homeland municipalities, 11 pupils have attended basic education in Inari Sámi and 4 pupils in Skolt Sámi. Inari municipality has employed staff for basic education in Inari Sámi. However, the persons teaching in Inari Sámi do not have a teacher's qualifications at the moment. The general upper secondary school in Ivalo teaches Inari Sámi by means of distance teaching. Skolt Sámi is taught in Sevettijärvi and Ivalo.

One special feature in Utsjoki municipality is the large number of Sámi children and elderly persons who do not know Finnish. A major part of the children under 8 years of age either do not know Finnish at all or know it very poorly. All vacant posts of Sámi-speaking class teachers in Utsjoki have been filled, but there are not enough subject teachers. Sámi-speaking teaching groups can be arranged only in the comprehensive school, especially at the lowest classes. Utsjoki municipality has undertaken partial responsibility for the cooperation between Utsjokisuu School and the Norwegian Sirma School, started originally by Sámi parents and maintained later by the local Sámi association.

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.

Although the Basic Education Act and the Children's Day Care Act, among other legislation, lay down rights related to Sámi culture and the three Sámi languages spoken in Finland, even municipal authorities in the Sámi Homeland may still be unaware of statutory rights and obligations.¹¹⁷

The Sámi Parliament reports that Sámi children who do not know their mother tongue need language nest activities and that the number of separate Sámi-language teaching groups in general upper secondary schools has declined. An account of the first education report of the Sámi Parliament was given above on page 36.¹¹⁸

As to the teaching of and in Sámi in other respects, reference is made to the third periodic report.

Teaching of and in Sámi outside the Sámi Homeland

An increasing percentage of the Sámi in Finland reside outside the Sámi Homeland. The statistics compiled in connection with the elections of the Sámi Parliament in 2007 showed that 38% of the Sámi in Finland resided the Sámi Homeland. Many children and young Sámi reside outside the Homeland, for in 2007 in all 59% of the Sámi aged 11–17 years and more than 60% of those aged 18–24 resided outside the Homeland. In the group of Sámi children younger than 10 years the percentage was approximately 70%.

¹¹⁷ Basic Education Act (628/1998), Sections 10 (1288/1999), 12 and 15; Children's Day Care Act (875/1981), Section 11.

¹¹⁸ Saamelaiskäräjien koulutusraportti N:o 1: Saamelaisopetus kotiseutualueen ulkopuolella.

The constitutional right of the Sámi to their own language and culture also applies to the Sámi residing outside the Sámi Homeland. Unlike in respect of the day care of children, the Sámi Language Act does not obligate municipalities to arrange teaching of the Sámi language outside the Homeland. The legislation on education does not contain provisions on teaching of the language outside the Sámi Homeland.

Sámi may be taught outside the Sámi Homeland by virtue of a separate decision of the Ministry of Education. The related Decree currently in force was enacted in 2007.¹¹⁹ Section 3 of the Decree provides that those educational institutions which do not arrange mother tongue teaching under section 12 of the Basic Education Act and Section 8 of the General Upper Secondary Schools Act for pupils speaking Sámi, Roma or other second languages may be granted government subsidies for this teaching, for the maximum of 2.5 lesson hours per week per teaching group. The precondition for the subsidy is that the teaching group of the language in question has at least four pupils at the beginning of the term, or, in teaching in the form of courses, that at least four pupils or students attend the course when it begins. The teaching of the Sámi language outside the Homeland supplements the other instruction as additional subject teaching.

In school years 2007–2008 in all 36 pupils, of which 29 in basic education and 7 in general upper secondary school education, received subject teaching of the Sámi language outside the Sámi Homeland. Except for one case with a pupil speaking Inari Sámi, the language taught was North Sámi. The teaching is provided as contact teaching in the cities of Oulu, Rovaniemi and Tampere, which have employed part-time teachers. Other municipalities have arranged distance teaching of Sámi on the Internet, where the language is taught by teachers of Inari municipality. At the end of 2008 the Sámi Parliament published a report on the education of Sámi outside the Sámi Homeland.¹²⁰

In 2008 the Ombudsman for Minorities studied the realisation of the rights of Sámi people in the Helsinki metropolitan area. The outcomes of the project were reported in a publication on the Sámi language in the area ("*Saamen kieli pääkaupunkiseudulla*").¹²¹ At that time, statistics showed that slightly less than one thousand Sámi resided in the metropolitan area. Therefore the realisation of the linguistic rights of the Sámi is important also to that area. However, the Ombudsman's report, published in Finnish and North Sámi, showed that deficiencies continue to exist in the provision of services in Sámi.

National core curriculum for Sámi-language instruction

According to the national core curriculum for basic education adopted by the National Board of Education in 2004, the instruction during basic education is based on Finnish culture, which has developed in interaction with e.g. indigenous cultures.¹²² The circumstances to be taken into consideration in the instruction include the national languages, the status of the Sámi as an indigenous people and national minorities.

¹¹⁹ Decree of the Ministry of Education on the Criteria for State Subsidies Granted for Supplementary Teaching of Pupils Speaking a Foreign Language, Sámi or Roma in Basic and General Upper Secondary Education (392/2007).

¹²⁰ Saamelaisopetus kotiseutalueen ulkopuolella. Saamelaiskäräjien koulutusraportti N:o. 1.

¹²¹ The Sámi Language within the Metropolitan Area. Publications of the Ombudsman for Minorities no. 5/2008.

¹²² < http://www.oph.fi/english/sources_of_information/articles_and_presentations/101/new_national_core_curricula>.

The national core curriculum is valid for an undetermined period and obligates the providers of education to include in their school-specific or provider-specific curricula the objectives and essential contents of instruction defined in the national curriculum. The national core curriculum is intended to ensure the realisation of educational basic rights, equality, uniformity and quality of education, and legal protection. The National Board of Education monitors the effects of the national core curricula for education and qualifications mainly when assessing education.

All municipalities arranging instruction in Sámi must prepare and adopt a curriculum for Sámi-language instruction, based on the national core curriculum. The national curriculum permits highlighting Sámi culture and local subjects in instruction. By the year 2007 all municipalities arranging instruction in the Sámi Homeland had prepared and adopted a curriculum for instruction in Sámi.

According to the national core curriculum, Sámi-language instruction is given in North Sámi, Inari Sámi and Skolt Sámi. The key instructional objective is to support pupils in their growth towards active bilingualism and multiculturalism. In instruction in Sámi, all subjects taught support the development of the pupils' skills in their mother tongue. In addition, the instruction must support the pupils' identification with their cultural heritage and strengthen the affinity between Sámi people living in different countries. The instruction adheres to the objectives and educational contents of the national core curriculum, taking account, however, of the distinctive features of the cultural and linguistic situation of the Sámi. The instruction emphasises particularly the history of the Sámi and the knowledge of their contemporary community, traditional livelihoods and traditions of music (*luohti*, *leu'dd*), narration (*máinnas*) and handicraft (*duodji*). The resources used in Sámi-language instruction include the local environment, the clan, the Sámi-language media and active links with other Sámi areas. The school as a learning environment must support the instruction in Sámi and cooperate with homes and parents to ensure that they take account of the Sámi traditions of upbringing and teaching.

The National Board of Education holds that it would be sensible to prepare a core curriculum for instruction in Sámi. The outcome of the cooperation between the Sámi Homeland municipalities would constitute a regional curriculum for instruction in Sámi.

The national core curriculum requires that the schools in the Sámi Homeland must teach Sámi history. However, even some history textbooks written in Sámi present the Sámi and their culture very briefly. No actual textbook on Sámi history is available in Finland.

Virtual teaching in Sámi

According to the Basic Education Act, basic education must be provided as contact teaching, and therefore it has been considered impossible in practice to offer virtual and distance teaching. The capacity of municipalities to arrange virtual teaching of the Sámi language should be examined, as municipalities have the statutory right to arrange basic education.

In 2004–2007 the National Board of Education supported the development of virtual teaching of and in Sámi by means of its *Virtuaalisaame* ("Virtual Sámi") project. In this virtual school project and earlier individual trials, pupils living outside the Sámi Homeland have been taught Sámi by distance teaching from the Homeland. The project is intended to develop arrangements based on distance and multiform learning and 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 instruction and Sámi-language instruction. The providers of distance teaching of Sámi may use the models for distance teaching of rare languages which virtual school projects have developed in different parts of Finland. Inari municipality, too, is improving the opportunities for distance learning of Sámi.

The Sámi Training Centre has, on different occasions, emphasised the possibility of arranging basic education by means of distance teaching. The Centre has proposed lifting the quota of 1,200 pupil weeks per school year which the relevant legislation prescribes for instruction aimed to develop and foster Sámi culture. The quota should be replaced with an annual agreement on the matter, to be concluded in performance negotiations. The Centre aims at doubling the amount of resources reserved for this instruction, in order to be able to teach the Sámi language and culture also outside the Sámi Homeland.

The instruction aimed to develop and foster Sámi culture is regulated by the Act on Liberal Adult Education (632/1998). However, the Act does not permit educational institutions of the state to maintain such instruction. Therefore the legislation on the Sámi Training Centre should be supplemented with provisions on arranging this kind of instruction. The National Board of Education continues to consider it appropriate to stipulate the minimum quota for this instruction per school year by legislation. The contact teaching would still be arranged in the Sámi Homeland, but the teaching could be expanded to the rest of the country by means of virtual methods.

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, which supports cross-border cooperation and economic development in the European Union. The material covers the requirements of the basic syllabus for languages in general upper secondary education.

Education at universities and polytechnics

Teacher education

Sámi-speaking teachers and teachers of Sámi are recruited by the local providers of education. The Giellagas Institute at the University of Oulu is responsible at national level for the teaching of the Sámi language and culture and teacher education in Sámi. Class teachers teaching in North Sámi are, as a rule, trained teachers. Also some students speaking Inari and Skolt Sámi have completed teacher education. However, the education takes at least four years, and so far the scarce number of students has not increased the availability of teachers for basic teaching of Inari and Skolt Sámi.

The teacher situation has not improved in respect of subject teaching, either, because no Sámi-speaking students have applied for subject teacher education. The same is true for subject teachers speaking North Sámi.

To support the passing of the knowledge of Inari Sámi over to new Sámi generations the Research Institute for the Languages of Finland and the Inari Sámi Association have introduced a one-year training programme on Inari Sámi. The programme is intended for qualified teachers, authorities and media using Inari Sámi. The programme aims at speeding up the availability of professionals speaking Inari Sámi by teaching the language directly to qualified professionals.

The Sámi Parliament has tried to increase the number of students applying for Sámi-language teacher education but has not found suitable means to support potential applicants. Too few persons speaking Sámi as their mother tongue have completed the education.

The Sámi Council, too, has paid attention to the shortage of Sámi-speaking subject teachers. The Council holds that the education of subject teachers speaking Inari and Skolt Sámi should not depend on the availability of professors knowing these languages.

Adult education and further education

Further education of teachers

The Regional State Administrative Agency of Lapland arranges further education for Sámi-speaking teachers jointly. The National Board of Education may support the further education of teachers teaching Sámi or in Sámi with funds reserved for further education of teachers. The further education is intended to support the implementation of the national core curriculum. The further education funded in the 2000s has aimed to improve teachers' skills of virtual working methods and to train them in preparing virtual courses and virtual teaching.

The National Board of Education has received only few applications for funds for further education of teachers teaching Sámi or in Sámi. In this education, too, especially the weak availability of Sámi-speaking instructors is a problem. The instructions for applying for the funds and the related information material exist in Finnish and Swedish. No further education for teachers has been arranged especially in Skolt or Inari Sámi, because the numbers of potential participants are very small.

Sámi Training Centre

The Sámi Training Centre teaches the Sámi language and culture as an obligatory subject. The Centre offers training leading to vocational upper secondary qualifications in the fields of handicraft and industrial arts, natural resources and the environment, hotel and catering, social welfare and health care, tourism, business, and computing and software. The Centre provides a wide range of courses in the Sámi language and culture. The maximum amount of these courses is 1,200 student weeks per school year. Part of the instruction is given in Sámi also in the programmes leading to vocational upper secondary qualifications (mainly in the fields of handicraft and industrial arts, and natural resources and the environment (reindeer herding)).

| | 2005 | 2006 | 2007 |
|--|------|------|------|
| Arranged vocational upper secondary education - students | 129 | 127 | 128 |
| General education for adults - students | 22 | 15 | 14 |
| Education in Sámi language and culture - students | 643 | 701 | 705 |
| Further and continuing education - student working days | 4543 | 2823 | 3564 |
| Labour policy education - student days | 1409 | 3593 | 7895 |

The education arranged in Sámi is comparable with education in Finnish and thus gives eligibility for further studies in any educational institution in Finland.

Production of teaching material

So far, the funds granted to the Sámi Parliament for the production of teaching material have amounted to EUR 258,000 per year. The amount remained unchanged during the reporting period. The Sámi Parliament has prepared Sámi-language teaching material with funds allocated for producing material with a small circulation. The funds are reserved annually in the budget of the National Board of Education. The Board allocates them to the Sámi Parliament, which is responsible for producing Sámi teaching material.

The funds may be used only for producing basic teaching material in Sámi and supplementary material for use at all levels of education pursuant to the national core curricula. They cannot be used for other Sámi-language material. The produced Sámi-language textbooks are free of charge for schools and providers of education, unlike the material (e.g. textbooks in Swedish) produced with funds granted by the National Board of Education for material with a small circulation.

The national core curricula and the needs to develop them are taken into account in the production of teaching material. Material has been produced in North, Inari and Skolt Sámi for all educational levels, from pre-school education to adult education. The Sámi Parliament is engaged in Nordic cooperation, contributes to developing Nordic Sámi terminology and cooperates with the Sámi Radio of the Finnish Broadcasting Company in the field of audio books and devices. In addition the Sámi Parliament produces written, audiovisual, DVD and virtual material: spelling books, textbooks and workbooks of different subjects, maps and dictionaries, language and music recordings and supplementary material. A long-term plan for the production of teaching material is under preparation. Although also digital products have been produced, the available material is mainly in written form.

The Sámi Council holds that Sámi culture is weakly visible in Sámi-language teaching material, for the Educational Office of the Sámi Parliament has not had sufficient resources for preparing all the products directly in Sámi. Finnish-language material is translated into Sámi, but this does not foster Sámi pupils' awareness of their own culture. The Sámi Council regards that the national core curriculum permits producing teaching material directly in Sámi.

In 2008 the Sámi Parliament issued an interim report on the use of the government subsidy granted for the production of teaching material in Sámi until the end of August 2008. The Sámi Parliament has set up expert groups to study the availability of and need for teaching material. Separate working groups are dealing with material intended for class levels 1–6 and 7–9, on one hand, and for general and vocational upper secondary education, on the other hand. The working groups have prepared proposals on material to be revised and produced, which discuss the production of material from the standpoint of municipal curricula.

The website of the Sámi Parliament was revised in spring 2008, whereafter the material intended for the use of teachers and pupils was published on the Internet. The Sámi Parliament considers that especially the production of web-based material should be promoted in cooperation with experts of data and communications technology in the Sámi Homeland. Efficient and economic solutions should be sought jointly with the interest groups. According to the Sámi Parliament the usability of the teaching material should be improved together with authorities responsible for international cooperation.

There is a shortage of teaching material especially in general upper secondary education and adult education. 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. For instance, there is need for material that supports the revival of the Sámi language and is suitable for use in language nests.

Survey of opinions of Nordic Sámi children and young people

In 2007–2008 the Ombudsmen for Children in Finland, Sweden and Norway cooperated closely in order to promote the rights of Sámi children. The Ombudsmen surveyed in their own countries the opinions and experience of Sámi children and young people residing in the Sámi Homeland regarding the factors influencing their well-being. The outcomes of the survey were reported in both Swedish and North Sámi.¹²³ A separate report exists on the outcomes in Finland.¹²⁴

The survey showed that young Sámi people in Finland, Sweden and Norway greatly appreciated teaching of and in Sámi and were satisfied with it. Sámi children had mainly a strong and positive Sámi identity, where the Sámi language and reindeer herding played an important role. However, the role of parents in supporting young people's language and identity varied considerably, because some Sámi parents themselves had had only few opportunities to study the Sámi language, or their experience of being Sámi could be negative, for example if they had been compelled to live in school dormitories in their childhood.

According to the survey, Sámi children and young people were in unequal positions regarding the teaching of and in Sámi. The basic problem identified in Sámi-language teaching was the lack of continuity, for the shortage of qualified Sámi-speaking subject teachers continued. Other problems included the lack of teaching material, and in Finland the fact that matriculation examination tests of subjects studied at school in Sámi, e.g. 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.

A significant problem encountered in Finland was that children and young people were not taught Sámi culture and history. Moreover, Sámi children and young people considered that the portrayal of Sámi in the media was mainly in conflict with their own conception of contemporary Sámi. Media continues to give a very stereotyped picture of the Sámi. Children and young people wished that the radio, television and Internet would offer more services in Sámi. Especially in Finland and Sweden, particularly the children of the majority population living outside the Sámi Homeland knew very little or hardly anything at all about the Sámi or their culture, and Sámi culture was not included in their studies.

Sámi children were very fond of their home districts and wanted to have more contacts with Sámi people living in different parts of the country or the northern regions. Children and young people felt that they had only few contacts with the cultural autonomy of the Sámi. The Ombudsmen for Children in Finland, Sweden and Norway recommended in their joint conclusions that the national Sámi Parliaments should foster interaction with children and young people, for instance by setting up youth councils or corresponding bodies for Sámi under 18 years of age.

The outcomes of the survey in the different Nordic countries were very much alike. The Ombudsmen recommended in their conclusions 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 education and further education, 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.

¹²³ Rätten till delaktighet och inflytande för samiska barn och ungdomar. Sámi mánáid ja nuoraid oassálastinvuoigatvuohta jváikkuhanvuoigatvuohta, < http://www.lapsiasia.fi/c/document_library/get_file?folderId=101063&name=DLFE-8157.pdf>.

¹²⁴ Sápmelašvuohta lea dego skeaŋka - Saamelaisuus on kuin lahja. Lapsiasiavaltuutetun toimiston selvityksiä 1/2008, < http://www.lapsiasia.fi/c/document_library/get_file?folderId=101063&name=DLFE-8153.pdf>.

The outcomes of the survey were reported to the Governments of Finland, Sweden and Norway and the Sámi Parliamentary Council, which took them into positive consideration in the conclusions of its session in November 2008.

ARTICLE 9: JUDICIAL AUTHORITIES

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

a) in criminal proceedings:

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

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

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

iv. to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

b) in civil proceedings:

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

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

iii. to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

c) in proceedings before courts concerning administrative matters:

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

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

iii. to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

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

2. The Parties undertake:

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

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

Judiciary

The right of the Sámi to use their own language before courts and other authorities as well as the obligations of public authorities to realise and promote the linguistic rights of the Sámi are regulated by the Sámi Language Act (1086/2003), which entered into force on 1 January 2004. Section 24 of the Act provides that an authority must, in its activity and on its own, ensure that the linguistic rights guaranteed in the Act are secured in practice. The authority must show to the public that it offers service also in Sámi, and may provide also better linguistic service than what is required in the Act.

The special provisions applicable in the Sámi Homeland are laid down in chapter 3 of the Sámi Language Act. Section 14 of the Act provides that when recruiting, an authority must see to it that the personnel in each office or other premises located in the Sámi Homeland can provide customer service also in Sámi. In addition, the authority must provide training or take other measures to ensure that the personnel have the knowledge of Sámi necessary for the performance of the functions of the authority. Staff of Enontekiö municipality, at least, has attended teaching of Sámi.

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 sufficiency of services in Sámi by using interpreters and translators. All courts that answered the questionnaire conducted for the report had a positive attitude towards the Sámi Language Act, and most courts under the scope of the Act informed the public about their services in Sámi. However, the courts did not monitor the implementation of the Act.¹²⁵

A number of forms used for 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 especially the Skolt Sámi orthography is often deficient. Therefore, Finnish forms are frequently used instead of Sámi forms.

The Sámi Council reports that, so far, widely used administrative texts and forms are not sufficiently available to the public in Sámi or in bilingual format.

Prosecution service

Since the beginning of April 2007, the jurisdiction of the Prosecution Office of Lapland has encompassed the whole Province of Lapland. According to the territorial principle, prosecution is mainly conducted at the headquarters of the Prosecution Office, in Rovaniemi, and its five service bureaus located in Kemi, Kemijärvi, Tornio, Ivalo and Sodankylä. The Sodankylä service bureau has one prosecutor and a secretary. Due to the small number of criminal cases in the Inari-Utsjoki region,

¹²⁵ The Implementation of the Sámi Language Act from 2004 to 2006. The Sámi Parliament 2008, pp. 229 to 236.

the prosecutor of the Ivalo service bureau is not available daily, but during pre-assigned service hours and whenever necessary.

In the cooperation between the pre-trial investigation authorities, prosecutors and the District Court of Lapland, the pre-trial investigation authority inquires which language the parties to a criminal case speak as their mother tongue and whether they wish to use Sámi at the pre-trial stage and before court. In this manner it is possible to prepare already at the pre-trial stage for having the relevant documents translated and for rendering services in Sámi.

Relatively few criminal cases involve parties with Sámi as their mother tongue, and even in such cases the parties can speak also Finnish. Interpretation or translation services are seldom called for also for the reason that many Sámi-speaking people cannot read or write the language well enough. At the moment, 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, the bailiff of Ivalo, six border guards and one policeman in Utsjoki 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. Furthermore, the interpretation and translation service attached to the Sámi Parliament is available for use also in criminal matters.

In spring 2008 the prosecution service organised in Inari a discussion meeting on prosecution services in the Sámi Homeland. At this meeting the various cooperating bodies discussed extensively the demand for and supply of services in Sámi in the administration of criminal justice in the region. In addition to the Prosecutor General and other representatives of the prosecution service, the meeting was attended by representatives of the Sámi Parliament, the police department in Lapland, the Border Guard, the Customs District, legal aid authorities, mediation authorities, specialists in the Sámi Language Act, advocates, the District Court of Lapland and some municipalities. The participants concluded that authorities try to offer services in Sámi as far as possible in all practical situations in the administration of criminal justice.

Police administration

Some permit and licence forms of the police can be printed from their website in Finnish and Swedish. Moreover, certain forms are available in electronic format so that they can be completed on computer and filed with the police. At present, only criminal complaints can be filed electronically. The problems encountered in attempts to produce electronic forms in Sámi have been technical. As the web system does not permit the use of an extended alphabet, the special characters of Sámi cannot be used.

In 2008 the Police Department of the Ministry of the Interior stated in reply to a letter of the Deputy Parliamentary Ombudsman, concerning the lack of forms in Sámi, that the most important forms of the police would be made available in Sámi as soon as possible. The Police Department has also studied which forms should be translated into Sámi. If the police cannot find a technical solution for providing the necessary forms in electronic format within a reasonable time, the existing forms can be translated into Sámi in Word format.

Border Guard

Because of the scarce number of Sámi speakers referred to in the Sámi Language Act, the Border Guard has not managed to recruit a sufficient number of Sámi-speaking staff. Therefore, the Border Guard is often compelled to use interpreters in order to safeguard the linguistic rights of Sámi people. When necessary, the Border Guard also supports its employees who study Sámi voluntarily.

Any movement and other activity in the border zone between Finland and Russia is subject to a permit. The Border Guard has published brochures on the border zone permit and the related application procedure e.g. in Swedish and Sámi. Moreover, the signposts showing the outer boundary of the border zone in the Sámi language area have texts in Sámi, and the signposts of the border guard stations are in Sámi.

The report on the implementation of the Sámi Language Act in 2004–2006 described the activities of the Border Guard and Customs from the standpoint of the linguistic rights of the Sámi.¹²⁶ The report proposed that Sámi speakers performing military service in the border jaeger company located in the Sámi Homeland should be encouraged to speak Sámi during their service, and the provision of information about the Sámi Language Act should be increased. The report also pointed out that, for reasons of legal protection, services in Sámi should be available especially in situations where the Border Guard intervenes in the rights of the individual.¹²⁷

Supervision of legality by the Parliamentary Ombudsman

During the reporting period the Parliamentary Ombudsman has received very few complaints concerning the position of the Sámi language and studied only a few related cases at his own initiative.

In 2007 the Ombudsman issued five decisions on the position of Sámi. Two of them related to access to Sámi-language day care, one to the language of a draft statement of a municipal executive board, and two to the lack of forms in Sámi among documents connected with a summary penal judgment. In the summary penal judgment case the Ombudsman informed the Ministry of the Interior and the Ministry of Justice about the observed deficiencies and requested the ministries to notify him of the measures taken to correct the situation. The Ministry of Justice notified that it had taken measures to have the forms translated to all Sámi languages used in Finland.

ARTICLE 10: ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES

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

a) (i) to ensure that the administrative authorities use the regional or minority languages;

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

c) to allow the administrative authorities to draft documents in a regional or minority language.

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

¹²⁶ The Implementation of the Sámi Language Act from 2004 to 2006. The Sámi Parliament 2008, pp. 189 to 202.

¹²⁷ The Implementation of the Sámi Language Act from 2004 to 2006. The Sámi Parliament 2008, p. 201.

- a) the use of regional or minority languages within the framework of the regional or local authority;*
- b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;*
- c) the publication by regional authorities of their official documents also in the relevant regional or minority languages;*
- d) the publication by local authorities of their official documents also in the relevant regional or minority languages;*
- e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- f) the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- g) the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

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

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

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

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

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

General

Section 31 of the Sámi Language Act provides that an appropriation shall be included in the state budget for purposes of state support to municipalities, parishes, herding cooperatives within the Sámi Homeland and private entities performing a public administrative function and referred to in Section 18 of the Act (e.g. fishing districts, forestry societies and local hunters' associations) for covering the specific additional costs of applying the Act. The budget of the administrative sector of the Ministry of Justice includes such an appropriation, which has amounted to EUR 130,000 per year after the entry into force of the Sámi Language Act. From this appropriation, subsidies have been granted mainly for costs of translation, interpretation and advertising as well as additional costs for Sámi language training for staff (costs for substitutes' pay).

Local administration

The Local Register Office of Lapland serves customers in North Sámi both orally and in writing. Its territory covers all municipalities in the Province of Lapland.

The Act on Restructuring Local Government and Services took effect in February 2007.¹²⁸ The changes in local administration described above in connection with Article 10 and influencing the rights of the Swedish-speaking minority concern the Sámi, too. Section 1 of the Act provides that in planning the implementation of arrangements under the Act, public authorities must take account of the linguistic rights of the Sámi and their right as an indigenous people to maintain and develop their own language and culture, as well as their linguistic and cultural self-government in the Sámi Homeland. In addition, it is possible to depart from the cooperation requirements laid down in the Act for instance when this is necessary in order to safeguard the linguistic or cultural rights of Sámi people.

Defence administration

Until the end of 2007 the territory of the Lapland Command covered the whole Province of Lapland and thus also the Sámi Homeland.

In the new command and administration system of the Defence Forces, which was introduced at the beginning of 2008, the territory of the Lapland Command was changed so that the Sámi-speaking municipalities were transferred to the territory of the Upper Lapland Regional Office. This office is responsible for conscription issues under the Northern Command. Its territory covers the nine northernmost municipalities in Finland: Enontekiö, Inari, Kittilä, Kolari, Muonio, Pelkosenniemi, Savukoski, Sodankylä and Utsjoki.

The Jaeger Brigade is the northernmost unit of the Defence Forces. Approximately 60% of the conscripts trained in the Brigade come from the Province of Oulu and approximately 40% from the Province of Lapland. Conscripts enter service twice a year. The target strength of each group entering service is 730 conscripts. Of each group, an average of 3–5 persons speaks Sámi as their mother tongue.

At all stages of conscription, Sámi-speaking persons may present written and oral applications in Sámi to the Upper Lapland Regional Office and, when in service, also to the Jaeger Brigade. Until the end of 2007 the Lapland Command Headquarters applied the same procedure in its sphere of responsibility. Applications written in Sámi are not subject to formal requirements, for the forms of the Defence Forces do not exist in Sámi. In the case of oral applications the Upper Lapland Regional Office and the Jaeger Brigade can, in normal situations within some hours, arrange a military person speaking Sámi as his mother tongue to act as an interpreter. Currently, one Sámi-speaking warrant officer is serving in the Jaeger Brigade.

Also call-up notices are available in Sámi in the Upper Lapland Regional Office. Until the end of 2007 they were displayed in the Lapland Command also in Sámi. The call-up notices are translated annually by the Sámi Parliament and sent to the Sámi Homeland municipalities, where they are displayed on municipal notice boards. Persons liable for military service who speak Sámi as their home language according to the data recorded in the Population Information System are sent call-up notices in Sámi together with the other call-up documents.

¹²⁸ Act on Restructuring Local Government and Services (169/2007).

In the actual call-ups, too, the opportunity of using Sámi is emphasised. The Sámi Homeland municipalities try to designate Sámi-speaking representatives to the Call-up Board. If no such persons are available, interpretation services are arranged with support from the Sámi Parliament.

Currently, the call-up notices translated into Sámi are displayed at the website of the Upper Lapland Regional Office. Plans are made to translate the website into Sámi. The signposts of the Regional Office in Sodankylä are written in the different Sámi languages.

In recruitment for posts in the Upper Lapland Regional Office, knowledge of Sámi is considered as a merit for the applicants. The staff has been trained to apply the Sámi Language Act and the European Charter for Regional or Minority Languages.

Employment administration

The realisation of the linguistic rights of the Sámi in employment administration, in respect of the employment offices of Northern Lapland and Mountain Lapland, was assessed in the report on the implementation of the Sámi Language Act in 2004–2006.¹²⁹ The report shows that during these years customer service in Sámi was available in the Sámi Homeland only in Kaaresuvanto employment office in Enontekiö municipality. Other employment offices in the Sámi Homeland served customers in Sámi by means of interpretation. Similarly, only Kaaresuvanto employment office was able to advise customers in Sámi when they complete 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.¹³⁰

In other respects the realisation of the linguistic rights of the Sámi in labour administration was described in the third periodic report.

Language proficiency requirements for civil servants

The report on the implementation of the Sámi Language Act in 2004–2006 assessed compliance with the language proficiency requirements for civil servants in these years. It appears from the report that by the year 2006 the Sámi Language Act had not essentially influenced the use of the Sámi language and the realisation of the linguistic rights of the Sámi. According to the report, the progress was hampered above all by the shortage of qualified Sámi-speaking staff.¹³¹

Based on a survey, the report analyses the knowledge of Sámi among civil servants and employees with comparable duties in the Sámi Homeland municipalities and those government units to which the Sámi Language Act is applicable.¹³² Approximately 40% of all municipal and state civil servants who received the survey questionnaire responded to it. Of the respondents, 7.1% 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. In 2006, 14.8% of the municipal and state authorities operating in the Sámi Homeland were able to serve customers in Sámi. The knowledge of Sámi was not regarded as a particular qualification for official functions or a merit in 87% of posts and employments in the Sámi

¹²⁹ The Implementation of the Sámi Language Act from 2004 to 2006. The Sámi Parliament 2008, pp. 162 to 170.

¹³⁰ The Implementation of the Sámi Language Act from 2004 to 2006. The Sámi Parliament, p. 170.

¹³¹ The Implementation of the Sámi Language Act from 2004 to 2006. The Sámi Parliament 2008, p. 13.

¹³² Sámi Language Act (1086/2003), Section 2.

Homeland in cases where the knowledge of Sámi was not a qualification for the post, employment or function.¹³³

Sámi language in the Evangelical Lutheran Church and the Orthodox Church of Finland

The report on the implementation of the Sámi Language Act in 2004–2006 assessed the realisation of the linguistic rights of the Sámi in the Evangelical Lutheran Church and the Orthodox Church of Finland.¹³⁴ According to the report, the Evangelical Lutheran parishes in Utsjoki and Inari could serve Sámi people in Inari and North Sámi, and the Orthodox Church in Skolt Sámi. The employees of the churches in Utsjoki and Inari were aware of the Sámi Language Act, but the objectives of the Act were not realised in Sodankylä municipality during the reporting period.¹³⁵

In other respects the realisation of the linguistic rights of the Sámi in the Evangelical Lutheran Church and the Orthodox Church was described in the third periodic report.

Sámi name planning

The Research Institute for the Languages of Finland is responsible for Sámi place name planning. An essential part of this work is the checking of place names in maps, including checks on their orthography and placement in maps.

The Institute started collecting Sámi material for its names archive in the 1960s. The archive, maintained for research and name planning, contains material in North, Inari and Skolt Sámi.

In autumn 2007 the Land Survey of Finland introduced a topographic database, covering the whole Finland and showing, among other things, details of the Finnish terrain and the country's built environment and place names. The database is updated continuously on a regional basis. The data originates from the activities of the Land Survey of Finland itself and its local cooperation partners. Before the authority records in the database the place name information received from interviews with local people, the Research Institute for the Languages of Finland checks the names and their orthography by using its names archives, among other sources. When updating the database the Land Survey of Finland has increased the amount of topographic information in Sámi and put Sámi place names and road names widely into use. The database information covers the whole country, except for the northernmost parts of Lapland, and it is updated regularly at about five years' intervals.

At the end of 2007 the topographic database contained more than 6,000 North Sámi place names, approximately 4,500 Inari Sámi names and nearly 300 Skolt Sámi names. Because the place names are written by the current orthographic rules of Sámi, they may be used as support for name planning and the preparation of signposts.

¹³³ The Implementation of the Sámi Language Act from 2004 to 2006. The Sámi Parliament 2008, p. 56-57.

¹³⁴ The Implementation of the Sámi Language Act from 2004 to 2006. The Sámi Parliament 2008, p. 210-221.

¹³⁵ The Implementation of the Sámi Language Act from 2004 to 2006. The Sámi Parliament 2008, p. 219-220.

The Research Institute for the Languages of Finland has contributed to developing a new Finnish keyboard setting. The new, standardised order of keys, produced under a project to localise information technology, has been approved and made available for users.¹³⁶ The keyboard permits writing not only in Finnish and Swedish but also in Sámi and Roma. Its universal characters include all characters used in Finnish and its cognate languages, the characters used in the language communities surrounding Finland, and historical characters. However, keyboards with the new order of keys are not yet available.

The Nordic Sámi Parliaments have set up a joint Nordic Sámi Language Board under the Sámi Parliamentary Council.

ARTICLE 11: MEDIA

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

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

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

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

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

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

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

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

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

¹³⁶ <<http://www.kotus.fi/?l=en&s=2459>>.

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

Finnish Broadcasting Company Ltd

The Government did not receive applications for licences to establish private Sámi-language radio or television channels during the reporting period.

During the reporting period the Finnish Broadcasting Company Ltd made efforts to ensure the availability of Sámi-language programmes. The strategy planning of the company at different levels includes development of services in Sámi. Moreover, such activities are developed in close Nordic cooperation between Finland, Sweden and Norway.

Sámi Radio

The Sámi Radio of the Finnish Broadcasting Company Ltd sends approximately 2,000 hours of radio programmes in Sámi per year in Northern Lapland. Of this amount, about 1,800 hours are broadcast in North Sámi, about 100 hours in Skolt Sámi and about 100 hours in Inari Sámi. The programmes consist of music, news, current affairs, culture, entertainment, devotional programmes, and programmes for children and young people. Once a week a children's programme is sent in Inari, Skolt and North Sámi. On working days there are six regional news broadcasts and five Nordic news broadcasts per day. News in Skolt Sámi and Inari Sámi are broadcast once a week.

Television broadcasts

The Finnish Broadcasting Company has enhanced its television broadcasting in Sámi by launching a 15 minute programme entitled *Unna Junná* for children in September 2007. The programme is transmitted on TV 2 channel once a week on Sunday mornings from 7.45 to 8.00 and as a re-run on FST5 channel from 10.30 to 10.45. In addition, *Unna Junná* can be watched on the *TV Finland* satellite channel on Sundays at 7.30 a.m.

The programme is produced jointly with the Swedish Television Company SVT. It is mainly spoken in North Sámi, but partly also in Inari and Skolt Sámi, and subtitled in Finnish and Swedish. In the course of autumn 2007, 15 episodes of *Unna Junná* came out, and 30 additional episodes were produced in 2008 and 2009.

The Sámi language television news, *Oddasat*, are transmitted on the Broadcasting Company's *FST5* channel in Northern Finland. Nationwide re-runs are broadcast on FST5 late in the evening with Finnish and Swedish subtitles. The TV2 channel sends the news with subtitles in Finnish as re-runs at 9 in the following morning. The *Oddasat* broadcast on Friday is transmitted on Saturday also elsewhere in Europe via the TV Finland channel.

The Sámi news desks of the Norwegian Broadcasting Corporation *NRK*, the Finnish Broadcasting Company and the Swedish Television Company *SVT* produce Sámi news as Nordic cooperation. The news releases are mainly transmitted in North Sámi. The Sámi TV news are sent on weekdays, excepting a nine-week summer break. First-time releases cover about 48 hours per year. Starting from 5

October 2007, the 60th anniversary of Sámi-language radio broadcasting, the entire radio programme service in Sámi was made available to listeners also through the Broadcasting Company's Internet service *Areena*, so that the web radio today reaches also the audience outside the coverage area of the radio.

Children's programmes in Sámi are available through the Broadcasting Company's *Living Archive* service on the Internet. News releases in Sámi can also be viewed on the Broadcasting Company's *Areena* service on the Internet, where children's programmes are available after their transmission for a month. The Broadcasting Company's Sámi Radio Internet site enables listening to radio news, which are also available in a text format. Children's programmes and Inari and Skolt Sámi programmes are also available on demand.

In 2008 the substitute of the Deputy Parliamentary Ombudsman took a position on the conduct of the Finnish Broadcasting Company Ltd in a case where it had failed to send a Sámi-language television programme. Programme production can be regarded as a public function falling under the jurisdiction of the Ombudsman when it comes to fulfilling the special requirements imposed in the Act on Yleisradio Oy on the public service of the company regarding the content and broadcasting of its programmes. By contrast, the overall programme policy, the planning and placement of programmes, and the supervision of contents of individual programmes are excluded from the Ombudsman's jurisdiction. With reference to this jurisdictional situation, the substitute of the Ombudsman held that the failure to broadcast a certain Sámi-language television programme did not constitute a reason to suspect that the company had not complied with the requirements laid down in section 7 of the Act when performing public service.

Sámi-language press

The *Anarâskielâ servi* association of Inari Sámi publishes a journal entitled *Anarâs* ("Inari Sámi"), which comes out 4-5 times per year. The Ministry of Education subsidises the journal annually from funds reserved for cultural journals. In addition to its publishing activities, started in 1987, the association promotes the development of the Inari Sámi language, for instance by granting awards to school pupils studying Inari Sámi in schools in Inari, arranging events, maintaining a language nest and publishing music and literature in Inari Sámi.

As to the Sámi-language press in other respects, reference is made to the third periodic report.

Press subsidies

In 2007 the eligibility criteria for press subsidies remained unchanged.

At the beginning of 2008 the criteria were revised so that the subsidies are now granted mainly on parliamentary grounds. The subsidies are intended for political parties as support for their provision of information. After the revision, the annual amount of parliamentary press subsidies is EUR 90,000 per member of a Parliament. In addition to parliamentary press subsidies, selective press subsidies are now available e.g. for publishing newspapers in minority languages. As a result of the revision, the total amount of press subsidies rose by EUR 4,236,000 from the earlier EUR 14,264,000.

The Decree of the Ministry of Transport and Communications on Press Subsidies was amended correspondingly in June 2008. In the state budget for 2008, an amount of EUR 500,000 was appropriated for supporting newspapers published in national minority languages, corresponding electronic publications and news services provided in Swedish. Selective press subsidies may be sought for newspapers and network publications published in Swedish, Sámi, Roma and sign language, and for news services in Swedish. The subsidies are intended to promote the freedom of expression as well as multi-faceted and pluralistic communication.

No Sámi-language journals applied for press subsidies in 2008. The Ministry of Transport and Communications considers that the possible establishment of a Sámi-language newspaper largely depends on the activity of Sámi speakers themselves.

ARTICLE 12: CULTURAL ACTIVITIES AND FACILITIES

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

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

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

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

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

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

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

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

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

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

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

Funding for Sámi culture

A separate appropriation is included annually in the state budget for supporting Sámi-language culture and associations. The procedure for applying funds from this appropriation was described in the third periodic report.

During the reporting period, funds were granted as follows:

| Year | Appropriation, € | Granted subsidies, number |
|------|------------------|---------------------------|
| 2006 | 168 000 | 57 |
| 2007 | 168 000 | 47 |
| 2008 | 180 000 | 56 |
| 2009 | 205 000 | |

During the reporting period, the amount of the actual appropriation for culture remained unchanged. By contrast, the support granted by the Ministry of Education for Sámi culture from other appropriations increased slightly, especially in the field of activities for young people.

Cultural activities for children and young people

The Ministry of Education has increased its support for active citizenship of young Sámi, within the framework of the Government's Child and Youth Policy Programme 2007–2011.¹³⁷

Different projects on cultural centres for children continued during the reporting period. The Cultural Centre for Sámi Children supports the language and culture of Sámi children and young people by such means as games, art education, exhibitions and festivals. The activities are financed by the Ministry of Education, the Sámi Homeland municipalities and the Sámi Parliament. The financing is determined annually, and the maximum share of the Ministry of Education of this financing is half of it.

The *Taikalamppu* ("Aladdin's Lamp") network of Finnish arts centres for children and young people continues its activities. During the reporting period the network expanded its activities and includes now, in addition to the traditional cultural actors, more comprehensive education in arts and culture, as well as health and welfare services. During the term 2009–2013 the network consists of the Sámi Parliament, the cities of Kemi, Kemijärvi, Rovaniemi and Tornio, and Ranua municipality.

¹³⁷ Child and Youth Policy Programme 2007-2011.

<http://www.minedu.fi/OPM/Julkaisut/2007/Lapsi-ja_nuorisopolitiikan_kehittamisohjelma_2007-2011?lang=fi&extra_locale=en>.

In their position statements during 2008, the self-government bodies of the Sámi gave priority to the linguistic rights of children and young people. The Sámi Parliament has annually organised an art event for young Sámi jointly with municipalities and Sámi organisations. All young people attending teaching of Sámi or in Sámi are invited to the event.

A working group has planned the setting up of a Sámi youth body in connection with the Sámi Parliament. This project, funded by the Ministry of Education, was launched at the beginning of 2009, and the Ministry has granted the Sámi Parliament and additional subsidy of EUR 40,000 for continuing the planning.

The Ombudsman for Children holds that adults and school pupils of the majority population should be informed more about the contemporary life and culture of the Sámi. Such information should be given as part of instruction at schools and by more comprehensive awareness-raising campaigns. Furthermore, organisations of Sámi children and young people as well as virtual youth work and other youth work among them should be supported. According to the Government's Child and Youth Policy Programme, equality will be fostered and discrimination prevented by making Sámi culture better known by instruction at different educational levels.¹³⁸

Sámi Cultural Centre

An architectural competition was arranged for the design of the Sámi Cultural Centre. The construction plans were completed in 2009, and the Centre will probably be opened in 2012.

The Sámi Cultural Centre will be the administrative and cultural centre for the Sámi in Finland. The centre is intended to create better opportunities for the Sámi to maintain and develop their language, culture and livelihoods independently and to manage and develop their cultural autonomy. The Centre will improve the opportunities to raise awareness of the Sámi as an indigenous people.

The State Provincial Office of Lapland has granted EUR 5 million from funds of the European Regional Development Fund for financing the Sámi Cultural Centre.

ARTICLE 13: ECONOMIC AND SOCIAL LIFE

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

a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;

c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;

d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above subparagraphs.

¹³⁸ Child and Youth Policy Programme 2007–2011, p. 21.

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

a) to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;

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

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

Patients' rights

As to the legislation on Sámi-speaking patients' linguistic rights, reference is made to the third periodic report.

During the reporting period the Government granted annually a fixed appropriation worth EUR 600,000 to subsidise the availability of social welfare and health care services in Sámi. The Sámi Parliament allocates the subsidies to the Sámi Homeland municipalities.

The Ministry of Social Affairs and Health has, pursuant to the implementation plan for the National Development Programme for Social Welfare and Health Care (Kaste), set up five regional management groups to support the implementation of these policies. The management groups will prepare plans to be taken into account in developing social and health services at regional level and in decision-making on the financing of this development. According to the implementation plan, the development of services in Swedish and in Sámi will be catered for separately in regional activities.¹³⁹

In the opinion of the Sámi Council, especially services in hospitals, homes for the elderly and medical care institutions are still insufficiently available in Sámi. Furthermore, the Sámi Homeland municipalities do not offer any information material based on the Sámi language and culture concerning social and health services, or Sámi-oriented guidebooks on child upbringing or tests measuring the linguistic development of children.

The Ombudsman for Children regards that the social and family services for Sámi people should be supplemented with different forms of support for Sámi parents, considering that some of them have negative experience of the assimilation policy applied in their childhood. In addition, the Sámi language and culture should be taken better into account as background factors in child welfare work and in the placement of children outside home. Although the definition of the best interests of the child given in the Child Welfare Act (417/2007, in force as from the beginning of 2008, Section 4), includes the consideration of the child's ethnic and linguistic background, not much practical work has been done in this respect so far.

¹³⁹ National Implementation Plan for the Kaste Programme in 2008-2011.

Utsjoki municipality has reported that tests measuring the linguistic development of Sámi children are being prepared, but their use requires skilled Sámi-speaking staff in child health clinics and school health service. If such services do not have Sámi-speaking staff, delayed development of Sámi-speaking children may go unnoticed for a long time. Only Sámi-speaking staff can ensure normal interaction with Sámi children and understanding their linguistic communication.

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, either, and demented elderly Sámi need sorely a dementia care home using their own language.

During the reporting period the Ombudsman for Minorities requested the National Discrimination Tribunal of Finland to examine whether Enontekiö municipality had violated the discrimination prohibitions laid down in the Non-Discrimination Act and the applicable special acts when arranging child day care, health services, services for the elderly and basic education. The Ombudsman also requested the Tribunal to prohibit the municipality, under penalty of a fine, from continuing or renewing the possible discrimination against the Sámi residing in the municipality. The Tribunal held in its decision that because Enontekiö municipality was located in the Sámi Homeland, the Sámi Language Act imposed a particular obligation on the municipal authorities to ensure access to public services provided in Sámi. The Tribunal 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. The municipality did not substantiate that it had taken sufficient measures to arrange these statutory services appropriately for the Sámi-speaking population. The Tribunal held that the municipality had discriminated against the Sámi-speaking population on the basis of their ethnic background, and ordered the municipality to comply with the discrimination prohibition immediately under penalty of a fine.¹⁴⁰

Emergency response centres

The Emergency Response Centre of Lapland in Rovaniemi is responsible for emergency response services in the Sámi Homeland.

The realisation of the linguistic rights of the Sámi in connection with emergency response services was assessed in the report on the implementation of the Sámi Language Act.¹⁴¹ According to the report, two employees in the Emergency Response Centre of Lapland had an elementary knowledge of Sámi at the time of reporting. The Centre had not managed to recruit Sámi-speaking staff qualified as duty officers. The Centre still cannot serve customers in Sámi and has not published its brochure in Sámi. It is stated in the report that the lack of emergency response services in Sámi may impede access to aid.¹⁴²

The Sámi Council holds that the situation of the emergency response centres is problematic especially for those Sámi children and elderly people who do not know Finnish.

¹⁴⁰ Decision of the National Discrimination Tribunal Reg. no. 2008-367/Pe-2.

¹⁴¹ The Implementation of the Sámi Language Act from 2004 to 2006. The Sámi Parliament 2008.

¹⁴² The Implementation of the Sámi Language Act from 2004 to 2006. The Sámi Parliament 2008, pp. 135 to 137.

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;

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

Draft Nordic Sámi Convention

A group of experts who prepared a draft Nordic Sámi Convention submitted its report to the ministers in charge of Sámi affairs in Finland, Sweden and Norway (the Sámi ministers) and the presidents of these countries' Sámi Parliaments (the Sámi presidents) at their annual meeting in Helsinki on 16 November 2005. The group was composed of two members and two deputy members from each country. One of the two members and the two deputies was nominated by the Sámi Parliament of the country in question and the other by the country's government.

A national round of statements was organised regarding the report in each of the three Nordic countries. In light of the statements, the draft Nordic Sámi Convention does not seem readily acceptable as such in Finland, Sweden or Norway. However, the draft is regarded as a good point of departure for actual negotiations on a Convention. The draft Convention also contains provisions on cross-border cooperation and the teaching and studies of Sámi.

On 8 January 2009, the Ministry of Justice set up a working group to assess the relation of the draft Convention to the Finnish Constitution and other domestic legislation as well as to the international human rights obligations binding on Finland. The working group submitted its report in autumn 2009. The Sámi ministries and presidents will decide on the procedure for continuing the negotiations.

APPENDIX I

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

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

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

The Committee of Ministers,

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

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

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

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

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

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

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

APPENDIX II

BIBLIOGRAPHY

Reports, brochures and guidebooks

Asiointi omalla kielellä. Uuden kielilain täytäntöönpanon tukihankkeen loppuraportti. (Provision of Services on Customer's Mother Tongue. Final report.) Publications of the Ministry of Finance 15a/2004.

Better interaction – Better preparation. Publications of the Ministry of Finance 35/2008.

Education and research 2007-2012. Development Plan. Publications of the Ministry of Education 2008:10.

Government Report to Parliament on the Human Rights Policy of Finland 2009. Publications of the Ministry for Foreign Affairs 14/2009.

Gullberg, Tom – Forsgård, Nils Erik - Mickwitz, Joachim: Finskt krig – svenskt arv. Finlands historia genom nyckelhålet 1808-1809 (Finnish War – Swedish Legacy. History of Finland through the keyhole 1808-1809). Svenska litteratursällskapet i Finland och Söderström & Co Förlags Ab 2008.

Herberts, Kjell: Service på svenska och finska – ett medborgarperspektiv. Språkbarometern 2008. (Service in Swedish and in Finnish – From citizens' perspective. Language barometer 2008). Åbo Akademi, Vasa 2008.

Impact Assessment in Legislative Drafting. Guidelines. Publication of the Ministry of Justice 2008:4.

Kauppinen, Marja-Liisa: Omakieliset sosiaali- ja terveydenhuollon palvelut kaksikielisissä kunnissa. (Social- and Health Services in Bilingual Minorities in One's Own Language). Stakes reports 4/2008.

Kotimaisten kielten tutkimuskeskus. Toiminta- ja taloussuunnitelma 2010–2013 (Research Institute for the Languages in Finland. Action and financial plan 2010–2013). Kotus 2008.

Länsman Anne: Saamen kieli pääkaupunkiseudulla (The Sámi Language within the Metropolitan Area). Publication Series of the Ombudsman for Minorities 5, 2008.

National Core Curriculum for Basic Education 2004. Finnish National Board of Education 2004.

National Implementation Plan for the Kaste Programme (National Development Programme for Social Welfare and Health Care) in 2008-2011.

Perustuslaki 2008 -työryhmän muistio. (Memorandum of the Constitution 2008 Working Group). Ministry of Justice 2008:8.

Rasmus, Minna: Saamelaislasten hyvinvointi ja heidän oikeuksiensa toteutuminen Suomen saamelaisalueella (The Wellbeing of Sámi Children and the Realization of their Rights in the Sámi Homeland). Reports of the Office of the Ombudsman for Children 1:2008.

Report of the Government on the Application of Language Legislation 2006. Ministry of Justice 2006.

Report of the Government on the Application of Language Legislation 2009. Ministry of Justice 2009.

Romanikielen kielipoliittinen ohjelma (Language Policy Programme of Róma language). Publications of the Research Institute for the Languages in Finland no. 156, Helsinki 2009.

Ruotsinkielisen palvelun arvioinnin käsikirja (Handbook for assessment of services in Swedish). The Association of Finnish Local and Regional Authorities 2007.

Russia programme in art and culture. Publications of the Ministry of Education 2005:29.

Saamelaisopetus kotiseutualueen ulkopuolella (Sámi teaching outside the Sámi Homeland). Saamelaiskäräjien koulutusraportti N:o 1. The Sámi Parliament 2008b.

Saamen kielilain toteutuminen vuosina 2004–2006. (The Implementation of the Sámi Language Act from 2004 to 2006). The Sámi Parliament 2008.

Tanttu, Jekaterina: Venäjänkielisenä Suomessa. Selvitys vähemmistövaltuutetulle (As a Russian-speaker in Finland. A Report to the Ombudsman for Minorities). Ombudsman for Minorities 2009.

The Finnish Government's Child and Youth Policy Programme 2007–2011. Publications of the Ministry of Education 2008:21.

Third Periodic Report on the application of the European Charter for Regional or Minority Languages, February 2006.

Third Periodic Report on implementation of the Framework Convention on the Protection of National Minorities, February 2010.

Decisions

National Discrimination Tribunal of Finland: 2008–25/Pe-2.

National Discrimination Tribunal of Finland: 2008-367/Pe-2.

Decisions of the Parliamentary Ombudsman, reg. nos. 127/4/2008, 3433/2/06, 3086/4/06, 1600/4/05, 3882/4/05 and 2938/4/04.

Decisions of the Deputy Parliamentary Ombudsman, reg. nos. 3547/4/06, 354/4/06, 2710/4/06, 883/2/05, 3107/4/04, 2318/4/04, 2436/4/04, 2647/4/04, 1538/04 and 24/4/06.

APPENDIXES TO THE REPORT

The following pieces of legal instruments and draft legislations are annexed to the fourth periodic report of Finland on the application of the European Charter for Regional or Minority Languages.

All legislative instruments mentioned in the periodic report are available in an electronic format at <www.finlex.fi>.

Act amending Section 2 of the Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland (*laki vähemmistövaltuutetusta ja syrjäntälautakunnasta annetun lain 2 §:n muuttamisesta, lag om ändring av 2 § i lagen om minoritetsombudsmannen och diskrimineringsnämnden; 679/2008*).

Act on Restructuring Local Government and Services (*laki kunta- ja palvelurakennemuutoksesta, lag om en kommun – och servicestrukturreform; 169/2007*)

Act on Yleisradio Oy (1380/1993, as amended by Act 635/2005)

Child Welfare Act (417/2007, as amended by Act 1390/2007)

Decree on the Advisory Board for Ethnic Relations (*valtioneuvoston asetus etnisten suhteiden neuvottelukunnasta, statsrådets förordning om delegationen för etniska relationer; 352/2008*)

Decree on the Enforcement of the Language Act (*valtioneuvoston asetus kielilain täytäntöönpanosta, statsrådets förordning om verkställigheten av språklagen; 433/2004*)

Decree of the Ministry of Education on the criteria for granting Government subsidies for supplementary instruction in basic and general upper secondary education of pupils with foreign languages, Sámi or Roma as their mother tongue (*opetusministeriön asetus vieraskielisten sekä saamen- ja romanikielisten oppilaiden täydentävään opetukseen perusopetuksessa ja lukiokoulutuksessa myönnettävän valtionavustuksen perusteista, undervisningsministeriets förordning om grunderna för statsunderstöd som beviljas för kompletterande undervisning i den grundläggande utbildningen och gymnasieutbildningen för elever med främmande språk, samiska och romani som modersmål; 392/2007*)

Decree on Press Subsidies (*valtioneuvoston asetus sanomalehdistön tuesta, statsrådets förordning om stöd för tidningspressen; 389/2008*).

Government Bill to the Parliament on Legislation on the Reform Project for Regional Administration (*hallituksen esitys eduskunnalle aluehallinnon uudistamista koskevaiksi lainsäädännöksi, HE 59/2009 vp; regeringens proposition till Riksdagen med förslag till lagstiftning om revidering av regionförvaltningen, RP 59/2009 rd*).

Non-discrimination Act (21/2004, as amended by Act 50/2006)

Sámi Language Act (1086/2003)

Reports:

Report of the Government on the application of language legislation 2009.