



**Report of
the Government on
the application of
language legislation
2013**

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Summary

This report on the application of language legislation, which the Government submits to Parliament every fourth year, focuses on the changes that have occurred in recent years in the implementation of linguistic rights in bilingual authorities. The report assesses how the language provisions of the *Language Act*, the *Act on the Knowledge of Languages Required of Personnel in Public Bodies* and other specific legislation has been implemented from the viewpoint of citizens and the authorities with regard to Finnish, Swedish, the Sámi languages, Romani, sign languages and other language groups. Various authorities and other organisations were widely consulted for the report. The report aims to provide decision-makers with information for any measures and application of the provisions.

In the earlier reports submitted to Parliament in 2006 and 2009, the Government proposed measures to ensure the implementation of linguistic rights in *inter alia* guidance of the authorities, choice of solutions, customer service, communications and personnel policy. Based on these reports, Parliament has repeatedly drawn attention to the authorities' bilingual customer service and service chains, as well as to assessing the linguistic effects of administrative reforms. Concerning the *national languages*, this report mainly discusses Swedish because follow-up has primarily brought to light deficiencies in the implementation of the linguistic rights of Swedish speakers. Also international monitoring bodies have drawn attention to the position of Swedish, the Sámi languages and Romani. Therefore this report also discusses international treaties on linguistic rights.

Recent years have seen more attention than earlier given to linguistic rights. Senior public officials and decision-makers especially have shown they consider it important to promote linguistic rights. More active efforts have been made to improve linguistic services by, *inter alia*, explicitly including linguistic rights in guiding documents such as guidelines, recommendations and language programmes. Also new regional and local bodies have been established and persons responsible have been appointed to coordinate and develop the linguistic services of the authorities. The effects on linguistic rights have been evaluated or raised across all administrative levels in conjunction with reforms and legislative work. Nowadays, the authorities provide much more information than earlier on their websites in both national languages and in other languages. Some fields of administration have paid more attention to recruitment by, for example, writing recruitment instructions which take into account language skills. Although the authorities have made progress with plans, they have not yet progressed to putting these plans into practice – good intentions have not reached the practical level.

The authorities have not yet systematically ascertained how customer service or service chains function. They consider the lack of staff with language skills to still be the biggest stumbling block. It is hoped that language courses and, in the long-term, language immersion will increase the number of staff with language skills.

The authorities have a duty to obtain, on their own initiative, information on a customer's mother tongue and contact language from the Population Information System, where it is stored along with other information. Despite this, however, the authorities nowadays neither always ascertain nor use an individual's language when providing their services. The result in recent years is that ensuring linguistic rights has increasingly relied on the individual's own initiative. Each authority oversees compliance with the Language Act in its own field, although it is ultimately down to whether the customer's own language is ascertained and used in practice.

Linguistic rights are an inherent part of an individual's fundamental rights. Social welfare and health care in a person's mother tongue is an important part of an individual's basic security at all stages of life. Despite this, some sectors within social welfare and health care have had difficulties in arranging services in both national languages. Forthcoming social welfare and health care reforms, and the procurement of social welfare and health care services are faced with major

challenges. It is important that they particularly address the right of an individual to receive nursing and care and related information in his or her own language. According to citizens, this especially applies to medical care and care of the elderly. In recent years, citizens have also been particularly concerned about the linguistic service at emergency response centres.

The Government's resolution on the national language strategy proposes, *inter alia*, greater visibility of both national languages and information on the opportunities to learn languages and to meet other language groups. In addition, linguistic effects must be evaluated in conjunction with administrative reforms and legislative drafting projects. The annex to the strategy provides the practical tools to deal with various language situations in administration.

The Government proposes the authorities use the tools provided in the Strategy for the National Languages of Finland when they improve the application of language legislation in their activities on the basis of the needs for development revealed in this report.

The Government reiterates its call to implement the measures suggested in its earlier reports in 2006 and 2009 and deems that to secure linguistic services language skills particularly need to be taken into account when recruiting and when evaluating linguistic effects in reforms. It is important that the authorities do not devolve to the individual their duty to serve an individual in his or her own language. Therefore, the Government proposes that the authorities decide how they will carry out in practice their duty to serve an individual in his or her registered language.

This report examines the linguistic conditions of other language groups more extensively than earlier. The linguistic rights of the *Sámi* are secured increasingly more randomly and it is hard to obtain oral service particularly in the *Sámi* language. In recent years, language nest activity has promoted the position especially of Inari *Sámi* and Skolt *Sámi*. One main problem is considered as being the large number of *Sámi* children living outside the *Sámi* homeland area who do not receive teaching in or of the *Sámi* language. Progress has been made in some areas in addressing the linguistic rights of *sign language users*, although Finland-Swedish sign language is more endangered than earlier. Concern about the right to their own language and culture has intensified with regard to children using sign language. Sign language users would also like more communication by the authorities to be in sign language. The start of university teaching and language immersion in *Romani* has supported the revitalisation of skills in the *Romani* language. The *Romani* population would like to see *inter alia* more programmes in *Romani*. Recent years have seen attention given to the *Karelian language*, which is now included in the scope of the European Charter for Regional or Minority Languages. The number of native Russian and Estonian speakers in particular has increased significantly in Finland and their need for information has grown.

Attitudes to different language groups have hardened in recent years. The need for a debate on values has been highlighted with regard to the minorities in Finland and tolerance towards other language groups.

Introduction

Under the Language Act, the Government submits to Parliament once during each electoral period a report of the application of language legislation, the implementation of linguistic rights and, where necessary, other linguistic conditions. The report discusses, besides Finnish and Swedish, at least the Sámi, Romani and sign languages and, where necessary, linguistic conditions in Finland more generally. The report is submitted no later than during the third parliamentary session of the electoral period.

This report discusses the application of language legislation, the implementation of linguistic rights, language relations in Finland and the development of Finnish and Swedish. The report contains a summary of experiences of the application of language legislation during the follow-up period and a summary of how language conditions in Finland have developed. The Government may include in the report proposals to apply language legislation, implement linguistic rights or to develop language legislation.¹

This report of the Government on the application of language legislation is the third such report to be submitted to Parliament. The previous reports were submitted in 2006 and 2009. This report is a follow-up report examining the changes that have taken place since 2009 in the implementation of linguistic rights in the activities of the authorities. The report also examines any steps forward that have taken place when examining the situation especially in the light of the measures proposed by the Government in 2009, the opinions of the Constitutional Law Committee, Government programmes and international treaties.

This report takes a thematic approach, with a focus on topics, such as language immersion, that have arisen in recent years. The Constitutional Law Committee expressed a wish for the report to deal with international treaties binding on Finland and particularly with the Karelian language.² There was also a desire for more information about other languages and so these are discussed slightly more extensively than in the report submitted in 2009.

The Programme of Prime Minister Jyrki Katainen's Government includes many items relating to linguistic rights. One of the main points of departure of the Government programme is that Finland's bilingualism is a wealth and resource and that a long-term language strategy to develop two national languages will be drawn up under the prime minister's leadership.³ A Government resolution on a national language strategy was issued in December 2012. The Strategy for the National Languages of Finland applies to the national languages, Finnish and Swedish, and is the first government language strategy. Responsibility for implementing the strategy is shared by a number of actors, with the Ministry of Justice carrying general responsibility.⁴ The national language strategy has its sights on the future, whereas the purpose of this report is to examine changes that have taken place in language conditions in Finland during the period 2009-2012.

According to the Government programme, a separate national strategy will define the objectives and ways of implementing diversity of national linguistic resources and in this context particularly address the position of Sámi, Romani and sign language. The Ministry of Education and Culture is responsible for preparatory work on the strategy. Development work to secure the rights of sign language users is under way and the possibility to enact a sign language act is being explored. Another objective of the Government programme is to secure access to services also in Sámi and to develop social welfare and health care services in sign language and the interpretation services provided by Kela, the Social Insurance Institution. Conscript training in Swedish is secured as required by legislation and police training is ensured in both national languages.⁵

It is the responsibility of the authorities themselves to monitor and ensure linguistic rights are secured in their own fields. The Parliamentary Ombudsman and the Chancellor of Justice oversee to ensure the authorities comply with the law in force and the implementation of basic rights, liberties and human rights.

The Government's previous reports on the application of language legislation, the activities of the Advisory Board on Language Affairs and conclusions published by the bodies monitoring international treaties have pointed out the duty of the authorities to evaluate the effects of each solution on promoting and the possibilities to secure linguistic rights.⁶

The responsibilities of the Ministry of Justice include monitoring enforcement of the Language Act and providing recommendations in questions relating to legislation on the national languages. Where necessary, the Ministry of Justice may make initiatives and undertake other measures to rectify deficiencies it has observed.⁷ In addition to its statutory task of monitoring, the responsibilities of the Ministry of Justice now also include monitoring the National Language Strategy.

An Advisory Board on Language Affairs, which the Government appoints for four years at a time, works in conjunction with the Ministry of Justice to monitor enforcement and application of the Language Act and related legislation, as well as to monitor the development of linguistic conditions. The Advisory Board is tasked *inter alia* with drafting proposals for measures to promote the use and position of the national languages and with preparing recommendations for the authorities on arranging information and training on the Language Act and related legislation.

In addition, the Advisory Board on Language Affairs assists the Ministry of Justice in preparing the report of the Government on the application of language legislation to be submitted to Parliament during each electoral period.⁸

The Ministry of Justice has compiled considerable material dealing with linguistic rights and also the shortcomings in securing these rights. The Ministry carried out various questionnaires through which it collected information to prepare this report. These included questionnaires submitted *inter alia* to those responsible for administrative affairs in bilingual municipalities, to chief judges in district courts and to bilingual prosecution offices. In addition, opinions were requested from bodies representing different language groups. Another important source was the *Language Barometer 2012* research project. During the past four years, meetings and interviews were held with numerous other bodies for preparation of this report. In October 2012, the Ministry of Justice held a seminar and hearing at which the viewpoints of different language groups were heard with regard to how linguistic rights are currently implemented in practice. State and municipal authorities in the Sámi area and Sámi non-governmental organisations were consulted also in September 2012.

1 Linguistic rights and international treaties

In its report, which *inter alia* concerned the report of the Government on the application of language legislation 2009, the Constitutional Law Committee stated that the following language report should deal with the international treaties on linguistic rights that are binding on Finland and how these treaties affect Finland. According to the Constitutional Law Committee, light should also be shed on the position of the Karelian language in the same context.⁹

Instruments of UN, Council of Europe and EU law include articles about linguistic rights. Some of the articles deal with actual linguistic rights, whereas others include non-discrimination articles, where language is cited as one of the grounds for non-discrimination.

Under the auspices of the Council of Europe, two treaties of great significance for linguistic rights have been made: the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities.

Feedback received by Finland from bodies monitoring international human rights agreements state that Finland's language policy fulfils the obligations imposed by human rights agreements in many respects. However, the feedback also includes criticism, and has in particular raised the need to improve the position of the Sámi languages and Romani. Sign languages are outside the agreements referred to.

The following section examines international treaties with regard to linguistic rights in general. The European Charter for Regional or Minority Languages, the Framework Convention for the Protection of National Minorities and the ensuing recommendations made by international monitoring bodies are examined in more detail. The Advisory Board on Language Affairs has considered the recommendations of the Council of Europe's Committee of Ministers in respect of these agreements in its opinion submitted to the Ministry for Foreign Affairs of Finland (See Annex 1).

The position of the Karelian language is examined in Chapter 9, which also discusses other language groups.

1.1 Finland's international obligations

Finland is party to several treaties on linguistic rights. The scope and content of these treaties vary considerably and are either bilateral, Nordic or more widely international. The treaties are binding on members of the Council of Europe or the United Nations, for example. Some treaties specifically emphasise language, others primarily deal with human rights, the prevention of racial discrimination or with the cultural rights of minorities. Many treaties contain specific rights that may be invoked in court proceedings or in administrative matters. An example of such a treaty is the so-called Nordic Language Convention, signed by Denmark, Finland, Iceland, Norway and Sweden. This convention gives citizens of the Nordic countries the right to use their own language in another Nordic country.

The treaties also have a more general objective of safeguarding the status of linguistic minorities or ethnic groups and promoting the use of minority languages. This objective has been clearly expressed in, for example, the *Council of Europe's Framework Convention for the Protection of National Minorities*. For its part, the *European Charter for Regional or Minority Languages* does not create rights for linguistic minorities or ethnic groups, but gives contracting states a possibility to choose commitments from a list of several options for different languages.

The Constitution of Finland and other legislation contain provisions compatible with the obligations of international treaties binding on Finland. Some treaties include international monito-

ring mechanisms, which *inter alia* require contracting states to report on languages. An example of this kind of monitoring is the Council of Europe's Framework Convention for the Protection of National Minorities. Based on reports submitted by the contracting parties, the monitoring bodies may draw conclusions and make recommendations. Also Finland reports regularly to these monitoring bodies. This means that the linguistic rights guaranteed by Finnish legislation are subject not only to domestic legality control but also to international observation.

In reporting, Swedish is treated as a minority language because of its *de facto* minority status even though under national law Swedish is not a minority language.

Finland observes quite strictly the recommendations given by international human rights bodies. Even though they are not legally binding, they help in the development of human rights in practice. Also the previous reports of the Government on the application of language legislation have drawn attention to the deficiencies raised by the Council of Europe as regards securing services in various administrative branches as required by law.

UN conventions containing articles on linguistic rights are the International Covenant on Civil and Political Rights (ICCPR) and the First Optional Protocol establishing an individual complaints mechanism to it, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC). In this context, there is also reason to mention the UN Convention on the Rights of Persons with Disabilities and the ILO's Indigenous and Tribal Peoples Convention (No. 169), which under the Government programme will be ratified during the present government.¹⁰ Finland ratified the Convention on the Rights of Persons with Disabilities in March 2007. The Convention does not contain new rights for persons with disabilities, but imposes requirements on contracting parties as to how they have to facilitate the possibilities of disabled persons to enjoy the human rights inherent in other UN conventions. This convention can be considered significant with regard to the linguistic rights of persons using sign language.

UN Declarations that are of significance for linguistic rights include the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) and the Declaration on the Rights of Indigenous Peoples (2007). The European Convention on Human Rights does not contain actual provisions on minorities or linguistic rights, but these are taken into account as important elements in the right to a fair trial and non-discrimination, as well as to freedom and security. Linguistic rights in the revised Social Charter of the Council of Europe include articles on the rights of migrant workers and persons with disabilities. Article 22 of the Charter of Fundamental Rights of the European Union emphasised the Union's cultural, religious and linguistic diversity and undertakes to respect it. At the Union level, the language rights of citizens are laid down in relation to its institutions and bodies. Under Article 41 of the Charter of Fundamental Rights, every person may contact the institutions of the Union in one of the languages of the Treaties, including Finnish and Swedish, and must have an answer in the same language.

Non-discrimination on the grounds of language is referred to in *inter alia* the UN Charter, the ICCPR, the ICESCR, the CRC, the Convention against Discrimination in Education, the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities and the Charter of Fundamental Rights of the European Union.¹¹

1.2 European Charter for Regional or Minority Languages

The European Charter for Regional or Minority Languages seeks to strengthen the position of minority languages. The Charter recognises minority languages as part of the European cultural heritage and seeks to promote their position among the mainstream European languages.

The Charter protects the position of such languages that have traditionally been spoken by minorities within the territory of a state. This means the Charter excludes the languages spoken by immigrants, for example. Part II of the Charter sets out the general objectives and principles that states must apply in respect of all regional or minority languages within their territories. In Finland, these are the Sámi languages, Swedish, Romani, Russian, Tatar, Yiddish and Karelian. As regards the Sámi languages and Swedish, all the Articles (Articles 8-14) in Part III are binding on Finland, subject to a separate scope for each language.

Every three years, the states party to the Charter submit a report on the implementation of the national provisions in the Charter to the Council of Europe whose committee of experts gives its recommendations on the basis of these periodic reports and on other relevant information. The Council of Europe's Committee of Ministers confirms the final recommendations.

The Charter entered into force in Finland on 1 March 1998. Finland's fourth periodic report was submitted in September 2010. During spring 2013, the Ministry for Foreign Affairs of Finland has been compiling Finland's fifth periodic report.

The Committee of Ministers issued its most recent recommendations to Finland in March 2012. These recommendations deal with strengthening education in the Sámi language and with the protection and promotion of Inari Sámi and Skolt Sámi, in particular by means of the provision of language nests on a permanent basis. The recommendations also raise the need for more efforts to ensure the availability of social welfare and health care services in Swedish and the Sámi languages. In addition, the Committee of Ministers brought up the need to develop innovative strategies for the training of Romani teachers, to extend the production of teaching materials in Romani and to increase the provision of teaching in Romani. Earlier recommendations have also drawn attention to these matters.

The Committee has further recommended that measures be taken to increase awareness and tolerance vis-à-vis the regional or minority languages of Finland, both in the general curriculum at all stages of education and in the media.

Furthermore, the Committee of Ministers especially pointed out the effects of municipal and administrative reforms on the linguistic rights of speakers of Swedish and the Sámi languages. Attention has been drawn to the difficulties in being able to use Swedish in court proceedings and emergency response centres. Particular attention has also been drawn to the problems caused by application of the public procurement regime, especially in child day care centres and care of the elderly, as well as to the non-existence of newspapers in Sámi. As regards the Russian language, the shortage of teaching Russian as a mother tongue was raised. Official recognition of the Karelian language and extending the principles listed in points 1-4 in Article 7 of the European Charter for Regional or Minority Languages to include Karelian were welcomed as positive developments.¹²

1.3 Framework Convention for the Protection of National Minorities

The Framework Convention for the Protection of National Minorities sets out the principles binding on contracting states to protect the national minorities in their own territory. The contracting states also undertake *inter alia* to comply with the principle of non-discrimination and equality and in many different ways to support the preservation and development of minority cultures. The Convention entered into force in Finland on 1 February 1998.¹³

The Advisory Committee on the Framework Convention for the Protection of National Minorities examines the periodic reports submitted by State Parties every five years, visits the countries concerned and prepares its proposals for recommendations. The Committee of Ministers decides the final recommendations. Finland submitted its third periodic report in February 2010.

The Advisory Committee visited Finland in May 2010 and gave its report in October 2010.¹⁴ In January 2012, the Committee of Ministers gave Finland its recommendations on the position of minorities in Finland. According to the Committee of Ministers, sufficient financial support must be secured to ensure the ongoing programme for the revitalisation of the Sámi languages can be effectively realised to prevent the Sámi languages spoken in Finland from disappearing and more resources must be allocated to language teaching to improve the availability of public services in the Sámi languages. More support must be given to the minorities' media, especially to the Russian and Sámi media. The Committee of Ministers also called on Finland to ensure Swedish speakers have access to public services in their own language as required by legislation. All stages of administrative reform must address linguistic rights and ensure that the Finnish education system offers adequate opportunities to study Swedish to increase the number of public officials with Swedish language skills. There is reason to also increase the amount of information available in Romani.¹⁵

2. Language conditions in Finland – changes and developments

The language map of the European Union shows 23 official languages, some 60 regional or minority languages and 175 other languages. The provisions concerning linguistic rights vary from one country to another as do the concepts used in questions about language. Europe, for example, has many official regional languages. In addition, many countries do not use the term “official language”. Finland, for instance, has two national languages, whereas some countries speak about main language rather than official language.

Finland is home to 4,863,351 Finnish speakers and 291,219 Swedish speakers. Traditionally, Finland has mainly spoken about bilingualism, even though there always have been and are increasingly more people who speak more than two languages. The term multilingualism refers to the multilingualism of a language community on the one hand and the multilingualism of an individual on the other. The Nordic countries are becoming increasingly more multilingual and many Nordic people are today multilingual - especially those whose mother tongue is not the country’s main language.¹⁶

2.1 National languages – language quality and usage

There are few languages in the world that enjoy such a stable position as Finnish. The position of the Finnish language is safeguarded by the Constitution of Finland and the Language Act, which specify Finnish and Swedish as the country’s national languages. Finnish is the language used in all areas of society. In 1995, Finnish became one of the official languages of the European Union. Around 4.8 million people in Finland have Finnish as their mother tongue. Even though, generally speaking, the Finnish language can be considered as thriving and is used diversely within different sectors, its usage has decreased especially in the fields of natural science and technology, as well as in international companies. It has become clear that the position of the Finnish language will not be preserved of its own accord, but that conscious efforts are required to preserve the use of Finnish in all areas of society in an increasingly smaller world.¹⁷

Without a language policy clearly defined by the state, the responsibility for decisions on language within teaching and research would be left to individual institutions, universities, universities of applied technology and to the municipalities responsible for basic education.

Nearly all language communities in Europe have begun to assess their own situation as the growing use of English has decreased the usage of national languages. Strengthening the position of the mother tongue by all possible means can also contribute to strengthening multilingualism. The principle in the Nordic countries, including Finland, has been one of “parallel bilingualism”, which means that Finnish is used in parallel with other languages needed in different connections.¹⁸

Nowadays, international researchers and service providers often participate in Finnish projects. Consequently, the question of whether or not, for example, research institutions should accept applications in languages other than Finnish or Swedish has been a topical one in recent years. According to the Ministry of Justice, matters are in principle dealt with in the national languages because of *inter alia* the obligation to communicate and the right of appeal inherent in administrative matters.¹⁹

With regard to English as a teaching language in universities, the Deputy Chancellor of Justice stated that under the language provision in the Universities Act, a university must secure instruction and the possibility to sit basic examinations in the statutory language of instruction and examination. The Deputy Chancellor of Justice look forward to receiving information on how students at the masters stage had been informed of their right to use Finnish or Swedish also when the language of instruction is English.²⁰

In recent years, universities have drawn up language strategies, which emphasise the use of mother tongue. These strategies also take up a position on the share of English in teaching and research. Masters programmes taught in English and teaching in English have increased in universities. At the same time, this might mean that teaching in Finnish or Swedish is no longer being available in some areas. The usage of Finnish and Swedish has thus decreased, which in the longer term can also affect language quality. In future, this can constitute a threat to the entire language community.

2.2 Language groups in the light of statistics

A total of 148 languages are spoken as a mother tongue in Finland. Non-native speakers account for 4.5 per cent of the Finnish population.²¹ Some other languages, such as Sámi, Romani, sign language, Tatar, Yiddish and Karelian have already long been spoken in Finland. According to statistics drawn up in conjunction with elections to the Sámi Parliament in 2011, there were 9,919 Sámi people of which 9,266 live in Finland. Over half the Sámi population lives outside the Sámi homeland. There are three Sámi languages spoken in Finland. Of the 5,483 Sámi entitled to vote in the Sámi Parliament election, 3,379 persons speak Finnish as their mother tongue, 1,514 persons speak Northern Sámi, 332 persons speak Skolt Sámi and 253 persons speak Inari Sámi.²²

The Advisory Board on Romani Affairs estimates the Roma population in Finland to be approximately 10,000 persons, in addition to which an estimated 3,000 Roma live in Sweden. These numbers have remained relatively unchanged.²³

Two indigenous sign languages, Finnish and Finland-Swedish sign languages, are used in Finland. The report of the Government on the application of language legislation 2009 noted that sign language is used in Finland by 11,000-14,000 persons, 4,000-5,000 of whom are deaf or hearing-impaired. Around 6,000-9,000 persons use sign language in their everyday life. In addition, it was noted that around 300 persons used Finland-Swedish sign language and that there are around 150 deaf Finland-Swedish persons. According to the Finnish Association of the Deaf and the Association of the Users of Finland-Swedish Sign Language, there has been no significant change in the number of persons using sign language since 2008. However, there is reason to study the number of persons using Finland-Swedish sign language.²⁴

According to the Karelian Language Association, there are around 5,100 persons who have Karelian as their mother tongue and who use it on a daily basis. Additionally, there are around 25,000 persons who identify themselves as Karelian speakers and who understand and speak the language to some extent, but use it more rarely, for example, only with relatives. There are around 2,800 persons born in Finland who speak Karelian and at least 2,300 persons who have moved to Finland from Russian Karelia.²⁵

At the beginning of 2012, the largest language groups in Finland after Finnish and Swedish were Russian, Estonian, Somali, English and Arabic. The number of Estonian speakers in particular has grown significantly, from 19,812 in 2008 to 33,076 in 2012, an increase of more than 13,000 persons. Likewise the number of Russian speakers has increased by over 13,000 persons, from 45,224 to 58,331 persons.

There are more Somali speakers, 14,045, than the number of English speakers. The number of Chinese and Thai speakers, for example, has also grown. Most of the persons with some other language as a mother tongue live in the capital region. In Helsinki, for example, around 11.5 per cent of the population has a mother tongue other than Finnish, Swedish or Sámi. Since 2005, the number of persons speaking Estonian as their mother tongue has more than doubled from 6,618 to 16,427 persons.²⁶

The statistics do not show the actual number of persons with a mother tongue other than Finnish or Swedish because people do not always state their real mother tongue. Neither are there any statistics on the numbers of persons working in Finland from neighbouring countries – Estonia, Sweden and Russia.

Language	2008	2011
Finnish	4811945	4863351
Swedish	289596	291219
Russian	45224	58331
Estonian	19812	33076
Somali	9810	14045
English	10589	13804
Arabic	8119	11252
Kurdish	5893	8623
Chinese	5733	8257
Albanian	5791	7408
Thai	3990	6342
Vietnamese	4645	6060
Turkish	4276	5720
Persian	3896	5593
German	4820	5592
Spanish	3637	4988
French	2509	3152
Polish	2493	3139
Hungarian	1690	2181
Bengali	1377	2007
Romanian	1376	1971
Total	5247221	5356111

Table 1: The largest language groups in 2008 and 2011. Source: Statistics Finland 2012

The right to service in Finnish or Swedish does not depend on nationality. Therefore foreign citizens have the same rights to use these languages before the state authorities and the courts and in bilingual municipalities.²⁷ Under the Administrative Procedure Act, persons who do not know Finnish or Swedish have, on the initiative of an authority and to guarantee their rights, the right to interpretation in a matter that becomes pending.²⁸ The Criminal Investigations Act, the Criminal Procedure Act, the Legal Aid Act and the Act on the Status and Rights of a Social Welfare Customer *inter alia* also include provisions on interpretation. In addition, an authority may provide better linguistic service than that required under the Language Act.²⁹ This means, for example, that a public official in a unilingual Finnish municipality may offer services in Swe-

dish also in cases where this is not required under the Language Act. The same also applies to other languages.

Under the Language Act, municipalities have no obligation to provide information in languages other than the national languages. However, most municipalities have translated their websites into English and the websites of some municipalities have also posted information in other foreign languages, especially in Russian or German. There is also information in English about basic services, but practices vary as to the amount of information provided, for example, on social welfare and health care services.³⁰

The Sámi Language Act contains clear provisions on the use of Sámi before the authorities and when dealing otherwise with matters for which a public authority is responsible. The right to use languages other than Finnish, Swedish or Sámi is provided in legislation applying to court proceedings, administrative procedure, administrative judicial procedure, education, health care and social welfare and in other legislation governing various administrative branches.³¹

2.3 The Finnish- and Swedish-speaking populations and the authorities

Structural changes and linguistic division

	2008	2009	2010	2011
Bilingual municipalities (Finnish as the majority language)	21	20	13	18
Bilingual municipalities (Swedish as the majority language)	22	14	18	12
Finnish-speaking municipalities	353	295	294	287
Swedish-speaking municipalities	3	3	3	3
Municipalities in the Åland Islands	16	16	16	16
Total number of municipalities	415	348	342	336

Table 2: Number of municipalities 2008-2011.

Source: The Association of Finnish Local and Regional Authorities 2012

The Language Barometer 2012 questionnaire for persons belonging to a minority language group in bilingual municipalities was carried out in the same way as four years earlier. Owing to structural changes, the number of bilingual municipalities had decreased to 30, of which Swedish was the minority language in 18 municipalities and Finnish in 12. This excludes the bilingual municipality of Särkisalo (Finby), which today is part of Salo. In 2009, the municipalities of Parainen, Nauvo, Korppoo, Houtskari and Iniö were merged into one to form the city of Länsi-Turunmaa, which has since been renamed Parainen. The minority language was Finnish in all these municipalities and today Finnish speakers number 42 per cent. The municipality of Kemiönsaari was created through the merger of the municipalities of Kemiö, Västankjärvi and Dragsfjärd, all of which had Finnish as a minority language. Today, 29 per cent of the population of Kemiönsaari is Finnish speaking. The large municipality of Raasepori in Länsi-Uusimaa comprises Tammisaari, Karjaa and Pohja. In Raasepori, 33 per cent of the population is Finnish speaking. Finnish was earlier the minority language also in Tammisaari and Karjaa, but in Pohja the Finnish-speaking population had a majority of 62 per cent. Today, this majority is part of the Finnish-speaking minority of Raasepori. Swedish was also earlier the minority language in Ruotsinpyhtää and Loviisa, but the Swedish-speaking majorities of Liljendal and Pernaja are today part of the Swedish-speaking minority of 44 per cent of the population of the municipality of Suur-Loviisa

(Greater Loviisa). In addition, the previously independent municipality of Oravainen has been annexed to the municipality of Vöyri, but without linguistic changes.³²

The smaller the share of the population of the linguistic minority, the more difficult persons experience access to services in their own language to be, especially when the minority language is Swedish. This is a challenge for both Finnish- and Swedish-speaking minorities. Finnish speakers moving to municipalities with a Swedish-speaking majority experience a lack of Finnish-language culture and infrastructure. Swedish speakers on the other hand generally have to safeguard the Swedish-speaking infrastructure to preserve schools and other Swedish-speaking environments.³³

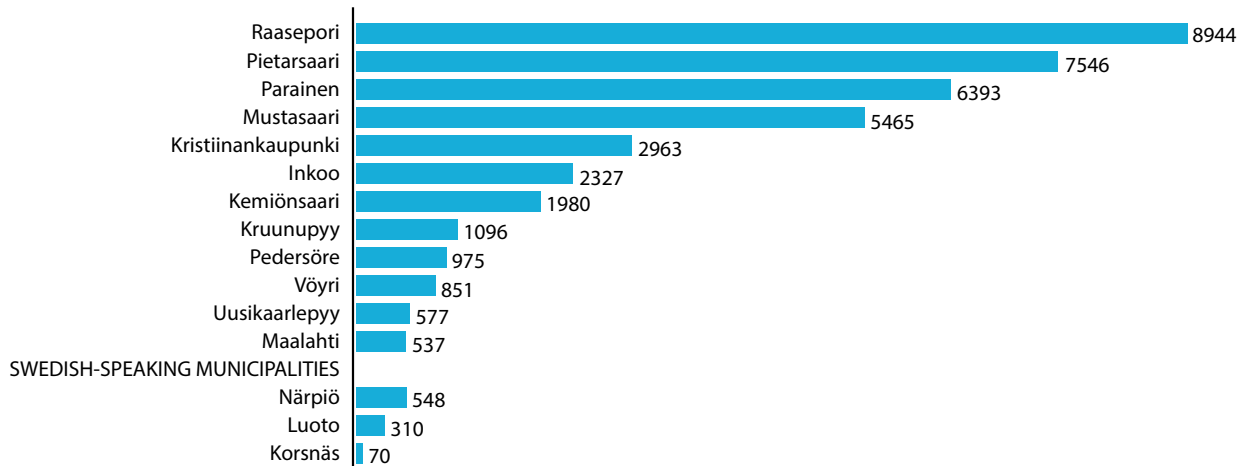


Figure 1: Absolute numbers of Finnish-speaking minorities in order of size in bilingual and Swedish-speaking municipalities (excl. Åland). Source: Language Barometer 2012

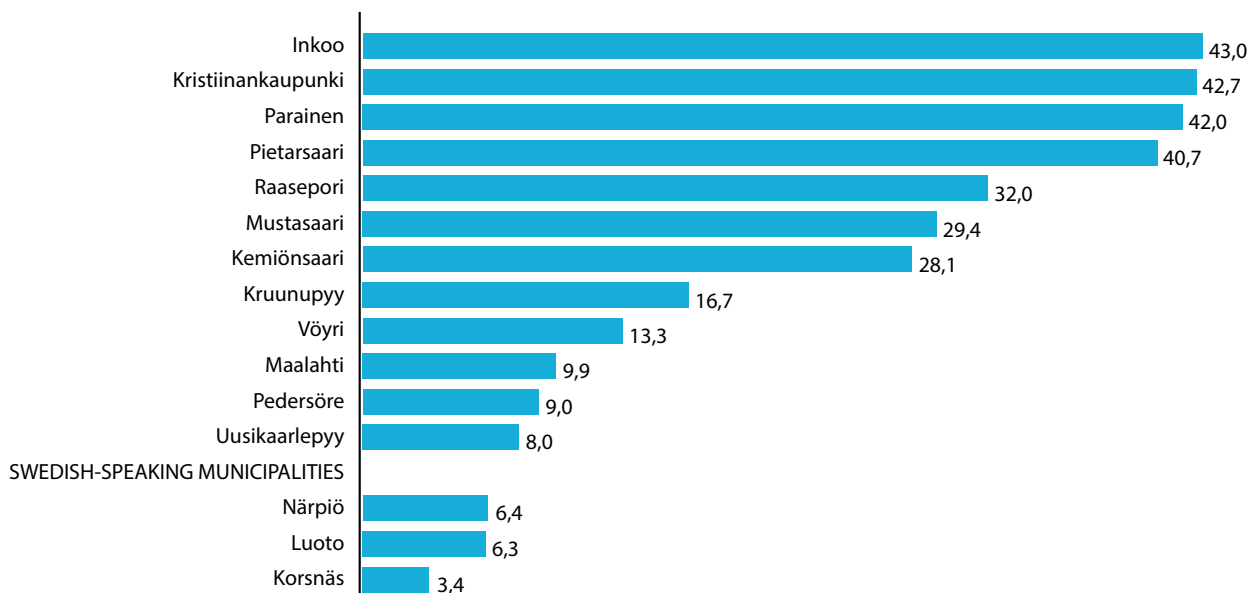


Figure 2: Percentage of Finnish-speaking minorities in order of size in bilingual and Swedish-speaking municipalities (excl. Åland). Source Language Barometer 2012

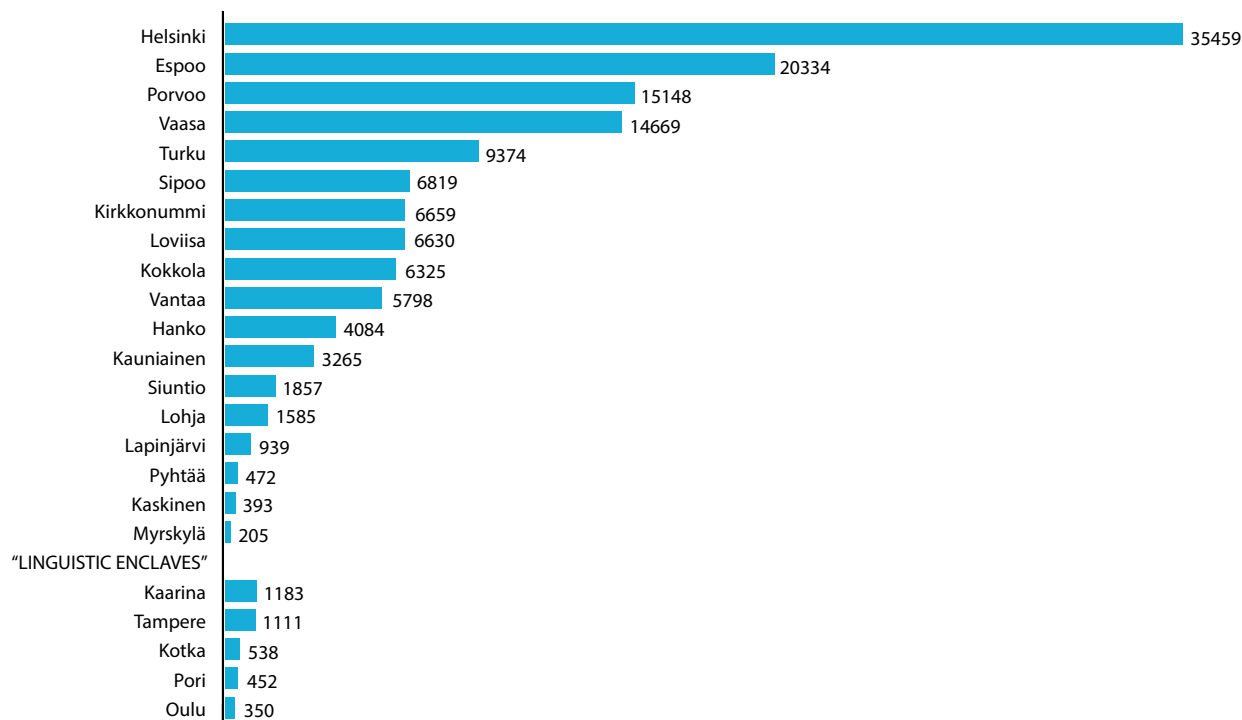


Figure 3: Absolute numbers of Swedish-speaking minorities in order of size in bilingual municipalities and five "linguistic enclaves". Source: Language Barometer 2012

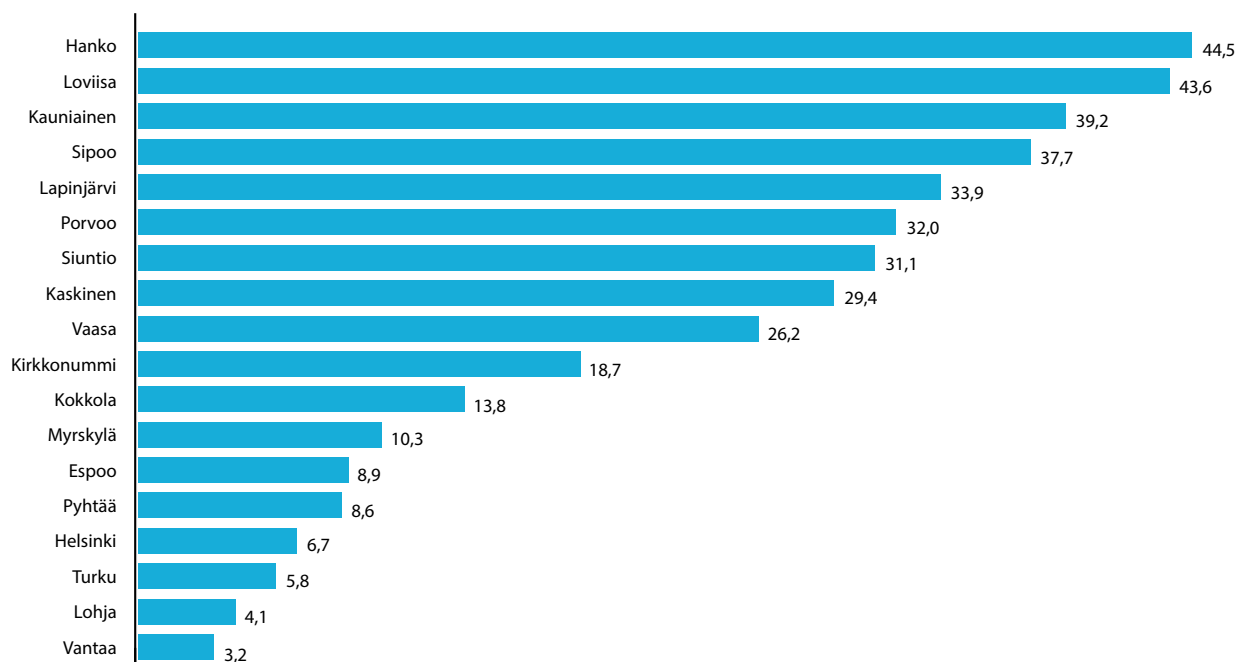


Figure 4: Percentage of Swedish-speaking minorities in order of size in bilingual municipalities and five "linguistic enclaves". Source: Language Barometer 2012

Language profile of unilingual municipalities

There are 17 unilingual Finnish-speaking municipalities in Finland where, at the end of 2011, according to the Population Information System, not a single person with Swedish as their mother tongue lived. This means that the question of the municipal authorities having to use Swedish in matters initiated by the authorities is unlikely to arise in the municipalities of Jämijärvi, Karstula, Kesälahti, Kihniö, Kiikoinen, Konnevesi, Hämeenkoski, Lestijärvi, Luhanka, Merijärvi, Pihtipudas, Pyhäntä, Rautavaara, Ristijärvi, Suomenniemi, Toivakka and Utajärvi. People with Swedish as their mother tongue live in all the other 285 unilingual Finnish-speaking municipalities in mainland Finland. This means the state authorities might have to meet their linguistic obligations in these municipalities. This applies especially to the courts, but also to municipalities in matters initiated by a municipal authority. This can be justified on the grounds for a need to convey emergency and public warnings throughout the country also in Swedish and to extend the coverage of the Finnish Broadcasting Company's (Yle) broadcasts in Swedish.

Reform in local government structures may result in there being Swedish-speakers living in all municipalities in Finland. It is likely that the 17 unilingual Finnish-speaking municipalities referred to above will be merged with municipalities where there are one or more persons living with Swedish as their mother tongue. Relatively large Swedish-speaking communities within social welfare and health care regions may be formed also outside coastal tracts. In addition, all so-called expert responsibility areas (ERVA) must guarantee the linguistic rights of Swedish-speaking patients.³⁴

The Language Barometer 2012 studied for the first time how inhabitants with Finnish as their mother tongue experienced the state's services in Finnish and the readiness of the unilingual Swedish-speaking municipalities of Närpiö, Korsnäs and Luoto to provide services in Finnish.

For the sake of comparison, five Swedish-speaking linguistic enclaves with Swedish-speaking schools and a somewhat Swedish-speaking infrastructure were also included in the Language Barometer 2012. There were 350 Swedish-speaking inhabitants in the linguistic enclave of the Oulu area, 1,111 in Tampere area, 452 in the Pori area, 1,183 in the Kaarina area and 538 in the Kotka area.³⁵

In recent years, bilingual church services and adult education centre courses *inter alia* have been arranged in many unilingual towns and especially in places where there were once Swedish-speakers or where there still is a small Swedish-speaking community. Pori Region Adult Education Centre, for example, is for the first time holding bilingual workshop days in Finnish and Swedish.³⁶

Language climate – awareness and attitudes

According to the Language Barometer 2012 questionnaire, there has been no noticeable change in the minorities' perception of the language climate in municipalities since 2008. Persons speaking the minority language experience relations between the language groups as quite good or variable. Few inhabitants consider the relations between the language groups as being directly poor, despite different opinions appearing in political debate and especially in the social media about the status of Swedish and other languages. Finnish-speakers are, however, slightly more critical of relations between the language groups in municipalities where Swedish is the majority language. Even though a growing Finnish-speaking minority has not always integrated politically or socially and often experiences being something of an outsider, there are also positive examples of the opposite.

When I ask patients which language they want to use, Finnish or Swedish, many Finnish-speaking patients, having noticed I have a Swedish name, reply that Swedish is fine since they have lived in the municipality so long and have learnt Swedish.

Health centre doctor in a municipality where the majority language is Swedish

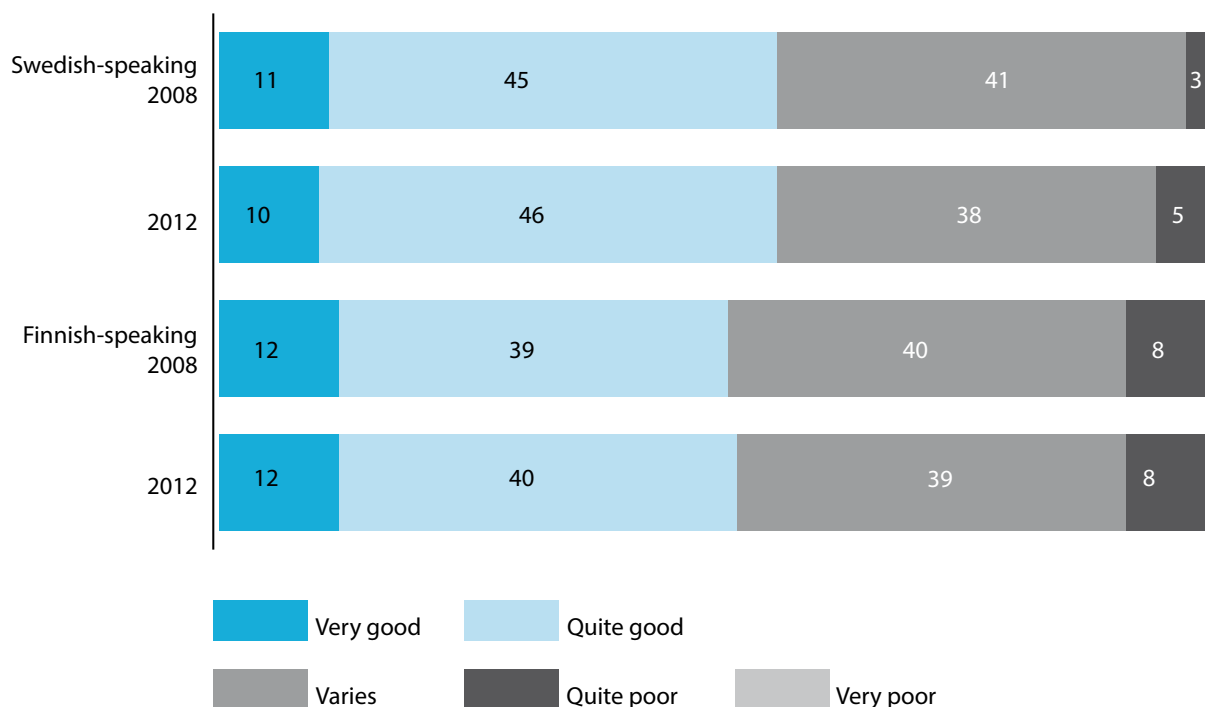


Figure 5: Relations between language groups in municipalities 2008 and 2012. Source: Language Barometer 2012

In the Language Barometer 2012 questionnaire, Swedish-speakers often highlighted the challenges in practice and principle they encountered as representatives of the linguistic minority. The inhabitants of a municipality are generally aware that the law guarantees them a right to services in their own mother tongue, but the municipality or state is not always able to fulfil this need. Whereas the right to services should be emphasised, Swedish-speakers in particular are often willing to be flexible and to use Finnish. The assumption is that service in Swedish is not available. Use of badges would enable customers to know when they can use their mother tongue and benefit from the Swedish service that is often invisible and yet available.

Finnish speakers more often take it for granted that linguistic rights are ensured also in the minority language in bilingual municipalities. Many Swedish speakers would like to see the authorities use flags or language codes, for example, to indicate clearly when services are available in Swedish.

The authorities and other instances dealing with matters relating to linguistic rights often receive enquiries about the right to receive services in Swedish. In municipalities where the majority language is Swedish, Finnish speakers might wonder why, for example, not all a municipality's documents are translated into Finnish. Uncertainties about linguistic rights often concern information by the authorities. Over the past four years, many enquiries have been about deficiencies in information and services provided by the rescue services. Swedish-language website information and Finnish-language correspondence between state authorities and bilingual municipalities have also been a cause of dissatisfaction.

Topical questions concerning linguistic rights also relate to, for example, the linguistic obligations of state-owned companies, a person's right to use a language other than the one registered as his or her mother tongue before the authorities and the possibility to change language during an administrative procedure if, for example, in an unexpected situation, another language was used earlier.

The Ministry of Justice has drawn attention also to how various authorities ensure in practice that the *language registered as the mother tongue* of a person is ascertained on their own initiative immediately on first contact.

During the past four years, *stakeholders* have increasingly tried to support bilingualism in Finland and the use of both Finnish and Swedish. Parties consulted by the Ministry of Justice have expressed their wish to actively promote the maintenance of a harmonious bilingual culture. Emphasis has been placed especially on the use and visibility of both national languages and also of other languages. In addition, the need to evaluate the linguistic effects has been highlighted whenever changes affect the linguistic rights of the language groups. Additionally, the matter of creating a language ombudsman has also been raised in various contexts.³⁷ The Constitutional Law Committee proposed in its report on the previous Government annual report that the Government should consider creating a language ombudsman.³⁸

Vulnerable groups such as consumers and minorities need particular protection. Each of these areas has its own ombudsman. Likewise, language issues also require an ombudsman.

Opinion voiced at a language seminar

Recent years have seen language use become more heated on websites and in the social media. This is also reflected in comments about language and language groups. During 2012, the Ministry of Justice was contacted on several occasions about inappropriate comments. In many cases, site administrators, such as sports organisations, take no responsibility for inappropriate comments posted on websites.

3 Application of language legislation in early childhood education and basic education

This chapter examines early childhood education, with a focus on Swedish-language child day care and early childhood education in southern Finland because language is a topical question in Swedish-speaking early childhood education in the region. The topic is examined on the basis of a study on Swedish language in early childhood education in southern Finland. In addition, the chapter also discusses language immersion activities at day care and school.

3.1 Language in child day care and early childhood education

Early childhood education plays an important part in a child's social development and evens out social differences in a child's background. It is essential already in early childhood education to be able to ensure the conditions for good growth and development and, through diverse measures, to help children needing special support and those at risk of exclusion. Consequent to an amendment to the Child Day Care Act, early childhood education, which precedes basic education, and the preparation, administration and steering of legislation on day care services were reassigned at the start of 2013 to the Ministry of Education and Culture as part of the educational and pedagogical system. The amendment to the Child Day Care Act entered into force at the beginning of 2013 and the new Act on Early Childhood Education will enter into force in 2014.³⁹

By law, basic education is clearly divided by language. Under the new Child Day Care Act, early childhood education must not, however, be administrated in the same way as basic education, i.e. by *inter alia*, a single Swedish-language regional state administrative agency covering the whole of Finland.

Child day care in unilingual and bilingual municipalities

The language environment in child day care is an important aspect in supporting a child's linguistic development and impacts on the child's linguistic identity and basis for his or her school language.

In many bilingual municipalities, recent years have seen steady population growth and migration. An extensive study of language and quality aspects in Swedish-language child day care conducted in 15 municipalities in Uusimaa and Turunmaa found that 36 per cent of the children in Swedish-speaking day care centres came from completely Swedish-speaking homes. Swedish-speaking families live in different types of language environments as a result *inter alia* of different linguistic majority or minority positioning. However, completely Swedish-speaking families are fairly well spread out across the regions. The highest percentage of children from bilingual homes is in Central Uusimaa. In Porvoo, where the majority language is Finnish, half of the children in Swedish-speaking day care are from Swedish-speaking families, whereas more than 40 per cent are from bilingual homes. In Helsinki, which is home to Finland's largest Swedish-speaking population, around 30 per cent of the children come from Swedish-speaking homes, whereas as many as 60 per cent are from bilingual homes. The study also found that a significantly small share of the children in day care come from families with an immigrant background.⁴⁰

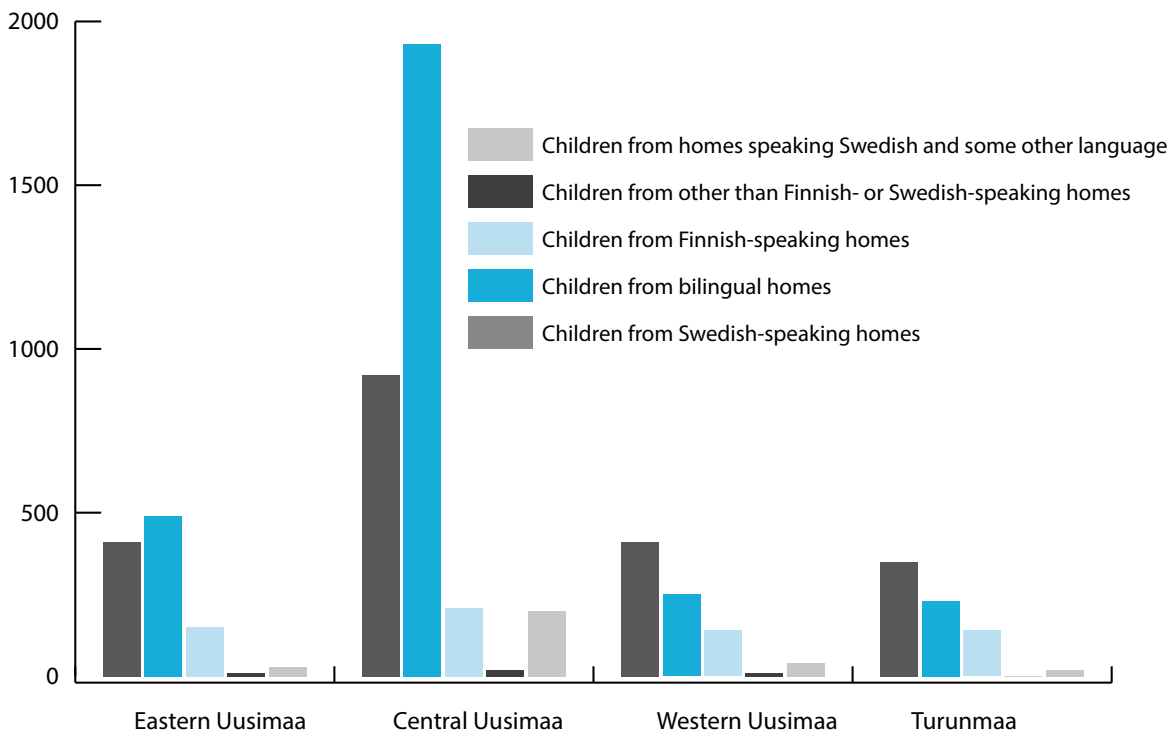


Figure 6: The share and language division of children in day care in Uusimaa and Turunmaa. Source: Eriksson et al. 20122

The study found that the town of Parainen differs from other bilingual municipalities in Uusimaa and Turunmaa in that almost 30 per cent of children in Swedish-speaking day care come from unilingual Finnish-speaking homes. This could be because Finnish-speaking day care is not available everywhere or it might also be that migrants to the municipality have a positive attitude to the Swedish language in this strongly Swedish-speaking archipelago municipality.⁴¹

All the child day care centres answering the questionnaire and where the staff sometimes speak Finnish have in recent years drawn up a *language strategy* or *specific principles* applying to the use of language with children.

In some Swedish-speaking day care centres, for example, where there are many Finnish-speaking children, the staff basically speak Swedish among themselves and with the children, and try to avoid mixing Finnish and Swedish.

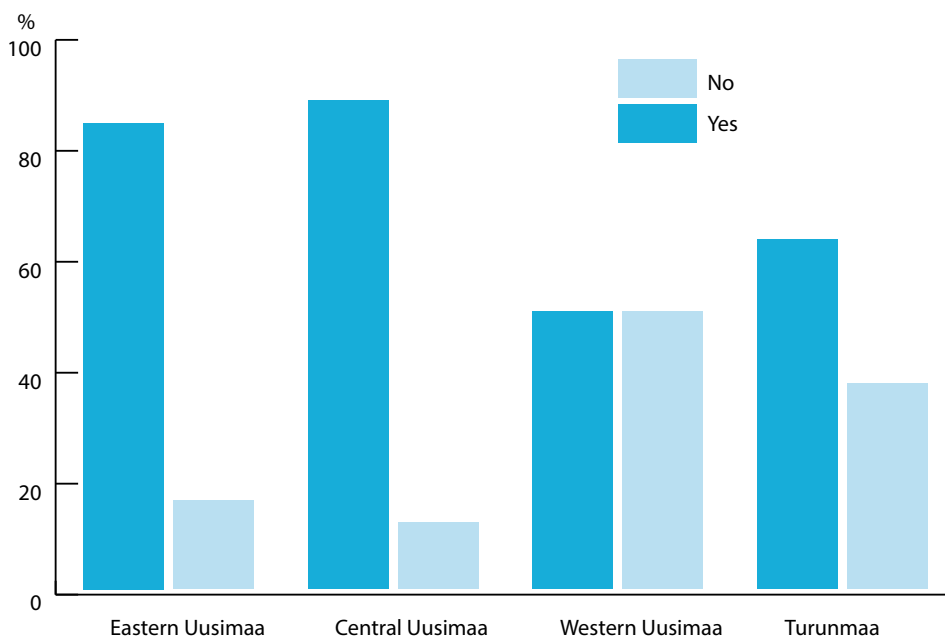


Figure 7: Percentage of Swedish-speaking child day care centres by region that have drawn up principles for language use. Source: Eriksson et al. 20122

Swedish-speaking child day care staff sometimes have to consider what is best for a child's linguistic development. In unilingual Swedish-speaking day care centres, working with parents and children often requires good skills in Finnish in practice, even though the day care staff are not subject to any other language requirements than excellent skills in the language of the day care centre. Many Finnish-speaking day care centres have solved this problem by the use of interpreters if the parents do not understand the language of the day care centre.⁴³

The aim is to support families in making conscious choices. No child is excluded from Swedish-speaking day care and families apply for a place at day care in the language of their choice. In cases where Finnish is the family's only home language, directors of the centres discuss the choice of day care centre language with the parents before giving the child a place.

Child day care staff situation in South and Southwest Finland

The lack of qualified kindergarten teachers in Swedish-speaking day care has eased somewhat over the past three years, although the situation is still difficult. There is a high percentage of unqualified *kindergarten* teachers in Swedish-speaking day care in Central Uusimaa, where in 2011 over a fifth of the teachers were unqualified. The situation is slightly better in Eastern Uusimaa and Western Uusimaa. In Turunmaa, on the other hand, all kindergarten teachers are qualified. Examined from a regional aspect, the differences between the two largest municipalities in Central Uusimaa and the other municipalities in Uusimaa would seem to be decreasing.⁴⁴ Swedish-language kindergarten training began in Helsinki in autumn 2011 as a joint project by the University of Helsinki and Åbo Akademi University. One of the focuses of training is multilingual education. The training leads to a qualification that gives competence to work as a kindergarten teacher with children aged 0-6 years and in pre-school.⁴⁵ This new kindergarten teacher training in Helsinki is likely to improve the situation in Uusimaa within a few years.⁴⁶

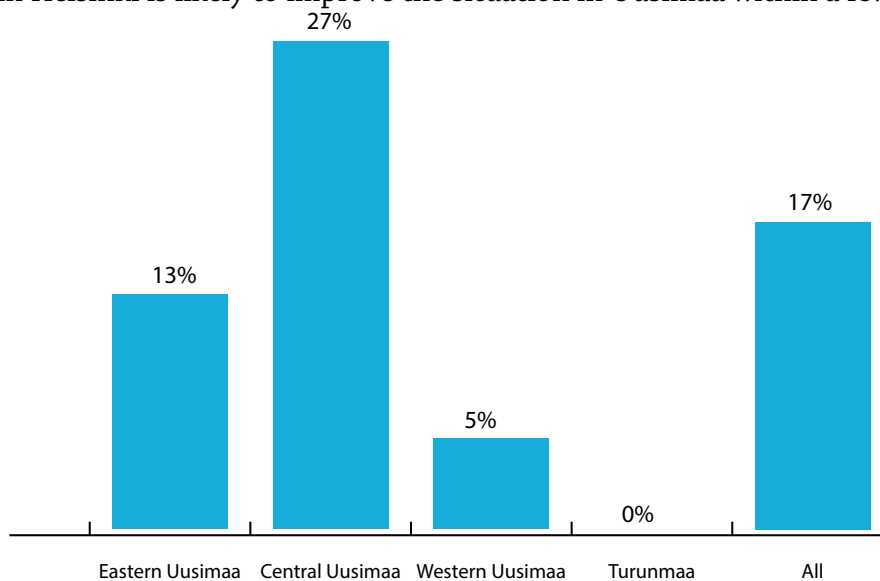


Figure 8: The percentage of unqualified kindergarten teachers in Uusimaa and Turunmaa. Source: Eriksson et al. 2012

The percentage of *unqualified practical nurses* in child day care Uusimaa and Turunmaa was 27 per cent in 2009 and 30 per cent in 2011. There are large regional and municipal differences in percentages of persons qualified. The most serious situation is in Central Uusimaa, where more than 40 per cent of practical nurses are unqualified, whereas the figure in Turunmaa is nine per cent. The trend is downwards in some municipalities, whereas in certain others the situation has improved. The shortage of Swedish-speaking staff may result in day care centres in some municipalities abandoning their linguistic principles *inter alia* when non-Swedish-speaking relief staff are hired for a short period or when the other staff, apart from the care and pedagogical staff,

speak a different language. It also seems there are wide variations in competence between day care units.⁴⁷

The South Coast Regional Council has supported recruitment of child day care staff by conducting repeated studies on the staff situation and from time to time by helping the municipality to recruit staff for Swedish-speaking day care.⁴⁸ It would also be important to include the need for kindergarten teachers in the nationwide forecasts of the need for teachers.

There are shortcomings at the national level in the administration of Swedish-speaking early childhood education. There are currently no actors that organise continuing education or seminars for Swedish-speakers working in early childhood education, instead these are mostly organised by the municipalities themselves and by the third sector.

Early childhood education also includes playground activities. Helsinki, for example, has 35 playgrounds which have staff hired to supervise activities and which *inter alia* provide a playground lunch. Some 200,000 lunches are served each year. Activities have been running for almost a hundred years and lunches have been provided for 70 years. The activities are entirely Finnish speaking.⁴⁹

Swedish-speaking child day care and teaching in Finnish-speaking municipalities

Under the Child Day Care Act, a municipality must ensure the provision of day care organised or overseen by the municipality to the extent and in the forms required by the need arising in the municipality. In addition, a municipality must ensure that child day care can be given in the child's mother tongue when that language is Finnish, Swedish or Sámi.⁵⁰

Legislation on pre-school education emphasises a child's own language and the importance of day care in the child's mother tongue, at least in the final stage of day care. In 2010, a total of 2,860 children aged 6-15 were registered as Swedish-speaking in 150 *unilingual Finnish-speaking municipalities*. Of these municipalities, 14 had a Swedish-speaking school and two organise to some extent basic education in Swedish. The other Finnish-speaking municipalities sought in one way or another to fulfil their obligation to provide basic education in Swedish. The municipalities announced *inter alia* that Swedish-speaking students could participate in bilingual teaching, advanced Swedish teaching, Swedish for beginners or in teaching in Swedish as a mother tongue. Some municipalities offered teaching in another location, but many municipalities do not provide teaching in or of Swedish to Swedish speakers. All unilingual Swedish-speaking municipalities on the mainland organise basic education in both Finnish and Swedish, either themselves or by agreement with another municipality.⁵¹

Swedish schools and day care centres in Lahti, Hyvinkää, Kouvola, Hämeenlinna, Varkaus, Jyväskylä, Nurmijärvi, Tuusula, Vihti and Kerava collaborate in a network initiated by Folkhälsan. In addition, there are small Swedish-speaking schools in Kaarina and Salo. There have long been Swedish-speaking schools in Tampere, Kotka, Pori and Oulu.⁵² Contacts have been established also with the Finland-Swedish civil society by, for example, including language immersion students in Swedish-speaking events such as communication and culture carnivals.⁵³

The Ministry of Justice has advised parents who would like day care and teaching for their child in a language that is not the municipality's to go through the relevant regulations together with the municipality to find a satisfactory solution.⁵⁴

3.2 Language in basic education

The Finnish education system is divided into three stages. The first stage consists of basic education, the second of upper secondary and vocational education and the third studies at univer-

sities and universities of applied sciences. The education system and early childhood education come within the remit of the Ministry of Education and Culture. Everyone has the right to basic education in Finnish or Swedish provided primarily by the municipality.

This chapter discusses topics relating to basic education such as the level of students' Finnish and Swedish skills, teaching in Finnish and Swedish, bilingual schools and information on schools, child day care and language immersion.

Level of skills and teaching in Finnish and Swedish

Swedish language skills have deteriorated. This is because *inter alia* Swedish teaching in basic education has decreased and become one-sided. In 2010, some 90 per cent of students studied Swedish as a B1 language and a good eight per cent as an A1 and A2 language. The scope of the B1 syllabus has halved since the 1970s.⁵⁵ The level of skills in Swedish as a B language in basic education is poor or at best adequate. This does not provide students with a sufficient basic knowledge for studies at upper secondary level after basic education and is subsequently reflected *inter alia* in language studies at university. Writing and speaking in particular cause difficulties. However, girls have a significantly higher level of skills than boys. In basic education, the level of skills of Swedish-speakers in A-Finnish is on average good in spoken Finnish and reasonably good in writing, reading and understanding Finnish. The level of skills of students studying mother tongue-oriented Finnish [*modersmålinriktad finska or mofi*] is on average good.⁵⁶

The move from basic education to upper secondary and higher education is a particularly decisive stage. The current situation at the lower stages of education has resulted in higher education institutions having to remedy inadequate Swedish skills, which further decreases their ability to improve students' skills in response to the needs of working life, for example.

One of the main conclusions is that grade seven is in many ways a problematic time to commence studying Swedish. In future, it will be important to review the point at which studies in Swedish are commenced. With regard to development of the teaching of Swedish, the emphasis is on reviewing the curricula and teaching methods, and on ensuring an unbroken chain in basic and continuous education in teacher training.⁵⁷

Directors of education at Finnish-speaking schools in 25 out of a total of 30 bilingual municipalities answered the Ministry of Education's questionnaire on compulsory and optional language teaching in Finnish-speaking basic education. The results of the questionnaire showed that English is studied as the A1 language in grade three in more than half of these municipalities and Swedish in some municipalities. Finnish-speaking schools in five municipalities each choose the languages to be studied as A1 and B1 languages in grade three. Choice is usually based on demand and is most often English. Some municipalities offer Swedish as an optional A2 language in grade three, although not every year since there is little demand. Some schools offer Swedish as an optional A2 language in grade four, but over half of all Finnish-speaking students in bilingual municipalities do not commence B1 Swedish until grade seven. Most directors of education justify the choice of English as a main language on the grounds that students will need English more than Swedish in their future studies and working life. It was additionally proposed that students who want to study Swedish before grade seven could attend a Swedish-speaking lower stage school and pre-school. Certain directors of education also pointed out that students can take advantage of language immersion, language shower and language club activities in Swedish. Many directors of education considered that there are neither the resources nor the interest to offer both English and Swedish as A1-languages. Schools are forced to choose between these two languages.⁵⁸

Just one in five of the students in Finnish-speaking basic education taking part in a survey had a negative attitude to studying Swedish at school, whereas half had a positive attitude to Swedish

and the rest were neutral. However, students expressed a wish to use Swedish in everyday life. Over 70 per cent considered that their Swedish skills were good.⁵⁹

In a Gallup poll of 1,005 adult Finns, 60 per cent said they would rather learn Swedish than Russian if they were now at school.⁶⁰

The Government passed a *reform on the distribution of lesson hours* in summer 2012. The reform aims *inter alia* at safeguarding equal opportunities for language teaching, i.e. to reduce the differences between municipalities, to provide diverse language teaching and to enable both national languages to be studied also in the future. The focus will be on communicative ability and the intention is to help students to give students an extensive command of their mother tongue and also to build on their ability to interact in the other national language and other languages.

The Ministry of Education and Culture has underlined that providers of Finnish- and Swedish-speaking education have basically different profiles and that the language teaching of Finnish- and Swedish-speaking students must be assessed from different viewpoints.⁶¹

Uni- and bilingual students – many languages under the same roof

Many children grow up in a bilingual environment. Two thirds of the children in bilingual families where Finnish and Swedish are spoken have been registered as Swedish-speaking. Interest vis-à-vis Swedish-speaking schools has increased. Of children from bilingual homes in the Helsinki region, 80 per cent apply for Swedish-speaking schools. Even though most of the students in Swedish-speaking schools are from bilingual homes, their language background varies enormously depending on age group, school and region. The school environment and school language have an important impact on the language use of young people also in their bilingual home environment. The everyday language use of young people from bilingual families attending a Swedish-speaking school undergoes a process of transition, where there is greater use of Swedish and increasing linguistic maturity. Many students define themselves as either Finnish or Finnish-speaking. The majority of children and young people define themselves as bilingual and in the younger age groups also as Finland-Swedish.⁶²

The findings of a study show that students in Swedish-speaking schools manage less well than Finnish-speakers in national and international comparisons of learning results. According to the study, part of the reason for this is that a fifth of pupils in Swedish-speaking schools mostly speak Finnish as their home language. According to the Finnish National Board of Education and researchers who have studied the PISA results, schools need to provide more support for these students than at present. The regional differences between schools in learning results are, however, greater than the differences between Finnish-speaking and Swedish-speaking schools.⁶³

Under the Basic Education Act, a student should have the necessary language skills to be able to follow instruction and to manage in the school language. The authorities have a duty to ascertain whether a student can follow instruction.⁶⁴ Schools have a duty to take into account a student's right to good education in his or her own language. Teaching and quality may suffer if a student is unable to speak the school language. Some schools arrange a language test to ascertain a child's ability to cope with instruction in the school language. The Finnish National Board of Education and regional state administrative agencies have issued instructions on this matter and prepared language tests.

Before applying for a place for a child in a school that has a language not spoken by the family, the family ought to consider the child's possibilities to follow instruction and how communication between a unilingual school and the family will work. Parents make a conscious language choice when choosing a school with a different language than that of the family.

A study carried out in the capital region asked a total of 528 parents of children aged 7-16 years for their opinions on so-called *bilingual* schools. More than half of the parents asked had a positive attitude to these schools and almost 70 per cent were willing to consider placing their children in a bilingual school. However, fear was expressed, especially by Swedish-speaking quarters, that a bilingual school environment could further undermine the weaker and less-used language, i.e. usually Swedish.⁶⁵ The overall assumption that new legislation is required to establish a multilingual school is misleading. The Finnish-Russian School, the German School and the Lycée franco-finlandais d'Helsinki, for example, already provide more or less bilingual education. Neither is there anything to stop a municipality from establishing a Finnish-Swedish school should it so wish. Additionally, such a school could also be established as a private school.

It is, however, important to specify *inter alia* the objective of a bilingual school. Important aspects to consider include whether the school is to be established to preserve a language, revitalise or maintain an endangered language, strengthen a minority language and linguistic identity, preserve a culture or to achieve strong, functional bilingualism and bilingual identity. Other aspects include which subjects should be taught in which language or languages and by what kind of teachers. What about who the school is for: everyone, just the minority or just the majority?⁶⁶

A good example of a private, voluntary initiative is the Facebook school in Swedish, which helps participants to build on their vocabulary. The content consists of short Finnish texts with certain key words in Swedish. The language school has proved to be popular and a book has also been compiled of the study texts.⁶⁷

Information on child day care, school and language immersion

Choice of child day care language and school language often go hand in hand since it is likely that a child will continue to attend school in the same language in which day care was given. This is why it is important to provide parents with information about the choice of language already during the first few years of the child's life.

Bilingual municipalities stated that information about child day care and language matters are mostly given when parents apply for a place for their child and on the municipality's website. All municipalities stated that the family's language is taken into account before the child begins Swedish-speaking day care.⁶⁸

Information about day care and the start of school varies from one municipality to another. Bilingual municipalities generally post information in both languages, Finnish and Swedish, on their websites. However, more comprehensive information about language use, language principles and linguistic obligations of day care centres is usually available in the municipality's majority language. The emphasis in day care is on strengthening the children's linguistic development. Out of a total of 30 bilingual municipalities, 12 mention on their websites the possibility of applying for a place in a language immersion day care centre.⁶⁹

Most of Finland's 30 bilingual municipalities provide information about the *start of school* in Finnish and Swedish on their websites. Two municipalities provide information about what parents should do if they are considering placing a child in a school which uses a different language to the family's own language. One municipality recommended on its website that the children of bilingual families take a language test to evaluate their linguistic abilities with regard to choosing a Finnish- or Swedish-speaking school.

Only a few municipalities providing *language immersion* tell about the importance of this for a child's linguistic development.⁷⁰

Information has been compiled on Swedish-speaking child day care and schools on the internet and includes *inter alia* contact information about Swedish-speaking day care centres and

pre-schools, Swedish-speaking morning and afternoon activities, basic education, language immersion, upper secondary school and vocational education and other education in Swedish.⁷¹

Morning and afternoon activities

The Basic Education Act contains provisions on morning and afternoon activities. Almost all the municipalities in Finland emphasise morning and afternoon activities for schoolchildren and there is a place for almost every child needing one. Around 42 per cent of pupils in grades one and two, a total of 49,000 children, participate in afternoon activities. Swedish-speaking afternoon activities are maintained mostly by the third sector and parishes. More children attend Swedish-speaking afternoon activities than Finnish-speaking ones, although the staff in Swedish-speaking activities are somewhat less qualified than in the Finnish ones.⁷²

3.3 Language immersion in child day care centres and basic education

The Programme of Prime Minister Jyrki Katainen's Government includes an item to introduce *inter alia* proposals for the development of *language immersion and language showers*. A long-term language strategy was prepared headed by the prime minister. This strategy includes measures *inter alia* to ascertain the need for language immersion on the basis of demand and to set up teacher training in language immersion.

Language immersion is a teaching programme intended for children whose mother tongue is not the same as the immersion language. Language immersion is usually targeted at the minority language. There are different programmes for language immersion, with the most important differences being when language immersion commences and the extent to which language immersion is used. Research shows that the most effective method of language immersion is early, complete immersion which continues after early childhood education and preschool until the end of basic education.

Around 4,500 children in Finland participate in *language immersion teaching*. This figure has remained more or less unchanged over the past ten years. A study has been conducted on the attitude of municipalities to language immersion. This study shows that a total of 20 municipalities provide language immersion teaching, with 17 of the municipalities providing teaching in Swedish, two in Finnish and three in Sámi. One municipality with Swedish as the majority language in Uusimaa and two municipalities in Ostrobothnia also to a certain extent provide language immersion teaching in Finnish.⁷³

In autumn 2012, children in a total of 11 bilingual municipalities had the possibility to attend a Swedish *language immersion day care centre*. Children in one municipality have the possibility to attend language immersion in Finnish.⁷⁴ There are ten Swedish language immersion day care centres in Helsinki attended by around 400 children. Likewise, there are also ten *language immersion schools* with a total of 1,700 children.

In 2012, an online questionnaire was carried out in one bilingual municipality in Uusimaa. Almost all the 50 Finnish-speaking families answering the questionnaire hoped that their child would be admitted to a language immersion day care centre.⁷⁵ In another bilingual municipality, a petition was signed by 200 people who hoped the municipality would arrange language immersion for the children of the area in which they lived. According to the petition, 69 children would attend language immersion.⁷⁶

Despite language immersion being very popular with Finnish-speakers, the municipalities have not increased provision in recent years. The problem is that neither trained staff nor premises are available where language immersion could begin.⁷⁷

The municipalities impose various requirements on language immersion teachers and do not take language immersion units into account when assessing the need for qualified teachers. The universities of Vaasa and Oulu worked together for ten years in training language immersion teachers, but this has now ended. The shortage of qualified language immersion teachers is greater in the south of Finland than in Ostrobothnia.⁷⁸

The National Language Strategy proposes a specialisation path for language immersion teachers to train *inter alia* kindergarten and class teachers. In addition, the Strategy also proposes drawing up a curriculum for national immersion teaching and informing municipalities and parents about language immersion activities.⁷⁹ Also organisations have underlined how important it is for a curriculum for language immersion teaching to be included in the new national rationale for the curriculum for basic education.⁸⁰ The measures referred to are currently under development within the administrative branch of the Ministry of Education and Culture.

It is worth mentioning that there was a language immersion ombudsman in the third sector for six years until the end of 2012. The ombudsman was tasked *inter alia* with promoting and supporting language immersion teaching. Activities included repeated continuing education courses and working with the authorities.⁸¹

3.4 Language in upper secondary schools and at other stages of education

According to the proposed measures to develop upper secondary school education, upper secondary education will continue to be developed as a separate form of education. *Upper secondary school education* is primarily intended to provide the required academic ability for studies at university and studies at universities of applied technology, as well as for working life. However, the basic knowledge required in language studies comes as a surprise to many university students. Insufficient language studies in upper secondary school education are reflected in language studies at university and in working life. Universities currently often have to patch the deficiencies in upper secondary school education, especially as regards Swedish.⁸²

Since the reform of the matriculation examination, Swedish has been an optional subject since the 2004 written exams and the number of candidates writing in Swedish has continued to decline.

The Association of Finnish Local and Regional Authorities studied the differences between Swedish-speaking and Finnish-speaking upper secondary schools. The study shows *inter alia* that students at Swedish-speaking upper secondary school seldom discontinue their studies and quite few Swedish-speakers fail the written matriculation examinations. On the other hand, fewer Swedish-speaking matriculation examination candidates than Finnish-speaking ones take written examinations in mathematics or natural science subjects. In addition, Swedish-speaking upper secondary schools offer a smaller choice of courses than Finnish-speaking ones. Swedish-speaking upper secondary schools face challenges related to demography, poor finances and accessibility, together with changes in funding, the curriculum and the matriculation examination. Proposals made by rapporteurs include increased cooperation in IT and teaching techniques between all Swedish-speaking upper secondary schools and the establishment of regional upper secondary schools.⁸³ Insufficient practical nurses, qualified social workers and kindergarten teachers are trained in Swedish in southern Finland and the capital region. In addition, there is a

need to train more special needs assistants and instructors with a knowledge of Swedish in morning and afternoon activities. Some quarters hold the view that efforts to increase study places in certain vocational training – both in *secondary stage vocational education* and at universities of applied sciences – are needed to ensure the availability of staff with language skills.⁸⁴

The Yrke 2005 project has forecast the need for a Swedish-speaking labour force and for vocational and university education for Swedish-speakers. The most important factor in forecasting education needs is retirement, which will remain very high until 2025 and give those recently completing their studies more space on the labour market. The project forecast retirement to be a much greater phenomenon as regards future education needs than the anticipated changes in employment in various sectors. The Yrke 2025 forecast is based on a national and international perspective as to how the Finnish labour force must develop so that Finland can succeed in international competition, guarantee full employment and create a sustainable base on which to fund a welfare society, care and education. The point of departure for the Yrke 2025 project is particularly how the Swedish-speaking labour force must develop so that Swedish-speakers are employed, Finland-Swedish areas can be successfully developed and linguistic and cultural needs can be met. This also requires extensive educational opportunities in Swedish for the entire age group. The forecast also clearly shows that Swedish-speaking Finland needs most learning and training opportunities. The forecast has taken into account the special characteristics of the Swedish-speaking labour force and population.⁸⁵

3.5 Language teaching and bilingual education in universities and higher education institutions

In 2010, the University of Helsinki initiated an experimental project to collect experiences of taking bilingual degrees. The project started in the Faculty of Law at the Vaasa unit and in the Department of Economics and Management in the Faculty of Agriculture and Forestry. Students taking part in the project took at least one third of their studies in the other national language and their degree certificate stated that they had taken a bilingual degree. The aim is *inter alia* to educate bilingual experts. The objective of the project is to prepare the bilingual degree concept for use by the whole university.⁸⁶

The situation is challenging with regard to Swedish for Finnish-speaking universities and higher education, especially since Swedish became a voluntary subject in the matriculation examination. The number of students writing Swedish in the matriculation examination has halved and increasingly fewer upper secondary school pupils and students believe Swedish is necessary.

Swedish teachers at universities of applied sciences are concerned about the situation. Many of them are exhausted and consider that not enough support and understanding is given to the need for teaching in Swedish. Students on the other hand generally have a positive attitude to Swedish, even though their basic knowledge is often so poor they need remedial teaching. Some Swedish teachers have produced specific teaching material which includes vocabulary and information on reference books and independent study. Teachers have received outside financial support for this purpose. For example, health care terminology is not touched on at upper secondary school or in other earlier studies. In addition, it has been several years since many students last studied Swedish. Universities of applied sciences currently use a system to assess skills acquired earlier. However, there is a risk of further deterioration in the Swedish skills of recent graduates. Without adequate Swedish studies and language skills, graduates from universities of applied science can also find it difficult to get public posts in bilingual municipalities or higher posts in administration and research.⁸⁷

Language teaching from early childhood education to adult education cannot be satisfactorily implemented using existing resources and methods. The lack of Swedish teaching will result in increasingly fewer people being responsible for implementing linguistic rights. The learning outcomes of Swedish are unsatisfactory and the differences in skills and attitudes between generations seem to be increasing.⁸⁸

4 Application of language legislation in state and municipal administration

The activities of the authorities and citizen surveys show citizens as being increasingly more aware of language legislation. In addition, several initiatives have been made concerning linguistic rights.

The *Government* language report 2009 had shown there to be shortcomings in the application of language legislation. Consequently the Government reminded ministries of linguistic rights through Prime Minister Matti Vanhanen's letter in the summer of 2009. This letter called on ministries to address the shortcomings raised by the report. The letter pointed out that each authority is responsible for ensuring legislative compliance within its own remit.⁸⁹ The Programme of Prime Minister Jyrki Katainen's Government states that implementation of linguistic rights will be advanced by *inter alia* the Strategy for the National Languages of Finland, which sets out the concrete measures to be implemented during the Government's term of office.⁹⁰

4.1 Steering of linguistic services by the authorities

In its report on the application of language legislation 2009, the *Government* proposed *inter alia* that the authorities and courts have to include the implementation of linguistic rights in their guidance documents, long-term plans and decisions, as well as in separate language plans.⁹¹

The Constitutional Law Committee, in its report on the language report of the Government, stated the importance for bilingual authorities to draw up a concrete plan for the implementation of linguistic rights in practice and to ascertain the functionality of their customer service. The Committee recommended that the Government ascertain how the authorities could improve compliance with language legislation within their respective areas of responsibility.⁹²

The authorities have paid more attention to steering their activities by *inter alia* establishing separate bodies to develop linguistic service and by drawing up language strategies and programmes.

This section in particular discusses the steering and development of linguistic services by the authorities, as well as the customer service, language skills and use of language by certain state authorities and authorities in bilingual municipalities. These matters are discussed at a general level, but also provide examples of activities that have attempted to solve the problems in linguistic service arising in certain areas. The chapter discusses *inter alia* other bodies involved in steering linguistic service and the views of local language minorities on linguistic services, the language skills of the authorities and communication. Special themes are linguistic service in emergency response centres and in the agricultural sector.

Steering through provisions, recommendations and training

A good example of better steering by a ministry of one of its own administrative branches is the method complied with in enforcing the new Health Care Act.

Training in the new Health Care Act arranged by the Ministry of Social Affairs and Health also dealt with the aspect of linguistic rights.⁹³ The Strategy of the Ministry of Social Affairs and Health for 2010-2020 also raises the importance of language and culture, for example, the importance of opportunities for different language groups to participate and influence.

When the new language legislation entered into force in 2004, the *Commission for Local Authority Employers* sent a circular on the application, at the municipal level, of the Act on the Knowledge of Languages Required of Personnel in Public Bodies (Knowledge of Languages Act) to municipalities and joint municipal authorities. The circular included *inter alia* instructions on ensuring the language skills of personnel, qualification requirements, taking language skills into account and announcements of the requirements with regard to language rights.⁹⁵

The Commission for Local Authority Employers arranges training for municipalities relating to public service positions, employment and recruiting. Training also includes the provisions of the Knowledge of Languages Act in the context of which the linguistic regulations in collective agreements.

The recent tendency has been to be more flexible than earlier rather than imposing prior binding requirements on the language knowledge required for individual public positions or duties. The idea is to define language skills separately for each recruitment. Local authority employers have drawn attention to recruitment, but left it up to the local level whether or not language skills can be, for example, considered in salary.⁹⁶

The administrative regulations of a bilingual municipality must include the necessary provisions as to how the municipality provides services on the same grounds to inhabitants belonging to different language groups.⁹⁷ However, legislation does not specify in detail how this linguistic service is implemented within the framework of a municipality's own right to self-determination.

The *administrative regulations* of all bilingual municipalities mention that in their activities municipalities must take into account the provision of services to both Finnish-speaking and Swedish-speaking inhabitants in their own mother tongue.⁹⁸ Over half of the bilingual municipalities also have instructions on linguistic service in their regulations, strategies, plans or programmes. Several municipalities in the capital region have drawn up a language regulation and in recent years some municipalities have written a language programme for themselves.⁹⁹ However, the content and scope of these documents vary. Administrative regulations often only contain a brief reference to specific provisions or decisions applying to the language knowledge required of employees, whereas the administrative regulations of many municipalities refer to a separate list of the qualifications required by employees. The study underlines *inter alia* that guidance documents must impose and clearly define measurable criteria for the standard of a municipality's linguistic service.¹⁰⁰

Cooperation bodies and bodies of public officials for language matters based on statutes and regulations

A hospital district comprising municipalities with different languages and bilingual municipalities has a board tasked with developing and organising specialised medical care for the linguistic minority and for the training of health care staff to be provided in the language of the minority.¹⁰¹

Over the past four years, the management and minority language board of the Hospital District of Helsinki and Uusimaa (HUS) has actively promoted the availability of services in both national languages. The minority language board has promoted cooperation to improve Swedish-speaking psychiatric activities and has received complaints about linguistic service. Local minority language divisions within the hospital district have for their part reported on their activities to the board.

A run of 10,000 copies of the dictionary “Jag finns här för dig” (*I am here for you*) was printed for distribution among the Finnish-speaking staff. The edition soon ran out and there are plans for a reprint. A steering group together with a network of contact persons will follow up and report on the implementation of the language programme drawn up in 2007 and updated in 2011. The steering group will also draw up a plan of action for language groups other than the national languages. The steering group has also proposed that HUS appoints a language ambassador.¹⁰²

The minority language board of Vaasa Hospital District proposed an initiative for a language programme, which was adopted in 2011. The board proposed an initiative to carry out a patient satisfaction survey, to translate the documents given to the patient and to review the resources needed for translation. €250,000 were budgeted in 2012 for translation work and for hiring the secretaries required for this.¹⁰³

The Hospital District of Southwest Finland’s strategy for 2007-2015 notes that Finnish- and Swedish-speaking patients receive care in their respective national languages and that patients belonging to other language groups are supported and given help in communication concerning their care.¹⁰⁴ Also the Hospital District of Päijät-Häme has a minority language board because the bilingual municipality of Myrskylä is in the hospital district.¹⁰⁵

Under the Regional Development Act, regional councils that include both unilingual and bilingual municipalities must set up a body to develop linguistic services in the region.¹⁰⁶ All bilingual regional councils have established such a body.

Uusimaa Regional Council established a linguistic services board in January 2011. The board has *inter alia* organised a seminar and drawn up a language programme for the council. The board works together with a network of other similar bodies in regional councils. Since 2010, the rules of procedure of Centres for Economic Development, Transport and the Environment (ELY Centres) have contained a provision that each bilingual ELY Centre must have an *advisory council on language affairs* to promote the availability of services in Swedish. The advisory council is tasked with describing and developing the customer service of the respective ELY centre and aims to match the availability of services to the needs of Swedish-speaking customers. The advisory council monitors the status of service in Swedish and, where necessary, proposes initiatives relating to service availability and quality.¹⁰⁷ (see Chapter 7) ELY Centres have additionally set up a working group to deal with questions relating to service in Swedish. Representatives from bilingual ELY Centres, the Ministry of Employment and the Economy, the Ministry of Agriculture and Forestry and the Regional State Administrative Agency participate in the activities of the working group. In 2012, the working group conducted a questionnaire to find out how the authorities steering the centres have taken linguistic impacts into account in the activities of the centres. Drawing up language programmes is now timely within ELY centres.

Bodies working in conjunction with regional councils and ELY centres work together with the Swedish theme group of the Rural Policy Committee.

The Centre of Excellence on Social Welfare in the Swedish-speaking and Bilingual Municipalities in Finland (*Det finlandssvenska kompetenscentret inom det sociala området*) has nationwide responsibility for developing excellence in social welfare in the Swedish language. In recent years, the Centre of Excellence has sought to strengthen the network and coordinate development work in different regions. The Centre has actively tracked bill drafting and other social welfare reform initiatives and has worked in cooperation with *inter alia* the centre of excellence in the capital region by arranging consultation events about the new Social Welfare Act. In addition, the Centre

of Excellence has built up contacts with *inter alia* the Association of Finnish Local and Regional Authorities.¹⁰⁸

Non-regulated cooperation bodies and bodies of officials in language affairs

Many authorities have, on their own initiative, additionally set up bodies to improve linguistic services by drawing up language programmes, for example. Moreover, some bilingual municipalities have hired public officials to coordinate and develop linguistic service. An example of this is the City of Vantaa's *Swedish Committee*, Svenska kommittén.¹⁰⁹ The Committee consists of ten members who represent the city's political parties and corresponds to the Finnish-speaking regional committees. The Committee publishes a report of its activities but has no decision-making authority. The Committee has mostly dealt with events, actual customer service situations and deficiencies in services.¹¹⁰ At the start of 2013, the City of Vantaa adopted the Bilingual Programme of the City of Vantaa to promote Swedish-speaking services.

In Turku, there is a Swedish-speaking *coordinator for social welfare and health care services*, which *inter alia* is supported by a *customer panel*. The first customer panel suggested that inhabitants of the municipality who according to the Population Register have Swedish as their mother tongue must be directed to the health care centre that is able to guarantee care in Swedish. The panel also proposed appointing a contact person for Swedish-speaking service in each area and recruiting a translator for social welfare and health care.¹¹¹

At the start of 2013, also the City of Helsinki recruited a coordinator for Swedish-speaking services within the social services and health care department.

For a number of years, a *network of nurses* in bilingual municipalities in the capital region has worked together with various organisations. The network has become a channel for Swedish-speaking development in the field and aims to build a service model where Swedish-speaking expertise matches need. The aim is also to create local networks and cooperation between networks, to strengthen links between child welfare clinics, day care, school and culture at the local level, as well as to inventory Swedish customer documents. One example of cooperation is also an expert group comprising day care centre administrators which cooperates within Swedish-speaking day care in the capital region.¹¹²

4.2 Application of language legislation in public services

This section examines primarily the views of language minorities on the availability of services in their own mother tongue in bilingual municipalities. Particular themes are linguistic service in the agricultural sector and the security sector, especially the activities of emergency response centres.

Progress has been made over the past four years in the linguistic services provided by *state authorities*, such as ministries. Ministries inform, consult various bodies and arrange courses in both Finnish and Swedish somewhat more than earlier in conjunction with, for example, the drafting of bills and the enforcement of new legislation.

Senior officials in ministries have *inter alia* actively participated in drafting the Government's Strategy for the National Languages of Finland and thus shown the importance of systematically going through the implementation of linguistic rights in customer service.¹¹³

Many *bilingual municipalities* have recently turned their attention to linguistic service by drawing up language programmes. Bilingual services have become a timely topic in many mu-

municipalities as a result of changes in service structures. The potential need for special solutions is understood. There have been proposals *inter alia* to establish cooperation bodies transcending municipal boundaries and inter-municipal networks to safeguard linguistic services. There have also been proposals to set up a central coordinating instance with the authority to order a service from an outside provider where a home municipality is unable to provide it.¹¹⁴

In many municipalities where Finnish is the majority language, *customer feedback* is the most usual way to oversee the functioning of bilingual service. In municipalities where Swedish is the majority language, *spot checks* have been carried out to see how service works in practice and oversight has also relied on the service provider's own perception of the standard of service.¹¹⁵

A study by the Ministry of Justice showed that telephone switchboard operators in bilingual municipalities were inconsistent in answering the phone in both languages but most of them are able to serve customers in both languages. The switchboard operator in just one municipality asked to be allowed to change to Finnish and in another municipality the operator replied only in Finnish. Telephone operators in all the smaller bilingual municipalities spoke both Finnish and Swedish – also in those municipalities where there is only a small Swedish minority.¹¹⁶

To systematically make it easier to evaluate the customer service provided by the municipalities, in 2012, the Association of Finnish Local and Regional Authorities published a three-stage model for municipalities to use to clarify and develop the implementation of linguistic rights.

In the first stage in the Association of Finnish Local and Regional Authorities' model, employees together evaluate how linguistic rights are implemented by, for example, the municipality's switchboard, information points, websites and signs. Evaluation can also cover, for example, to information material and registration of the customer's language. The second stage of the model calls for organisation and also resources to some extent. It can apply, for example, to structural changes and questions of quality in connection with procurement or evaluation. The third stage applies to the development and support of linguistic services with the help of various instructions, regulations and activity programmes.¹¹⁷

Views of municipal inhabitants on public services in Finnish and Swedish

The Language Barometer 2012 shows that in general the Finnish-speaking minority in bilingual municipalities have no complaints about access to public- and private-sector services in their own mother tongue, whereas one in four representatives of the Swedish-speaking minority felt they had rarely or never received services in Swedish. One in three Swedish-speakers felt that service in their own language in their own municipality had deteriorated, whereas one in three Finnish-speakers felt that service in their own language had improved. In addition, the study clearly shows that according to Swedish-speaking minorities in bilingual municipalities, state authorities have greater challenges than municipalities to provide services in Swedish. They feel that emergency response centres in particular are unable to offer the linguistic services required of them.¹¹⁸

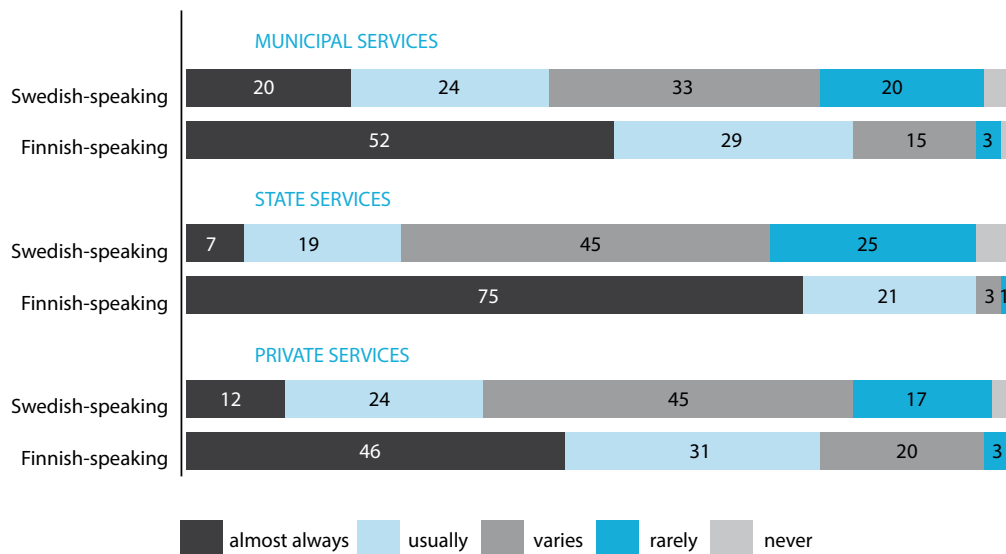


Figure 9: Service in own language in municipal, state and private services. Source: Language Barometer 2012

The Language Barometer shows *inter alia* that municipalities such as Vantaa, Espoo and Kokkola have actively striven to improve their linguistic services. These efforts are presumably why language minorities in these municipalities give better grades for services than they did four years ago.

The changes are quite small compared to earlier measurements, but in Vaasa, for example, Swedish-speaking residents felt that they received better service in their mother tongue than they did four years ago.¹¹⁹ Most documents are translated and personnel are given more language training. Recent years have seen an improvement in both communication and marketing in Swedish. Vaasa intends to further develop its linguistic services by making use of the Language Barometer.¹²⁰

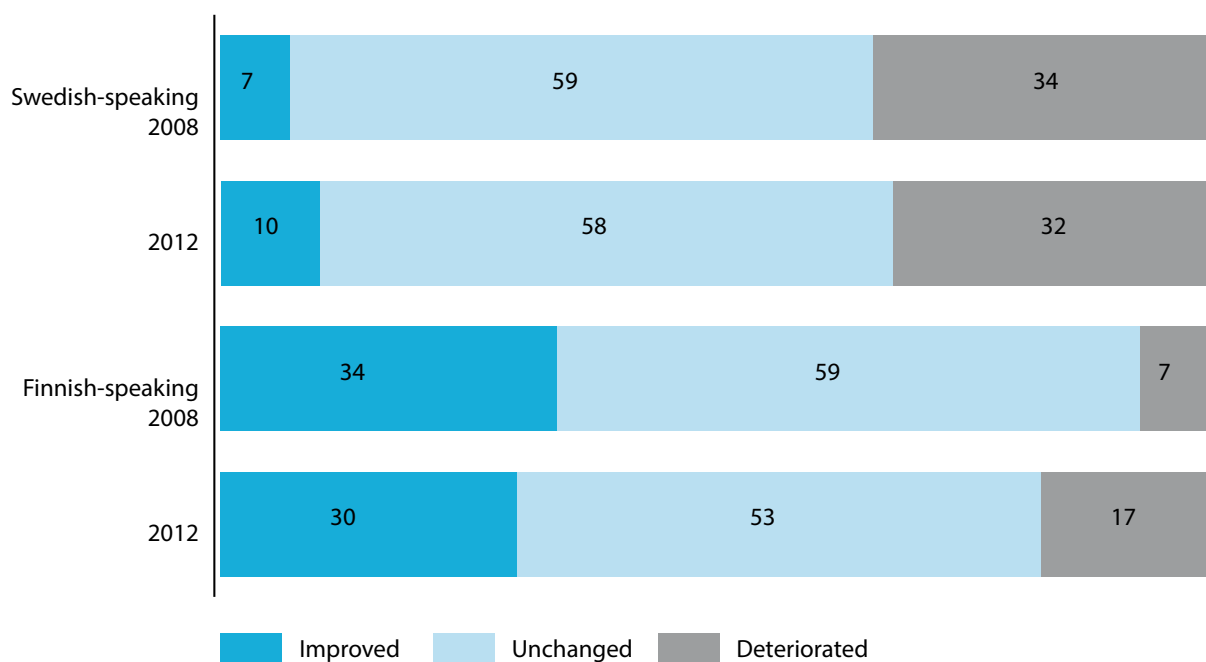


Figure 10: Changes experienced in the quality of linguistic services in own municipality in 2008 and 2012, Swedish- and Finnish-speaking minorities. Source: Language Barometer 2012

Shortcomings in linguistic services usually clearly correlate with the percentage of minority language speakers in the municipality. The smaller the percentage of the language minority, the more difficult it is to obtain service in Swedish. On the other hand, the number of inhabitants speaking the minority language does not seem to have any significance. In the capital region, for example, where there are quantitatively most Swedish speakers and presumably most bilingual personnel, it is not always possible to provide services in Swedish.

Linguistic service in the security sector

At the municipal level, it is felt the ability to provide services in Swedish was worst in the technical sector and local language minorities have greatest expectations as regards functioning medical and health care in their own language. Within the state sector, emergency response centres, the rescue service, the police and Centres for Economic Development, Transport and the Environment received rather poor grades.

Emergency response centres are not always able to serve citizens in Swedish. On the other hand, emergency response centre staff request Swedish-speaking callers to speak Finnish. Citizens, medical staff and voluntary rescue staff calling an emergency response centre have encountered language difficulties when phoning.¹²¹

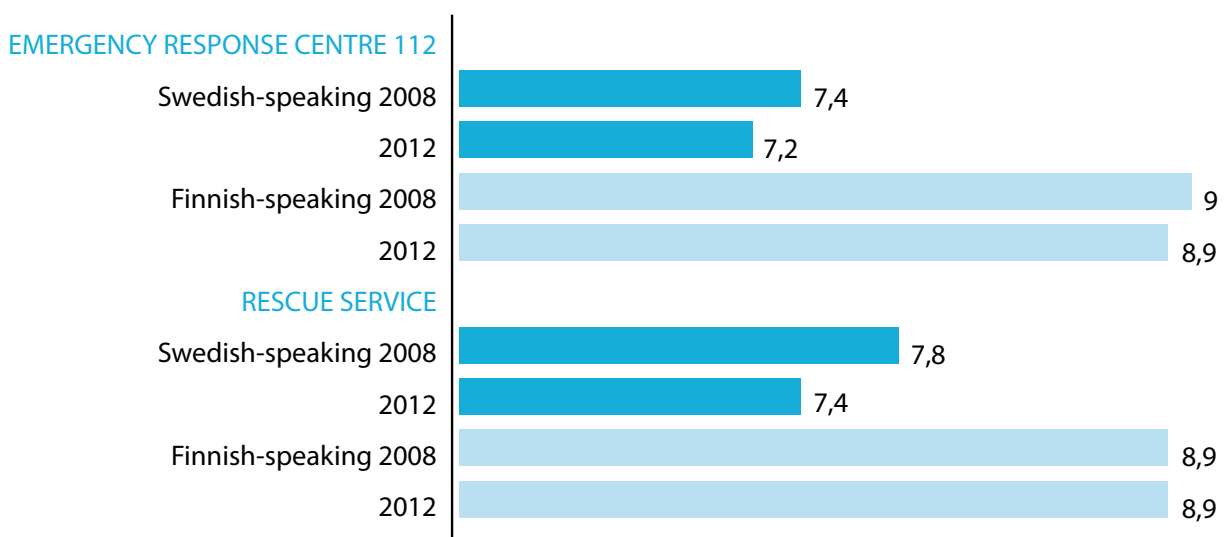


Figure 11: Average grades given for linguistic service: emergency response centres and the rescue service in 2008 and 2012. Source: Language Barometer 2012

The Parliamentary Ombudsman has expressed an opinion on complaints concerning the linguistic service of emergency response centres. In one case, the staff had requested the caller to speak Finnish and in another case the caller had been served in Finnish, but was asked to give the address also in Swedish, after which the conversation had continued in Swedish.¹²² The views of linguistic minorities on security services are similar to the feedback citizens gave the Ministry of Justice on the telephone service of emergency rescue centres and on the ambulance service.¹²³

I have time and again been involved in sending patients from the archipelago to hospital. The staff do not speak Swedish when contacting our voluntary rescue personnel or with elderly Swedish-speaking persons who do not understand Finnish.

Representative of local rescue service

Under the 2011 Health Care Act, responsibility for emergency medical services will be reassigned to hospital districts by the beginning of 2013. This means concluding new contracts with ambulance service providers. The model contract for emergency medical services still does not contain a separate paragraph on the terms and conditions applying to language.¹²⁴

Evaluations of the linguistic effects contained in the Government proposal to reform emergency response centre activities noted that with regard to Swedish, the new administration model and the routing of telephone calls would already make it possible to utilise the staff's existing language skills.

Under the proposal, an improved standard of service would be achieved even with existing resources even though the persons providing service in Swedish are located in different emergency rescue centres.¹²⁵ There are operators with a knowledge of Swedish on each shift, but if they all happen to be busy with calls at the same time, the person answering the call could ask to speak Finnish to save time.¹²⁶

The lack of ability of emergency rescue centres to receive and deal with emergency calls in Swedish has been pointed out to the Department for Rescue Services at Ministry of the Interior. The proposed solution is a bilingual recruiting method and nationwide instructions to ensure the impartial use of both languages. It would also be timely to specify instructions on the choice of language in radio communications between bilingual emergency rescue centres and voluntary fire brigades.¹²⁷

Opinions and decisions regarding customer service in the transport and communications sector

The 2011 Annual Report of the Parliamentary Ombudsman contains examples of linguistic service in the customer service of bilingual authorities.¹²⁸ In one case, a Swedish-speaking customer had been asked whether he spoke Finnish and neither in a second telephone call had he been passed on to a person speaking Swedish. In another case, the customer's language skill was ignored and the customer had not immediately been served in Swedish even though she had expressed a wish to transact her business in Swedish. In yet a third case, a plaintiff speaking Swedish as his mother tongue had received a summons in Finnish to be served a summary penal order and failed to get the matter dealt with in his own mother tongue not even after having telephoned the person signing in the summons. The Parliamentary Ombudsman also decided a matter taken up on his own initiative in respect of linguistic rights in conjunction with ticket inspections on public transport. The Parliamentary Ombudsman concluded that it is important from the passenger viewpoint to be told about a ticket inspection because it involves a measure that can result in a sanction in the form of a penalty fare.¹²⁹

Often in his decisions, the Parliamentary Ombudsman has also expressed an opinion that persons employed by state authorities and bilingual authorities must use *both national languages in their electronic out of office messages*. The Parliamentary Ombudsman has, *inter alia*, emphasised that the language skills of individual public officials are irrelevant as regards the requirement for bilingual out of office messages.¹³⁰

With reference to the decision of the Parliamentary Ombudsman, the Ministry of Justice has issued a recommendation containing model texts and called on employees in the Ministry and within the administrative branch to, on their own initiative, ensure that linguistic rights are also implemented in email out of office messages and in email signature files.¹³¹

Services in Swedish in agriculture and forestry administration

Recent years have seen an increase in contacts by agricultural traders to various authorities, especially in matters concerning EU support. In agricultural and forestry matters, farmers have contacted *inter alia* municipal rural agencies, Centres for Economic Development, Transport and the Environment, regional state administrative agencies, the Agency for Rural Affairs, the Finnish Safety and Chemicals Agency, the Finnish Forest Centre, the Ministry of Agriculture and Forestry and the Ministry of the Environment. In general, these instances try to provide service in both Finnish and Swedish. However, there are often deficiencies in website updates, application documents, forms, consultancy and training in Swedish.¹³²

It is estimated that around ten per cent of Finnish farmers speak Swedish as their mother tongue. However, regional agricultural authorities do not always have the resources to provide service in Swedish or to translate material into Swedish. Not all expert public officials speak Swedish and there is a shortage of farm reliefs and vets with a knowledge of Swedish. Oversight of agricultural support is sometimes conducted in Finnish, which means that comments or the record of the visit might remain unclear to the farmer. Sometimes Swedish documents are published later than Finnish ones. There have also even been occurrences of information on agricultural support not being available in Swedish until the application deadline has expired.¹³³

4.3 Ensuring and maintaining personnel language skills

When filling a public position and recruiting otherwise for an employment relationship, the authorities must ensure, through human resources policy measures, that any person being recruited has the necessary language skills to occupy the position.¹³⁴

The reports of the Government on the application of language legislation in both 2006 and 2009 proposed measures to ensure language skills when recruiting personnel. Also the Constitutional Law Committee, in its report on the report of the Government, proposed measures to improve the situation. By specifying the qualification requirements or by imposing language requirements otherwise, an authority can clearly state what type of language skills are required in a public position and test the language skills of the person chosen for that position in conjunction with recruiting.

Language skills required by the authorities

If, by law or decree, a university degree is required for a state position, public officials are required to have an excellent knowledge of the majority language, usually Finnish, in bilingual administrative districts and a satisfactory knowledge of the second national language. By law, the authorities may also impose special requirements as regards language qualifications, although they rarely do.¹³⁵

Under Government decrees on ministries, senior ministry officials such as permanent secretaries, directors-general, senior government advisers, senior officers for legal affairs and ministerial advisers are usually required to have a university degree. This means these public officials are required to have excellent Finnish skills and satisfactory Swedish skills. As regards specialist positions within central and regional administration, qualification requirements have not always, contrary to popular belief, been prescribed. Generally, ministries are reluctant to impose wider binding language proficiency requirements than at present. Ministries are well aware of the Ministry of Finance's instructions regarding the principles to be complied with when filling positions and use these instructions in recruiting. Some ministries also report that they also

use the instructions and recommendations on language skills of the Ministry of Justice when recruiting.¹³⁶

The Government may, for special reasons, grant dispensation from the language qualification requirements laid down by government or ministerial decree unless otherwise provided by law or by virtue thereof.¹³⁷ This can happen if the prescribed language proficiency requirements are unnecessary to occupy the position.

When, for example, a foreigner applies for a position, there may be a special reason to derogate from the general language proficiency requirement. This might especially be the case if it can be assumed the applicant will quickly obtain the required language skills.

Bilingual municipalities, too, have imposed language proficiency requirements that generally apply to senior officials, but not always, for example, to public officials presenting matters on municipal boards. Around one third of the bilingual municipalities have stated that they have a separate language regulation specifying the qualification of public officials as regards language skills. Municipal language programmes or strategies also often contain instructions on language proficiency requirements. Language proficiency requirements are often defined internally within each municipal sector separately. When Swedish skills are required in customer service, bilingual municipalities generally require that oral Swedish at least must be of a good or satisfactory standard. In municipalities with a relatively large Swedish-speaking minority, senior officials in the municipality are generally required to have excellent or good skills in both languages and particular emphasis is placed on the practical skills of the personnel. In municipalities with a Finnish-speaking majority, municipal executives at least are required to have skills in both languages. It seems that the recently formed bilingual municipalities have actively ascertained the language skills required of their employees and how language proficiency requirements must be imposed, checked and maintained.¹³⁸

Ensuring personnel language skills

The report of the Government on the application of language legislation 2009 proposed that the authorities and courts should ascertain the type of language skills required in each task and clarify this in the job descriptions of the personnel. Moreover, the qualification requirements regarding language skills must be indicated in notices of vacant positions and the procedural methods used in recruitment must be developed to ensure adequate language skills when recruiting personnel.¹³⁹

Matters relating to ensuring the language skills of the personnel in ministries and bilingual municipalities were ascertained in questionnaires that the Ministry of Justice sent to ministries and bilingual municipalities.¹⁴⁰ The qualification requirements laid down by law generally always appeared in the *ministries' calls for application*. Before drafting a call for application, many ministries assess, depending on the tasks, the language skills required in practice and whether there is any need for qualification requirements with regard to language. If it is considered, for example, that a specialist position in practice requires Swedish, ministries generally announce this separately in calls for application.

Ministries usually *ensure language skills* on the basis of language certificates. However, many ministries are of the opinion that a certificate alone is not sufficient proof of a person's actual language skills. In some cases, an applicant's language skills are checked by *interviewing* him or her in the language concerned. A hundred employees at the Ministry of the Interior were interviewed for a dissertation about the use of Swedish at work. Just over half replied that Swedish

skills were taken into account when recruiting. Half had used a language certificate to prove their language skills and ten had been interviewed in Swedish.¹⁴¹

All ministries regularly arrange their own language training and the personnel often also have an opportunity to attend external language training. The need for language training is established in performance and development discussions.

All bilingual municipalities have notified the Ministry of Justice that they check the *language skills of job applicants* in some way. More than half of the municipalities stated that they interview applicants always in both Swedish and Finnish. Language certificates are usually required when language proficiency requirements are specified for the position. According to some municipalities, adhering to language proficiency requirements can sometimes result in low numbers of applications. Nearly all municipalities reported that *they have ascertained the language skills of their personnel*. Some have carried out a systematic study of language skills, but the smaller municipalities in particular consider the language skills of the personnel as being known because of the language allowances paid. Most municipalities emphasise the need for Swedish, especially within care of the elderly and child day care. This confirms the view that at least those in the most vulnerable situation, the elderly and children, have a right to services in their mother tongue. To ensure and maintain the necessary language skills, one in four bilingual municipalities in recent years has, based on need, arranged *language courses* during working hours. The majority of bilingual municipalities report that they *publish their calls for application in both national languages* and that they state language proficiency requirements in the announcement both when the position or task is subject to language proficiency requirements and also when the work in practice requires certain language skills. Calls for application are usually published in a Finnish-language daily newspaper and the announcement gives a website address where the call for application can be found in Swedish.¹⁴² A written question in Parliament raised the matter of the lack of vacant job announcements in Swedish in 2009.¹⁴³

Recruitment procedures of ministries and bilingual municipalities

The ministries comply with the recruitment instructions issued by the Ministry of Finance in 2010. These instructions state *inter alia* that the language skills required are generally already shown in the applicant's qualifications and that language skills must be ascertained and, where required, the applicant must be asked for supplementary information if the matter is unclear.¹⁴⁴ The Ministry of Justice has compiled its own instructions into a handbook to be used as a tool in recruitment. According to the instructions, the qualification requirements laid down by law must, without exception, be stated in a call for application. In addition to this, the announcement must and should state the know-how, skills and qualities, i.e. language skills that are considered a merit. The instructions include details with regard to language certificates, exemptions from language skills, and calls for application. The Ministry of Justice has also issued separate instructions concerning recruitment principles in the ministry's administrative branch.¹⁴⁵ It has been proposed that the Ministry of Finance and the Ministry of Justice coordinate their recruitment instructions and in them include the language proficiency requirements specified in the Act on the Knowledge of Languages Required of Personnel in Public Bodies.¹⁴⁶

On the initiative of the Advisory Board on Language Affairs, in 2011 the Ministry of Justice published the recommendation *Language skills in recruitment by ministries – provisions and a checklist pertaining to recruitment* to support the implementation of language legislation in state central administration. The recommendation contains the main provisions of language legislation and lists the regulations and other important aspects to be taken into account in recruitment situations in practice. The recommendation points out that the authorities have a duty to ensure the person they recruit has the language skills required for the job, i.e. the language skills

in accordance with the qualification requirements laid down by law, the language skills actually required for the job and/or language skills considered as a merit.¹⁴⁷

The electronic application system used by state authorities is in Finnish and Swedish and contains a section "language skills required at work", which, however, is usually not completed for Finnish and Swedish. Foreign language requirements are often mentioned by expressions such as "we appreciate a good knowledge of English" or "successful performance in the post requires a good knowledge of Russian" or "good language skills are a merit". Government agencies can announce job vacancies and applicants can apply for vacancies in both languages, but not all employers publish job vacancies in Swedish in the system.¹⁴⁸

Certified copies of certificates are no longer submitted to the employer. Information submitted in electronic format is that submitted by the applicant. It is important that an employer asks to see the certificates with regard to *inter alia* required language skills by the time the person is invited for an interview.

Around half of the *bilingual municipalities* state that they usually employ some form of recruitment instructions when filling a position or duty. Many municipalities comply with the instructions of the *Association of Finnish Local and Regional Authorities*, whereas some municipalities have their own recruitment instructions and others are currently compiling such instructions.

Under the instructions of the Association of Finnish Local and Regional Authorities, successful applicants are expected to have in particular the required expertise and competence. The instructions underline *inter alia* that the qualification requirements must be mentioned in the call for application and that legislation applying to municipalities, public officials and equality must be taken into account when filling a position. Likewise the importance of skills in languages spoken by immigrants is emphasised.¹⁴⁹

Municipalities often provide for language skills and language proficiency requirements in their language regulations, which are equally as binding as the administrative regulations in the Local Government Act. ¹⁵⁰ The language proficiency regulations of the municipalities vary from stricter to more general depending on the trade. The internal norms of municipalities might leave more detailed language provisions applying to a certain position or duty to the decision of the occupier of the post.¹⁵¹

Language allowances paid by the state and municipalities

It transpired in Government's language report 2009 that ministries do not generally pay language allowances. Many authorities had abandoned paying language allowances in conjunction with the new pay system. Some ministries reported that a language allowance could still be included in a job-specific pay component, whereas within other ministries it can be included in an individual pay component. A language allowance or language skills allowance is paid to certain groups of professionals, such as the police. This has been decided separately.¹⁵²

Under the *General Collective Agreement for Municipal Personnel*, a public official or employee can be paid a language allowance included in his or her salary proper if, in addition to his or her mother tongue, the job requires a command of the other national language, Sámi or sign language where this language demand has not been taken into account in the job-specific pay. The average language allowance is around €50 a month. However, also the municipal sector has switched over to a combination of job-specific and individual pay components in wage formation. Municipalities with a Swedish-speaking majority pay a language allowance slightly more often than municipalities with a Finnish-speaking majority.¹⁵³

No standard system seems to be applied in the payment of language allowances. There are also large differences in practice between municipalities irrespective of their geographical location. In some bilingual municipalities, a language allowance is paid to over a third of the employees, whereas in the neighbouring municipality, for example, only a small percentage receives a language allowance.

Municipalities with satisfactory finances and municipalities where the second language is clearly the majority one appear to be more willing to pay a language allowance. The bilingual municipalities in southern Finland generally pay a language allowance less often than, for example, Ostrobothnia, where municipalities and joint municipal authorities pay a language allowance for Finnish or Swedish skills more often than other bilingual regions. Vaasa Hospital District, for example, pays a language allowance to more than half its employees. In the Hospital District of Helsinki and Uusimaa, where a language allowance is paid for Finnish, Swedish and sign language skills, over a tenth of employees received an allowance for language use in 2011. Moreover, statistics show that *inter alia* a joint municipal authority in east Finland pays a language allowance to comparatively many of its employees, probably also for Russian skills.¹⁵⁴ Three municipalities where Sámi is spoken pay a language allowance for Sámi skills. A language allowance for sign language skills is paid to a total of around 400 municipal employees.¹⁵⁵

4.4 Application of language legislation in state and municipal communication

The Constitution of Finland guarantees citizens the possibility to participate in and influence the development of society and their living environment. The population also has the right to participate in and exercise influence in their own language.¹⁵⁶ To implement these possibilities, the authorities must actively create various channels of communication and influence to promote the population's linguistic and democratic rights.

State and municipal authorities must give information directed at the public in Finnish and Swedish in bilingual municipalities. The relevant ministry must ensure that important information concerning the life, health and safety of the individual, as well as property and the environment, is given in both national languages throughout the country.¹⁵⁷

Communication by ministries and other state agencies

In 2010, the Government Communications Department gave a recommendation that underlines the obligation of the authorities to report on their own activities. The recommendation states *inter alia* that the main content produced by the authorities must be available in Finnish and Swedish and, in certain cases, also in English and, where necessary, other languages.¹⁵⁸

In 2010, the Ministry of Justice carried out a study of the *language of ministries' websites*. The result was that even though all ministries have Finnish, Swedish and English versions of their websites, the content varies greatly between the languages. Sometimes the websites lack fundamental information in Swedish. Links, attachments and forms in Swedish can be difficult to find, which means that users do not have access to all information in Swedish. Even though a person searching for information can sometimes stumble across a text that says the webpage in question is not available in Swedish, many ministries have, in recent years, made progress in communications directed at the media and citizens. To take a case in point, news material is available

more widely, both in Finnish and Swedish, than it was four years ago. Recent years have also seen many state offices and institutions develop *their websites in foreign languages*, with many having comprehensive webpages in English.¹⁵⁹

Kela, the Social Insurance Institution of Finland, has a website in Finnish, Swedish and English, as well as in Finnish sign language, and relatively comprehensive information also in Northern Sámi, Inari Sámi, Skolt Sámi, Russian, Estonian and summaries in German and French.

The website of the Finnish Police has information and forms in Finnish, Swedish and English. Information about what the police do and e-services for immigrants is available in Russian, Estonian, Somali, Albanian, Chinese, German, Vietnamese, Turkish, Thai, Spanish, French, Arabian, Kurdish and Persian. Similarly, the *Finnish Tax Administration* has websites and e-services in Finnish, Swedish and English, as well as pages, for example, about the taxation of foreign workers in Sámi, Russian, Estonian and Polish.

Recent years have seen attention given to the deficiencies in the communication in Swedish of bilingual authorities in conjunction with *campaigns and competitions*. The authorities have sometimes held the opinion that communications material is more of a question of voluntary marketing rather than official information and as such language legislation does not apply.¹⁶⁰

In the social media, the authorities have not always communicated in both languages. For example, new legislation is mostly discussed in Finnish in public forums, which are, however, becoming official channels of influence and complementary forms of service. Ministries have Facebook accounts and post blogs and columns written by ministers, permanent secretaries and experts. A general observation concerning e-democracy services is that many are available only in Finnish or are deficient in other languages.¹⁶¹

The Ministry of the Interior's general Facebook group, with added news content in Swedish, is a good example of how bilingualism can be implemented in a typically unilingual environment.

In a case concerning an application for Structural Fund financing, the Deputy Parliamentary Ombudsman deemed that in administrative procedure applicants must be treated equally also from the linguistic aspect irrespective of whether an administrative matter is considered electronically or in a more traditional manner.¹⁶²

Emergency warnings to the public

The question of how the authorities must act to ensure an individual receives in both national languages important information concerning the life, health and safety, as well as property and the environment became a matter of interest *inter alia* because the Deputy Parliamentary Ombudsman, on his own initiative, considered the question of *emergency warnings*. He considered that questions relating to the translation of emergency warnings must be resolved in advance with the help of, for example, instructions.¹⁶³

The Emergency Warnings Act entered into force on 1 June 2013. The Act mainly seeks to improve the implementation of linguistic rights and to clarify the terminology used. The Act specifies the channels to be used for emergency warnings and which authorities may issue such warnings.

The purpose of the *Emergency Warnings Act* ¹⁶⁴ is *inter alia* to improve the implementation of linguistic rights and language legislation in information by the authorities. Transmitting emer-

gency warnings to the public in both national languages, and in certain cases in Sámi and possibly also in other languages, promotes the security of the population and creates a positive atmosphere of protection. Comprehensive information in both national languages is also justified on the grounds that, at the end of 2011, there were only 17 municipalities in Finland without a single Swedish-speaking inhabitant.¹⁶⁵

The Emergency Warnings Act also specifies in which situations emergency warnings must be given. An emergency warning must be given in both national languages. Where required, the Emergency Response Centre Administration will assist the local authorities within internal affairs administration with translating the information into the other national language, but basically each authority giving an emergency warning must give the information in both national languages. In addition, in the Sámi homeland, the Act requires emergency warnings to be given in Sámi where a dangerous event or the consequences thereof are directed towards that area. Emergency warnings are broadcast to the population nationwide by radio and, if the authority giving the warning so decides, can also be broadcast by television.¹⁶⁶ The Ministry of the Interior will publish practical instructions on writing and transmitting emergency warnings.¹⁶⁷

Communication by municipalities and associations of municipalities

Municipality websites have already fairly long been among the most popular websites in public administration.¹⁶⁸ *All bilingual municipalities post information in both Finnish and Swedish* on their own websites, even though the content is not always as extensive in both languages. Some municipalities, for example, have different information in Finnish and Swedish in the freesheets delivered to all households.¹⁶⁹ The trend already for a longer time now has increasingly been for unilingual municipalities to have English-language rather than Swedish-language websites.¹⁷⁰

The Association of Finnish Local and Regional Authorities has given municipalities communication instructions. These instructions refer to legislation affecting the municipalities' communication activities such as the provisions of the Language Act on the duty of the authorities to provide information in both national languages. The Association of Finnish Local and Regional Authorities has additionally created a network of information officers within the municipal sector, arranges meetings and transmits information electronically.¹⁷¹

The Parliamentary Ombudsman has expressed an opinion in a case where certain articles and advertisements in the newsletter of a bilingual municipality were in Swedish only. According to the Parliamentary Ombudsman, the municipality had failed to comply in all respects with the linguistic rights of the Finnish-speaking inhabitants in the municipality. Consequently, the municipality's publication activities had partly contravened the Language Act. The Parliamentary Ombudsman emphasised the role of the responsible editor in the case.¹⁷²

All 18 regional councils have a Finnish website. In addition, all five bilingual regional councils and the Regional Council of Lapland have a homepage in Swedish. Three of the five bilingual regional councils clearly state that the council is bilingual, whereas the other two have very modest webpages in Swedish. All but one of the regional councils have websites in English and seven regional councils have pages in Russian. The Regional Council of Lapland has a website in five different languages: Finnish, Swedish, English, Russian and Sámi.¹⁷³

Organisations and the third sector often have a great responsibility for information. For example, some important information for Swedish-speaking farmers on support and other activities is provided by an agriculture interest group and the magazine it publishes.¹⁷⁴

Official documents in Finnish and Swedish

The Government's language report 2009 proposed that the authorities and courts take language legislation into account in their communications, but there are still shortcomings in the implementation of the authorities' statutory obligation to publish the main documents or summaries of them in both Finnish and Swedish. According to the ministries' own estimates, reports, publications and similar documents are generally usually published only in Finnish and less often than earlier completely in Swedish. In 2012, however, almost all publications included a Swedish summary, which is slightly more often than four years earlier.¹⁷⁵ Some ministries reported additionally that the brochures they publish are almost all in both languages. Based on these estimates, it can be concluded that the ministries still have room for improvement, especially with regard to publishing reports, studies and brochures in full in Finnish and Swedish. Otherwise, the situation might result in a lack of information and worse possibilities for Swedish-speaking persons to participate in, *inter alia*, consultation.¹⁷⁶

However, ministries have limited translation resources and appropriations to source translation services from outside. This is why a central organisation could be forced to assume responsibility for having documents translated on behalf of an authority so that members can receive information on, for example, the content of a report. In such cases, there is often less time left to make a statement.¹⁷⁷

Texts of legislative proposals and summaries of reports must always be in both national languages. However, it is at the discretion of the ministry concerned whether the full report is translated into Swedish. The Parliamentary Ombudsman has considered it appropriate to point out that the discretion of the ministry must not, however, result in the hearing threshold being artificially raised so that there is no need to translate documents into Swedish.¹⁷⁸

Bilingual signs and product information

The question of bilingual signs has arisen in recent years *inter alia* when a bilingual municipality and a unilingual municipality have merged and the entire municipality has become bilingual. In such cases, signs must, by law, be in both Finnish and Swedish. There are some bilingual places where bilingual signs have not been implemented as required by the Language Act. In his decisions on bilingual signs, the Deputy Parliamentary Ombudsman has noted that street names and signs on buildings, such as child day care centres and schools, must be in both languages of the municipality also when they serve in only one language.¹⁷⁹

The text on signs of bilingual authorities must be impartially in both national languages. Signs are an important part of an authority's external image. Unilingual signs give a misleading impression of the bilingualism of the authority.¹⁸⁰

Also the question of whether the Finnish or Swedish name should come first *on street name signs*, for example, is constantly raised. Bilingual municipalities are required to treat both languages and language groups equally. A municipality may decide the order in which the languages appear on its street name plates and signs. Signs do not constitute a problem in unilingual municipalities and a municipality has the right to use on its signs also other languages than the language of the municipality.

The duty to have bilingual signs also applies to bilingual authorities in a unilingual municipality. The question is timely when *inter alia* authorities restructure their activities so that a bilingual state authority is located in a unilingual municipality. Examples of such authorities are the Re-

gional State Administrative Agency of Southern Finland, which is in Hämeenlinna, and the Local Register Office of Western Finland, which is in Seinäjoki.

A written question in parliament raised the question of unclear names of public authorities. The reply noted *inter alia* that the Language Act and the requirements of the Administrative Procedure Act for the authorities to use clear language also apply to the names of authorities.¹⁸¹

The official and unofficial name of an authority must be clear and understandable so that citizens can, without difficulty, understand which authority or agency is concerned. According to parliament, more attention must be paid in conjunction with preparation and decision-making to the names of new agencies and organisations and the opinions of the Institute for the Languages of Finland must also be considered in these matters.

In his decisions, the Parliamentary Ombudsman has considered that units within public administration cannot only have an English name. The reason for names such as TraFi, Destia, Valvira, Fimea and Evira has often been an attempt to clarify the long official name. The Parliamentary Ombudsman has *inter alia* considered that the auxiliary or supplementary name, which is neither Finnish nor Swedish, of one joint municipal authority is not, however, at variance with the law because the full name of the municipal authority is always used alongside it. In another case concerning the auxiliary or supplementary name of an authority, the authority had acted wrongly when it had printed only the auxiliary or supplementary name on its envelopes sent to customers. The Parliamentary Ombudsman proposed that the Institute for the Languages of Finland assess the need for separate legislation on the criteria and procedures with regard to authorities' names, including abbreviations and other auxiliary and supplementary names.¹⁸²

A transitional provision, which entered into force in January 2009, of the Language Act states that products sold in bilingual municipalities must have a product description and instructions for use in at least Finnish and Swedish. This provision is still not always fully complied with. Texts on products are often lacking in Swedish and sometimes also in Finnish. One reason for this could be that not all provisions and instructions are in line with language legislation.

4.5 Choice and use of language by the state and municipalities

Notices and minutes of council meetings in bilingual municipalities must be in Finnish and Swedish. The language of notices and minutes of meetings of other bodies in a municipality is decided by the municipality. In bilingual municipalities, instructions and similar rules must be issued in Finnish and Swedish.¹⁸³

Bilingual municipalities usually publish council minutes and agendas on their websites in both Finnish and Swedish or video council meetings.¹⁸⁴ Inhabitants of a municipality and the media can be uncertain as to which minutes by law must be available in both Finnish and Swedish. Sometimes people are dissatisfied, for example, because not all minutes have been translated into the minority language or because the translation has been poor.¹⁸⁵

In bilingual municipalities, the members of the municipal council, board and other bodies can themselves choose which language they wish to use. It is usual for elected officials to use their own mother tongue and for the chairperson to use both languages and interpret where necessary. The situation was the same in 2008.

In some bilingual municipalities where Finnish is the majority language and in municipalities where there is a large Swedish-speaking majority, however, the language of the majority is gene-

rally used. If someone wishes to use the other language, the chairperson interprets. The elected officials in many municipalities are bilingual and so do not require translation or interpretation. One municipality arranges simultaneous interpretation where necessary. In some committees, however, difficulties can arise especially when the committee chairperson does not speak the other language.¹⁸⁶

The question of the *so-called language of administration in bilingual municipalities* has been especially topical in recent years. While the law does not define the concept of language of administration, it is generally understood as closely corresponding to the working language used by state authorities or the internal language. It must, however, be remembered that, irrespective of the language of administration or internal language used in a bilingual municipality, an individual has the right by law to be served in his or her own language. Bilingual municipalities have, as a rule, chosen the majority language as the only language of administration even though municipalities may choose the language used on the basis of expedience and extend bilingualism to, for example, the board, committees and other bodies.¹⁸⁷

The working language of state authorities is the majority language of the inhabitants in its administrative district unless it is more expedient to use the other language or both languages or, for a special reason, a foreign language. However, in many state offices, the situation in practice is that only public officials speaking Swedish as their mother tongue use Swedish to communicate between themselves.

Members of the Government, State committees, commissions, working groups and similar bodies, as well as members of bodies in bilingual municipalities have the right to use Finnish or Swedish in meetings, and in written statements or opinions annexed to the minutes or a report.¹⁸⁸

Emphasis has been given to the importance of both national languages in working groups and committees, especially if the assignment relates directly or indirectly to basic linguistic rights. The importance for ministries to consult both Finnish- and Swedish-speaking stakeholders in their preparatory work has also been underlined in recent years.¹⁸⁹

The discussion forum Otakantaa.fi – Dinasikt.fi (Give your view) is a good example of one way to increase dialogue between public administration and citizens. The forum is on both Finnish and Swedish.

Finnish is usually used in *correspondence* between state authorities unless the receiving or sending authority is unilingually Swedish-speaking or it is otherwise more expedient to use Swedish. On the other hand, correspondence between state authorities and municipalities must be in the language of the municipality.¹⁹⁰

In its *recommendation*, the Ministry of Justice has called on ministries to address the fact that communication and correspondence between state authorities and municipalities must take place in the majority language of the municipality or in both languages bearing in mind that bilingual municipalities must anyway inform municipal inhabitants in both the majority language and the minority language.¹⁹¹ The authorities have not yet shown that they make use of work done by other authorities and the courts, by, for example, sharing translation costs when producing material in several languages.¹⁹²

There are relatively often language errors in the authorities' printed matter and correspondence because the text has been poorly translated or scanned and has not been proofread. These days it is also common for the authorities to make use of machine translation, which can make a letter sent to citizens difficult to understand.¹⁹³

Recent years have also seen municipalities pay attention to *plain official language*. Six bilingual municipalities took part in a development project to work on the language used by the municipalities to make it clear and easy to understand. The project spawned *inter alia* writing instructions and a resources bank at www.raktpasak.fi.¹⁹⁴

4.6 Use by the authorities of mother tongue information in the Population Information System

Under the Language Act, an authority has a duty to ensure, on its own initiative, that the linguistic rights of private individuals are secured in practice in its activities. A bilingual authority must serve the public in both Finnish and Swedish, and, in its contacts with private persons and legal persons, use their language, Finnish or Swedish, where this is known or can reasonably be ascertained, or both languages.¹⁹⁵

Under the Constitution of Finland, mother tongue, Finnish or Swedish, is understood as a person's subjective right.¹⁹⁶ For example, incorrect information on language in the Population Information System is corrected on the basis of notification by the person concerned without the discretion of the authorities.¹⁹⁷

The authorities must obtain *ex officio* the required mother tongue information from the Population Information System. The authorities do not, however, always use a person's language in their services, even where the person's mother tongue – Finnish, Swedish, Sámi, Romani or sign language – is known. The reason for this would seem to be *inter alia* problems in the usability of the mother tongue information.

A person's name, personal identity code, together with the mother tongue and contact language notified by the person are among the data stored in the Population Information System.¹⁹⁸ **Persons moving to Finland from abroad have neither national language as their mother tongue. This means that upon registration, they must notify some other language as their mother tongue and also which national language, Finnish or Swedish, they wish to use as the contact language.**¹⁹⁹

The purpose of the Population Information System is to enable, implement and secure societal function, information services and management, and the rights and obligations of members of society.²⁰⁰ Also under the Population Information System Act, an authority has an official duty to ascertain the personal data, including mother tongue, of a party to a matter.²⁰¹ This provision upholds the duty of an authority under the Language Act to use the person's language.²⁰²

It seems that some authorities are unclear about use of the Population Information System to ascertain information on a person's mother tongue. Nevertheless, the authorities cannot claim that the language was unknown or could not be reasonably ascertained as justification for serving a person in a language other than their mother tongue. Information on everyone's mother tongue is available and easily accessible with the help of modern technology.

The authorities, in principle, have access to the Population Information System for their activities. Unless a person has stated that he or she will provide the information needed or unless there are special grounds for some other procedure, the authorities and courts must obtain *ex officio* the personal data required for judicial proceedings, administrative procedures and to deal with other official duties. The Population Register Centre issues the authorities with a data permit to access the Population Information System. In practice, data permits have been issued to all authorities with operative information systems for processing personal data. Population information may be used *inter alia* as basic data for customer service to deal with duties within

an authority's remit. The data are not public and, without permission of the Population Register Centre, may not be disclosed to a third party.

The Population Register Centre provides an information service for the authorities by establishing, maintaining and updating the authorities' own *customer information service systems*. *Inter alia*, Kela, all hospital districts, the Finnish Tax Administration and, as a rule, the municipalities have access to the personal data in the Population Information System.

In practice, all the authorities' main customer information systems are customers of the Population Information System's continuous updating service and as such automatically receive information on a person's mother tongue. For example, the updating service for the public authorities' information system for health and medical care automatically includes mother tongue information.

In addition to the customer information system, the authorities can also check personal data online via the Population Register Centre's *enquiry service*. The service has around 30,000 users, which is a considerable share of state and municipal public officials. More than half of the municipalities have direct enquiry service access to the Population Information System. This also enables municipalities to ascertain the mother tongue of customers from other municipalities. Mother tongue information is included in the basic information shown on a person and is accessible to or can be accessed by all authorities. In 2011, for example, 2.5 million enquiries were made by judicial administration.

The Population Register Centre's *information system service is subject to charge*, but on a cost price basis. In addition, certain services became free of charge in 2013.

In 2011, there was a charge of €200 for setting up the customer information system in conjunction with the service. Enquiries cost €0.16 and the charge for identifying a person was €0.29 per enquiry. The monthly charge for each user ID was €1.00.

No mother tongue information is often the reason cited for not serving citizens in their own mother tongue. When authorities obtain and edit their electronic systems, they should also ensure that mother tongue information is visible in their functions.

Each authority decides how mother tongue information is visible to individual public officials. Consequently, the need to use mother tongue information is dispersed among individual public officials within an authority and there is cause to ensure the information also appears on the computer screen of end users. It is of key importance whether the end user notices mother tongue information and whether he or she, on his or her own initiative, uses the mother tongue stated as required by law.

Each authority is responsible for overseeing compliance with the Language Act within its own remit.²⁰³ The authorities must ensure that mother tongue information is accessible to those persons needing it in their work. A study on the quality of statistics and information shows that mother tongue information was correctly registered to an accuracy of 99.7 per cent. If a person's home municipality is a bilingual municipality and the person has Swedish as a mother tongue, the address is shown in its Swedish form and the person's address data in the population information services appears in the form determined by that person's mother tongue information.

Use of mother tongue information by the police and municipal social services

The police have access to their own information systems and to those of other authorities. When a police officer stops a vehicle, he or she knows the driver's mother tongue or at least ascertains it when checking the driver's driving licence data. In practice, mother tongue information is not

directly visible when a search is made on the basis of a vehicle's registration number, but appears in the address information, which is in Finnish or Swedish depending on the person's mother tongue. The police can also access the vehicular and driver data register from the same site. This register has mother language and address information in Finnish or Swedish, depending on the person's mother tongue. According to the police, they generally speak Swedish to citizens of the Nordic countries and try to speak English to persons speaking other languages. In addition, the police are equipped with a notebook which has questions in Finnish and some 15 target languages for the "most typical" practical situations. Moreover, the police administration has an agreement with an interpretation centre on a 24-hour interpretation service.²⁰⁴

Mother tongue information in the Population Register is used not only by state authorities, but also at the municipal level. For example, *Helsinki Social Services Department* has access to two different information systems, the city's own customer information system, which is used inter alia in social assistance and disability services, and the Effica program, which is used in child welfare and day care services. The information in both systems is updated once a week. When a resident of Helsinki becomes a social services customer, information can also be obtained direct from the Population Register. The city's customer information system on the other hand has all information, including address information, in Finnish. If the customer is Swedish-speaking, "Swedish" is displayed on the screen under mother tongue information. When printing out decision documents, Swedish can also be chosen as the print-out language. The Effica program has decision templates available in both languages. The public official preparing the decision can select the decision document in the customer's language accordingly.²⁰⁵ Despite the fact that the information systems are unilingual, customer notes, however, are usually made in the customer's own language.

If the software display language is Finnish, the authority's information system will not support a public official working with a Swedish-speaking customer or display terminology in Swedish. This means the public official should be completely bilingual to be able to utilise the Finnish-language system with a Swedish-speaking customer.

The main system in *Helsinki Health Care Centre* is the Pegasos patient information system, which is used inter alia in health stations, home care, hospitals and in psychiatry. When a customer phones to make an appointment, his or her information is retrieved from the Pegasos system. The "appointment" screen does not directly display mother tongue information, only address information, which is in the customer's mother tongue. Information on a patient's mother tongue is available by opening a separate "basic customer information" window, where the patient's mother tongue and print-out language can be entered separately, whereafter this information is displayed on the "appointment" screen already open. Nevertheless, according to information a customer is not automatically asked his or her mother tongue and neither is the information visible at all stages of the care process. For example, the "patient record" display used by doctors presumably does not contain mother tongue information. In addition, the system has no form templates in Swedish. Dental care services use the Effica system, which has only one language information function, with no distinction between mother tongue, contact language or print-out language.²⁰⁶

5. Application of language legislation in social welfare and health care

The Committee of Ministers of the Council of Europe drew Finland's attention to the application of the European Charter for Regional or Minority Languages concerning the need *inter alia* to do more to ensure the provision of social and health care services in Swedish. The Committee of Experts considered that the authorities must make more effort to secure the effective use of Swedish in social welfare.²⁰⁷

The Government's previous language report 2009 dealt comprehensively with social welfare and health care, with the main focus on bilingual municipalities.²⁰⁸

This chapter discusses the key language issues in social welfare and health care from the viewpoints of the authorities and citizens. The focus is on certain regions and municipalities, as well as some specialist sectors and themes, including linguistic service in social welfare and health care in the capital region. The chapter begins with an overview of the new provisions within the field of social welfare and health care.

The project to restructure local government and services has, to a great extent, resulted in changes in social welfare and health care structures also in bilingual municipalities. New areas of cooperation, for example, have been formed.²⁰⁹

The Ministry of Social Affairs and Health announced that more studies than ever have been carried out in recent years on the implementation of linguistic rights within social welfare and health care. Follow-up by the Ministry of Justice shows increased awareness of linguistic rights especially within central administration.

One positive example of changing attitudes is that in recent years, social welfare and health care personnel have moderated their earlier general view that only one language may be used in meetings, for example.

Many authorities have drawn up language programmes, pay language allowances and arrange language courses. Nevertheless, the situation does not seem to have improved appreciably within social welfare and health care at the local level since 2009. There is still a great shortage of social welfare and health care personnel with Swedish skills, even though many workplaces have arranged more language courses than earlier. There are, however, great variations between regions. Certain municipalities in southern Finland still have difficulties in providing health care services especially in Swedish, whereas the situation in Ostrobothnia is considerably better.²¹⁰

In Ostrobothnia, where language conditions are relatively equal, bilingual municipalities normally arrange social welfare and health care services without any difficulty. Patients and customers receive oral and written service in their own language.

5.1 New legislation and reforms in social welfare and health care

Unless patients or customers know their linguistic rights, they might, without noticing, waive their right to use their mother tongue in situations, for example, where medical personnel do not speak that language. It is therefore important when applying new legislation to emphasise the duty of the authorities to, on their own initiative, ascertain which language a person speaks and to ensure that he or she is directed to a care unit that can serve him or her in the language desired.

New social welfare and health care legislation underlines the patient's or customer's right of self-determination, including the right to choose the place of treatment. Patients may currently choose their place of treatment within their municipality by giving advance notice which primary health care unit or health centre they wish to use. From the start of 2014, patients will be able to also choose a unit anywhere in the country. In certain situations the right to choose also applies to specialised health care services, for example, when securing the linguistic rights of a Finnish-, Swedish- or Sámi-speaking patient.

The new Health Care Act entered into force in 2010 and contains similar provisions on linguistic rights as the repealed Primary Health Care Act and Act on Specialised Medical Care. The Primary Health Care Act refers to the provisions of the Language Act and the Sámi Language Act.²¹¹

Under the *Health Care Act*, municipalities and joint authorities for hospital districts must ensure that citizens of the Nordic countries may, if necessary, use their own language – Danish, Finnish, Icelandic, Norwegian or Swedish – when using health care services. Citizens of these countries must *inter alia* be provided with access to interpretation and translation where possible.

Total reform of social welfare legislation is part of the restructuring of local government and services under nationwide reform of local government structures. As part of the reform, a service structure working group drafted changes within social welfare and health care, including a proposal for a social welfare and health care service structure. The reform also includes issues related to the processing and data protection of patient and customer information. A final report on the reform of social welfare legislation was submitted in 2012. The provision on language within social welfare included in the bill contained in the report also corresponds to the existing provision in the Social Welfare Act in terms of content.²¹²

The report of the working group for a reform of social welfare legislation states that when arranging social welfare, attention must be given to the geographical dispersion of Swedish speakers and the special requirements that this entails so that the linguistic rights of Finnish- and Swedish-speakers are secured equally across the country. Regional cooperation, which will be the responsibility of centres of excellence on social welfare, will be established to promote basic and special expertise within social welfare. A Swedish-speaking centre of excellence on social welfare will be established for the needs of the Swedish-speaking population.²¹³

The *Act on Supporting the Functional Capacity of the Aging Population and on Social and Health Services for Older Persons*, the so-called Act on Care Services for Older People, entered into force on 1 July 2013. Under the Act, unilingual municipalities and joint municipal authorities must provide services promoting the wellbeing of the older population and services related to ascertaining the service needs of older persons and responding to them in the language of the municipality or joint municipal authority. Bilingual municipalities and joint municipal authorities consisting of bilingual or both Finnish- and Swedish-speaking municipalities must provide these services in Finnish and Swedish so that service users will receive services in the language of their choice. The Act makes a direct reference to the Language Act.²¹⁴ The Act to Amend the *Children's Day Care Act* entered into force at the start of 2013. Under the Act, the Ministry of Education and Culture is responsible for the general planning, steering and oversight of children's day care. Regional State Administrative Agencies are responsible for planning, steering and oversight of children's day care in their respective area of operation. The National Supervisory Authority for Welfare and Health (Valvira) guides *inter alia* the activities of the Regional State Administrative Agencies to harmonise their operating principles, procedures and decision-making practices in the steering and oversight of children's day care. The amendments are intended to be provisional until the *Act on Early Childhood Education* is enacted in 2014.²¹⁵ Under the Government program-

me, a new act on the arrangement, development, funding and oversight of social welfare and health care services will enter into force in 2015. Regional rapporteurs, three within each special area, were appointed for further preparation of the structural reform of social welfare and health care services. One of the rapporteurs has focused on the question of securing linguistic rights in different regions. The proposals of the rapporteurs were completed in March 2013 and preparation continues.²¹⁶

The National Development Programme for Social Welfare and Health Care (Kaste) underlines *inter alia* that the programme must be implemented in such a way to uphold and promote equality between the national languages. Development work, including good models, earlier completed in the region must be taken into account and documented in regional plans. The development of services in Swedish and Sámi will be examined separately and taken into account in the funding of regional development projects.²¹⁷

The Kaste programme especially takes into account children, young people and older people. The programme makes separate mention that the special needs of Sámi speakers and users of sign language, as well as the needs of other language and cultural minorities, will be taken into account to promote inclusion, wellbeing and health and to develop services.

The Employment Contracts Act specifies a duty to comply with the minimum terms and conditions in *generally binding collective agreements*. This legal obligation to comply applies to both Finnish- and Swedish-speaking employers and employees, but only a few of the some 165 binding collective agreements for private branches have, on the initiative of the contracting parties, also been made in Swedish.²¹⁸

To secure the linguistic rights of the Swedish-speaking population, the Commission Confirming the General Applicability of Collective Agreements, which works in conjunction with the Ministry of Social Affairs and Health, has, since 2011 seen to it that general binding collective agreements are translated into and published in Swedish. In practice, all collective agreements held back by the Commission for translation have been translated and almost all have also already been published in Finlex. The Commission continues work on the translation and publication of completely new and renewed collective agreements with the help of the funds allocated to it from the budget.

5.2 Citizens' views on social welfare and health care

In general, *greatest satisfaction in social welfare and health care services* was in the smallest municipalities, with satisfaction declining as municipality size increased. As regards social welfare, there are clear differences between size and language groups. Swedish-speakers are more satisfied with the service and consider it to be more accessible where Swedish is the majority language in the municipality. Also Finnish-speakers consider social welfare to be better in municipalities with a Swedish majority than in those with a Finnish majority. However, the language groups are minorities in very different municipal environments – Finnish-speakers primarily in small rural and urban municipalities, whereas the Swedish-speakers are minorities in cities.²¹⁹

Both municipality size and differences in the level of responsibility between urban and rural environments were reflected in the results, which show that it is easier to obtain social welfare and health care services in an inhabitant's own language in municipalities with a Swedish-speaking majority than in those with a Finnish-speaking majority.

The Language Barometer shows that persons belonging to the linguistic minority in bilingual municipalities especially highlight issues relating to linguistic service in social welfare and health care. Citizens wish to speak their own language so that doctors and other personnel understand them. However, with Swedish speakers it is usual for the main language of the personnel to be spoken in these situations, especially in southern Finland.²²⁰

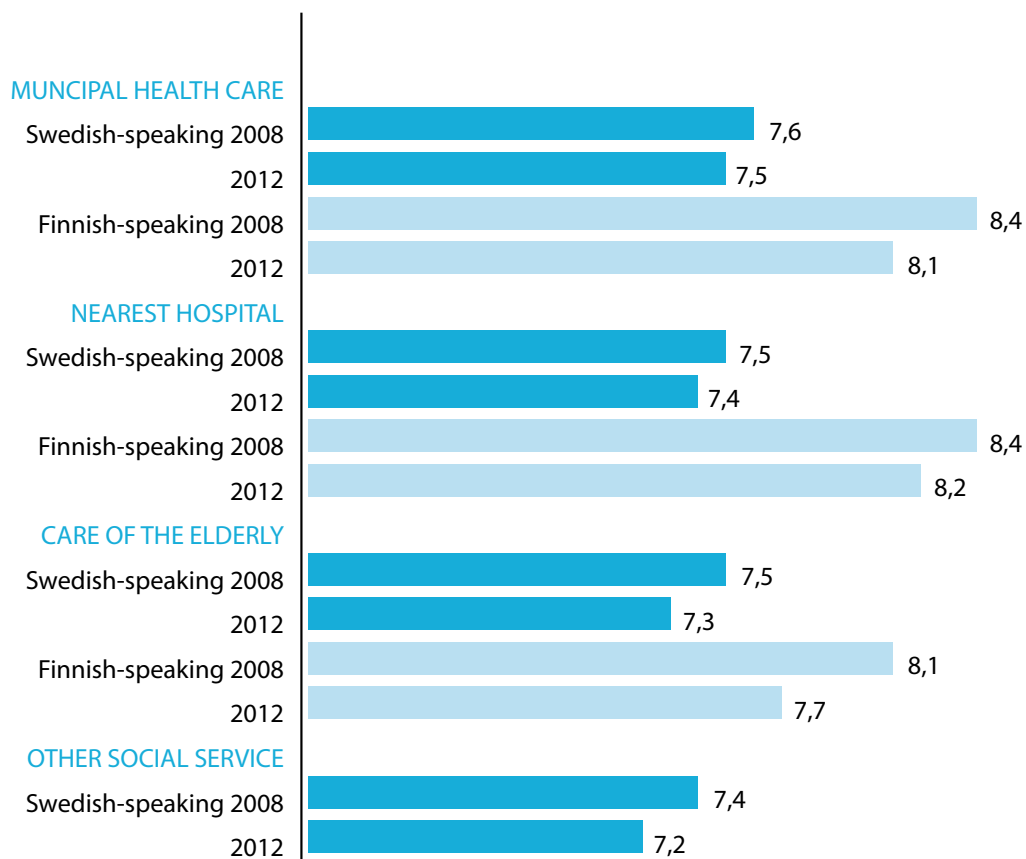


Figure 12: Average grades given for linguistic service: municipal health care, nearest hospital, care of the elderly and other social service, Swedish- and Finnish-speaking minorities in 2008 and 2012.

Source: Language Barometer 2012

5.3 Language in social welfare and health care – a look at the capital region

The capital region has the language resources and a large population base to build activities in both national languages. The linguistic resources of the authorities could be adequate to, for example, jointly produce and publish patient information and websites in both languages. The municipalities, however, have not yet completed the plans proposed to improve coordinating resources for Swedish speakers. Helsinki has for years tried, with the help *inter alia* of special solutions, to guarantee both social welfare and health care in both languages. A separate unit for Swedish-speaking social service was established and active until the end of 2012, when it was merged into the Finnish-speaking service. The reason is that *effective customer service in Swedish* can henceforth help Swedish speakers to find Swedish-speaking social service. The three health stations where service in Swedish is separately guaranteed are still working. Problems with making appointments have been reported from time to time and the fact that special registration is required to receive care in Swedish.²²¹

Work with families and child welfare

By law, child welfare must support parents, guardians and other similar persons responsible for child care and upbringing in raising and caring for a child by arranging the necessary services and support functions.

Recent years have seen an increase in overall work with families and children both with Finnish- and Swedish-speakers. Preventive measures have increased in child welfare, support activities, family care and family counselling. For example, Helsinki has increased the number of family social workers in recent years. In addition, early childhood support activities and home services for families with children have been developed. In 2008, there were three Swedish-speaking social workers within child welfare and five in 2012. Nevertheless, the shortage of Swedish-speaking support persons and families has not eased in recent years.

In certain circumstances, a child may be placed outside the home and other measures can be initiated to arrange care of the child. When assessing the best interests of the child, attention must be given to how different options and solutions take into account a child's linguistic, cultural and religious background.²²²

In Helsinki, children are taken into care within Finnish-speaking placement activities. Tendering for institutional places and family homes takes place centrally. In certain family homes, there are persons speaking Finnish and Swedish, but arrangements are not always in the best linguistic interests of the child. In practice, a child might lose his or her own mother tongue if only a few persons in the family home speak that language. In tendering, providers are needed that meet *inter alia* the city's linguistic criteria.

There are not very long queues for family counselling in Swedish in Helsinki and the city has been able to agree with the City of Vantaa that family counselling also accepts Swedish-speaking families from Vantaa.²²³

Care of the elderly in bilingual municipalities

Care of the elderly is a question of enabling the elderly to live at home for as long as possible and to be given special support at home. However, special support is not always available and it often seems that care of the elderly is unable to serve the elderly in their own language.²²⁴ Local minorities, both Finnish- and Swedish-speaking, in bilingual municipalities gave a slightly lower grade for care of the elderly in 2012 than four years earlier. The Language Barometer 2012 shows that Finnish-speaking local minorities are slightly more satisfied with care of the elderly than Swedish-speaking minorities. (See Figure 12)

Elderly persons need service in their own mother tongue especially when visiting the doctor. I myself work with caring for the elderly and am amazed at the deterioration in service in Swedish in both institutional and open care of the elderly.

Language Barometer 2012

A common problem in *home care* is that there are not always home helpers with a knowledge of Swedish and, occasionally, not even a knowledge of Finnish either. In addition, some municipalities only arrange home care in Swedish in certain districts. Since the number of elderly people, including Swedish speakers, will continue growing, the situation might worsen.²²⁵

In one bilingual municipality, carers with Finnish as their mother tongue and customers with Swedish as their mother tongue were interviewed about their experiences of home care. The

customers were satisfied with the service, but all would like service in Swedish. However, they weren't asked which language they would like to use.²²⁶

Informal carers consider that it is important both for them and for elderly persons to be able to speak their mother tongue in care of the elderly. Customers appreciated the separate social welfare service in Swedish in Helsinki which was closed at the end of 2012.²²⁷

Because municipalities are focusing on open care, the possibility of a place in a nursing home has weakened in many municipalities in recent years and not all forms of support are available in Swedish. Many elderly people living at home are visited by home carers three times a day and can contact home care with the help of a personal alarm wristband. According to information received, the answering service does not, however, function in Swedish.²²⁸

Within administration it is considered somewhat of an improvement has taken place since 2009 in *inter alia* service for the Swedish-speaking elderly. The number of places for the elderly has increased in day activity centres. There has also been an improvement in the possibilities for respite care to ease the burden on informal carers and in the possibilities for families of informal carers to receive home help.

Scant resources in care of the elderly are mostly channelled into providing services. Ascertaining and assessing the needs of elderly people often takes second place. Many elderly people completely lack contact with service in their own language. Care, not language, is the deciding factor when placing the elderly in care units generally in turn. According to information received, a couple of hundred elderly Swedish-speaking persons were placed in Finnish-speaking units in Helsinki in 2010.

Large municipalities need to show understanding in care of the elderly belonging to the linguistic minority. Journeys for home visits are often longer and access to various forms of service for the elderly is often a long distance away. If the scope of Swedish-speaking activities is smaller than Finnish-speaking activities, tailored solutions may be required to implement the linguistic rights of the elderly.²²⁹

A survey on home care in a bilingual municipality with Swedish as the majority language showed that both Finnish- and Swedish-speaking customers were satisfied with the service they received and did not notice any significant differences between the municipality's own service provision and outsourced services. Positive responses applied to the personnel's way of treating and respecting customers and the possibility to receive care in the customer's mother tongue.

A survey conducted by the municipality's basic welfare committee showed that service by the various units is continuously monitored. The next home care customer survey will be conducted in 2013.²³⁰ In one project, around ten Finnish-speaking carers in a nursing home voluntarily improved their Swedish skills by attending a course at the workplace taught by a teacher from a university of applied sciences. In conjunction with the project, special occasions *inter alia* were arranged also in Swedish at the nursing home for the first time.²³¹

Almost all municipalities in Finland have an *elderly citizens council* and most of these also have at least one representative from the local pensioner association. Around half the associations consider that the elderly citizens council works well. Compared to all associations, Swedish-speaking pensioner associations are slightly less satisfied with the activities. Around half of the municipalities have a special strategy for the elderly, but only just under half of the associations stated that they could impact on the strategy content.²³²

Changes in mental health care

Mental health care places in hospitals are decreasing as planned across Finland and the intention is for an increasingly larger share of patients requiring intensive care to be looked after in open care. Under the Health Care Act, individuals under 23 years of age have a subjective right to treatment.²³³ Studies show that many persons requiring treatment consider mental health care to be difficult to obtain. There is also a risk that especially young people needing treatment do not receive it because of the lack of coordination of various functions in the care chain. Statistics show that access to adolescent psychiatric care has, however, increased.²³⁴ In addition, school health care is challenged with providing adequate mental health services in primary health care. According to one report, recruitment within Swedish-speaking mental health care has generally improved in recent years. Nevertheless, there are still problems in Swedish-speaking adolescent psychiatric care and, at least in the capital region and Ostrobothnia, there have, at times, not been Swedish-speaking specialists in psychiatry. Interpretation has been used where required in conjunction with treatment where the doctor does not speak Finnish or Swedish. Decision-makers hope that more people will study mental health care at Swedish-speaking universities of applied sciences. In the capital region, municipalities consider the Swedish-speaking population base of around 140,000 persons to be too small for the proper provision of Swedish-speaking mental health care services.²³⁵ According to information received by the Ministry of Justice, the situation has, however, improved since Helsinki initiated cooperation within psychiatric open care with the Hospital District of Helsinki and Uusimaa.

Citizens would like better information on where and how they can receive public-sector mental health care in their own language. Proposals to improve the situation include the establishment of a Swedish-speaking centre of excellence and resources for psychiatry and mental health care.

The Regional State Administrative Agency of Southern Finland and the minority language board at HUS have pointed out to the Hospital District of Helsinki and Uusimaa that its statutory duty with regard to the Swedish-speaking population has not been implemented in mental health care. For the time being, responsibility for the provision of mental health care services is shared between the third sector, municipalities and the hospital district. Effective coordination of the region's linguistic resources could improve the situation.²³⁶ Moreover, the need to evaluate linguistic effects has been pointed out to the hospital district when drawing up its strategy for psychiatric activities within the hospital district.²³⁷

In November 2009, the City of Helsinki Social Services and Health Care Committee issued instructions on linguistic service in adult mental health care. The instructions refer *inter alia* to the duty of the authorities, on their own initiative, to ensure the implementation of linguistic rights. The instructions also refer to the Language Act and to language provisions in specific legislation.²³⁸

Linguistic service and child care and maternity clinics

Two thirds of the public health nurses at child care and maternity clinics in bilingual municipalities who participated in the Ministry of Justice's questionnaire on service in Swedish replied that they had received no special instructions of the duty to serve customers in Finnish and Swedish. The nurses answering the questionnaire stated that Swedish-speaking customers are not usually explicitly directed to a Swedish-speaking public health nurse because it is obvious that service must be given in both languages depending on the customer's choice. Some nurses, however,

were of the opinion that the shortage of personnel might mean that a public health nurse does not speak the customer's language.

Doctors at child care and maternity clinics usually speak Swedish with Swedish-speaking parents and children. It seems that the language skills of doctors have improved in Eastern Uusimaa compared to the situation four years ago.

In Western Uusimaa, which suffered from a shortage of doctors, situations have arisen where the doctor spoke neither Finnish nor Swedish. Swedish-speaking families at clinics in the capital region and some bilingual neighbouring municipalities might have to visit a Finnish-speaking public health nurse or doctor. Appointments are largely made through a central system and, according to persons answering the questionnaire, registered language is not noted.²³⁹

There is a shortage of *parenthood preparation courses in Swedish* in the capital region. The idea is that families wishing to attend courses in Swedish would enlist at one of the three health centres which secure health care in Swedish. Since there are fewer Swedish-speaking families, municipalities have not regularly arranged courses in Swedish. If no courses in Swedish are arranged, all families are offered courses in Finnish.

The survey shows that in some individual cases, for example, a child's four-year medical check-up has not been carried out in the child's own language because the parents had not explicitly stated that they wished to see a Swedish-speaking doctor. Municipalities do not arrange Swedish-speaking clinical supervision for public health nurses and course activities in Swedish are primarily arranged by Folkhälsan. As was the case four years ago, customer material such as a handbook and autonomous system to ascertain the need for child welfare is lacking in Swedish. A shortage of resources has left municipalities unable to produce documents in Swedish. Moreover, there are no organised channels through which to distribute health care material.²⁴⁰

Public health nurses at clinics confirm that there is a lack of material in Swedish. To help ease the situation, nurses order material published by private Swedish-speaking actors or use material that they themselves have produced or translated from Finnish.

The material may look different and have a different content than the Finnish material provided by the authorities. From the equality aspect, the authorities consider, however, that such material should not be used. In 2009, municipalities in the capital region appointed a group of public officials to chart, coordinate and translate customer material into Swedish for municipalities in the capital region.²⁴¹

Choice of care unit and language use in primary health care and medical care

Under the Health Care Act that entered into force in 2011, municipalities have a duty to arrange their health care services in the language of the municipality or joint municipal authority. Furthermore, inhabitants of a municipality have the right *inter alia* to choose at which of the health centre units operating in their municipality they visit to receive health care services. If an individual wishes to transfer from one health centre unit to another, both units must be notified in writing.²⁴² The new Health Care Act has been implemented with the help of information, publishing handbooks and by holding regional briefings about the impacts and costs of the Act. One of these briefings was held in Swedish.²⁴³

Under the Language Act, an authority must provide important information in Finnish and Swedish in a bilingual municipality. This also applies to information stating which service is available in Finnish and which in Swedish. In some quarters, such information has been scant because it has been considered that information about a linguistic service can limit an individual's freedom to choose his or her health care unit.

When choosing a care unit, an individual must primarily be guided to care personnel who speak the individual's registered language (See Chapter 4.6). This is why persons dealing with appointments and first contact have an important role. They must ascertain in which language the customer wishes to be served in. Some instructions, however, advise the personnel to ask a customer whose mother tongue is Swedish according to the patient register, whether he or she can also be served in Finnish. This is done when the customer registers at the health centre for the first time. In the same context, the customer is asked whether the patient records can be given to him or her in Finnish.²⁴⁴ Expectations regarding the free choice of health care unit are generally positive and, in some quarters, the right to choose the health care unit is considered as providing better possibilities to obtain treatment in an individual's own language.

Thanks to the new Health Care Act, customers have more freedom of choice as to which of the city's health centre units they wish to use. This gives Swedish speakers in Vantaa better chances of "finding" doctors and other care persons who speak Swedish.²⁴⁵

The arrangement under which Swedish-speaking patients are received and placed in a separate appointments queue has, however, given rise to dissatisfaction. The Parliamentary Ombudsman received a complaint from a Finnish-speaking person who was not put into a separate queue. According to the Parliamentary Ombudsman, it is not against the law to have a separate queue, but an individual that chooses another language than his or her registered one must have the right to join the queue if he or she has a good understanding of Swedish and can be understood in Swedish.²⁴⁶ According to information received by the Ministry of Justice, several dozen Swedish-speaking nurses work in health care centres in Helsinki, but only five of them belong to a Swedish-speaking team. The others are not mentioned in information about personnel capable of serving customers in Swedish. This is why it is a matter of chance whether a Swedish-speaking customer receives an appointment with one of these nurses. Given this, it would seem that a person's registered language is not taken into account when the appointment is made.²⁴⁷

Charting the language skills of doctors and public health nurses and the making language skills visible to patients would possibly improve the situation when patients choose their health station and personnel.

In public it has even been suggested that, for example, a common electronic register of the language skills of the entire personnel in a hospital district would make it easier to coordinate care and create virtual health care teams.²⁴⁸

A portal containing various exercises to study Swedish has been set up to support health care personnel. The service consists of material that can be downloaded free of charge and includes a lot of material ranging from reading and aural comprehension to vocabulary exercises. The portal works in Swedish, Finnish, Russian and English.²⁴⁹ In addition, it has been suggested that a Swedish-speaking committee be established to ensure that service in Swedish works and to order services where the municipalities are unable to provide them.²⁵⁰

Language in patient documents

The authorities have a duty, on their own initiative, to ascertain a patient's language and to ensure that the patient receives *inter alia* a medical case summary in his or her own language. However, the authorities have different concepts of their duty to provide a medical certificate, statements and patient summaries in the patient's language. In practice, the language of administration in the municipality or joint municipal authority or the language chosen by the care personnel is used in both primary health care and specialised medical treatment. In 2011, the Parliamentary

Ombudsman deemed that government guidance is needed and referred to an earlier decision on the need for clear rules as to how the linguistic rights of patients must be secured. Furthermore, the Parliamentary Ombudsman noted that health care centres have the right to determine the language of patient records but in-house solutions must not weaken a patient's linguistic rights. Patients have *inter alia* the right to receive certain documents in their own language.²⁵¹

The provisions of the Language Act and Health Care Act are fundamental provisions. They are the starting point for the authorities with regard to linguistic obligations in the health care sector and also with regard to patient documents.

The Ministry of Social Affairs and Health has published instructions dealing with *inter alia* the language of patient documents. The instructions state that there are no special provisions on the language of patient documents. The section applying to national languages states that even though everyone has the right to use their own language, Finnish or Swedish, in administrative matters, the provision does not specify the language used in patient documents drawn up in health care, which document health care activities. Even though patient care takes place in a bilingual municipality or joint municipal authority and care is arranged in the national language, Finnish or Swedish, of the patient's choice, this provision does not determine the language in which the operational unit draws up patient documents. The personnel must, before treatment ends, ask the patient *inter alia* in which language the medical case summary (case report) is to be given. If the patient indicates that no translation is necessary, the personnel need not arrange translation.²⁵² This procedure may, in practice, result in patients waiving their right to receive documents in their own language.

Local municipal instructions on the use of Finnish and Swedish in patient documents have also been issued. One internal set of instructions, for example, states that all health centre documents, from administrative documents to patient documents, must be written in Finnish because Finnish is the municipality's internal language within health care.

The instructions specify *inter alia* that patient documents in Swedish-speaking locations are generally written in Finnish or, if so desired, in both Finnish and Swedish. An exception to this is the polyclinic for special services to children, where Swedish may also be used for Swedish-speaking children. A health centre's internal documents, such as administrative instructions, are not generally translated into Swedish if submitted to Swedish-speaking persons at their own request. Administrative decisions applying to a Swedish-speaking patient or customer are, on the other hand, translated into Swedish.²⁵³

There is a great need both for personnel with language skills and to translate documents and this requires resources. In addition, it is considered better for doctors to dictate patient documents in the language they master best. Even though hospitals have received additional appropriations for translations, there are insufficient people capable of translating medical vocabulary.²⁵⁴ An additional problem can be that many patient systems are only in Finnish.

Language of e-prescriptions and the patient's right to check information

E-prescriptions may be printed out, stored and archived in both Finnish and Swedish. There is only one database in Swedish, but prescription forms are available in all databases in both languages. Health care authorities consider documentation of patient information to be a tool for working. It has been noted that it is usual only in Swedish-speaking organisations to write information in Swedish.²⁵⁵

The transition to electronic documentation and a national archive of patient information (KANTA), which a patient can use to see his or her own patient documents electronically, is challenging with regard to linguistic rights. Much attention in bill drafting has been given to the technical aspects.²⁵⁶

Under the Personal Data Act, patients have the right to check the information stored on them in patient documents and check that this information is correct. Furthermore, under the Act on the Openness of Government Activities, patients have the right to know what information has been stored on them in patient documents. In some bilingual municipalities and joint municipal authorities, a medical report, or part of it, written in the working language of the operational unit is translated literally into the other national language used by the patient. In other municipalities this is done when the patient exercises his or her right to check or to obtain information. According to the instructions, the right to obtain information can, however, be effected in various ways, such as, for example, by handing over to the patient original or translated copies of patient documents and/or orally so that a health care professional explains to the patient, in his or her own language, the information contained in his or her patient documents.²⁵⁷

Language programmes and provisions in hospital districts

In its report on the Government's previous language report, the Constitutional Law Committee stated that it is important for bilingual authorities to draw up plans on how linguistic rights are to be secured.²⁵⁸ The Action Plan for Two Viable National Languages proposed strengthening oversight and monitoring to remedy the deficiencies rising in linguistic rights in the field of care. All bilingual hospital districts and municipal social welfare and health care units must have actual language programmes to implement this.²⁵⁹

Of the some 1,500,000 inhabitants within the catchment area of the *Hospital District of Helsinki and Uusimaa*, around 134,000 are Swedish speaking. Under the hospital district's language plan set out in 2011, a regular patient survey on care is to be carried out in the patient's own language. All employees are responsible for linguistic service, which is overseen by immediate supervisors. It is proposed that each business unit has a person responsible for the language programme and that internal audit monitors the programme. The aim is *inter alia* to ensure that the agreed language skill classifications are complied with in recruitment and that the hospital district aims to implement the language programme by, for example, centralising translations, signage and the publication of brochures. Additionally, management must bring up the subject of language proficiency requirements and language courses in development discussions and the patient's language must be indicated in patient documents.²⁶⁰

Around 26,000 inhabitants with Swedish as their mother tongue live in the catchment area of the Hospital District of Southwest Finland. The language programme adopted by the Hospital District Board in 2010 gives substance to the obligations in compliance with language legislation, the Local Government Act and the Health Care Act. Under the programme, patients will receive care and adequate information, for example, care and hospital instructions, in their mother tongue, Finnish or Swedish. Contact persons appointed to the units master both languages and are tasked with receiving the patient in his or her mother tongue, i.e. the language indicated in the information system. It is important to take into account in the budget language allowances, allowances for language use and language training resources.²⁶¹

Under the language programme in Southwest Finland, linguistic service must be a fundamental factor in outsourcing if the service includes contact with patients. Linguistic service is assessed on the basis of patient satisfaction surveys and other feedback.

The language programme of 2011 at *Vaasa Central Hospital* stated that a bilingual hospital district must take into account that the region's bilingualism means services must be provided in two languages. The aims and actions are clearly stated in the programme. The aim *inter alia* is for patients to be given their medical case summary in their mother tongue within deadlines set. One measure is for doctors to be encouraged to dictate patient documents in the patient's mother tongue. In addition, the patient's mother tongue is written clearly in referrals and in patient administration and medical records systems, and care is given in the patient's mother tongue. To this end, the forms and systems currently in use will be checked to ensure there is a place where the patient's mother tongue can be indicated.²⁶²

Patient satisfaction was measured in a survey in 2011. A total of 1,018 emergency clinic patients took part in the survey and of the 952 patients answering the question on linguistic service, only seven replied that they had not been served in their own mother tongue. Feedback from the departments was also positive.²⁶³

The *Hospital District of Vaasa*, where Swedish is the majority language, has had difficulties in recruiting *inter alia* doctors who speak Swedish. It is hoped reassigning cooperation within the special responsibility area at Tampere University Hospital to Turku University Hospital at the start of 2013 will improve the situation with regard to care in Swedish.²⁶⁴ In 2009, Vaasa Central Hospital adopted a special language provision which applies four grades of competence. Persons in the fourth category must have satisfactory oral communication skills in Finnish and Swedish. This category includes *inter alia* care personnel. Persons in the first category, which includes all doctors, are required to be capable of writing and speaking Finnish and Swedish. It should be pointed out that the provision also contains an exemption clause on language requirements.²⁶⁵

6 Application of language legislation in the judicial system and police

This chapter discusses the implementation of linguistic rights in the police, prosecution service and the courts. Individuals have the right to use their own language, Finnish or Swedish, before these authorities. In criminal matters, this right applies to the entire process from the pre-trial investigation conducted by the police through to the consideration of charges by the prosecutor and to the court hearing. Because the pre-trial investigation material and the prosecutor's application for a summons constitute the key material in subsequent proceedings in a criminal case, use of the right language must be ensured already in the initial stages of the proceedings.

This chapter primarily discusses securing the linguistic rights of the Swedish-speaking population in the activities of the police and judicial system because, according to the information from the Ministry of Justice, the linguistic rights of the Finnish-speaking population are mostly secured without difficulties. The previous report on language legislation raised the point that linguistic rights are only partly secured in the judicial system and activities of the police.²⁶⁶

This chapter focuses on bilingual authorities and courts and is mostly based on material obtained from two questionnaires conducted by the Ministry of Justice. The questionnaires were aimed at chief judges in the district courts and at prosecutors in bilingual prosecutor's offices. The questionnaires sought to ascertain whether changes had taken place in securing linguistic rights in these authorities over the past four years. Similar questionnaires were carried out when preparing the Government's report on language legislation 2009. In addition, information has been obtained from the Police College of Finland about teaching in Swedish and the students' language skills. The final section in this chapter also discusses the linguistic rights of prisoners.

6.1 The police and linguistic rights

When dealing with the police, everyone has the right to use his or her own language, either Finnish or Swedish. The police must, on their own initiative, ensure that this right is secured in practice. The police play an important role in ensuring citizen's legal protection. In addition, a police officer has the right, based on independent discretion, to use force or to otherwise significantly intervene in the fundamental rights of an individual. This is why it is important for public officials within the police administration who exercise their authority to have sufficient capability to operate in both national languages.²⁶⁷

According to information received by the Ministry of Justice, the police do not always provide service in Swedish even when this is explicitly requested. There is not necessarily always a police officer present whose Swedish language skills are adequate enough to serve a customer in Swedish.²⁶⁸

Because the role of the police often involves significant exercise of public authority, special language requirements are laid down in the Decree on Police Administration.²⁶⁹ The report on language legislation 2009 raised the point that the shortage of police officers with a knowledge of Swedish is a key problem in the activities of the police. Shortcomings have appeared in pre-trial investigations in the police fulfilling their undertakings as required by language legislation. A real possibility for an individual to deal with the police in his or her own language is essential with regard to the person's legal protection.²⁷⁰ A Swedish-speaking person might be interrogated in Finnish in the pre-trial investigation. In practice, this has resulted in the language used in the pre-trial investigation being the language used also in subsequent stages in the process.²⁷¹

According to the Language Barometer 2012, the service provided by the police in Swedish is still felt to be insufficient in bilingual municipalities. Grades given by citizens to the police for linguistic service have remained unchanged since the Language Barometer 2008. However, the deficiencies in service provided by the police in Swedish have been addressed, especially in Uusimaa.²⁷²

Over the past four years, the highest overseers of legality have in many of their decisions expressed an opinion on the implementation of linguistic rights in police activities. The linguistic rights of the individual often fail to be taken into account by the National Traffic Police. The Parliamentary Ombudsman has emphasised the duty of the police as a bilingual authority to secure, on their own initiative, the right of a suspect to receive service in his or her own language, Finnish or Swedish.²⁷³

For example, with regard to issuing a summary penal order, the Parliamentary Ombudsman has drawn attention to the party's right to receive the proper single document in Finnish or Swedish.²⁷⁴

The Parliamentary Ombudsman has also expressed an opinion on the language of press releases intended for the general public that the police have published on their website and pointed out that a bilingual authority must publish press releases intended for the general public in both national languages.²⁷⁵

As already noted in Chapter 4.6 of this report, National Traffic Police have access to an individual's mother tongue information. It would therefore seem that, in practice, the problem is one of insufficient language skills.²⁷⁶

Administrative reforms of the police

In its report on the language report 2009, the Constitutional Law Committee noted the necessity of conducting a comprehensive evaluation of linguistic effects especially where administrative changes may impact on the actual possibilities of the language groups to receive services in their own language.²⁷⁷

Recent years have seen major administrative reforms of the police, which have applied both to local police and to senior management. The first stage of administrative reform, the restructuring of local police, entered into force at the start of 2009. The reform resulted in 24 police departments tasked with local police activities compared to 90 police departments earlier. The reform sought to ensure that the Swedish-speaking services of the police were at least at the same level as they were earlier. This is why *regional units* were set up in police departments whose administrative district included bilingual districts with a Swedish-speaking majority. These regional units have primary responsibility for implementing basic police activities so that especially police services in Swedish are secured. Their position is bilingual, with Swedish as the majority language and the working language remains Swedish.

Regional units were formed of the district of Raasepori in the province of Southern Finland and of the districts of Pietarsaari, Mustasaari, Närpiö and Turunmaa in the province of Western Finland.

In a regional unit within a bilingual police department where the majority language is not the same as the majority language of the police department, the qualification requirements for a police officer are good oral and written skills in the majority language of the population in the area of operation and satisfactory oral and written skills in the other language. ²⁷⁸

The second stage of administrative reform of the police entered into force in 2010 and introduced a two-tier steering and management model. Subsequent to the reform, the Ministry of the Interior has been responsible for the strategic steering, safeguarding operating conditions, legislative drafting and international cooperation of police activities. The National Police Board directs and guides operative police activities and is responsible for the performance guidance of the police departments and national police units.²⁷⁹

In this connection, an explicit provision on regional units was included in the Police Administration Act.²⁸⁰ The Administration Committee of the Parliament of Finland has pointed out *inter alia* that regional units must have the resources, competence and position to ensure service in both Finnish and Swedish can be provided in practice. A sufficient number of police officers and licence service personnel who master Swedish is essential to secure access to police services in Swedish.²⁸¹

According to the Ministry of the Interior, regional units have supported the use of Swedish and Swedish-speaking customer service in the areas of operation of the relevant police departments.²⁸²

The Ministry of Justice has emphasised that a police district which has a bilingual regional unit is a fully bilingual authority and, as such, must provide customer service in both Finnish and Swedish. It is important to evaluate the language skills of police department personnel and the amount and form of linguistic support provided by regional units to the departments to gain an idea of how customer service has been arranged and how it works in different languages. From the aspect of promoting linguistic rights, it is also important to evaluate how the reform affects the possibilities of the regional units in practice to use the regional majority language of the unit as a working language and as a language between the units and police departments.²⁸³

The Committee of Experts of the European Charter for Regional or Minority Languages has drawn attention to the fact that following police reform there are no longer any police districts with Swedish as the administrative language. The bilingual regional units that were formed only perform executive functions in line with decisions made by the large police districts. According to Swedish-speaking people, this has negative repercussions on the use of Swedish and in practice, chances to speak to the police in Swedish have diminished in all bilingual districts.²⁸⁴

It can therefore be stated that the administrative linguistic divisions have been a point of particular interest in administrative reform of the police. According to information received by the Ministry of Justice, the third stage (Pora III) of administrative reform of the police currently under way is also intended to safeguard the position of the national languages. In spring 2013, the National Police Board decided to conduct a study of the linguistic effects of the structural reforms already completed and currently under way to obtain information about the level of service by the police, especially in bilingual areas. The National Board of Police has also decided to set up a separate joint body for language affairs and to monitor and promote implementation of the National Languages Strategy.

Swedish language skills of the police

According to information received by the Ministry of Justice, there has been no change in the number of language lessons for police students since 2009. The students' starting level in Swedish still varies. Students have slightly improved their spoken skills, but writing is still difficult. As was noted four years ago, the students generally have a positive attitude to studying Swedish. This may be because the language is practiced through work situations and also because the students are familiar with the main points of language legislation.

Practical training in a bilingual area increases motivation to study Swedish because it also provides experience of Swedish-speaking customers. On graduation, students have a level of knowledge that enables them to manage in everyday traffic control assignments and simple interrogations. It is not possible to take extra courses in Swedish.

Interrogations are challenging. As well as asking questions and writing answers down in Swedish, a police officer also has to concentrate on interrogation tactics. All in all, the threshold for using Swedish has become lower, however, and comprehension has improved since the topic concerns a police officer's own profession.²⁸⁵

The police do not always have very positive views of their own language skills. A recent study charted the situation with service in Swedish at Vantaa police, which is bilingual. The study showed that both police management and the police consider the main thing is to ensure the customer's legal protection does not suffer. However, the police do not generally use Swedish in their work. The police assess their Swedish language skills to be fairly limited and inadequate for them to be capable of providing a good standard of service in Swedish. Many find it particularly difficult to speak Swedish. It would be important to ascertain the actual language skills of the police in the job interview and, where necessary, to try and raise language skills through further training within the police service. For example, every patrol should have one Swedish-speaking officer or an officer with Swedish skills on police field work.²⁸⁶

Linguistic rights in pre-trial investigations

For the linguistic rights to be secured, it is essential for an individual to be able to use his or her own language already when proceedings begin. Securing the rights of the parties in a criminal case requires them to be interrogated already in the pre-trial investigation in their own language, either Finnish or Swedish.²⁸⁷

The pre-trial investigation is usually conducted by the police. Under the Criminal Investigations Act, a person interrogated in a pre-trial investigation has the right to use Finnish or Swedish. The reason for this is to ensure that the person under interrogation is understood correctly, which is pivotal with regard to his or her legal protection. The pre-trial investigation authority drafts an interrogation record of the interrogation in the language used, i.e. Finnish or Swedish, by the person interrogated. The record of the pre-trial investigation is drafted in Finnish or Swedish or partly in Finnish and partly in Swedish.²⁸⁸ The language of the parties must also be stated in the record of the pre-trial investigation.²⁸⁹

If the pre-trial investigation is conducted in a language other than that of the person interrogated and there is no mention of this in the record, the necessary information will not be passed on to the prosecutor to safeguard that person's linguistic rights.²⁹⁰

Only six of the prosecutors replying to a questionnaire by the Ministry of Justice thought that persons being interrogated are *always* interrogated in their own language when the language is Swedish. However, two thirds of the prosecutors thought that this is *mostly* the case.

The replies continue to show regional differences. All prosecutors from the Prosecutor's Office of Ostrobothnia who completed the questionnaire, for example, considered that in most cases the pre-trial investigation takes place in Swedish when this is the own language of the person to be interrogated. Three quarters of prosecutors from the Prosecutor's Office of Western Finland who completed the questionnaire thought this to be the case.

In Helsinki, on the other hand, as many as half of the prosecutors completing the questionnaire thought that persons to be interrogated were *seldom* interrogated in their own language when this was Swedish.

In his decision handed down in 2010, the Deputy Chancellor of Justice stated that the complainant had had the right to use his own language, Swedish, in the penalty proceedings had he so wished. In a pre-trial investigation, choice of language must be made above all to take into account the suspect's need for legal protection, his or her linguistic rights and the right to a fair trial. The suspect must, without the exertion of any pressure, be able to choose the language, either Finnish or Swedish, that he or she wishes to use in the pre-trial investigation.²⁹¹

Legislative amendments are being introduced in a bid to promote the securing of linguistic rights in pre-trial investigations. The new Criminal Investigations Act entering into force at the beginning of 2014 contains a new provision on the language of proceedings in pre-trial investigations. The point has been raised that the existing Criminal Investigations Act is based on too narrow a view of the interrogation compared to the needs of the pre-trial investigation. Generally speaking, the Language Act is also applied in pre-trial investigations, but for the sake of clarity there is reason to explicitly provide for the language of proceedings in pre-trial investigations.²⁹²

The new Criminal Investigations Act also includes a provision whereby persons to be interrogated must be told *inter alia* of their linguistic rights before interrogation. Instead of conclusions being drawn about the language used by the person to be interrogated prior to interrogation, the matter of language of interrogation would be dealt with separately.²⁹³

The police quite often encounter persons whose mother tongue is neither Finnish nor Swedish. In such cases interpretation is used. According to information received by the Ministry of Justice, the police have 24-hour access to interpretation services.

Directive 2010/64/EU of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings (*Interpretation Directive*) applies to the quality of interpretation and translation.²⁹⁴ The Directive aims to improve the position in criminal proceedings of persons suspected or accused of a criminal offence who do not understand or speak the language used in the proceedings. Implementation of the Directive may result in some changes and clarifications to *inter alia* the Criminal Investigations Act. The intention is, for example, to include a provision on the qualifications required for an interpreter acting in a pre-trial investigation and a provision whereby the pre-trial investigation authority must ascertain the party's need for interpretation assistance.²⁹⁵

Police training in Swedish

Under the Government programme, police training is to be ensured in both national languages.²⁹⁶ This item is particularly important with regard to the future of police training in Swedish. The number of applications for police training both in Finnish and Swedish was down in 2012 compared to 2011.²⁹⁷

Student recruitment has a key role when seeking to secure the future availability of police officers with a knowledge of Swedish. According to information received by the Ministry of Justice, the Police College of Finland has tried to recruit students *inter alia* from the Swedish-speaking Dragsvik garrison.²⁹⁸

Recent years have seen the authorities and other bodies pay particular attention to safeguarding the conditions for studies in Swedish at the Police College of Finland and conditions for the regional units of the police.

It has been stressed that the financial and human resources of the Swedish-speaking unit at the Police College of Finland must be safeguarded to ensure police training of equally high quality in both national languages. *Inter alia*, the future availability of police as lecturers for Swedish-speaking training must also be ensured. Furthermore, attention must be given to evaluating the short- and long-term effects of linguistic rights and to evaluating the effects in practice as regards the entire police organisation and individual police departments. A comprehensive

evaluation of the linguistic implications should be carried out in conjunction with the PORA III project because the project could affect the possibility of bilingual police departments and the regional units to guarantee services in Finnish and Swedish for similar reasons.²⁹⁹ As stated above, a decision has been taken to initiate a study on the linguistic implications.

6.2 Prosecutors and linguistic rights

In criminal cases, the prosecutor decides, on the basis of the material collected by the police in the pre-trial investigation, whether or not to prosecute. Because the language of the application for a summons or the decision not to prosecute is determined in conjunction with the consideration of charges, the prosecutor must check the language of the suspect from the pre-trial investigation record to ensure the documents are drafted in the language used by the suspect in the pre-trial investigation. This is why it is essential to indicate the language of the suspect in the pre-trial investigation record to secure his or her linguistic rights.³⁰⁰

In the reform of the prosecution service in 2007, efforts were made to secure Swedish-speaking prosecutor services by *inter alia* introducing special qualification requirements applying to the language skills of certain prosecutors in bilingual prosecutor's offices. In addition to good skills in oral and written Finnish, these posts required excellent oral and written skills in Swedish (so-called "Swedish-language post").³⁰¹ These language proficiency requirements applied to three prosecutors at the prosecutor's offices of Helsinki, Länsi-Uusimaa and Itä-Uusimaa, two at the Prosecutor's Office of Western Finland and five at the Prosecutor's Office of Ostrobothnia.³⁰²

Legislation on the prosecution service was amended at the beginning of 2011. This had the effect of combining the provisions on the administration and organisation of the prosecution service that were earlier included in several different acts into one new Act on the Prosecution Service. However, special requirements *inter alia* applying to the language skills of prosecutors have remained more or less unchanged.³⁰³

The prosecution service consists of the Office of the Prosecutor General and 13 prosecutor's offices. The linguistic status of these offices is determined by the Language Act based on administrative district.³⁰⁴ Except for the merger of certain offices and the discontinuation of service functions, the structure of the prosecution service has not significantly changed since the reform in 2007. The present organisation with larger units than earlier enables cases to be shared so that they are dealt with by prosecutors with good Swedish skills. The Office of the Prosecutor General publishes releases and brochures in Finnish and Swedish. Likewise, instructions to the prosecution service are given in both languages. Decisions concerning Swedish-speaking areas are handed down in Swedish. Otherwise the language of the recipient is used.³⁰⁵

Assisted by the Office of the Prosecutor General, in 2008 the Ministry of Justice conducted a questionnaire aimed at prosecutors working in bilingual prosecutor's offices. A similar questionnaire was conducted in 2012 for this report. The questions concerned the Swedish language skills of the prosecutors, the distribution of cases in Swedish between the prosecutors, the language of the application for a summons and the decision not to prosecute, as well as executive assistance between prosecutor's offices. The purpose of the survey was to establish whether or not there had been any changes in securing linguistic rights over the past four years. Replies were received from 67 prosecutors.

The prosecutors' experiences of how linguistic rights are secured in pre-trial investigations and in the courts are discussed in Chapters 6.1 and 6.3.

Swedish skills of prosecutors and distribution of cases

Less than half of the prosecutors working in bilingual prosecutor's offices who replied to the Ministry of Justice's questionnaire considered their professional language skills in Swedish to be satisfactory or weaker and just over a third thought that their skills were good. A quarter of the prosecutors thought their Swedish skills were excellent or they had Swedish as a mother tongue.

There were regional differences in the replies. For example, almost 62 per cent of the prosecutors at the Prosecutor's Office of Helsinki assessed their Swedish skills as being satisfactory or weak, whereas the corresponding figure for the Prosecutor's Office of Ostrobothnia is just nine per cent.

It can be stated that the Swedish skills of prosecutors has slightly improved since the 2008 survey. For example, over a third of the prosecutors at the Prosecutor's Office of Ostrobothnia considered their Swedish skills to be satisfactory or weak in 2008.³⁰⁶

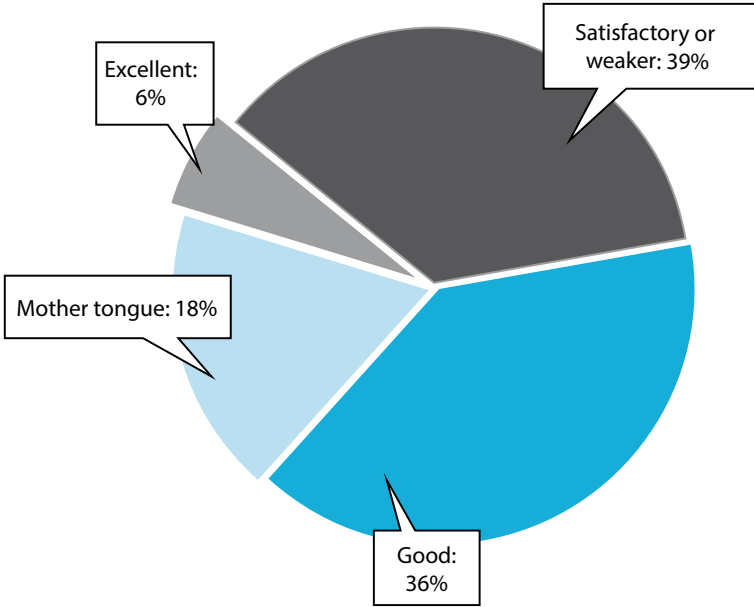


Figure 13: The Swedish skills of prosecutors working in bilingual prosecutor's offices. (N=66)
Source: Ministry of Justice 2012a.

The majority of prosecutors considered that cases in which at least one of the parties is Swedish speaking are distributed to prosecutors whose qualification requirement for office is an excellent knowledge of Swedish or to other prosecutors with a knowledge of Swedish. Only three per cent of prosecutors replied that there was no clear procedure. It seems that, compared to 2008, the procedures for distributing cases are slightly clearer.³⁰⁷

A third of the prosecutors with Swedish as their mother tongue or with an excellent knowledge of Swedish deal on a daily basis with cases in which at least one of the parties is Swedish and half on a weekly basis. The prosecutors' replies show that English is used at work considerably more than earlier with foreign parties.

The replies raised the concern of a weakening of Swedish skills because Swedish is never used at work. According to some prosecutors, Swedish-speakers themselves often prefer to use Finnish in official matters. One reply stated that prosecutors should be offered Swedish courses, as distance learning for example, to recall their Swedish.³⁰⁸

Language of the application for a summons and the decision not to prosecute as well as translation

The application for a summons and the decision not to prosecute must be drafted in the language of the party, Finnish or Swedish. However, where a case involves numerous parties with different languages, the prosecutor must, on his or her own initiative, translate or have translated a document drafted in a language other than that of a party.³⁰⁹

Only 18 per cent of the prosecutors *always* translate or have the relevant documents translated into the language of the party when they are drafted in the other national language and 25 per cent *usually* do. Therefore as many as over half of the prosecutors do not as a rule translate or have translated the relevant documents. Here too, regional differences can be observed. For example, 56 per cent of the prosecutors at the Prosecutor's Office of Helsinki, but only nine per cent at the Prosecutor's Office of Ostrobothnia reported that they have never translated or had translated an application for a summons or a decision not to prosecute.

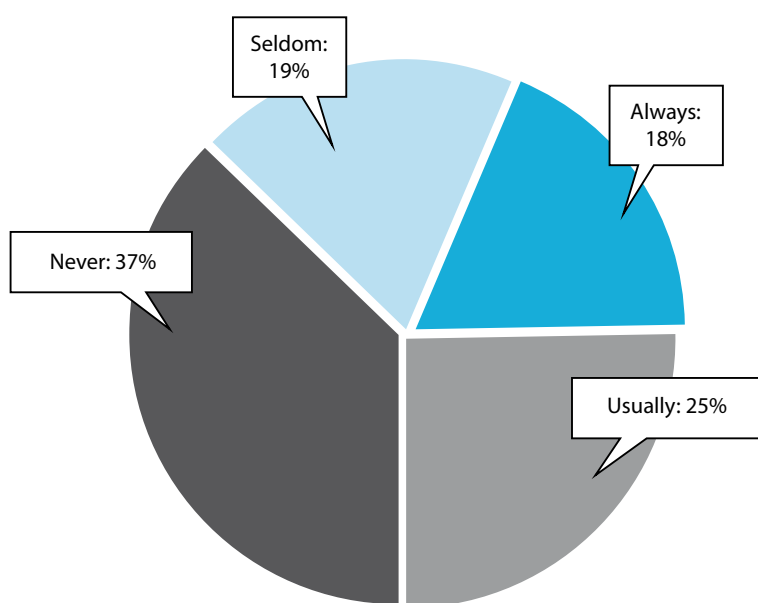


Figure 14: Percentage of translations of applications for a summons or decisions not to prosecute in cases involving parties with different languages (N=67). Source: Ministry of Justice 2012a

Over half of the prosecutors estimate that they translate or have translated, on their own initiative, the application for a summons or the decision not to prosecute. Only three per cent of prosecutors considered that translation is based on the initiative of the party.

One reply stated that it is important for a party to be able to use his or her own language, but that this should also be addressed in the allocation of resources and when recruiting new personnel.³¹⁰

Executive assistance between prosecutor's offices

The Government report on the application of language legislation 2006 stated *inter alia* that the prerequisites for cooperation across competency limits should be studied to establish, for example, whether executive assistance from a bilingual area could, where necessary, be requested for a unilingual area. According to the language report 2009, executive assistance between prosecutor's offices was rare.³¹¹

Based on the prosecutors' replies, it appears that executive assistance between prosecutor's offices is still quite minor. As many as 76 per cent of the prosecutors have never dealt with cases involving Swedish-speaking parties outside the area of operation of their own prosecutor's office. Only prosecutors at the Prosecutor's Office of Western Finland deal monthly with cases involving Swedish speaking parties outside the area of operation of their own prosecutor's office.³¹²

6.3 District courts and linguistic rights

Securing linguistic rights is one of the key requirements for a fair trial. Like other authorities, the court must, on its own initiative, ensure linguistic rights are secured.

Everyone has the right to use his or her own language – either Finnish or Swedish, as he or she chooses – in court. The fact that a person also speaks the other national language as well as his own language neither removes nor diminishes this right. Likewise, the language skills of the counsel or the language used in the pre-trial investigation neither determine the language of proceedings nor diminish the right of a party to use his or her own language in the trial.³¹³

The qualification requirements concerning the language skills of judges and practical solutions to secure linguistic rights vary in unilingual and bilingual courts. The Act on Judicial Appointments has provisions governing the qualification requirements as regards the Finnish and Swedish skills of judges.³¹⁴

The language report 2009 showed that the point of departure in the judicial system is not always the parties' linguistic rights, but, for example, the language skills of the attorney or judge. In bilingual courts, the language of the proceedings is often determined according to the majority language of the judicial district of the court and not on the language of the parties. Especially in cases involving parties that speak different languages, there is pressure on the Swedish speakers to use Finnish in a court.³¹⁵

The district court reform, which entered into force at the beginning of 2010, saw the number of district courts cut to 27. The reform also impacted on the linguistic divisions of the district courts. Legislation applying to the language proficiency requirements of judges was amended in conjunction with the reform to safeguard court services in Finnish and Swedish. To secure the linguistic rights of the minority population within the judicial district of a district court, all bilingual courts must have a sufficient number of district judge offices for which the formal qualification requirement for language skills is excellent oral and written knowledge of the language of the minority population within the judicial district of the court and satisfactory oral and written skills in the language of the majority, so called *reverse language proficiency requirement*. Each bilingual district court must have at least one such position of district judge. A Government decree lays down in more detail the number of such positions there are in each bilingual district court.³¹⁶

There are eight bilingual district courts: the district courts of Espoo, Helsinki, Itä-Uusimaa, Keski-Pohjanmaa, Länsi-Uusimaa, Pohjanmaa, Vantaa and Varsinais-Suomi. Swedish is the majority language of the District Court of Pohjanmaa and Finnish is the majority language in the rest of the district courts.

In conjunction with district court reform, the District Court of Parainen, where Swedish was the majority language, was merged with the bilingual District Court of Varsinais-Suomi, where Finnish is the majority language. To secure the linguistic rights of the Swedish-speaking population, a separate language division, which has Swedish as its working language and primary language of proceedings, was established within the District Court of Varsinais-Suomi.

There are 19 unilingual district courts, of which the District Court of Åland is Swedish speaking, whereas the rest are Finnish speaking.

In 2012, the Ministry of Justice sent a questionnaire to the chief judges at all district courts asking about the judges' language skills, practical solutions to secure linguistic rights and the implementation of linguistic rights in the activities of the courts. The questionnaire was a follow-up one aimed at ascertaining whether there have been any changes since 2008 in securing linguistic rights and what kind of impacts district court reform has had in practice. The questionnaire focused on the linguistic rights of Swedish speakers because in practice this is where deficiencies have been found. Seven bilingual and 17 unilingual district courts completed the questionnaire.

Information about the courts was also obtained in the questionnaire addressed to prosecutors in bilingual prosecutor's offices as referred to earlier.

Ascertaining an individual's own language in a district court

Under the Act on the Population Information System, an authority has an official duty to ascertain personal information, including mother tongue, about a party in a case. 317

Only one *bilingual district court* usually checked the language of a party in the Population Register. However the language of a party can be ascertained from the Population Register if there is reason to believe that his or her language is not Finnish or if this transpires from earlier correspondence or police interrogations. A party is usually asked at the latest before the trial begins which language he or she wishes to use.

In unilingual district courts, the language of a party is usually ascertained from the pre-trial investigation documents or by asking the party at the earliest stage possible. Less than a quarter of the unilingual district courts use the Population Register to ascertain the language of a party. In a few unilingual district courts, the language of the party is not ascertained, instead it is assumed that the party himself or herself, the prosecutor or process server notifies the party's language to the district court where necessary.

In criminal cases, the point of departure is usually the language used in the pre-trial investigation, which is similar to the situation four years earlier. In civil and petitionary cases, the decisive factor is mostly the language used in the application or appeal. In both unilingual and bilingual courts, a bilingual party can generally choose which language he or she wishes to use even though Finnish is the language of proceedings. Where necessary, an interpreter is called if the judge is unable to translate.³¹⁸

Language of proceedings and use of an individual's own language

Under the Language Act, the language of proceedings in criminal cases in bilingual courts is usually the language of the defendant. In civil cases, the language of proceedings is primarily determined by agreement between the parties where the parties speak different languages. In unilingual courts, the language of proceedings is, as a rule, the language of the administrative district of the court.³¹⁹

According to the chief judges, Finnish is usually chosen as the language of proceedings both in unilingual and bilingual district courts even though the case involves parties with different languages. According to a chief judge in one bilingual court, Finnish is chosen as the language of proceedings especially in civil cases, because the counsels appointed by the parties often do not have a good enough knowledge of Swedish. Choice of language generally depends on whether the matter has been instigated in Finnish or Swedish. Unilingual district courts arrange interpretation where necessary.

Bilingual district courts are fairly unanimous about the fact that Swedish speakers sometimes waive their right to use their own language in a court in criminal, civil and petitionary cases. This means the situation has remained unchanged compared to four years ago. Waiving linguistic rights might be because the party wants to ensure the trial flows smoothly and that he or she is correctly understood. Also the party might chose Finnish because the counsel's language skills are lacking. Many chief judges have pointed out that the party waives linguistic rights on his or her own initiative.

Unilingual district courts rely on Swedish speakers to look after their linguistic rights. The majority of chief judges has no experience of Swedish-speaking customers, but around half of the chief judges in unilingual district courts were of the opinion that Swedish speakers do not generally waive the right to use their own language. The majority of prosecutors in bilingual prosecutor's offices considers that Swedish-speaking parties are addressed in the court in *Swedish*.³²⁰

Informing a party of his or her rights

Around half of the *bilingual district courts* inform, on their own initiative, the parties and others to be heard in court of their right to use Finnish or Swedish and encourage them to use their own language.

There is a positive attitude towards a person wishing to speak the other national language in sessions. In written preparations, no one is separately encouraged to use their own language.

Chief judge in a bilingual district court

Just under half of the *unilingual district courts* inform, on their own initiative, the parties and others to be heard in court of their right to use Finnish or Swedish and encourage them to use their own language. Information is generally given at the earliest stage possible. In some unilingual district courts, the activeness and inclination of the party has bearing on the matter.³²¹

Language skills and language training of judges

In its most recent resolution on the implementation of the Framework Convention for the Protection of National Minorities by Finland, the Committee of Ministers of the Council of Europe noted that there are continued and serious shortcomings as regards the implementation of the Language Act and Sámi Language Act as too few public officials have the adequate language skills to allow Swedish speakers and Sámi in the Sámi Homeland to use their languages in official contacts with local administrative authorities.³²²

According to all chief judges in bilingual district courts who completed the questionnaire by the Ministry of Justice, there are sufficient judges with Finnish and Swedish language skills. The number of judges with Swedish language skills has remained largely unchanged in recent years and many of the chief judges in district courts are Swedish speaking. It seems that the legislative amendment on the language proficiency requirements of judges entering into force at the beginning of 2010 has had little impact on securing the linguistic rights of the minority in the judicial district of district courts because there were already sufficient judges with Swedish language skills in most *bilingual district courts* before legislative amendment.

At the District Court of Varsinais-Suomi, for example, merging the district courts has improved the linguistic rights of the minority because all judges with skills in Swedish are available in

cases throughout the judicial district. On the other hand, the language division set up within the district court has possibly, in practice, hampered inter alia the judges' case-specific specialisation.³²³

Announcements of official positions mention the qualification requirements with regard to languages and language skills that are considered a merit. When assessing applicants, the Judicial Appointments Board takes into account the qualification requirements with regard to language skills and the actual language skills of applicants.³²⁴ The Ministry of Justice arranges customer service training in Swedish for court personnel. The courts have themselves also arranged Swedish courses for their personnel.³²⁵ Judges in *bilingual district courts* generally have such good language skills that there is no need to arrange language courses. In their replies, chief judges in unilingual district courts have suggested that court personnel could be encouraged, for example, to take part in an exchange of officials or to otherwise stay a while in Sweden to ensure practical language skills. Language cooperation with a judge in another district court might also make it easier to deal with cases in Swedish.³²⁶

Bilingual legal studies arranged by the Faculty of Law of Helsinki University at the Vaasa Unit can be mentioned as one example of the practical efforts being taken to safeguard the future provision of court personnel with language skills. The bachelor's degree in law course at Åbo Akademi University also has a similar aim.

According to information received by the Ministry of Justice, there is still a shortage of jurors, lay members of district courts with a knowledge of both Finnish and Swedish.³²⁷ In its letter to district courts and municipal executives, the Ministry of Justice has repeatedly raised the duty of municipal councils to address the language skills of jurors. Jurors are not subject to any particular qualification requirements as regards language skills. Municipal councils are tasked with ensuring that persons appointed as jurors have the adequate language skills to carry out the task. It is the duty of the district court to ensure the composition of jurors in court hearings.³²⁸

According to chief judges in *bilingual district courts*, bilingual municipalities appoint persons with language skills in both Finnish and Swedish as jurors. In cases where there are both Finnish- and Swedish-speaking parties, *bilingual district courts* always select jurors with skills in Swedish. If for some reason, a juror does not understand the language used in a court hearing, the chairperson would translate and explain the matter to the juror. In *unilingual district courts*, jurors are selected in the same way as for any court proceedings and language skills are not taken into account.

Almost all district courts have sufficient forms, document templates, brochures, instructions and other materials available in both national languages. In some unilingual district courts, however, there is less material available in Swedish than in Finnish. The information system language is usually Finnish, but documents are available in both national languages.

District courts have little process and substance training intended for Swedish-speaking personnel. Only a few bilingual district courts and one unilingual Finnish-speaking district court sometimes arrange training in Swedish. However, the personnel have an opportunity to participate in training in Swedish arranged by the Ministry of Justice.³²⁹

A study of the language skills of the personnel has been done in only a few unilingual or bilingual district courts. The language skills of the personnel are, however, usually known because the subject is raised in development discussions, for example.³³⁰

Arranging interpretation

In hearings in *bilingual district courts*, interpretation is usually arranged by the judge interpreting where necessary. The parties, usually the attorneys, might also agree among themselves that only Finnish is used in the hearing.

In *unilingual courts*, the usual practice is to use an outside interpreter, although in the easiest cases, also the judge can interpret.

Over one third of the prosecutors replying to the questionnaire by the Ministry of Justice noted that the courts often or always use an interpreter in cases involving both Finnish- and Swedish-speaking parties. The majority of prosecutors considered that the court itself arranges interpretation.

Most district courts have a growing need for interpretation and translation into languages other than Finnish or Swedish. This need is especially highlighted in regions with Sámi-speaking inhabitants and many Russian-speaking inhabitants. Customers also include speakers of the Baltic languages, Arabic speakers and users of sign language. It is particularly difficult to find interpreters for less common languages. Sometimes an interpreter may have to be acquired from Sweden. Use of outside interpreters can also be expensive. Chief judges would like to see the use of other ways, such as video conferencing, in arranging interpretation.³³¹

According to chief judges, it is difficult to assess the competence of an interpreter in the district court. As already noted in Chapter 6.1, ensuring the quality of interpretation and translation has been addressed in conjunction with implementation of the Interpretation Directive of October 2010.

Inter-court cooperation and length of proceedings depending on language

In its report on the application of language legislation 2006, the Government proposed that the authorities and courts improve their cooperation to utilise the work done by other authorities and courts for the implementation of language legislation. The aim should be for material such as brochures, document templates and forms produced by one authority in both languages, and possibly also in other languages, to be applied by another authority in its activities. Similar authorities could also share translation costs when producing material in more than one language. This aim was also raised in the 2009 report.³³²

However, the district courts still have little cooperation to implement language legislation. Only in a few individual cases has a district court requested another district court for help in dealing with a case in Swedish.³³³

The 2009 report noted that the earlier large differences in the length of proceedings between Finnish- and Swedish-speaking cases had decreased.³³⁴ Around a third of the district courts currently consider that the language of the proceedings affects their length. However, almost all *bilingual district courts* were of the opinion that language has no effect on the length of proceedings. The replies of *unilingual district courts* show interpretation and having documents translated of takes time, especially when an external interpreter is not used and the judge interprets.³³⁵

According to some *bilingual district courts*, it is difficult to recruit district court secretaries and court registry staff with Swedish skills. Other bilingual district courts report there to be no problems nowadays.³³⁶

The replies of the chief judges also note that in the ensuing public debate after the district courts were merged, doubts were voiced about how linguistic rights would be secured after the reform, but such doubts are no longer heard.

The Language Barometer 2012 shows, however, that language minorities do not consider the courts and judicial system to have implemented services in Swedish very well.³³⁷

6.4 Linguistic rights of prisoners

The Parliamentary Ombudsman has drawn attention to the shortcomings in securing the linguistic rights of prisoners. The forms required to initiate a matter concerning a supervised visit were only available in Finnish and the decision in respect of a prisoner's applications in Swedish was given in Finnish.³³⁸

The Criminal Sanctions Agency has studied the position of Swedish-speaking prisoners and their possibility to deal with matters in their own mother tongue during imprisonment. According to the study, the Swedish skills of the personnel vary from one prison to another and also between occupational groups. The linguistic capabilities of the personnel are better in prisons where the majority of prisoners are Swedish speaking.

According to prison personnel, prisoners can receive information in Swedish both orally and in writing, and services in Swedish can be arranged where required. According to the personnel, the services of a psychologist, care staff and social workers, for example, can be arranged in Swedish. However, there is little demand for services in Swedish.

Most of the 20 prisoners completing the questionnaire reported, however, that on arrival at the prison, they had received the information they needed only in Finnish. Four prisoners dealt with their matters in prison in English. The majority of prisoners would like to see all information available in Swedish. None of the prisoners apparently could get by in prison solely in Swedish, but also used Finnish and English. If a prisoner does not use Swedish on arrival at the prison, it may be assumed that he or she is Finnish speaking.³³⁹

Prison personnel and prisoners have differing opinions of the possibility to use Swedish in prison. Swedish-speaking prisoners deal with their matters mostly in Finnish, even though they would like to use Swedish. According to the personnel, services and information can be arranged in Swedish in most prisons, but despite this, Finnish is mostly used in practice.

7 Application of language legislation in administrative reforms

Towards the end of the first decade of the 2000s, the focus of administrative development was geared towards regional administration. The organisation and division of the authority of state provincial offices, employment and economic development centres (TE centre), regional environment centres, road districts, occupational safety and health inspectorates and Finnish regional councils were overhauled by establishing new types of authority for regional state administration and by specifying the activities of the Finnish regional councils that operate in the form of joint municipalities.³⁴⁰ Implementation of administrative reform of the police resulted in *inter alia* the establishment of new police departments and their administrative districts. The remit of Finnish regional councils was expanded and the Finnish Tax Administration was formed into a single national authority.

The central question in this chapter is how fundamental linguistic rights and language legislation have been secured in these administrative reforms.

7.1 Regional State Administrative Agencies as a promoter of linguistic rights

State provincial offices implemented the provisions of the Language Act mainly from the regional perspective, as did the regional environment centres.³⁴¹ ALKU, the Regional Administration Reform Project, considerably changed the arrangement because it was specified that regional state administrative agencies could deal with tasks within the area of operation of more than one agency.³⁴²

Expansion of an area of operations required it *inter alia* to be able to promote the implementation of the linguistic rights of the Finnish- and Swedish-speaking minorities in the region and the linguistic rights of the Sámi minority in their homeland.

Linguistic rights are a key area in the activities of regional state administrative agencies. This is emphasised in the provision on a service unit for the language minority. This provision states that a regional state administrative agency may have a separate unit serving the region's Finnish or Swedish speaking minority and, in the Sámi Homeland, the Sámi-speaking minority.³⁴³ A government decree provides for the establishment and remit of a service unit for the language minority, including the qualification requirements of its personnel. To date, one service unit has been established under the decree, the *Service Unit for Swedish Education*, which operates across Finland.³⁴⁴ The unit operates as a separate unit within the Regional State Administrative Agency for Western and Inland Finland in Vaasa, with offices also in Helsinki and Turku. The remit of the service unit includes responsibility for those tasked related to education in Swedish in which the AVI Agency has competence. In addition, the unit serves as an expert in matters of education, competence and library services for the Swedish-speaking population within the remit of Centres for Economic Development, Transport and the Environment. Because of the unilingualism of the service unit, there is a reverse language proficiency requirement, i.e. excellent oral and written skills in Swedish and satisfactory oral and written skills in Finnish. No other separate language provisions have been laid down, except that regional state administrative agencies are either unilingual or bilingual based on the Language Act.

Where a nationwide task has been laid down for a regional state administrative agency, the agency concerned is a bilingual authority with regard to the nationwide task, for example, when the regional state administrative agencies for Lapland, Northern Finland and Eastern Finland are responsible for nationwide tasks.

However, not all aspects of this situation have been taken into account *inter alia* in the Development and Steering Unit for Local Register Offices, whose remit covers the entire country. Problems have arisen in the editing of written material and in spoken service.³⁴⁵ One example that can be mentioned is the continuing training of the personnel when new information systems are brought into use.

The Advisory Board on Language Affairs working in conjunction with the Ministry of Justice noted in its opinion submitted at the preparation stage of regional administrative legislation that when assigning nationwide tasks to a certain regional state administrative agency, it must be ensured that the agency has sufficient language resources to carry out the tasks both in Finnish and in Swedish.³⁴⁶

The nationwide tasks assigned to regional state administrative authorities must be carried out in Finnish and Swedish, but in unilingual administrative districts, the language proficiency requirements are inadequate for the public officials carrying out these tasks. It is important to ascertain, how the language proficiency requirements of the personnel in regional state administrative authorities have been built in situations where, for example, an official resolves matters based on guidance material that is not in the official's own language or in the customer's language.

7.2 Centres for Economic Development, Transport and the Environment (ELY Centres)

Until the mid-2000s, the authority of employment and economic development centres (TE centres) and the employment and economic development offices (TE offices) under them was determined according to traditional territorial powers. The amendment to language requirements at TE centres and TE offices in 2005 raised in a structured way how qualification requirements with regard to languages can be enforced when an authority's powers include significant exercise of government power. Amendment of the decree ensured *inter alia* that there are qualification requirements with regard to languages for persons whose job includes presenting, resolving or enforcing solutions concerning the rights or obligations of an individual.³⁴⁷

When an authority recruits personnel, management must take into account the fact that official duties requiring the use of Finnish on the one hand and the use of Swedish on the other can be shared by persons who master each respective language. This is an important model when considering and imposing language proficiency requirements at decree level. The model enables the organisation of service chains that work in both national languages.

However, the ALKU reform changed the rationale for how to organise regional administration of the state. The new Act on Employment and Economic Development Centres and Employment and Economic Development Offices resulted *inter alia* in a repeal of the decree referred to above and the provision that included language skills requirements. The government decree based on the new act no longer included provisions on language proficiency.³⁴⁸

The Act on Centres for Economic Development, Transport and the Environment has been in force since 2010 and contains entries applying to language. By law, an ELY centre can also deal

with tasks within the area of operation of more than one centre where expansion of the area of operation *inter alia* promotes the linguistic rights of the Finnish- and Swedish-speaking minority and, in the Sámi homeland, those of the Sámi-speaking minority. In addition, an ELY centre may have a separate unit serving a Finnish- or Swedish-speaking minority or, in the Sámi homeland, the Sámi-speaking minority. This type of service unit can also be established as a joint unit for several ELY centres.³⁴⁹ The establishment of such a service unit and the qualification requirements of the personnel would be specified by government decree, but no such decree has been issued.

Under the government decree entering into force in 2010, one ELY centre may have authority in the area of one or more other ELY centres. Many individual ELY centres have been assigned nationwide responsibilities.

When a centre's authority covers the whole of Finland, under the Language Act its administrative district is bilingual and it must serve the entire country also in Swedish. Likewise, a unilingual ELY centre has authority in the administrative district of a bilingual ELY centre. In such cases, the unilingual ELY centre is bilingual with regard to the authority it exercises in the bilingual authority's district even though the staffing structure is basically unilingual. The language proficiency requirements of the personnel are thus as a rule determined in accordance with the requirements for a unilingual administrative district. However, the decree includes provisions that, to secure the linguistic rights referred to in the Language Act, service at the ELY Centre in South Ostrobothnia is to be dealt with in Vaasa, as well as at its headquarters in Seinäjoki, and that ELY centres must cooperate in certain tasks with the Service Unit for Swedish Education within the Regional State Administrative Agency for Western and Inland Finland.³⁵⁰

When the Government issued the new decree on ELY centres in 2011, the purpose was mostly to correct technical errors. The point dealing with language proficiency requirements states that the language skills required of the personnel in ELY centres and ELY offices is laid down by the Language Act and by the Act on the Knowledge of Languages Required of Personnel in Public Bodies, i.e. the Knowledge of Languages Act.³⁵¹

The reason is to remind bilingual centres and offices of the language skills that are expected of personnel working in a bilingual authority.³⁵² Nevertheless, provisions on the language skills of personnel were not included in the new decree. This would have resulted in a return of language proficiency requirements to the level prevailing in 2006-2008.³⁵³

According to the Language Barometer 2012, linguistic services at ELY centres have received a rather low grade. Since the activities of ELY centres exercise a considerable amount of government power that often intervenes in matters belonging to an individual's fundamental rights, it would be important for language skills requirements in accordance with the Language Act to be included in decree-level provisions applying to ELY centres. For example, the inspection of activities and financial oversight directed at farmers might be considered as affecting even domestic peace.

7.3 Language-related examples in the implementation of regional administrative reform

Implementation of regional administration legislation in 2009 and 2010 in the Kokkola district raised the question of whether the region of Central Ostrobothnia would come under the subordination of the Regional State Administrative Agency for Northern Finland or the Regional State Administrative Agency for Western and Inland Finland already when the Act on Regional State Administrative Agencies was being enacted. The Constitutional Law Committee considered that Section 122 of the Constitution of Finland contains legal provisions that are also binding

on bodies with executive power when decisions on administrative districts are taken.³⁵⁴ Based on the statement, decision-makers have, in such cases, a duty to evaluate the linguistic effects of the decision beforehand and, on the basis of consideration of legality, to choose the decision that best secures linguistic rights. The decision on regional administrative reform given by the Chancellor of Justice on 30 October 2009 confirmed the application of the Constitutional Law Committee's position on the district of the body with executive power. The Chancellor of Justice noted that the administrative considerations of expediency and the financial aspects are secondary with regard to fundamental linguistic rights in decision-making concerning administrative districts. In its report on the report of the Government on the application of language legislation 2009, the Constitutional Law Committee highlighted the necessity of assessing linguistic effects in conjunction with administrative reforms.³⁵⁵ Central Ostrobothnia was deemed as belonging to the administrative district of the Regional State Administrative Agency for Western and Inland Finland because the possibilities to secure linguistic rights are better there than within the Regional State Administrative Agency for Northern Finland. A similar line was taken by ELY centres. Key significance was given to the principles formulated in the statement of the Constitutional Law Committee.³⁵⁶

Linguistic profiles for different organisational options were used to determine which option would be the best. This can be considered an important methodological model and tool when evaluating linguistic effects.

The study of the Kokkola district in 2010 might, however, be too detailed to be used as a model in evaluating linguistic effects when acts are enacted. This type of study works best when assessing the impacts of organisational changes already carried out.

An evaluation of linguistic effects carried out after regional administrative reform shows that the change from provincial governments to regional state administrative agencies (AVI) does not seem to have affected service provision in the national languages.³⁵⁷ The number of Swedish-speakers living in the AVI Southwestern Finland area halved, whereupon the natural contact of the agency's work community with the Swedish-speaking population group and culture also declined. The AVI Southern Finland's services in Swedish appear to be more or less at the same level as within the earlier provincial government. Because the AVI also deals with matters nationwide, there has been an increase in the number of applications and amount of advice in Swedish. Neither has regional administrative reform resulted in a change in the availability of linguistic services within the ELY Centre for Uusimaa. Since some of the functions in Swedish have been focused on the advice centre at the ELY Centre for Ostrobothnia and so some of the calls in Swedish are rerouted there, the availability of services in Swedish might even have improved. The telephone service in the transport and infrastructure area of responsibility in Tampere has been arranged so that both national languages have their own separate number. Almost half of the personnel at the ELY Centre for South Ostrobothnia is able to serve in Swedish. The study considered it necessary to strengthen Swedish language skills in the joint functions in Seinäjoki. According to an assessment received from the ELY Centre for Ostrobothnia, ELY centres provide at least as many services in Swedish as before the reform.³⁵⁸

The reform has had positive impacts, especially on e-services, because the new bilingual administration unit for information service, ELVI, established in conjunction with the reform provides information services to all ELY centres. ELVI is responsible for websites in Swedish and for producing joint bilingual newsletters and publications.

The study emphasised the need to address the formulation of language proficiency requirements in various provisions and also at the recruitment stage when job descriptions for individual posts are formulated. In addition, supervisory actions are important. The linguistic effects of the division of administrative districts were evaluated already during the preparatory stage

of the reform and the effects were accorded the significance required by the Constitutional Law Committee in its decision concerning administrative districts.³⁵⁹ On the other hand, linguistic effects of the division of administrative authority were not evaluated, for example, when regional administrative reform was implemented in 2012 and in the assessment made afterwards.³⁶⁰ In its report to parliament 2013 on the launching and implementation of regional administration reform, the Government discussed linguistic rights separately.³⁶¹

Based on an ex post assessment carried out in *ELY centres* in 2012, it would seem that regional administrative reform has not had a very significant impact on linguistic services. Based on the assessment, the ministries have addressed the linguistic effects in the planned reforms as regards *ELY centres*.³⁶²

7.4 Administrative reform of the police

As already mentioned in Chapter 6.1, linguistic effects have been evaluated *inter alia* in the first and second stages (Pora I and II projects) of reform in administrative police structures.³⁶³

Despite the changes, citizens still have a constitutional right to deal with the police in their own mother tongue, Finnish or Swedish, and the authorities have a duty to ensure customer service is secured on both national languages.

All the police departments where Swedish was the majority language before the reform have been formed into regional units with Swedish as the majority language. This means the language situation has remained unchanged.

In fact, the language proficiency requirements in Swedish were somewhat broadened for the personnel in the new police departments in cases where unilingual Finnish-speaking police departments became part of a new bilingual police department. As a result of the reform, such police departments are completely bilingual and when recruiting personnel the language proficiency requirements for a bilingual authority must be complied with in all respects.

The regional unit is responsible for ensuring that citizen services within the remit of the police are equally available and of the same quality across their area of operation as specified in detail in the police department's rules of procedure. The nationwide guidelines for the administrative structure of the police stated that the regional units are, in principle, responsible for implementing basic police activities in their district to secure in particular services in Swedish. One of the special tasks of the regional units is to develop services in Swedish across the district of the entire police department.

Even though regional units have been established so that in some cases the majority language within the administrative district is Swedish, Swedish is not the majority language in any of the 24 police departments. Ostrobothnia Police Department is 55 per cent Finnish speaking in terms of population and the Police Department of Central Ostrobothnia and Pietarsaari is 68 per cent Finnish speaking. This division of police departments does not necessarily guarantee that the Finnish- and Swedish-speaking population would receive services on the same basis.

The third stage of administrative reform of the police (Pora III) will be prepared during winter 2013. At the regional level, the reform might result in the formation of increasingly larger police departments. In Ostrobothnia, for example, there is a need to secure linguistic services in the police.

7.5 Language skills of Emergency Response Centre Administration and Emergency Services College personnel

The ex post assessment carried out in ELY centres in 2012 included information on the emergency response centre reform and emergency warning reform at the Department for Rescue Services within the Ministry of the Interior, as well as information on the language skills of the personnel at the Emergency Services College.³⁶⁴

Under the Act on Emergency Response Centre Activities, the administrative district of the Emergency Response Centre Administration nowadays covers the whole of Finland. Under the Language Act, the Emergency Response Centre Administration is thus a bilingual authority that serves in both Finnish and Swedish across its country-wide administrative district. Since emergency response centre reform, the agency no longer has regional units forming regional administration whose linguistic position must be determined separately.

In the context of drafting the Act on Emergency Response Centre Activities, it was noted *inter alia* that there were personnel with a knowledge of Finnish and Swedish also in emergency response centres other than those in bilingual emergency response centre districts, but that it was not possible to benefit from their skills consistently.³⁶⁵

It was deemed that the new administration model, including telephone call routing, makes it possible to benefit from the language skills of the personnel and to handle emergency response messages according to linguistic need with the help of a data system. This makes it possible to utilise the language skills of the personnel also in languages other than the national ones. The Emergency Response Centre Administration deemed that there was no need to establish a separate unit to secure services for the language groups.

Personnel dealing with an operator's tasks are required to have a vocational degree of emergency response centre operator or a similar earlier qualification, or a Diploma in Police Studies or a similar earlier qualification, but an emergency response centre operator is not subject to special requirements with regard to skills in both national languages. The Ministry of the Interior refers *inter alia* to the Knowledge of Languages Act and states that the authorities must ensure, when recruiting and through personnel policy activities such as the arrangement of training, that the personnel have sufficient language skills to perform their duties.

The language proficiency requirements of *Emergency Services College personnel* support for their part the recruitment and other personnel policy activities of the Emergency Response Centre Administration. Under the Government Decree on the Emergency Services College, qualification requirements on language proficiency for senior teachers who teach in Finnish include excellent oral and written skills in Finnish. The qualification requirements on language proficiency for senior teachers who teach in Swedish include excellent oral and written skills in Swedish. The so-called reverse language proficiency requirement is designed to ensure that senior teachers giving instruction in Finnish and Swedish alike have the required language skills for the task.³⁶⁶

According to the Ministry of the Interior, overall reform of the administrative model for the Emergency Response Centre Administration makes it possible to benefit more than at present from the language skills of the personnel to enable the better provision of services in both national languages, as well as in other languages. Emergency response centre activities are to take into account the needs of the Sámi people, special groups, ethnic minorities and groups with an immigrant background. It has been deemed that these needs can be met not only by developing administration, but also, for example, by developing interpretation services or technical and other capabilities to serve customers needing help in different ways.

The new emergency response centre data system (TOTI) is bilingual. The authority has already in the initial stages of the procurement decision specified that the languages of the data system to be acquired are both Finnish and Swedish. The data system aims to guarantee an appropriate standard of service in both Finnish and Swedish.

7.6 A nationwide Tax Administration

Under the Tax Administration Act currently in force, the Finnish Tax Administration's area of operation still covers the entire country. The organisation of units and bodies must ensure access to services and the implementation of linguistic rights.³⁶⁷ Tax administration thus forms a nationwide authority with nationwide competence. Within this bilingual administrative district, tasks are transferred quite flexibly from one unit to another depending on the division of work prevailing within the authority to ensure the customer receives good service in his or her own language. The linguistic effects on taxpayers were ascertained in the context of legislative reform and it was stated that administrative restructuring would not weaken implementation of the linguistic rights of taxpaying and liable citizens.³⁶⁸ For example, under the working procedure of the Finnish Tax Administration, most of the tax appeals in Swedish are processed by the division of the Tax Administration's Board of Adjustment in Vaasa.

Even though the Finnish Tax Administration's area of operation covers the entire country, it has, however, five different local tax offices whose regional division is determined by division of the regions. The local tax offices of Uusimaa, Eastern Finland and Western Finland are bilingual, with Finnish as the majority language. ³⁶⁹

These must be capable of serving customers in both national languages in matters that another tax office has not been ordered to deal with. Officials at the Finnish Tax Administration are required to have good spoken and written skills in Finnish or Swedish, i.e. the language skills requirement is optional.³⁷⁰ This means the Finnish Tax Administration must recruit according to the language need identified in the organisation. When filling posts at the Finnish Tax Administration, attention must be given to the fact that official duties requiring skills in Finnish or Swedish can be shared among the officials in the unit who are competent in the language concerned.³⁷¹

8 Non-regulated sectors – universities and the church

As a rule, the Language Act does not apply to universities, the Evangelical-Lutheran Church or the Orthodox Church unless otherwise provided by law.³⁷² Certain changes, which are of importance from the linguistic aspect, have been made to the special legislation applying to universities and the church. The Universities Act enacted in 1997 has been superseded by a new Universities Act, which entered into force in 2010. Some of the language provisions in the Church Act of 1993 are being amended under provisions entering into force in 2013. A new Act on the Orthodox Church entered into force at the beginning of 2007.

Universities

The earlier Universities Act contained many provisions on language practices at universities. The provisions specified the languages and languages of examination and instruction at the various universities. Furthermore, there was a separate Act on the Coordination of Swedish-Language Higher Education. There are slightly fewer language provisions in the new Universities Act, but the provisions on universities with different languages are similar to those in the earlier Act.

The languages of instruction and examination at the University of Helsinki, the University of the Arts Helsinki and certain parts of Aalto University are Finnish and Swedish, whereas the language of instruction and examination at Åbo Akademi University, Hanken School of Economics and the Swedish School of Social Science at the University of Helsinki is Swedish. The language of instruction and examination at other universities is Finnish.

However, a university can decide that also other languages can be used as languages of instruction and examination, and in studies. ³⁷³ Consequently, English gains territorial ground as the language of instruction especially within research and master's studies.

Under the Universities Act, Åbo Akademi University, Hanken School of Economics, the University of Helsinki, the University of the Arts Helsinki and Aalto University are responsible for educating a sufficient number of persons with proficiency in Swedish for the needs of the country.³⁷⁴ For example, instruction at Åbo Akademi University and Hanken School of Economics is generally given in Swedish and it is possible at the University of Helsinki to study certain subjects - such as history, Nordic languages and educational sciences, as well as subjects at the Swedish School of Social Science - completely in Swedish. Also a large part of instruction in other degree programmes at the University of Helsinki is given in Swedish. Certain subjects, such as pharmacy and veterinary medicine, may include individual courses in Swedish.

Most of the instruction at the University of Helsinki is in Finnish, but Swedish-speaking students at the university can nevertheless sit exams in Swedish. Similarly, Finnish speakers can sit exams in their own language.

The Universities Act contains a special provision on the coordination of Swedish-language higher education.³⁷⁵ The Universities Act lays down the language proficiency requirements of university personnel and the administrative language.³⁷⁶ The language proficiency in Finnish and Swedish required of teaching and research personnel and other personnel is enacted by government decree. Persons engaged in university teaching and research are required to master the language, Finnish or Swedish, in which instruction is given at the university. At universities where

a degree may be taken in both Finnish and Swedish, persons engaged in teaching and research are required to have at least a satisfactory oral and written knowledge of Finnish and Swedish. A university may, with the help of its rules of procedure, provide for certain factors relating to language proficiency requirements.³⁷⁷

The Universities Act lays down separate provisions for the language skills required of teachers at Åbo Akademi University, who are required to have excellent oral and written skills in Swedish and an ability to understand Finnish.³⁷⁸

Irrespective of the language of instruction and research, universities have only one administrative language, Finnish or Swedish. The administrative language of Åbo Akademi University, Hanken School of Economics and the Swedish School of Social Science at the University of Helsinki is Swedish, whereas the other universities have Finnish as their administrative language. However, everyone has the right to use Finnish or Swedish in matters concerning them and to obtain a document in the language he or she uses.³⁷⁹

The earlier Universities Act contained a provision on the education for persons knowing Swedish. Under this provision, the University of Helsinki was able to introduce a so-called quota system, whereby some of the places were reserved for applicants knowing Swedish, in those fields where the University of Helsinki is the only university to provide instruction in Swedish. The Constitutional Law Committee considered that the quota system does not conflict with polity.³⁸⁰ There is no such explicit provision in the new Universities Act, instead Åbo Akademi University, Hanken School of Economics, the University of Helsinki, the University of Arts Helsinki and Aalto University have responsibility for the education of persons knowing Swedish.

Church administration

Amendments to the Church Act entered into force in June 2013. These amendments apply *inter alia* to the provision on the language skills of the personnel. To a certain extent, the provision can be considered as corresponding to the provisions of the Knowledge of Languages Act. Under the point in the law, the language skills required of a holder of public office are laid down in the organisation of the church taking into account the provisions of the Church Act with regard to the division of parishes, language minorities and the language to be used in activities. Dispensation from qualification requirements on language proficiency can be granted for special reasons.³⁸¹ A cathedral chapter may grant dispensation to a person holding the office of minister or pastor curate in a parish or parish union, whereas the authority with the competence to establish the office concerned grants dispensation to other office holders.

The new provision in the Church Act can be considered as being linked to the Language Act. The authority must explicitly by arranging training and through other personnel policy activities ensure that the personnel have sufficient language skills to perform the authority's duties in accordance with the requirements laid down by the Language Act, the Sámi Language Act and other legislation.³⁸²

In 2012, the Evangelical-Lutheran church discussed a suitable structure for local church administration in connection with the reform in local government structures. An external evaluation of the linguistic effects of structural reform in the church was carried out based three different models – a diocesan model, a deanery model and a parish union model. The latter was considered the best from the linguistic aspect.³⁸³ The proposal for the parish union model made by the Church Council to the General Synod includes an evaluation of linguistic effects. The General Synod will consider the matter during 2013. In addition, the General Synod considered drawing up a language strategy for the church. The General Synod decided that

the Church Council would monitor the Government's language strategy project, evaluate it and draw up a language strategy for the church.

The *Act on the Orthodox Church* was superseded by a new Act on the Orthodox Church in 2006. The Act lays down the linguistic rights and parish language, and contains several references to the Language Act. Every fifth year at the end of the calendar year, the Church Administrative Council determines, based on the linguistic division of persons registered as parish members, which parishes are Finnish speaking, which are Swedish speaking and which are bilingual. A parish is bilingual when the Finnish- or Swedish-speaking minority is so large that a municipality, under the provisions of the Language Act, would similarly be bilingual. The right to use the Sámi language is laid down by the Sámi Language Act. Church services and other activities are held where necessary in a language other than that of the parish.³⁸⁴

9 Linguistic rights – other language groups

The Government's report on the application of language legislation discusses Finnish and Swedish, as well as at least the Sámi languages, Romani and sign language, and, where necessary, linguistic conditions more generally in Finland.³⁸⁵ The language report 2009 dealt with the Sámi languages, Romani and sign languages, as well as Russian, Somali and Yiddish.

Under the Constitution of Finland, the Sámi, as an indigenous people, as well as the Roma and other language groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sámi to use the Sámi language before the authorities are laid down by act of law. The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by act of law.³⁸⁶

A provision in the Constitution of Finland makes separate reference to two traditional minority groups in Finnish society, the Sámi and Roma. Jews and Tatars are also examples of minority groups who have long lived in Finland. However, the provision does not apply only to traditional minority groups in Finland.³⁸⁷

Many minority languages have long been part of the history of Finland. Despite this, more appreciation of these languages by the population majority is still desirable.³⁸⁸ The population structure of Finland is also constantly changing. It is forecast that the number of inhabitants with a non-Finnish background and their share of the population will grow rapidly over the next few years. This will increase the need to direct information to them, also in the activities of the authorities. To take a case in point, the National Institute for Health and Welfare published a report in 2012 on its migrant health and wellbeing study. A study on persons of Russian, Somali and Kurdish origin in Finland.³⁸⁹

To enable them to adjust to society, it is increasingly important for immigrants to receive information on the activities of the authorities and, for example, who they can approach for help, in their own language. It is important for them to keep their own language to also preserve their own identity in a Finnish-and Swedish-speaking society.³⁹⁰

The Programme of Prime Minister Jyrki Katainen's Government contains also many items relating to linguistic rights. It states *inter alia* that development of national linguistic resources must particularly address the status of Sámi, Romani and sign language.³⁹¹ Recent years have seen progress made in taking into account linguistic rights. One example of the positive development made on this front is by the Ministry of Justice in its election information, which nowadays is in over 20 different languages.

Increasingly more languages are being spoken in Finland. Statistics on language groups are discussed in Chapter 2.2 of this report. Because it is not practically possible to deal with all the languages spoken in Finland, this chapter aims to monitor the linguistic conditions of the language groups discussed in the language report 2009. To this end, the Ministry of Justice requested opinions from the same language groups as when preparing the 2009 report. In addition, in October 2012, the Ministry of Justice held a seminar on linguistic rights where organisations representing different language groups were also heard. Concerning the linguistic rights of the Sámi and their implementation, municipalities, authorities and Sámi non-governmental organisations in the Sámi area were heard separately. The information obtained in these events has been drawn on in the preparation of this report.

This chapter primarily discusses the Sámi languages, sign languages and Romani. The Ministry of Justice has received information about the linguistic conditions of these languages from opi-

nions provided by, for example, the Sámi Parliament, the Finnish Association of the Deaf, the Association of the Users of Finland-Swedish Sign Language, the Finnish Sign Language Board and the Advisory Board on Romani Affairs. This chapter also discusses the views of representatives of different language groups on their linguistic conditions. The Constitutional Law Committee of the Parliament of Finland in its report on the language report 2009, stated that the following report on language legislation should also shed light on the position of Karelian.³⁹² The Karelian language also is therefore examined now. This information is largely based on opinions provided to the Ministry of Justice by the Finnish Association of Russian-speaking organisations, the Association of Estonians in Finland, the Jewish Community of Helsinki and the Karelian Language Association.

9.1 Sámi languages

Under the Constitution of Finland, the Sámi have a guaranteed fundamental right to maintain their language and culture. The Sámi Language Act lays down the right of the Sámi to use their own language before the courts and other authorities, and the duties of public authorities to secure and promote the linguistic rights of the Sámi. The linguistic rights of the Sámi are mainly concentrated in the Sámi homeland in the northern part of the Province of Lapland. The Sámi homeland comprises the municipalities of Enontekiö, Utsjoki and Inari, as well as part of the municipality of Sodankylä.³⁹³

The number of Sámi living outside the Sámi homeland in, for example, Rovaniemi, Oulu and the capital region, has, however, continued growing. More than half of the Sámi population and even more than 70 per cent of Sámi children under the age of 10 live outside the Sámi homeland.³⁹⁴

One particular cause for concern recently has been the disappearance of Sámi languages outside the Sámi homeland. It is important for the Sámi living outside the homeland to have access to services and facilities where they can meet each other and arrange joint activities.³⁹⁵ Services in Sámi outside the Sámi homeland are provided on a voluntary basis. Active Sámi associations maintain the Sámi language and arrange activities in Sámi.³⁹⁶

City-Sámit, for example, has received a grant from the Finnish Cultural Foundation for a project to revitalise the language and culture among Sámi children and young people. August 2012, saw the start of the *Uksa Sámemáilbmái* (Door to the World of the Sámi) project, which is primarily aimed at children and young people in the capital region. Interest in the Sámi and Sámi language has grown in the capital region, but the long distances are a challenge. The Sámi language has been revitalised by *inter alia* special language nests, where both children and adults can speak Sámi naturally among themselves.³⁹⁷

The Population Information System only recognises Sámi generally as a mother tongue, without differentiating the various Sámi languages. However, according to information received by the Ministry of Justice, this practice is changing so that the Population Information System would specify whether a person uses Inari Sámi, Skolt Sámi or Northern Sámi. A broader language code will be introduced during spring 2013.

Deficiencies in the application of the Sámi Language Act, especially as regards the smaller Sámi languages, have often been raised in the monitoring of international treaties. Attention has been drawn *inter alia* to the availability of social welfare and health care services in Sámi and to the number of public officials with proficiency in Sámi in the Sámi homeland.³⁹⁸

In 2010, the Constitutional Law Committee deemed it necessary for a Sámi language revitalisation programme to be drawn up. According to the Committee, attention must be given to preserving and revitalising Inari Sámi and Skolt Sámi, which are particularly endangered. Teaching these languages to children and young people thus plays a key role.³⁹⁹

In March 2012, a working group set up by the Ministry of Education and Culture presented its proposal for a Sámi language revitalisation programme. Under the Programme of Prime Minister Jyrki Katainen's Government, the measures included in the revitalisation programme will be implemented and the required resources for this will be secured.⁴⁰⁰ The Sámi Parliament has urged implementation of the revitalisation programme and also adequate resources for its follow-up and oversight.

Overall attitudes vis-à-vis the Sámi have hardened since 2009, which might partly impact on access to services in Sámi languages and the use of Sámi languages in society. The support of the mainstream population and the authorities is important for the Sámi, as is increased tolerance, especially among children and young people.⁴⁰¹

The new Sámi Cultural Centre *Sajos*, was opened in Inari in 2012. The Sámi Parliament has continued to grant financial support to promote Sámi language culture and the activities of Sámi organisations. Use of the Sámi languages has been made easier *inter alia* because the posts of Inari Sámi and Skolt Sámi translators at the Sámi Parliament have been made permanent.⁴⁰²

Knowledge of and information on linguistic rights

The language report 2009 noted that the Sámi seemed to be more aware of their right to use the Sámi language before the authorities, but that they do not always try to use Sámi. The linguistic rights of the Sámi are only secured if they themselves request it.⁴⁰³

The Sámi Parliament has initiated a study on the current situation of the Sámi languages. The study aims *inter alia* to ascertain the knowledge of the Sámi of the Sámi Language Act. Because of insufficient funding, the study has, to date, only been carried out in Utsjoki, where the study shows that young Sámi people in particular have an inadequate knowledge of the Sámi Language Act. There seems to have been no change since 2008 in the Sámi's awareness of their right to use their language before the authorities.

According to the Sámi Parliament, the main grievance is still that the authorities do not, on their own initiative, provide services in Sámi to customers, but that customers have to request services in Sámi. It would also be important for the authorities to inform customers of their right to use the Sámi language and to encourage them to do so. Also the Sámi people themselves should actively request service in their own language and use Sámi before the authorities.⁴⁰⁴

Securing linguistic rights within the authorities in the Sámi homeland

The language report 2009 raised the point that there are insufficient public officials with proficiency in Sámi.⁴⁰⁵

According to the Sámi Parliament, securing the linguistic rights of the Sámi within the authorities has not significantly changed since 2009. Service in Sámi continues to be provided randomly and the municipal and state authorities in the Sámi homeland do not have an adequate number of personnel with proficiency in Sámi. The greatest deficiencies in implementation of the Sámi Language Act concern Inari Sámi and Skolt Sámi. The authorities mostly secure services in Sámi by the translation of documents or by interpretation. Few authorities have the capability to provide oral service in Sámi. Obtaining oral service in Sámi requires special arrangements at almost all authorities. Dealing with matters in Sámi is particularly difficult by phone.⁴⁰⁶

According to Sámi organisations, written notices and announcements are published in Sámi, and some brochures, guides and documents are available in Sámi. However, there is an averse attitude to the use of Sámi and the threshold to using Sámi remains high. This is due in part to the inflexibility of the interpretation and translation process, and in part to the fact that a Sá-

mi-speaking individual does not usually want to further hamper the contact situation. It is not natural to use the Sámi language before the authorities.⁴⁰⁷

There has been little increase in the number of state and municipal officials with proficiency in Sámi, even though under the Sámi Language Act, it is possible to receive paid leave from work to acquire the knowledge of the Sámi language necessary for the performance of official duties. Municipalities in the Sámi area can apply for government financial support for the additional expenses incurred in applying the Sámi Language Act. Such financial support has been granted for the expenses incurred by personnel training, for example. However, the need for training is greater than the possibility to train. There is a need for competent personnel especially in caring for the elderly and in child day care.⁴⁰⁸

Services in Sámi in municipalities in the Sámi homeland are best secured within local education in the municipalities. For example, the Sámi language skills of the local education personnel in the municipality of Inari have improved. However, it is still difficult to recruit persons with a knowledge of Inari and Skolt Sámi, such as teachers who speak Skolt Sámi.⁴⁰⁹

There have been no significant changes in online communication in Sámi by the authorities compared to 2008. Municipal and state authorities in the Sámi homeland publish public announcements in the Sámi language. The websites of municipalities in the Sámi homeland are at least partly in Sámi.⁴¹⁰ The website of the *Finnish Border Guard*, for example, now has pages in Sámi.⁴¹¹ According to information received by the Ministry of Justice, the Ely Centre for Lapland will have pages with basic information in Sámi on its new website.

Many authorities working in the Sámi area consider general attitudes vis-à-vis and appreciation of Sámi languages to have improved in recent years. The situation has improved especially for Inari Sámi, which was earlier seriously deteriorating. According to some authorities, services and *inter alia* forms in Sámi are available, but Sámi people do not always request them. The reason for this might be because the language used in the forms is considered problematical, even though efforts have been made to develop Sámi language concepts.

According to the authorities, the personnel are encouraged to participate in language training. Many state and municipal authorities have raised the point that their personnel are trained in collaboration with the Sámi Education Institute. Coming within the remit of the Ministry of Education and Culture, the Institute is a state institute of education providing basic vocational education and continuous education, as well as studies in Sámi language and culture. The Institute's course offering includes study programmes of 40 credits in Northern Sámi, Inari Sámi and Skolt Sámi language and culture.⁴¹²

Many authorities in the Sámi homeland pay a language allowance of around €15–€16 a month to personnel with a knowledge of Sámi. At the moment, this does not necessarily encourage the personnel to study Sámi or for Sámi-speakers to apply for vacant posts or jobs. The point has been raised that the authorities have not drawn up concrete plans to arrange training or increase the language allowance, for example.⁴¹³

Kela, the Social Insurance Institution, has personnel with a knowledge of Northern Sámi and Skolt Sámi at its office in Ivalo and a Sámi speaking customer adviser works at the Muonio office. Kela has developed its services in Sámi and exercises self-monitoring with regard to implementation of the Sámi Language Act. The "A Sámi as a customer in Kela" report completed in 2011 shows *inter alia* that forms and clear language brochures are available on Kela's website and that customers can use Kela's phone service to order service in Sámi. The website has instructions in three Sámi languages, but forms and brochures are mostly only available in Northern Sámi. The intention is to have the forms translated also into Inari and Skolt Sámi.⁴¹⁴

The *Finnish Tax Authority* has had its most important forms translated into Northern Sámi. The Administration has developed its e-services and the online "vero.fi" service also works in Northern Sámi.

The police authorities in the Enontekiö, Inari and Utsjoki districts have ensured access to interpretation services in interrogations, for example, and have also, on their own initiative, ensured linguistic rights are secured. Few police forms have been translated into Sámi.

The Finnish Customs' service in Sámi is of a quite good standard because it is possible to have a person with a knowledge of Sámi for each team and shift.

With organisational reform of the *Emergency Response Centre Administration*, the functions of the emergency response centre in Lapland were reassigned to Oulu at the beginning of 2012. Since the emergency response centre has no Sámi-speaking employees, help may be hampered and delayed in the event of an emergency. Place names are often known only in Sámi, which can also make it difficult to get help in emergency situations.

The Regional Rescue Services of Lapland has no personnel with a knowledge of Sámi, but in problem situations interpretation can be arranged, either by phone or with the help of a Sámi-speaking person from the voluntary fire brigade.

The District Court of Lapland has specific instructions on the use of Sámi. The mother tongue of each party, witness or person to be heard is checked in the Population Information System. In Sámi municipalities, a *Right to use mother tongue* form, in Finnish and three Sámi languages is sent by post. The form explains when a customer has the right to use his or her mother tongue. Document templates and forms have been translated into three Sámi languages. There is a judge with proficiency in Northern Sámi at the court, but an interpreter is used in court proceedings where necessary. In the long term, it could be easier to recruit personnel with language skills if, for example, there was court training for lawyers speaking Sámi as their mother tongue.

A Sámi-speaking person works at the Kittilä office of the *Local Register Office of Lapland*. The Ministry of Justice has had the forms and document templates necessary for judicial administration translated into three Sámi languages, although translation work is still partly unfinished.

Metsähallitus has hired a Sámi-speaking information officer and increased information in Sámi at its offices and on its website. The website is in Northern Sámi and also contains information in Inari and Skolt Sámi. Also Sámi Facebook pages were opened in 2012. Nature centres have arranged theme days and workshops in cooperation with Sámi language nests, child day care centres and schools. Attention is given to language skills when recruiting personnel. Team meetings *inter alia* held in Sámi have promoted the personnel's use of Sámi. *Metsähallitus* determinedly increased the use of Sámi languages between 2009-2012. In 2010, *Metsähallitus* was presented with the first Sámi Language Award by the Sámi Language Council of the Sámi Parliament.⁴¹⁵

Social welfare and health care services

The need for service in Sámi is highlighted in social welfare and health care. Since 2002, the Budget has granted separate government financial support to secure social welfare and health care services in Sámi in the Sámi homeland. Financial support has been granted for one year at a time and has promoted implementation of the fundamental linguistic and cultural rights of the Sámi people in social welfare and health care services. Since 2004, financial support has been around €600,000. According to the Sámi Parliament, however, the long term development of social welfare and health care services in Sámi is prevented by the fact that financial support is both insufficient and time-bound and that there is a shortage of trained personnel.

On the other hand, separate financial support for language nests has enabled financial support intended to secure social welfare and health care services in Sámi to be allocated especially to work with the elderly. This has enabled an increase of three Sámi-speaking home service workers in municipalities in the Sámi homeland.

With the help of a specific funding allocation, a total of 29 Sámi-speaking workers were employed in the Sámi area in 2011. However, the linguistic rights of the Sámi continue to be randomly secured in social welfare and health care. There is a shortage of Sámi-speaking workers in clinics, school health care, health centre wards and in substance abuse and mental health services.⁴¹⁶

According to Sámi organisations, the Sámi are not always informed of their linguistic rights, neither are they actively offered chances to receive service in Sámi. Except for the municipality of Enontekiö, where Sámi-speaking customers are directed to a Sámi-speaking social worker, this is particularly underlined in primary health care, medical care and mostly also in social welfare. Sámi-speaking people are needed especially in care of the elderly, services for persons with memory diseases, ambulance transport and in first aid.⁴¹⁷

The point has been raised that municipalities should also channel their own financial support into social welfare and health care services in Sámi. Services in their own language are most important for persons without a good knowledge of the mainstream language. Personnel competence is underlined in social welfare and health care and the challenge is to be able to recruit enough qualified bilingual personnel.⁴¹⁸

To secure services in Sámi, the Ministry of Social Affairs and Health granted government financial support as part of the National Development Programme for Social Welfare and Health Care (Kaste) for a project to develop social welfare and health care services in Tenjokilaakso for 1 January 2010 – 31 October 2012.

Day care

According to Sámi organisations, day care in Sámi is the best secured of social welfare services and is available in all municipalities in the Sámi homeland and at least in Rovaniemi and Oulu. Day care in Sámi has been secured in the Sámi homeland through government financial support for social welfare and health.⁴¹⁹

The Sámi Language Council of the Sámi Parliament presented the Sámi Language Award to the Sámi-speaking family day care centre Miessi in recognition of its work to further the linguistic and cultural rights of Sámi children.⁴²⁰

However, deficiencies have arisen also in the arrangement of day care in Sámi in the Sámi homeland. The National Discrimination Tribunal took a stand on the duty of a municipality to arrange day care in Sámi in its decision concerning the municipality of Enontekiö in 2008 and the municipality of Sodankylä in 2012.⁴²¹

It is in practice difficult to arrange day care in Sámi outside the Sámi homeland because there are few Sámi-speaking kindergarten teachers and quality may therefore suffer. For example, the arrangement of day care in the capital region is challenging because the Sámi are scattered and there is a shortage of competent workers. According to the knowledge of the Ministry of Justice, three day care places in Helsinki currently offer activities in Sámi and a Sámi-speaking day care group will begin activities in August 2013.⁴²²

Another decision handed down by the National Discrimination Tribunal in 2008 concerned the arrangement of day care in Sámi in Rovaniemi. The Deputy Parliamentary Ombudsman has also drawn attention to the disparate position of day care in Sámi outside the Sámi homeland.⁴²³

Questions concerning day care in Sámi, such as the importance of registering the child's mother tongue, have been quite prominent during the past year.⁴²⁴

Language nests

Language nest activity in recent years has improved the position particularly of Inari and Skolt Sámi. Since 2009, the Ministry of Education and Culture has granted special financial support for language nest activity in Inari Sámi, Skolt Sámi and Northern Sámi in the Sámi homeland. Language nest activity has indeed increased significantly during 2008-2011. Financial support granted by the Ministry for language nest activity is channelled through the Sámi Parliament.

In 2011, the Ministry of Education and Culture granted a total of €450,000 for activities to revitalise the language among Sámi children and young people. €350,000 of this financial support was for the expenses arising from Sámi language and culture nest activities and €100,000 for other activities, such as club activities (language immersion clubs) for Sámi-speaking children and young people to revitalise the Sámi's languages in the Sámi homeland.⁴²⁵ Club activities play an important role supporting language revitalisation in places where the small number of children or shortage of personnel mean it is not feasible to arrange language nest activities.

Language revitalisation is part of broader youth policy measures within the Ministry of Education and Culture. In addition, the Ministry has supported *inter alia* the establishment in 2011 of a Sámi Youth Council in connection with the Sámi Parliament, as well as a cultural event for Sámi youth and Sámi youth organisation activities.⁴²⁶

At the end of 2011, there were three Inari Sámi and two Skolt Sámi language nests in the municipality of Inari. Language nest activities are procured from a private association, with the municipality paying for some of the costs. Permanent financial support is sought for language nest activities.⁴²⁷ A Northern Sámi language nest started activities in Vuotso in 2007. Club activities to revitalise Northern Sámi have also been organised since 2010 in Enontekiö and Utsjoki.

The need has been raised for language immersion and language nest activities throughout Finland in all Sámi languages. Language nest activities are one of the most important means of language revitalisation and the need for this activity should be mapped and parents' awareness of language nests increased.⁴²⁸

Teaching and research

A study carried out by the office of the Ombudsman for Children in Finland in 2008 found *inter alia* that Sámi children are in a different position among themselves as regards teaching in and of the Sámi language. It was also found that there is a shortage of Sámi-speaking subject teachers and Sámi teaching material. As in the report on the application of language legislation 2009, attention was drawn to the possibilities for children to learn the Sámi language and to be taught in the Sámi.⁴²⁹

The linguistic rights of the Sámi are best secured in basic education in the Sámi homeland. Annual government financial support is granted to the municipalities and other organisations arranging education in Sámi in the Sámi homeland towards the costs arising from teaching in and of the Sámi language in basic education, upper secondary schools and in vocational education.⁴³⁰

In summer 2011, the Regional State Administrative Agency for Lapland granted a total of €1.73 million to arrange the teaching of Sámi. Financial support was granted to the municipalities of Utsjoki, Inari, Enontekiö and Sodankylä. The support covers the costs incurred by the municipalities from recruiting personnel who can teach Sámi and teach in Sámi. A total of 29,600 hours of teaching in and of Sámi were arranged in the Sámi homeland in 2011.⁴³¹

Basic education provided in Inari Sámi has increased slightly since 2008 and in the 2011-2012 academic year was given to 14 students. During the present academic year, 41 students are receiving education in Inari Sámi. Education in Skolt Sámi was given to five students in the 2011-2012 academic year and 17 were taught Skolt Sámi. Student numbers in Sevettijärvi have risen in recent years. Education in Northern Sámi was given to 135 students in 2011. Teaching in all Sámi languages decreases in the higher grades.⁴³²

Only at Utsjoki Upper Secondary School are some subjects taught also in Northern Sámi. It has been proposed that the school should become the leading upper secondary school in Finland in teaching Sámi, teaching in Sámi and northern studies.⁴³³

Since spring 2012, it has also been possible to sit the mother tongue test in the matriculation examination in Skolt Sámi, besides Northern and Inari Sámi.⁴³⁴

Outside the Sámi homeland, it is possible to teach Sámi as education complementing pre-primary, basic education and upper secondary school education. Each year, the Finnish National Board of Education provides government funding for this purpose. At the beginning of 2010, the minimum size of the study group qualifying for government financial support was reduced from four to two students.⁴³⁵

According to the Sámi Parliament, this change has not improved the situation as regards teaching provided outside the Sámi homeland because education providers outside the Sámi homeland are not required by law to arrange teaching in the Sámi language and they also have to apply for government financial support separately each year. Because the lessons are few, teaching cannot follow existing curricula. It is also difficult to find teachers in cities. Outside the Sámi homeland, teaching in Sámi continues to be given to very few. Enabling and establishing e-learning might improve the situation.⁴³⁶

According to information received by the Ministry of Justice, Rovaniemi has made progress in recent years in the teaching of Sámi. Student numbers tripled during the 2011-2012 academic year, when a total of 31 students in basic education and one student at upper secondary school received teaching in Sámi. Besides Northern Sámi, teaching in Inari Sámi was given for the first time in basic education. Teaching was in the form of classroom learning, distance learning and a combination of both.

The Finnish National Board of Education grants the Sámi Parliament government financial support each year to produce teaching materials for teaching in and of Sámi. This sum was increased to €290,000 in 2011. To date, teaching material has been produced mostly for the needs of basic and upper secondary school education. Most of the material has been produced for the teaching of Sámi and Northern Sámi. The production of material in Inari Sámi has increased, but only little material has, to date, been produced in Skolt Sámi. In addition to scant economic resources, a shortage of translators and authors has also been a problem.⁴³⁷

The shortage of qualified subject teachers and good learning materials based on the Sámi culture can still be considered a challenge. Teaching of Sámi that begins in day care should be systematically continued throughout basic education.⁴³⁸

The universities of Oulu, Lapland and Helsinki have Sámi language-related *university-level educational and research activities*. The University of Oulu has a specific nationwide responsibility for teaching and research in the field of Sámi language and culture. The *Giellagas Institute* at the University of Oulu is responsible *inter alia* for training researchers and specialists in Sámi language and culture and Sámi language subject teachers. In autumn 2011, the University of Oulu began to offer major subject studies in Inari Sámi.⁴³⁹ Working in collaboration with the Sámi Education Institute, the open university of the University of Lapland arranges Davvi studies, which are intended for young people and the adult population in the Sámi area. During the 2012-2013 academic year, it is possible to take subject studies in Northern Sámi also on the net.⁴⁴⁰ January 2012 saw the first doctoral disputation in Sámi at the University of Helsinki.⁴⁴¹

Access to information and cultural activities

Sámi organisations have underlined the continued need to address the availability of cultural services in the Sámi languages. Sámi is a living language which young people also use.

Radio and television programmes in Sámi are the main providers of information because there is no Sámi press. Important programmes are radio programmes broadcast by the Finnish public service broadcasting company's (Yle) regional station Yle Sámi Radio, the TV news in Sámi (*Oddasat*), and *Unna Junná*, a children's programme mostly in Northern Sámi. Television and radio broadcasts have been available online since 2007. Yle Sámi Radio intends to build interesting online services and thus to reach out especially to young people.⁴⁴²

The study in 2008 by the office of the Ombudsman for Children in Finland also drew attention to the need for programmes, books, magazines and websites in Sámi for young people. Also the Sámi language revitalisation programme noted the need to increase the programme offering in Sámi by making the children's television programme in Sámi permanent and by producing and broadcasting a television programme for young people in different Sámi languages.⁴⁴³

Financial support for the press is intended to support *inter alia* newspapers and web publications in Sámi.⁴⁴⁴

In June 2011, the Government granted financial support of €50,000 to the newspaper Lapin Kansa to produce and publish news material in Sámi. During a pilot project initiated in January 2012, Lapin Kansa published news and other articles daily in Northern Sámi in both the printed and online versions of the newspaper.⁴⁴⁵

According to information received by the Ministry of Justice, the magazine *Metsästäjä* (Hunter) has begun to publish articles in Sámi in 2013. Articles in Sámi have also been published in the local newspapers *Enontekiön Sanomat* and in *Sompio* which is published in Sodankylä.⁴⁴⁶

Recent years have also seen progress made in cultural activities in Sámi. For example, in spring 2012 the Finnish Film Foundation granted funding for the first time to make Sámi films.⁴⁴⁷

The first rap album in Northern Sámi was released in summer 2012.⁴⁴⁸

The Sámi Parliament has emphasised that the reform in local government structure currently under way must take into account the linguistic rights of the Sámi and their right as an indigenous people to maintain and develop their own language and culture in the Sámi homeland. According to the Sámi Parliament, municipal boundaries in the Sámi homeland cannot be moved without ascertaining the effects the measures would have on Sámi language and culture, and on the conditions to pursue traditional Sámi livelihoods. The envisaged reform would weaken access to services in Sámi and linguistic rights in the municipalities of Enontekiö, Utsjoki and Sodankylä.⁴⁴⁹

9.2 Sign languages

The report of the Government on the application of language legislation 2009 showed *inter alia* there to be insufficient trained sign language interpreters. Because of the lack of Finland-Swedish sign language interpreters and interpreter training, users of Finland-Swedish sign language must learn Finnish sign language.⁴⁵⁰

In its report on the language report 2009, the Constitutional Law Committee noted the need to ascertain the progress made in the position of sign language in various sectors of society. There is a need also for key legislation to be available in sign language.⁴⁵¹

According to information received by the Ministry of Justice, mandate was given in autumn 2012 to translate the first legal text (Act on Interpretation Services for Persons with Disabilities) into sign language.⁴⁵²

The Programme of Prime Minister Jyrki Katainen's Government includes references to the rights of users of sign language. One aim during the term of government is to ratify the UN Convention on the Rights of People with Disabilities.⁴⁵³ According to sign language users, the Convention is an important one with regard to their linguistic rights because it is the first international treaty where sign language is recognised as an independent language. Ratification of the Convention will affect many areas of life which have been challenging for deaf sign language users in Finland: accessibility, access to information, freedom of expression, the use of sign language in teaching the deaf, culture and recreation.⁴⁵⁴

In 2010, the Finnish Association of the Deaf and the Research Institute for the Languages of Finland (now the Institute for the Languages of Finland) published a language policy programme for the sign languages of Finland with the aim of strengthening the position of Finnish and Finland-Swedish sign language. The programme provides numerous recommendations for action to legislators, the authorities and other actors.⁴⁵⁵

The report of the working group for the linguistic rights of the sign language users published in 2011 deals with key legislation and practice. Securing the linguistic rights of sign language users applies to all areas of life – language, culture and identity. According to the working group, it is important for the authorities to be aware of sign language and its significance for the linguistic and cultural community. It is also important for the sign language community to engage in the decision-making applying to it and for continuous collaboration across administrative branches.⁴⁵⁶ Practical efforts made to increase collaboration include the appointment of a sign language representative as a permanent expert member to the Advisory Board on Language Affairs for the 2012-2015 term of office.

Provisions on sign language are included in specific legislation applying to different administrative branches. The Finnish Association of the Deaf is of the opinion that there is a need for a separate sign language act so that the linguistic rights of sign language users would be better taken into account in statute drafting, for example. Under the government programme, implementation of the linguistic rights of sign language users is to be developed and the possibility of passing a sign language act will be explored. A study based on this item is under way at the Ministry of Justice.⁴⁵⁷

Knowledge of and information on linguistic rights

There has been no significant change in the number of sign language users since 2008. Since autumn 2008, it has been possible to change mother tongue to sign language in the Population Information System. However, this change has not gained popularity among the sign language community and the number of sign language users in the statistics concerned remains noticeably low.

Sign language users have little knowledge of their linguistic rights. The awareness of the sign language community of their linguistic rights should be increased and implemented through information in sign language. Sign language users also need more information about what they should do to receive the services to which they are entitled.⁴⁵⁸

There is still little information in sign language in public administration. The sign language material produced by the authorities is often out of date and the needs of sign language users are not always taken into account even in new services provided by state administration. However,

recent progress has been made in some municipalities in online information in sign language. For example, the municipalities in the capital region are working on a sign language version of selected sections of the *Helsinginseutu.fi* -portal.

General attitudes and increased awareness are of great importance in promoting the linguistic rights of sign language users. During recent years, organisations have been more active in contacting the authorities and political decision-makers, and in some areas sign language is better known than earlier.

Nevertheless, service development is patchy and issues concerning sign language users are still often seen as merely disability issues. For example, recent legislative reform projects within social welfare and health care have taken into account the linguistic rights of sign language users indirectly through the definition of disability.⁴⁵⁹

According to sign language users, important steps forward have included an amendment to the Nationality Act and the ensuing study initiated to include sign language in the national certificates of language proficiency. Under the Nationality Act, one requirement for a foreigner to obtain Finnish citizenship could be satisfactory skills in Finnish or Finland-Swedish sign language rather than skills in oral and written Finnish or Swedish.⁴⁶⁰

Many studies and documents at the programme level have taken into account sign language or its use at a general level, for example from the perspective of usability and inaccessibility. Occasionally matters might remain a plan or one-off attempt. It is also important to thoroughly plan the resources needed to implement these plans. In-depth language and cultural skills are also required and these are best provided by the sign language community.⁴⁶¹

The reform in local government structures currently pending causes concern among sign language users because of the varying practice in the provision of information in sign language, for example. Also financial support from the municipalities has decreased.

On the initiative of individual municipal residents, some public libraries have collaborated with organisations to hold story-telling hours in sign language.

According to the Finnish Association of the Deaf, concern for the right of children using sign language to their own language and culture has increased within the sign language community. Families perhaps no longer receive sufficiently comprehensive information to support decision-making on the use of language. As cochlear implants become more commonplace, hearing parents often receive information on the rehabilitation of hearing and speech, but are not always told about sign language or the recommended that it is used. Even though a family has acted on its own initiative to obtain information and applied for teaching in sign language, this is not necessarily granted. It has been emphasised that the child and family belong *inter alia* to day care and education arrangements. A family should be allowed to decide on the choice of language.⁴⁶²

In 2012, a new three-year project, *Kuuloavain.fi*, was initiated for parents of children with impaired hearing and for which the organisations through joint effort produce information and provide peer support.⁴⁶³

Teaching and research

In 2009, the University of Jyväskylä was given specific nationwide responsibility for teaching and research in sign language. In consequence of this, the Finnish Sign Language Centre was

established in February 2010 under the Department of Languages at the University of Jyväskylä and the professorship in Finnish sign language was made permanent in 2011.⁴⁶⁴

Through legislative amendment applying to the Institute for Languages of Finland which entered into force at the beginning of 2012, a sign language researcher was assigned to the Finnish Association for the Deaf, whereas researchers in Sámi and Romani were assigned to universities. The Education and Culture Committee of the Parliament of Finland requires a follow-up of the situation.⁴⁶⁵

The Finnish Association for the Deaf has raised the point that it is likely that most children who use sign language study within mainstream education with the help of an interpreter or assistant. This does not correspond to the sign language learning environment. In autumn 2012, the Finnish National Board of Education was given the task of mapping the number of students in basic education using sign language and how their teaching is organised. After mapping, it would be possible to assess the appropriateness of the development needs presented in the language policy programme for sign languages including the need for peripatetic sign language teachers.

Child day care has been reassigned to the administration of the Ministry of Education and Culture as part of early child education. The valid Child Day Care Act does not take into account sign language as a language. According to the Finnish Association for the Deaf, the inclusion of sign language in the new Early Childhood Education Act will be discussed.⁴⁶⁶

Interpretation and translation

Matters related to legal interpreting have been under discussion since 2010 when preparations were made for implementation of the Directive on the right to interpretation and translation in criminal proceedings, the Interpretation Directive. The right to interpretation for sign language users is included in legal translation as a whole. According to the Finnish Association for the Deaf, discussions are currently under way with the Finnish National Board of Education with regard to the content of a special vocational qualification for legal interpreting.⁴⁶⁷

Under the Act on Interpretation Services for Persons with Disabilities (hereinafter the *Interpretation Services Act*) which entered into force in September 2010, responsibility for providing interpretation services for persons with disabilities was reassigned from the municipalities to the state, in practice Kela, which buys the services from service providers as a result of tendering. The reason for reassigning interpretation services was *inter alia* to improve their availability, to ensure equal access for persons requiring interpreting and to harmonise practices across Finland.⁴⁶⁸

The Interpretation Services Act has improved access to interpretation services because it includes more extensive rights than earlier for interpreting outside Finland and the possibility to use distance interpreting.

According to information received by the Ministry of Justice, distance interpreting was not yet in operation by the end of 2012. In spring 2012, a collaboration forum for interpretation services was set up at Kela where the organisations for all customer groups defined in the Interpretation Services Act are represented.⁴⁶⁹

According to sign language users, the new service system has been slow and Kela's information has not always reached users of the service. Material in sign language has been produced only on general topics, not on more detailed documents. Less material in Finland-Swedish sign language is available than in Finnish sign language.⁴⁷⁰

Sign language users have been concerned *inter alia* about the increasing qualitative differences in interpretation services. A customer's possibility to be given an interpreter in his or her own mother tongue and meeting his or her individual need is not always realised. In practice, a custo-

mer might have to use an interpreter who does not understand his or her signs or the customer might not understand the interpreter's signs. Customers using Finland-Swedish sign language are often offered interpretation in Finnish sign language. According to the Finnish Association for the Deaf, criteria related to the linguistic quality of interpretation services should be examined also when the municipalities outsource their functions or procure outsourced services.⁴⁷¹

The Finnish Sign Language Board has drawn attention to the quality of texts and services. The term sign language texts refers to news, releases, plays, books, poetry or similar work that can be viewed as live performances or video recordings. The Board has drawn up a list of criteria for Kela to assess the quality of translated text with regard to the translation of websites into sign language. The idea is to develop these criteria into a more general set of quality guidelines for persons compiling texts in sign language.

In Finland, there is a small group of talented persons with Finnish sign language as their mother tongue who translate and interpret, and sometimes also compile texts directly in sign language. However, the situation of Finland-Swedish sign language is weaker. There are hardly any trained translators or translators who have gained merit through working. It has been possible to make quality translations for Finland-Swedish sign language users through the collaboration of several people. One example of this is the translations of the weekday communion service (the main parts of the communion service) and the orders of baptism and burial which were completed as translation work by the Church Council in 2009 and 2011.⁴⁷²

The Church Council has allocated considerable resources to translation into Finnish sign language and this work has been exceptional specifically because of its quality. The most important parts of the texts in the pye, parts of the Bible and some hymns were translated during 1999-2012. The texts in sign language produced in the Church Council are now part of Finnish and Finland-Swedish sign language literature. Translation work ended in 2012, but there are hopes it will be continued in the near future.

With support from the Ministry of Transport and Communications, the Folk High School for the Deaf (Kuurojen Kansanopisto) arranged four *Sign language on the net* courses during 2009-2012. The courses were planned for persons using Finnish or Finland-Swedish sign language as their mother tongue and who compile sign language texts for publication online. The courses received much positive feedback.

According to the Finnish Sign Language Board, there is no teaching material whatsoever for Finnish or Finland-Swedish sign language as a mother tongue and even material for sign language as a foreign language is only available at an elementary level. This explains why there are major differences in language skills among those training to be interpreters in sign language and the content of mother tongue studies is very diverse for sign language students. Many schools do not provide teaching in sign language. It is hoped the corpus and citizen dictionary project (korpus- ja kansalaissanakirjahanke) initiated in 2013 will usher in a new era in research into sign language and the production of teaching material.⁴⁷³

Access to information and cultural activities

The access of sign language users to information on social issues has scarcely become easier in recent years even though advances in data technology enable the sign language community to keep in touch among themselves in sign language by, for example, mobile phone, email attachments and the social media.

There has been no increase in Yle's sign language offering during the past four years. However, Yle has attempted, on an experimental basis to provide sign language commentary for sports events on its website. Autumn 2012 saw the launch of a pilot to interpret the Finnish Parliament's Question Time into sign language in the form of hour-long live broadcasts.⁴⁷⁴

In its study of children's language conditions and wellbeing published in 2012, office of the Ombudsman for Children in Finland drew attention to the anomaly that there is no production

of children's programmes in sign language. A written question was submitted to the Parliament of Finland in spring 2012 on the right of children using sign language to a programme offering in their own language.⁴⁷⁵

During the 2011-2012 season, the Finnish National Opera also presented individual performances interpreted into sign language. Finland's National Sign Language Day has been held on 12 February each year since 2009 and this is also the day the Finnish Association for the Deaf presents the Association's annual Sign Language Award.⁴⁷⁶

The Sign Language Award for 2012 was presented to the Finnish National Opera.⁴⁷⁷

The actions referred to in the language report 2009, the establishment of a sign language library and reform of legislation on equality are still incomplete.⁴⁷⁸

Finland-Swedish sign language

According to sign language users, the position of Finland-Swedish sign language is increasingly endangered. The point has been raised that without fast, effective measures, Finland-Swedish sign language will disappear within ten years. Urgent measures, perseverance and the commitment of the authorities are required to revitalise and maintain the language. It is considered important to draw up a comprehensive language strategy for sign language. The Finnish Association for the Deaf and the Association of the Users of Finland-Swedish Sign Language have made an initiative to start a programme to revitalise Finland-Swedish sign language.⁴⁷⁹

The greatest shortcoming is still the fact that teaching in Finland-Swedish sign language is only sporadically available and interpreter training is completely lacking. The point has been raised that the deficiencies on the teaching side are just as serious as in 2008. The implementation of equality calls for measures to secure the schooling of children using Finland-Swedish sign language in Finland-Swedish sign language.⁴⁸⁰

The point has been raised that users of Finland-Swedish sign language have had to move to Sweden because of studies. Use of Finnish sign language in schools does not secure the rights of students using Finland-Swedish sign language. Also the families of children using Finland-Swedish sign language should receive education in Finland-Swedish sign language.⁴⁸¹

There is a shortage of interpreters knowing Finland-Swedish sign language and Swedish. The last interpreters were trained in 1990-1993.⁴⁸² It has also been raised in public that municipalities might recruit assistants with deficient sign language skills instead of sign language interpreters. This can affect the language development of a child and make it difficult for him or her to participate in studies and cope in the classroom situation. The individual interpretation needs of a child with impaired hearing must always be adequately secured.⁴⁸³

According to the *Association of the Users of Finland-Swedish Sign Language*, users of Finland-Swedish sign language do not have sufficient knowledge of their linguistic rights and do not receive enough information about them. The Association has arranged services via the *Teckeneko* web television, the Association's text TV pages and on its website. In some cases, personal messages have been sent as text messages or letters. The Association also has a members' magazine telling about events and services.

According to the Association, there has to a certain extent been an improvement in the information in sign language provided by the authorities. For example, the Ministry of Justice arranged election information in both national sign languages. Also information about Kela's interpreting services is available in Finland-Swedish sign language, although information about other services provided by Kela would be welcome. The *Signwebb* project implemented during 2009-2012 has informed public administration about how sign language users are accessible, especially on the net.

A welcome change compared to 2008 is that Finland-Swedish sign language is recognised as a separate language in the Nationality Act.⁴⁸⁴ This is the only legislation where Finland-Swedish sign language is mentioned specifically.

It is also a step forward that both sign languages, Finnish and Finland-Swedish, are now represented on the present Finnish Sign Language Board.⁴⁸⁵

Attitudes to deaf customers have improved somewhat in health care. In some municipalities, the telephone system for making appointments has given rise to practical problems since it cannot be used by persons using text messages or telephone interpreting. More attention has been given within social welfare to the needs of persons using Finland-Swedish sign language. Interpretation in Finland-Swedish sign language has been arranged, for example, in conjunction with election information provided by the Ministry of Justice. Interpreting services generally function better and more equally because Kela is responsible for arranging them.⁴⁸⁶

A doctoral thesis dealing partly with Finland-Swedish sign language was completed at the University of Helsinki in 2012.⁴⁸⁷

9.3 Romani

Romani is an endangered language and its use is in serious decline. The Romani language is used amongst the Roma community and plays an important role in upholding cultural identity. The Roma in Finland speak a northern dialect of Romani, *kàlo*. Research findings show that some 30-40 per cent of the Roma population use the Romani language in various connections and mostly at home with friends and relatives. Around 30 per cent of the Roma population estimate that they speak Romani well.

The Roma mostly use Finnish or Swedish as the language of contact. However, recent years have seen the Roma population becoming more interested in preserving and developing their own language. According to the Advisory Board on Romani Affairs, preserving the Romani language requires revitalisation of the language, increased language skills within the adult Roma population and a strengthening of teaching Romani to Roma children.

The Government report on the application of language legislation 2009 noted one challenge facing the Roma population is for the children to learn the Romani language. Language learning is in turn hampered by the difficulty for teachers to gain qualifications. In addition, Romani is little used in public.⁴⁸⁸

In its opinion concerning the language report 2009, the Constitutional Law Committee stated that work to preserve and revitalise the endangered Romani language should be continued on the basis of the guidelines in Finland's National Policy on Roma.⁴⁸⁹

The programme of Prime Minister Jyrki Katainen's Government will initiate implementation of the National Policy on Roma (ROMPO). Special measures will be aimed at improving the educational attainment and employment of the Roma, at resolving their housing problems and at promoting the social inclusion of Roma children, young people and families.⁴⁹⁰

Finland's first National Policy on Roma was submitted to the Ministry of Social Affairs and Health in December 2009. The policy includes a number of proposed measures to improve the position of the Romani language and to promote the linguistic rights of Romani speakers. The policy aims to further the teaching of Romani in early education, to strengthen the teaching of Romani in basic and adult education and to strengthen securing the linguistic rights of the Roma by *inter alia* developing and implementing legislation on the Romani language.⁴⁹¹ Under the Government Resolution on the outlines for the Policy on Roma adopted in December 2010, actions will be promoted *inter alia* to revitalise the Romani language and strengthen its position.⁴⁹²

Published in March 2009, the Language Policy Programme for Romani contains a number of proposals to improve the position of the Romani language and to secure the linguistic rights of the Roma population.⁴⁹³

According to the Advisory Board on Romani Affairs, implementation of existing provisions on the Romani language has proved to be ineffective. A study should be made of the possibility of enacting a separate Romani language act, which would bring together all the widely scattered provisions applying to the Romani language and specify the provisions on the research, teaching, teacher training, production of teaching materials and the provision of information in the Romani language. Such a law would also possibly increase the obligation with regard to the offering available in Romani.⁴⁹⁴

The National Action Plan on Fundamental and Human Rights 2012-2013 includes an action to carry out a study on the implementation of the linguistic rights of Roma secured in the Constitution of Finland. The Ministry of Justice has initiated a study on securing the linguistic rights of the Roma.

The Romani language has also been taken up in the Council of Europe's recommendations on implementation of the European Charter for Regional or Minority Languages. The Council of Europe's Committee of Ministers has recommended the Finnish authorities to implement and develop innovative strategies to educate teachers of Romani, to broaden the production of teaching material in Romani and to increase the provision of teaching in Romani.⁴⁹⁵ Attention has also been drawn to increasing the amount of teaching of Romani and media in Romani within international monitoring of the Framework Convention for the Protection of National Minorities.⁴⁹⁶

Teaching and research

The main challenge in teaching Romani has been a lack of qualified teachers of the Romani language. At the beginning of 2012, Romani language research and teaching was reassigned to the University of Helsinki. The teaching of Romani language at university level is considered an important step forward because it will enable the future graduation of qualified teachers of Romani.

The Romani language can only be studied as a minor subject at the University of Helsinki. According to information received by the Ministry of Justice, students from other universities have found it difficult to obtain a right to pursue minor studies in the Romani language. This particularly limits the equal rights of the Roma to study the Romani language and to qualify as teachers of Romani. There is also a need for continuous education for present teachers of Romani and to strengthen their pedagogical capability. The opportunities to study the Romani language and teacher qualification could be supported, for example, by developing study options at open universities and the possibilities for distance learning.

Attention has also been drawn to the need for adequate human resources within university research and teaching of the Romani language and to secure continuity of the subject. There has been no increase in human resources in Romani language research and maintenance, but the two existing research posts were reassigned from the Institute for the Languages of Finland to the University of Helsinki. There are fewer research, teaching and development resources for Romani than for other minority languages. Resources for language maintenance and the development of Romani should be secured at the Institute for the Languages of Finland, in conjunction with which the Advisory Board on Romani Affairs operates.

Only some Roma children receive teaching of the Romani language in conjunction with basic education. Each year, the Finnish National Board of Education grants separate government financial support to the instances that arrange teaching of the Romani language within general education. The conditions to arrange the teaching of Romani have been improved by decree amendment, whereby since the beginning of 2010, the minimum group size was reduced from four to two students.⁴⁹⁷

According to information received by the Ministry of Justice, recent years have seen an increase in the teaching of Romani within general education. For example, 111 students received teaching of the Romani language at the beginning of 2007, 154 at the beginning of 2010 and already 173 students in 2011. The Finnish National Board of Education has funded the continuous education of teachers of Romani and this was arranged under a longer period in 2009-2011. A total of 17 persons have completed the training. Only a small number of those trained work as part-time teachers of Romani.

The Finnish National Board of Education has supported revitalisation of Romani language skills also with the help of language nest activities. Language nest activities began in autumn 2009 and by 2012 had already spread to a total of 17 municipalities. Language nest activities focus on the spoken use of the Romani language and are intended for persons of all ages. A proposal has been made to expand and establish language nest activities in Romani.

The Finnish National Board of Education can produce Romani teaching material as part of the production of teaching materials with a low circulation. However, the lack of Romani-speaking authors of teaching materials has prevented wider production. The shortage of Romani teaching materials and literature continues to hamper the teaching and use of the Romani language. In addition, there is a need for non-fiction and fiction literature in Romani to revitalise the language and support language studies. According to information received by the Ministry of Justice, the final report of the working group on accessibility of art and culture, set up by the Ministry of Education and Culture, will include proposed measures to enhance the position of the Romani language and to translate non-fiction and fiction into Romani.⁴⁹⁸

Access to information and cultural activities

Since 1995, the Finnish Broadcasting Company (Yle) has provided a weekly radio current affairs programme giving a brief summary of the news in Romani. The programme, *Romano Mirits*, lasts 15-20 minutes and is still the only programme dedicated to the Roma population. However, the programme has been neither developed nor its airtime increased. There are no television programmes in the Romani language.

Public use of Romani in the media increases development of the language identity of the Roma population and strengthens the position of Romani as a living language also within the private sphere. Listening to Romani on the radio is popular. It would also be important to support magazines for the Roma population by developing the content in Romani and by strengthening Yle's programme activities in Romani by, for example, increasing the amount of current affairs programmes and children's programmes. The Roma population also should be consulted in this context.

Since 2008, Romani translations of the Catechism, parts of the New Testament and a new Romani-Finnish dictionary have been published. The Finnish National Board of Education has also published epic literature in Romani such as Armas Baltzar's *Mustalais-Hermannin ja muita kertomuksia lapsille ja aikuisille* (2011) and idea material (*Köpi ja Topi*, 2011) for Romani studies for children in pre-school and basic education. A dictionary of neologisms in Romani containing around 3,500 words will be completed during 2013.

The main sections of the websites of the Ombudsman for Minorities and the Ombudsman for Children in Finland have been translated into Romani. There are also Romani translations of the material on parliamentary and municipal elections on the website of the Ministry of Justice.

The Ministry of Social Affairs and Health has also published two more parts - *Harjaa hampaat lapsen kanssa* (Brush your teeth with the child) in 2009 and *Liiku lapsen kanssa* (Exercise with the Child) in 2011 - in its Finnish-Romani early childhood education series intended for Roma parents. These are in addition to the two parts, *Lue lapsen kanssa* (Read with the Child) and *Kasva lapsen kanssa* (Grow with the Child), published earlier.⁴⁹⁹

9.4 Views of certain other language groups on their linguistic conditions

Russian

Russian speakers are the largest group of immigrants in Finland. According to the Finnish Association of Russian-speaking Organisations, Russian speakers account for around 24 per cent of all persons in Finland with a foreign language as a mother tongue. Geographically, Russian-speaking inhabitants in Finland are concentrated around large municipalities. Russian speakers in small municipalities are mostly found near the eastern border.⁵⁰⁰

Recent years have seen a slight improvement in attitudes vis-à-vis Russian speakers in Finland. Negative attitudes towards Russian speakers, however, continue to hamper their integration into Finnish society, which in turn leads *inter alia* to exclusion. Regional differences can be noticed in attitudes to Russian speakers. The standard of services in Russian is quite good in Eastern Finland, where Russian is also more actively studied.

There are over one hundred Russian-speaking organisations active in Finland. These are important with regard to the participation and access to information of Russian speakers. There is a very broad spectrum of services provided by the organisations, who also work in collaboration with the authorities. Cultural differences, a lack of information and a poor knowledge of Finnish might prevent Russian speakers from using public services. Consequently, the role of the third in providing various support has been underlined, especially within social welfare and health care. The organisations mainly work on a volunteer basis. Lack of financial support *inter alia* makes it difficult for them to maintain and develop their activities.⁵⁰¹

The number of social welfare and health care services in Russian has increased somewhat compared to 2008. For example, the personal doctor system enables customers to choose a doctor or nurse speaking their own mother tongue.

There has also been an increase in the number of services in Russian for families and young people. The situation with regard to services in small municipalities, however, is still poor. There are problems in arranging interpretation assistance and it is not always possible to get an interpreter even in urgent cases.

Access to information and services in Russian for special groups such as the disabled, elderly and chronically sick has improved slightly since 2008. This is mainly due to the activity of Russian-speaking associations. For example, service guides for the disabled have been translated into Russian. However, providing information to special groups is still more difficult than usual.

Information services in Russian for immigrants have been set up in recent years, especially in larger cities, but are still mostly based on local projects.

According to the Finnish Association of Russian-speaking Organisations, the authorities should increase the number of Russian-speaking personnel and the amount of information in Russian. Services in Russian and information about them are increasingly being planned at a municipal and city level.

The teaching of Russian in Finland is still fairly minor. Since 2008, however, efforts have been made to increase the teaching of Russian, especially as a foreign language. There has been a slight increase in options to learn Russian in comprehensive schools and upper secondary schools and the amount of teaching Russian as a mother tongue has also increased. The Finnish-Russian School in Helsinki and the Finnish-Russian School of Eastern Finland are the only educational institutes focusing on the teaching of Russian.

Learning Russian is hampered by low student motivation and the fact that Russian lessons are often outside regular school hours. In small municipalities in particular, teaching Russian as a mother tongue is often arranged elsewhere than in the student's own school. The classes often

consist of students of different ages and abilities. There is also a shortage of qualified Russian teachers and of suitable language teaching material.

Recent years have seen the start of various projects to promote teaching of the Russian language. Since 2008, for example, the Education Department in Turku has received financial support from the Finnish National Board of Education to develop new learning environments for Russian. The study of Russian is also growing at Aalto University.⁵⁰²

There has been a desire to increase the teaching of Russian, especially in Eastern Finland. The point has been raised that municipalities could receive an appropriation to prepare a language strategy, for example.⁵⁰³

Yle provides news in Russian on the net and radio on a daily basis and started to broadcast television news in Russian in May 2013.⁵⁰⁴

Nowadays, more Russian literature is translated into Finnish. Literature is also promoted by, for example, Russian-speaking literary organisations. Magazine and newspaper publishing houses, such as *Novosti Helsinki* and *Mosaiikki ry*, which are active in Finland are still important with regard to access to information for Russian speakers.

Estonian

Estonian immigration to Finland has increased since the 1990s. Estonians in Finland are usually labour immigrants.⁵⁰⁵

According to the Association of Estonians in Finland (*Suomen virolaisten liitto ry*), the Finnish language skills of Estonians are often weaker than generally thought. Dealing with the authorities and following legal rules is difficult. The information Estonians have about Finnish society is often superficial and they have few possibilities to engage in cultural or educational matters. How Estonians adjust to Finnish society depends in part on how Estonian speakers and the Estonian language are taken into account in Finland. Service in Estonian is needed especially in municipal immigrant advice centres.

Estonian television channels and online publications are an important source of information. There are associations with activities in Estonian in some places in Finland, but not, for example, in the capital region. Some associations receive financial support from municipalities, but do not have their own premises or paid staff. The Association of Estonians in Finland, the national organisation of Estonian associations in Finland, has sought to support the establishment and activities of local associations. The Association has published, *Binokkel*, Finland's only printed magazine in Estonian. Publication depends on voluntary activities and, the magazine is currently not published due to lack of financial support.

There is an Estonian choral society, Siller ry, active in Helsinki. A private bilingual children's day care centre, Anni, opened in autumn 2012 with activities in Estonian and Finnish.

There are also Finnish-speaking Finnish-Estonian friendship societies in Finland and their umbrella organisations. The activities of Finnish-speaking organisations are, however, intended for Finnish-speakers. Finnish-speaking friendship organisations run the *Eesti Maja*, Estonia centre in Helsinki, which is home to the *Tuglas-seura* (Tuglas Society), *Suomen Viro-yhdistysten liitto* (the Association of Finnish Estonian Societies) and the Estonian Institute in Finland.

The office of the Ombudsman for Minorities has published an Estonian version of its website. In 2012, Kela, the Social Insurance Institution, had some brochures translated into Estonian and these are available on Kela's website. Otherwise, the authorities only sporadically have information in Estonian on their websites. Estonian speakers have a great need for information in Finland, but they are difficult to reach. According to the Association of Estonians in Finland, there is a need for regular media publications in Estonian in Finland.

Estonians have a possibility to deal with the authorities with the help of an interpreter. According to information received by the Ministry of Justice, interpretation functions poorly in practice because it is assumed Estonians understand Finnish. Interpretation into Estonian is secured relatively seldom during, for example, pre-trial investigations. Sometimes a suspect has been offered another police officer, with a poor knowledge of Estonian, as an interpreter.

Interpreters are often not available within a reasonable time, which may mean a suspect waives his or her right to interpretation. There is a great risk of being misunderstood, especially in criminal investigations and judicial matters.

Estonians have found it difficult to use social welfare and, for example, have had problems in making appointments to see social welfare authorities.⁵⁰⁶

Yiddish

The Jewish Community of Helsinki estimates there to be 200-300, mostly elderly, Yiddish speakers in the Jewish communities in Helsinki and Turku. The knowledge of Yiddish is usually limited to understanding, speaking and reading. Most Jewish-speaking people have Swedish as their main language.

More attention has been drawn to the teaching of Yiddish and to cultural activities since the start of the 2000s, when the Jewish community in Helsinki established the association *Idishe vort*. Prior to this, Yiddish singing tradition was largely upheld by the Jewish choir, which is still active under the name *Hazamir*. In the 2000s, *Idishe vort* arranged beginner and continuing courses in Yiddish and also ran a discussion group. Activities received financial support from the Finnish National Board of Education. The discussion group is still active. The association's theatre workshop produced a play in Yiddish during 2006-2008 and received financial support from *inter alia* the Swedish Cultural Foundation in Finland and the Central Arts Council. Work is currently under way on a new play.

The Jewish communities have no publication or other media activities in Yiddish. Persons interested in Yiddish can read foreign web publications and follow Yiddish magazine programmes via the internet. Yiddish can also be studied at the University of Helsinki and at one adult education centre.

As a spoken language, Yiddish is disappearing in Finland. However, the Yiddish cultural heritage will continue to be important for the Jewish identity, which means the language will be studied and practiced. The Jewish School does not teach Yiddish as a language like it does (modern) Hebrew. However, Yiddish songs are still part of the music syllabus and the stages in the history and culture of the Eastern European Jews is included in the teaching of history. Young people know and use some Yiddish words, but awareness of Yiddish could, however, be increased.

During the academic year 2002 – 2003, the Jewish School had a Yiddish theme year and there have been discussions about a similar project. Yiddish speakers have no linguistic needs with regard to services, for example.⁵⁰⁷

Karelian

In its report on the language report, the Constitutional Law Committee stated that the following report on language legislation should also shed light on the position of Karelian.⁵⁰⁸

The profile of the Karelian language has increased in recent years. The need to revitalise the language has arisen in both national discussion and at the transnational level.⁵⁰⁹ In November 2009, the Karelian language was added to the scope of application of the European Charter for Regional or Minority Languages. The Karelian language is now specifically mentioned as a non-regional language in the decree.⁵¹⁰

Karelian is spoken in the territory of two states, Russia and Finland. Karelian and its predecessor, Old Karelian, have been spoken in Finland for 1,200 years. The Karelian language in Finland is an autochthonous or indigenous language that has been spoken for as long as Finnish has.⁵¹¹ Karelian is the closest related language to Finnish and can be divided into three main dialects: Karelian Proper, Olonets Karelian or Livvi, and Lude. Their own language, the Orthodox faith and Karelian culture, which is based on Karelian folk poetry, form the cornerstone of the Karelian-speakers' identity.⁵¹²

After World War II, pressure to integrate into the majority population resulted in the language no longer being passed on to the next generation and so it became seriously endangered.⁵¹³ The Karelian language has been revitalised in Russian Karelia for some 20 years already. In Finland, a start on revitalising the Karelian language was made in the 1990s.⁵¹⁴

Most Karelian speakers are bi- or trilingual. In addition to Karelian, they use Finnish and Russian. Since 2004, there has been a considerable decline in the number of Finnish Karelian speakers, but the percentage of immigrant Karelians has risen correspondingly. Russian Karelians have come to Finland via labour immigration. Most Karelian speakers live in the capital region and in city centres and only around one third live in Eastern Finland.⁵¹⁵

There is no information on the present age structure of Karelian speakers. It is assumed that Karelian in Finland is mostly spoken by elderly people. However, there are also a considerable number of younger Karelians who use the Karelian language sometimes or at least understand it well or quite well.⁵¹⁶

The position of the Karelian language in Finland was studied during 2010-2012 within the framework of the project *Eldia – European Language Diversity for All* funded by the European Union. The results of the project show that the majority of Karelian speakers consider the creation, maintenance and development of language skills in children to be key to preserving and revitalising their language. Text books and literature, especially children's literature, are also required. Finns who speak Karelian have a broad range of expertise as regards what is needed to revitalise the language.⁵¹⁷

The attitudes of the authorities vis-à-vis the Karelian language have grown more positive since 2009. Numerous improvements have taken place to make the revitalisation of Karelian more effective. Since 2009, there has been a professorship of Karelian Language and Culture at the University of Eastern Finland.⁵¹⁸

Since 2011, it has been possible to register Karelian as a mother tongue in the Population Information System maintained by the Population Register Centre. Since the parliamentary elections in spring 2011, the Ministry of Justice has begun to publish voting instructions also in Karelian. Since the beginning of 2010, the Ministry of Education and Culture and the Central Arts Council have given considerable more project funding for language revitalisation activities. The changing atmosphere has also resulted in foundations, funds and donors increasing their funding.

The reform which has most impact on the position of the language took place in June 2012: the agreement on the Karelian homeland, which at the time was concluded with the Regional Council of North Karelia, will considerably boost work to revitalise the language and culture. Fixed networks are being established between other Karelian centres in the country and the homeland, which serves as an area of focus.⁵¹⁹

Access to information and cultural activities

An important decree amendment entered into force at the beginning of 2013: financial support to the press can also be granted for newspapers and online publications in the Karelian language.⁵²⁰

There are around ten websites in Karelian. Work started on developing the Karelian Language Association's web service in summer 2011 and the service has grown vigorously. An extensive digital library and an e-shop operate in conjunction with the service. E-learning is being initiated. The Karelian Language Association also has extensive publishing activities. In April 2009, the world's first Karelian web radio began operating on the Association's website.⁵²¹

The Karelian Language Association also publishes the monthly online Karelian magazine *Karjal Žurnualu*, which is also published in hard copy. The magazine discusses work done to revitalise the Karelian language and culture in Finland and the Karelian areas in Russia and also features the life of Finnish Karelians and the activities of various organisations.⁵²² Other associations also publish their own Karelian magazines, such as *Oma Suojärvi*. According to the Karelian Language Association, Yle has promised to start broadcasting the news and children's programmes in Karelian during 2013.⁵²³

Recent years have seen to some extent the publication of material to support study of the Karelian language. The first textbook in Karelian for adults was published in Finland in 2006. In 2005, the last part in a six-volume work of a dictionary of the Karelian language, including all the Karelian dialects, was completed and published by the Research Institute for the Languages of Finland (now the Institute for the Languages of Finland) and the Finnish-Ugrian Society. Literature in Karelian consists of literature originally written in Karelian and literature translated from other languages such as Finnish and Russian. Audio books in Karelian have also been published for adults and children.⁵²⁴

There is brisk activity in Karelian music and art. Also the number of amateur and professional authors writing in Karelian has grown. Traditional handicraft and Karelian cuisine are widely practiced. Cultural events are held across Finland, usually in association with Russian Karelians.⁵²⁵

Teaching and language nest activities

Karelian speakers maintain and develop their language and culture in Karelian associations, Orthodox parishes and in language and culture clubs. Karelian language courses are held each year at adult education centres across Finland.⁵²⁶

To date it has not been possible to study the Karelian language in basic education or at upper secondary school in Finland. In autumn 2012, however, the private Finnish-Russian School of Eastern Finland was the first comprehensive school to introduce Karelian as an optional foreign language.⁵²⁷

A Karelian language nest has been active in Nurmes since 2009. During 2011, special financial support was granted by the Ministry of Education and Culture to establish new language nests and activities for children and young people. According to the Karelian Language Association, new language nests in at least two places will be opened during 2013. The Association has also initiated support for day care activities. The problem is there are no qualified Karelian-speaking day care centre personnel.⁵²⁸

According to the Karelian Language Association, safeguarding the future of the Karelian language requires *inter alia* objective treatment of Karelian language and culture in teaching, textbooks, the media and in teacher training. Training of language nest personnel and language and culture club leaders should be organised. The teaching of Karelian language at all levels should be developed. The Association aims to start a Karelian language and culture revitalisation programme in 2016.⁵²⁹

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ANNEX 1

Advisory Board on Language Affairs
Ministry of Justice
PO Box 25
FI-00023 Government

OPINION

OM 5/021/2012

23 April 2013

Ministry for Foreign Affairs of Finland
Unit for Human Rights Courts and Conventions (OIK-40)
PO Box 25
FI-00023 Government

Ref: Your request for an opinion 14 February 2013/HELM543-2

For the purposes of drawing up Finland's fifth periodical report, the Ministry for Foreign Affairs of Finland has, on 14 February 2013, requested the Advisory Board on Language Affairs for an opinion on how the requirements imposed by the language charter have been applied. The Advisory Board considered the request in its meeting of 12 March 2013 and resolved that the Advisory Board's working committee would, on the basis of the working group's memoranda based on the comments arising during the fourth reporting round, formulate an opinion of a general nature for the fifth reporting round.

In its meeting on 12 March, the Advisory Board on Language Affairs considered and approved the working group's memoranda in which the Advisory Board's internal working groups formed an opinion on the observations of the bodies monitoring the European Charter for Regional or Minority Languages (the Committee of Experts of the Language Charter and the Advisory Committee on the Framework Convention) and on the recommendations of the Council of Europe's Committee of Ministers on the basis of observations during the fourth monitoring round. The working groups were formed according to the structure likely to be assumed in the Government's next language report to Parliament (1. Education system; 2. State and municipal administration; 3. Social welfare and health care; 4. Judicial system).

From the perspective of the Advisory Board on Language affairs, it should be stated that, as regards the reporting instructions, the Advisory Board is not an authority that through its own activities produces such information on the application of the Language Charter to be reported to the convention body and which is directly at the disposal of the Ministry for Foreign Affairs. The Advisory Board is a cross-sectoral expert body comprising experts from various authorities and other instances which forms an opinion on linguistic affairs, but does not aspire to produce systematic information about a certain area.

The Advisory Board on Language Affairs states through its working committee with the help of the annexed reports of the working groups, which form the Board's opinion, that the information that Finland submits to the Committee of Experts can be further specified for the fifth reporting round. According to the annexes, it is evident that certain positive development in Finland can be reported even though there appear to have been no significant changes in, for example, services in Sámi.



Pekka Hallberg
Chairman of the Advisory Board on Language Affairs



Markku Suksi
Secretary-General of the Advisory Board on Language Affairs

Annex: COMMENTS OF THE ADVISORY BOARD ON LANGUAGE AFFAIRS WITH REGARD TO OBSERVATIONS APPLYING TO FINLAND IN THE FOURTH ROUND OF THE LANGUAGE CHARTER AND THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

1. Education system

The recommendations and comments concerning the Language Charter and the Framework Convention are the correct ones and raise questions that the education authorities should already have a relatively good idea of. The observations raised by the Committee of Experts of the Language Charter are particularly very detailed and thorough, whereas the observations of the Advisory Committee on the Framework Convention are of a slightly more general nature, presumably because the Framework Convention applies not only to linguistic minorities, but also to other national minorities. However, the observations made by both monitoring bodies are similar and mutually reinforcing.

As regards the obligations applying to *Swedish* under the Language Charter, the Committee of Experts considers the undertakings to be fulfilled at all stages of education, but would also welcome further information on all stages of education, especially on teaching at the middle school stage, i.e. upper secondary school, with regard to the measures the authorities have taken to reverse the negative trend in studying and teaching Swedish. The Committee of Experts also encourages the authorities to consider how the history of the Swedish language should be taken into account against the background of almost 600 years of Finland and Sweden's shared history. The obligations of the Language Charter with regard to the Sámi language are still only partly fulfilled in teaching at preschool, comprehensive school, upper secondary school and teacher training, but the Committee of Experts considers the obligations to have been fulfilled in vocational education and in university and higher education. Also with regard to the Sámi, the Committee of Experts would encourage the authorities to initiate further measures to ensure that the history and culture reflected in the Sámi languages is adequately portrayed in both Finnish and Sámi teaching in the Sámi homeland.

The previous reporting round of the Language Charter gave recommendations concerning teaching in the *Sámi languages* and Romani. According to follow-up by the Committee of Experts in 2012, no significant changes had occurred in this matter during the reporting period. There has been no development of a structured policy for education in Sámi, language nests were still of a project nature and have no permanent funding and there were still serious shortcomings in implementing education in Romani in practice. The COE's Committee of Ministers returned to these themes in its 2012 recommendations.

Under the Language Charter, the Committee of Ministers recommends further strengthening of education in Sámi through the development of a structured policy and a long-term financing plan and that urgent measures are taken to protect and promote Inari and Skolt Sámi, which are particularly endangered languages, in particular by the provision of language nests on a permanent basis. According to the Committee of Ministers, more Romani teachers should be trained, the production of teaching materials in Romani should be extended and the teaching of Romani should be increased. Awareness and tolerance vis-à-vis the regional or minority languages of Finland should be increased in the general curriculum at all stages of education.

The Committee of Ministers' conclusions with regard to the application of the Framework Convention have been divided into sections where there has been positive development and where there is cause for concern. Viewed from the perspective of the Framework Convention, positive development has taken place within the framework of the policy on the Roma adopted in 2009, because the policy included important recommendations on inter alia the education of young and

adult Roma. The Committee of Ministers considers the introduction of special appropriations to increase the teaching of/in Sámi to Sámi children living outside the Sámi homeland, together with the establishment of several language nests, to be positive developments. However, the Committee of Ministers finds there is cause for concern as regards the Swedish and Sámi skills of officials and attention must be given to improving this. In addition, appropriate language learning methods should be used and attention given to teacher training.

On 2 March 2012, a working group at the Ministry of Education and Culture published a proposal for a programme of measures to revitalise the Sámi language. The time for comments closed in autumn 2012 and the Government can be expected to make a decision on the proposal during 2013. The programme of measures includes numerous measures that respond in many ways to the recommendations and causes for concern expressed by the Committee of Ministers and the Committee of Experts. It is therefore important for the Government to approve the programme of measures and for a start to be made on its implementation as soon as possible. This would enable progress on this front to be at least formally reported in conjunction with the next country-specific report, even though there would not yet be information available as to the effectiveness of the measures in practice. Once the programme has been approved, it must also be taken into account in the budget.

Because of the very different situation in the Sámi homeland and outside it, there is a need for systematic and holistic development the teaching in/of Sámi. Around 70%, of Sámi children and young people of comprehensive school age live outside the Sámi homeland and therefore often have no possibility to receive teaching in/of their own mother tongue for even two hours a week and their language or culture is not otherwise taken into account. There has been no improvement in the possibilities of Sámi children and young people living outside the Sámi homeland to receive teaching in/of Sámi. It would seem language nests are vital to preserve the Sámi languages and language nests are one of the most important means of language revitalisation. This is why funding for language nests must be secured. It is worth pointing out, however, that all language nests are within the Sámi homeland, whereas most of the target group lives outside the homeland. In addition, there is also a need to ensure that the teaching of Sámi children is based on a modern curriculum and that general education throughout Finland shows the Sámi from a modern perspective and avoids stereotyping.

Since the beginning of 2012, when the Romani researchers at the Institute for the Languages of Finland were reassigned to the University of Helsinki, the University has clearly and systematically increased *research and teaching in Romani*. Consequently, an improvement can be expected in the situation of teaching in/of Romani in comprehensive and upper secondary school once there are more people speaking Romani in both the Roma community and among the majority population. Text books and other teaching material intended for beginners and continuing courses in Romani have been systematically published in recent years. In addition, an extensive work on the history of the Roma was published in 2012. This work can be used as source material for all levels of teaching. Since the measures referred to above have been undertaken by individual institutions or researchers, an overall study of Romani education is needed to obtain an overall picture of the situation and to systematically increase activities.

One major problem that persists is that the majority of Roma children of school age are without teaching of/in Romani. To preserve and develop the language, it is of vital that also younger generations are able to use it. In this respect, as in the teaching in/of Sámi, the mainstream curriculum has a vital role. On 25 November 2009, a working group at the Ministry of Social Affairs and Health published a proposal for a policy on the Roma. The policy includes several measures applying to education and teacher training.

Based on this proposal, on 9 December 2010, the Government made resolution on the guidelines for a national policy on the Roma. The resolution included measures to revitalise and strength-

en the position of the Romani language by *inter alia* improving the conditions for teaching in Romani and studying how education is arranged for teachers of Romani. Implementation of the measures should be followed up at the national level.

The Strategy for the National Languages of Finland, which the Government approved in the form of a government resolution contains several proposals for measures with regard to teaching. The Government decision of 28 June 2012 on the distribution of lesson hours and bringing forward the teaching of a B1 language might also have an overall effect on this.

The recommendations of the Committee of Experts of the Council of Europe's Charter for Regional or Minority Languages should be more concretely visible in the work of the authorities and municipalities. Because education is by and large the responsibility of the municipalities, municipal decision-makers should be made aware of the recommendations and take them into account when arranging language teaching and learning. Cooperation between the Finnish National Board of Education and the municipalities should be intensified.

The commitments in accordance with the Charter have generally been only partly met. In most cases the problem is that the applicable matter has not been taken up for systematic review by the political bodies, even though individual actors and organisations have worked hard to promote matters. Commitments are often not fully implemented because the organisations are unaware of their responsibilities in the matter or because there are several instances responsible and the various actors have insufficient information about what the others have done.

2. State and municipal administration

The recommendations and comments concerning the Language Charter and the Framework Convention indicate that both the Committee of Experts of the Language Charter and the Advisory Committee on the Framework Convention have a very precise and overall idea of *inter alia* the administrative reforms, including local government reform and the structural reform of municipalities and services (PARAS), and various municipal mergers that have been implemented during the monitoring period. The guidelines of the Constitutional Law Committee with regard to the evaluation of linguistic effects have also been noted, as has the Committee's requirement (and the applicable decision of the Chancellor of Justice) to choose the alternative that provides the best conditions for guaranteeing the linguistic rights.

As regards the *municipal merger* of Särkisalo and Salon, the report of the Committee of Experts states that the bilingual municipality of Särkisalo became part of a unilingual municipality even though the aim was to avoid mergers where a bilingual municipality becomes unilingual. It appears the Committee has confused Särkisalo with the municipality's Swedish name of Finby so that in another point in the report (point 36) the Committee states that Finby was a Swedish-speaking municipality and that the municipal merger resulted in a considerable weakening of the inhabitants' linguistic rights. From the legislative aspect, this was the case when the bilingual municipality of Särkisalo – Finby merged with the municipality of Salo.

In 2012, the Council of Europe's Committee of Ministers gave no specific recommendations under the Language Charter as regards state and municipal administration, but the Committee of Experts took a stand on how the Finnish authorities had reacted to the Committee of Ministers' earlier recommendations. The Committee of Experts notes that the Finnish Broadcasting Company (Yle) has enhanced television broadcasts in Sámi and makes specific mention of the children's programme Unna Junná. At the same time, however, the Committee notes there are still no newspapers in Sámi.

The Committee of Experts which follows implementation of the Language Charter took a stand on the position of Swedish. *The administrative authorities* use Swedish and the Committee of Experts considers the undertaking to be formally fulfilled. The Committee also stated that where-

as this works in most cases, there are still situations where implementation is difficult in practice. The Committee of Experts considers the undertaking to allow applications in Swedish to be submitted to be fulfilled, but encourages the authorities to improve the provision of services in Swedish. Swedish should also be used when providing services and the Committee still considers this undertaking to be formally fulfilled, but that the municipalities must be given more precise guidelines on public procurement stressing the need to realise linguistic rights when organising tenders and the actual provision of services. In recruitment, the Committee of Experts considered there to be problems relating to the Act on the Knowledge of Languages Required of Personnel in Public Bodies, even though it considered the undertaking regarding the training and recruitment of employees working in the public sector to be fulfilled. This is why it encourages the authorities to develop incentives for staff language training, or to organise compulsory language courses in bilingual municipalities. Causes for concern with regard to the mass media were the decrease in the appropriation for supporting newspapers, although in principle the Committee of Experts was of the opinion that the obligation under the Language Charter is fulfilled in this respect.

As regards the Sámi languages, the Committee of Experts drew attention to the low level of appropriations allocated to training *Sámi-speaking personnel*. The Committee of Experts was of the view that the possibility to submit applications in Sámi is formally fulfilled, but only partly fulfilled because of the difficulties in practice in enforcing the Sámi Language Act, in addition to which the Finnish Government had not answered the question of the possibility to obtain decisions in Sámi, so that this point of the undertaking is considered not to be fulfilled. The undertaking with respect to the availability of translation and interpretation into Sámi is considered partly fulfilled, as is the undertaking concerning the recruitment and training of Sámi-speaking personnel. According to the Committee of Experts, the undertaking concerning administrative texts and forms is fulfilled as regards Northern Sámi, but not fulfilled in practice for Inari and Skolt Sámi, for which reason the Committee encourages the authorities to develop more widely used administrative texts and forms in Sámi and bilingual format.

On the basis of the previous report, the Committee of Experts considered the undertaking to allow the use of a minority language in assemblies to be partly fulfilled because no information on this was given for the fourth monitoring cycle. It was considered the undertaking to put into use Sámi place and road names is fulfilled.

Quite many of the conclusions made by the Council of Europe's Committee of Ministers under the Framework Convention indicate positive development, but others expressed cause for concern. Positive development includes the Policy on the Roma approved in 2009, the construction of the Sámi Cultural Centre Sajos, the preparation of a programme to revitalise the Sámi language and the development of integration programmes in the municipalities. Causes for concern expressed by the Committee of Ministers include the deficiencies in the Swedish or Sámi skills of officials, the insufficiency of media in Sámi, Russian and Romani. The Committee of Ministers requires certain immediate measures such as measures under the programme to revitalise the Sámi languages to prevent their further disappearance from public life, to improve the provision of public services in Sámi and an improvement in the communications channels for minorities and possibilities of the minorities to participate. Furthermore, the Committee of Ministers, under the Framework Convention, gives other recommendations including arranging an additional subsidy for mass media for the minorities (especially for speakers of Russian and Sámi), ensuring the availability of services for Swedish speakers in their own language in accordance with existing legislation, paying attention to linguistic rights at all stages of the administrative reforms under way, securing opportunities to learn Swedish in the Finnish education system to ensure the numbers of Swedish-speaking officials is maintained and increased, and to change recruitment to increase the number of persons belonging to national minorities on the labour market.

According to the report, the open issue of emergency calls for Sámi and Swedish has still not been solved. With regard to the comment by the Committee of Experts' concerning emergency calls, it can be stated that since actual emergency calls have now been focused on the Emergency Response Centre Administration, the new emergency centre system is likely to change this situation. Implementation of the reform is still under way, but one of its aims is also to improve linguistic services.

In addition to the recommendations referred to above, the Advisory Committee which follows implementation of the Framework Convention made certain observations that converge with or are similar to those of the Committee of Experts, but stated also that the application of language legislation in relation to *Swedish speakers and Sámi speakers* is not at a good level. For this reason, the Advisory Committee proposes various targeted measures to improve the situation and to ensure that language legislation is applied as intended. The Advisory Committee also expressed its concern that a weakening of Swedish skills affects the unilingual Åland Islands and stated that something must be done about the matter in cooperation with the Åland authorities. To a certain extent, the Strategy for the National Languages of Finland adopted in December takes this matter into account.

The Advisory Committee also refers to the fact that only one mother tongue can be registered in the Population Register and considers that perhaps the registration of more than one mother tongue could be permitted on the grounds of self-identification in an increasingly culturally diverse Finland. In this respect, it appears the Committee has failed to recognise that the right to use one of the national languages as a mother tongue is a subjective fundamental right and that mother tongue information on the basis of this and the Language Act is used to gauge and provide services in Finnish and Swedish. Mother tongue information is thus one of the cornerstones of fundamental linguistic rights and its similar registration should also be possible with regard to the Sámi languages. Mother tongue information can also be changed at any time on the basis of an individual's self-identification (although this is rare in practice). It would also appear that the Advisory Committee is unaware that a foreign language, for example with regard to immigrants, can, provided there is a language code for that language, also be registered as mother tongue in the Population Register System. In addition, the system also contains information on the contact language, Finnish or Swedish, an individual wishes the authorities to contact him or her in. The comments of the Advisory Committee do not show how the possibility to register more than one mother tongue is relevant with regard to linguistic rights. The only reason proffered is some kind of general mapping of the language landscape, which in fact would give rise to confusion and impact negatively on gauging linguistic services and structures.

3. Social welfare and health care

The monitoring bodies of the Council of Europe have drawn relatively few conclusions with regard to social welfare and health care. This is because neither of the conventions contains material provisions applying to this administrative branch. Social welfare and health care constitutes an important sector with regard to services, but for the reason referred to above has remained in the shade of the monitoring bodies' activities. Many of the actual problems in securing linguistic rights are indirectly brought up in opinions concerning state and municipal administration. However, because social welfare and health care is an extremely important area with regard to services provided to the linguistic minorities, the Committee of Experts established to monitor application of the Language Charter has also drawn conclusions on social welfare and health care pursuant to Article 13(2)c of the Charter, which applies to economic and social life.

The Council of Europe's Council of Ministers recommended to Finland that the authorities take into account all the observations and recommendations made by the Committee of Experts and implement additional measures to secure access to social welfare and health care services in Swedish and Sámi. The Committee of Experts notes that the Committee of Ministers had al-

ready given exactly the same recommendations also during the previous monitoring round. The Committee of Experts gives a number of detailed examples of problem situations and states that *further efforts are called for within social and health care to provide adequate services in Swedish and Sámi*. In these respects, the undertakings have been only partly fulfilled and the Committee considers that the authorities seem to have forgotten to safeguard the provision of services in Swedish when it comes to public procurements. With regard to the ability of social welfare and health care centre personnel to provide services in Sámi, the Committee of Experts considers the undertaking to still be only partly fulfilled. One positive example mentioned is HUS's language programme.

The Committee of Ministers of the Framework Convention gave no recommendations to Finland with regard to social and health care, and neither did the Advisory Committee make any particular comments with regard to linguistic rights in this area.

During 2012, the University of Lapland studied the views and experiences of the Sámi with regard to welfare services in the Sámi homeland (Utsjoki, Inari, Enontekiö, and the Vuotso region in Sodankylä). The study concerned the municipalities' basic services and in particular the social welfare and health services for Sámi speakers, which are arranged through state subsidy allocated by the Ministry of Social Affairs and Health for services in Sámi. The findings show that the Sámi are less satisfied than the Finnish population on average with services and access to services. Of the respondents, 55% were satisfied with health care services and 30% with social services. However, there were major differences from one municipality to another. Also Sámi people living in different parts of the same municipality are in an unequal situation with regard to access to services. The situation is especially difficult in remote villages.

The targeted state subsidy granted by the Ministry of Social Affairs and Health plays a key role in improving access to services in Sámi. However, the provision of services in Sámi is still inadequate compared to the need. The situation is best in the provision of child day care, language nest activities and home help for the elderly. Only just over one third (38%) felt that access to social welfare and health care services in Sámi was good. In future, particular attention must be given to the quality of and access to services. Against this background, it can be stated that with regard to the provision of social welfare and health care services in Sámi, the greatest barriers to the long-term development is insufficient and temporary funding, together with a shortage of trained personnel.

With regard to the promotion of health services in the mother tongue of municipal inhabitants in bilingual regions, it can generally be stated that the provision of services is often of a good standard when the linguistic division between the language groups in the municipality is relatively even, but weakens as the size of the linguistic minority becomes smaller. So-called digital dictation does not work so well in Swedish and this is one reason why patients do not always receive their case report in their mother tongue. Vaasa Central Hospital has recruited a language teacher to train their personnel in Swedish and Finnish.

4. Judicial system

The Council of Europe's Committee of Ministers has given no specific recommendations concerning the judicial authorities or the police with regard to the Language Charter, but has presented several observations and recommendations under the Framework Convention. The Committee of Ministers considers one positive development to be the website introduced by the police where citizens can tip off the police if they notice any racial or hate crimes. The website has proved to be in active use in combating racism and discriminating use of language directed at minorities on the internet. One of the causes for concern expressed by the Committee of Ministers is that the police have not recruited more persons representing minorities. According to the Committee of Ministers there are still serious shortcomings in the application of the Language Act and the Sámi Language Act because far too few officials have the language skills required to

ensure the possibility for Swedish speakers and, within the Sámi homeland, Sámi speakers to use their mother tongue in dealing with the courts.

For this reason, the Committee of Ministers recommended that Finland, under the Framework Convention, should take the relevant measures to ensure access for Swedish speakers to *public services in their own mother tongue* in accordance with legislation in force. In addition, proper attention should be given to linguistic rights at all stages of the administrative reform currently under way. There is a need to ensure that the Finnish education system provides adequate possibilities to learn Swedish to ensure the numbers of Swedish-speaking officials is maintained and increased.

The Committee of Experts of the Language Charter has earlier considered the undertakings concerning the administration of justice to be formally fulfilled, but also at the time urged the Finnish authorities to increase the number of judges and other personnel with a command of Swedish in order to improve the use of Swedish before the courts. The Committee of Experts also urged the authorities to take steps to ensure that the linguistic rights of Swedish speakers are fully implemented in court proceedings. During the reporting period, the Committee of Experts followed the reform of the district courts, noted that the District Court of Varsinais-Suomi was supplemented with a separate section for safeguarding the linguistic rights of the Swedish speakers in the district and looks forward to receiving more information in the next follow-up report. The Committee of Experts states that Swedish is used in practice, even though there are still deficiencies in the implementation of these undertakings; incl. the lack of qualified Swedish-speaking staff, which hampers the conduct of the proceedings in Swedish. For this reason, the Committee urges the authorities to take further measures to increase the number of judges and other personnel with a command of Swedish in order to strengthen the use of Swedish before the courts. The Committee of Experts has noted the language arrangement introduced by the Prosecution Service whereby there is a reverse language requirement for prosecutors within certain bilingual administrative districts, but the Committee does not appear to have noticed the so-called minority judge system within bilingual courts, whereby a certain number of judges are subject to a reverse language skill requirement. The undertaking is thus partly fulfilled, but the minority judge system might change this evaluation in future.

The Committee of Experts of the Language Charter have followed the police reform and noted that there are no longer any police districts with Swedish as the administrative language, but look forward to receiving more detailed information on the consequences of the reform in the next periodical report. The Committee of Experts of the Language Charter noted in their previous report that the undertakings with regard to the Sámi language were only formally fulfilled and that there was a need for improvement in particular by taking measures aimed at improving the Sámi language skills of legal officials and administrative personnel, but also by ensuring the training of interpreters in Sámi legal terminology. This time, the Committee of Experts considered the undertaking to be formally fulfilled, but would encourage the authorities to plan more means to strengthen the use of Sámi in the legal system. The Committee of Experts also noted that the open issue of emergency calls for Sámi and Swedish has still not been solved.

It seems that the deficiencies in implementation of the Language Charter are long-term and stretch back more than ten years. More judges and other personnel with a sufficiently good knowledge of Swedish are needed for the courts and authorities, which might mean, for example, an increase in Swedish-language judicial education. With regard to the Sámi language, it would appear very much improvement is still needed.

In police activities, one problem would appear to be the fact that impositions of fines and demands for punishment are often dealt with only in Finnish even when citizens are Swedish speaking, which naturally weakens their legal protection. The questions in the text fields of forms used for fines and fixed penalties in conjunction with service have, however, been printed in both

national languages, which means the actual decision is, in principle, bilingual. Concerning, for example, speeding fines, there is quite little additional text. According to information provided by the police, problems can arise because Swedish speakers usually consent to dealing with the matter in Finnish. This would appear to mean Swedish-speaking citizens are often prepared to waive their fundamental linguistic rights, even though the authority has a duty to deal with the matter in either national language. The police report that if a customer wants to deal with the matter in Swedish, efforts are made to arrange it. In practice, it has been acceptable for the text relating to a fine to be written on a bilingual form in Finnish, but for service to take place in Swedish. The police estimate that there is always, in practice, an officer in traffic police patrol or in a task force who is able to issue fines in passable Swedish. If there is not, however, efforts are made to get one to the scene. Ultimately, the customer has been requested to collect the fine from a police station or service point where arrangements can be made to serve (and also record where necessary) the fine in Swedish.

According to information received from the Police College of Finland, fining Swedish-speaking citizens is an important theme in the 5th study period in Swedish. The period otherwise focuses on studying traffic situations. Students are explained the obligations imposed by the Language Act and practice writing and serving fines in class, with at least two summary penal orders in Swedish. In practice, the situation of issuing a fine is practised in pair work, with one of the students serving a summary penal in Swedish order on the other, who pretends to be a Swedish-speaking citizen. The exercise makes use of the right forms and, where possible, students on the Swedish course. In conjunction with studies, students also go through the National Board of Police handbook (handbook of fines) on the imposition of sanctions for summary penal orders and fixed-penalty fines, with the Swedish versions of traffic forms. In conjunction with the teaching of Swedish, students practice how to complete a fixed-penalty fine and written caution, as well as draw up a pre-trial investigation record completely in Swedish. In the section of the handbook on fines, referred to above, which contains general instructions, it states that: "In hearings related to the issuance of a summary penal order, the suspect has the right to use Finnish or Swedish. The summary penal order is to be written in the language of proceedings (Language Act, Sections 10(1), 14(3) and 19(1), and the Criminal Investigations Act, Section 37(1))."

The police consider that the language skill requirements within the Finnish- and Swedish-speaking police and the associated teaching in these languages complies with legislative requirements and have thus appropriately been organised. However, one general observation that can be made is that very few persons with a knowledge of the minority languages, including Sámi, have applied for police training. From the perspective of the police, it would be helpful if more persons speaking the most commonly used minority languages in Finland were to apply for police training. In accordance with the police recruitment strategy the aim is also to boost recruitment to basic police education of persons with an immigrant background. In addition, the police are also doing their best to secure police services in Sámi through various arrangements, the most important of which is cooperation between the authorities. Statutory cooperation between the police, customs and border guard was introduced to create the capability to operate also in Sámi whenever necessary.

The police administration has undergone significant reforms in recent years. The administrative linguistic divisions in these reforms have been a subject of heightened interest and the intention is to secure the situation of the national languages also during the third stage in the restructuring of police administration currently under way. In spring 2013, the National Board of Police decided to initiate a study on the linguistic effects of the restructuring currently under way. The study aims to obtain factual information about the standard of police service particularly in bilingual areas. The National Board of Police has also decided to establish a separate cooperation body for language affairs and to follow up and promote implementation of the Strategy for the National Languages of Finland. The duty to establish a follow-up system for linguistic rights is included in the perfor-

mance agreement between the Ministry of the Interior and the National Board of Police. One example of improvement worth mentioning in the court system is the amendments to the District Court Act and to the Government Decree of the Appointment of Judges, with both sets of amendments entering into force on 1 January 2010. To secure the linguistic rights of the minority population within the judicial district of a district court, there must be a sufficient number of posts of judge for which the qualification requirements on language proficiency are excellent spoken and written skills in the language of the population minority and satisfactory spoken and written skills in the language of the majority population within that judicial district. By law, there must be at least one such post in bilingual district courts. The Government Decree contains more detailed provisions on the number of posts in the eight bilingual district courts. In addition, it is also possible to take excellent knowledge of Swedish into account when filling positions at courts of higher instance. As the Committee of Experts noted, it takes at Vaasa Court of Appeal proceedings in Swedish took approximately five months longer than proceedings in Finnish for the period 2005-2006. However, the situation has changed over the past five years so that the average length of proceedings is the same in both languages. The situation has improved partly because nine of the total of 19 referendaries at Vaasa Court of Appeal have Swedish as their mother tongue. This in turn is partly because the University of Helsinki has located its bilingual judicial training in Vaasa. On this basis, it can be stated that the endeavours to educate lawyers with a command of both national languages, both at the University of Helsinki and at Åbo Akademi University, seem to be delivering results.

The Advisory Committee which follows application of the Framework Convention does not seem to have any particular observations concerning the judicial system and the police.

This report is the third Government report on the application of language legislation to be submitted to Parliament.

Earlier reports were submitted in 2006 and 2009. This is a follow-up report which examines the changes that have occurred in implementing linguistic rights since 2009 in the activities of the authorities. The report also examines any steps forward that have been made when examining the situation in the light particularly of the Government's proposal for measures presented earlier, the opinions expressed by Parliament, government programmes and international treaties.

This report aims to increase the awareness of decision-makers, the authorities and citizens of the language conditions of the different language groups.

Various authorities and other organisations have been extensively consulted for this report. The Ministry of Justice has been assisted by the Advisory Board on Language affairs in preparing this report.



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