

APPENDIX II

COMMENTS BY THE GOVERNMENT OF THE REPUBLIC OF FINLAND CONCERNING THE REPORT OF THE COMMITTEE OF EXPERTS

The Committee of Experts has evaluated the measures taken by the Government of Finland for the implementation of the requirements set out in the European Charter for Regional or Minority Languages. In the light of this, the Committee of Experts has made proposals to the Committee of Ministers for the preparation of the recommendations that the latter might wish to address to Finland. The Report of the Committee of Experts is based on the situation as it was when the Charter entered into force in Finland (in March 1998) and when the Government of Finland submitted its initial periodic report on the application of the European Charter for Regional or Minority Languages (in March 1999), and on later information given to the Committee of Experts e.g. on the occasion of the visit made by the Committee to Finland on 19 to 21 December 1999.

The periodic reports of Finland on human rights conventions are based on the principle of openness. The reports should not only give account of improvements made but also openly admit the problems that may exist. In the light of this, the Government of Finland finds it important to maintain an open and constructive dialogue with the bodies responsible for monitoring the implementation of the Charter, i.e. the Committee of Experts and the Committee of Ministers.

The Report of the Committee of Experts has been subject to careful consideration by various authorities. These comments by the Government of Finland have been prepared in the Legal Department of the Finnish Ministry for Foreign Affairs, and are based on written opinions submitted by the following authorities: Ministry of Justice, Ministry of Social Affairs and Health, Ministry of the Interior, Ministry of Education, Ministry of Labour, Ministry of Transport and Communications and Provincial Government of Åland.

It may be concluded from the said opinions that the Committee of Experts has succeeded in the identification of the legal and de facto status of the minority languages falling within the scope of application of the Charter in respect of Finland. The Committee of Experts has in fact paid attention to and suggested improvements in respect of such questions and problems for which solutions have constantly been sought in Finland in order to fully implement the rights of national minorities in the continuously developing society. The Government notes with satisfaction that the Committee emphasises the positive measures taken by Finland to improve the status of those languages.

With respect to the Report of the Committee of Experts, it may be observed in general that the legislative framework given in the initial report was based on the earlier Constitution Act of 1919, as the new Constitution (731/1999) did not enter into force until on 1 March 2000. However, the provisions on fundamental rights were already reformed in 1995 and were included as such in the new Constitution.

Both the Sami language and the Roma language, as well as the sign language, enjoy a special status based on law. The other minority languages referred to in the Report of the Committee of Experts, i.e. Russian, Tatar and Yiddish, are not particularly protected by the law. With respect to the educational system in Finland, the same

applies to such languages as Vietnamese and Somali which are spoken by significant numbers of refugees, and Estonian which is spoken by a large number of immigrants. All persons speaking one of the languages falling within this category are, under certain circumstances, taught their native language and supported in respect of teaching materials, training of teachers and interpretation, in cooperation between the home and the school.

It may indeed be observed that the education offered to minorities in Finland is at a high European level and public funds have been allocated for that purpose to a significant extent, with due consideration to the freedom of choice. In its Report, the Committee of Experts does perhaps not in all respects pay enough attention to the needs and special wishes that the minorities themselves have. As regards Tatar and Yiddish, the Committee of Experts has taken into account the fact that these minorities have not themselves expressed any specific wishes concerning education. The Committee has also paid attention for example to the difficulties in increasing the availability of teaching materials in the Roma language due to cultural restrictions.

However, the Committee does not adopt any position on the danger of social exclusion and unemployment that children speaking Inari and Skolt Sami might later have, when finding that these children must be ensured education in their own language throughout the educational system, including vocational education. The Government observes that many Sami parents seem to rather place their children in Finnish groups even in those municipalities where education is offered in the different Sami languages. The parents apparently want that the children learn Finnish already at an early stage, in order to ensure their later possibilities of employment. It would also seem that many Russian parents feel the same way.

Apart from Finnish, Swedish is an official language of Finland, the status of which is based on law. The English text of the Report gives reason to suspect that the Committee of Experts has not fully taken account of the fact that the Finnish educational system operates in two languages, Finnish and Swedish. In the Swedish-speaking school sector, including the training of teachers, all education is given in Swedish. A great part of public officials working in the Swedish Department of the National Board of Education are Swedish-speaking. The Committee of Experts has not given many suggestions for the improvement of the status of the Swedish language.

The Government wishes to correct a possible misunderstanding in paragraph 191 of the Report, where it is stated that the “contracts, laws or other documents” relating to typical Sami affairs “are issued or used only in Finnish”. By virtue of the Act on the Use of the Sami Language before Authorities (516/1991), the most important Acts and Decrees relating to the Sami have regularly been translated either into North Sami or Skolt Sami, depending on the target group of the statute.

In paragraph 34 the Committee mentions that it “has been informed that work is in progress to establish an advisory board for regional or minority languages, which could be especially welcomed by Russian-speakers”. However, the Government is not aware of such work. This might be a misunderstanding based on the fact there have also been representatives of the Russian-speaking minority participating in the work of the Finnish section (FIBLUL) of the European Bureau for Lesser Used Languages (EBLUL). It may further be observed in this respect that, apart from the Tatar and Jewish minorities and certain other minorities, also the Russian-speaking minority is represented in the Advisory Board for Ethnic Relations (ETNO) which is a representative consultative body subordinate to the Ministry of Labour, working with issues pertaining to refugees, immigrants, racism and ethnic relations. The Advisory

Board further aims at enhancing interaction between the relevant authorities and non-governmental organisations and immigrants and ethnic minorities.

The Committee of Experts criticises the Government of Finland for not having complied with its obligation under Article 15, paragraph 2 of the Charter to publish its initial report. The initial report of the Government of Finland on the application of the European Charter for Regional or Minority Languages has been published in English on the Internet home pages of the Ministry for Foreign Affairs (at <http://virtual.finland.fi>). There is also a paper copy available in Finnish, Swedish and English. A copy of the Finnish text was sent out to the relevant authorities and non-governmental organisations after it was published. Upon request, the Ministry for Foreign Affairs has also delivered any language version of the report in the form of a paper copy or electronic file to other authorities, non-governmental organisations or individual persons. The Ministry has often enclosed the text of the Charter which has been translated into Finnish, Swedish and Sami. As regards the following periodic reports, more attention will be paid to their publication and general and increased availability.

The European Charter for Regional or Minority Languages is a dynamic instrument. Its spirit, which is reflected in both the Explanatory report and in the aims and principles set out in Article 7, requires continuing measures in order to improve the status of the languages falling within its scope of application.

Under Article 3, paragraph 2, any Party may, at any subsequent time, raise the level of protection of any of the languages falling within the scope of application of the Charter in respect of that Party. When the amendments to legislation proposed by the Language Act Committee and the Sami Language Board have been made, Finland might be able to consider to submit a notification to that effect to the Secretary General.

In 2000 the Legal Department of the Ministry for Foreign Affairs has started with intensified monitoring of the implementation of recommendations given by treaty bodies. As a first step, the Department discusses the matter with the competent authorities for the purpose of assessing what kind of measures will be necessary for the implementation of the recommendations. This intensified monitoring will also encompass any recommendations given by the Committee of Ministers of the Council of Europe, with respect to the implementation of the European Charter for Regional or Minority Languages.