

Appendix II: Comments by the Government of Finland

GENERAL

The Committee of Experts has examined the requirements laid down by the European Charter for Regional or Minority Languages and the measures taken by Finland to meet these requirements, and it has issued proposals and recommendations concerning some needs for improvement to the Committee of Ministers of the Council of Europe. The report of the Committee of Experts is based on the second interim report submitted by Finland in December 2002 and the additional information received by the Committee during its visit to Finland in May 2003.

The Finnish authorities have examined the report of the Committee of Experts. The following compilation of comments by the Finnish Government was prepared by the Legal Department of the Ministry for Foreign Affairs. The comments and the accompanying additional information are based on written statements by the following authorities: the Ministry of Justice, the Ministry of Defence, the Ministry of the Interior, the Ministry of Transport and Communications, the Ministry of Social Affairs and Health, and the Ministry of Labour. Further, the Ministry of Social Affairs and Health has delivered a statement by the Advisory Board on Romani Affairs.

On the whole, it can be concluded from the statements received that the Committee of Experts has succeeded very well in identifying the legal status and the *de facto* situation of those languages spoken in Finland which fall under the scope of the Charter. The Committee has again paid attention to, and proposed correction of, issues and groups of problems for which the ever developing Finnish society is continuously seeking and developing means to fully implement the rights of national minorities. The Government notes with satisfaction that the Committee of Experts underlines in its report the positive measures which Finland has taken in favour of minority languages.

The new Language Act (423/2003), which entered into force at the beginning of 2004, the Act on the Use of the Sámi Language before the Authorities (1086/2003), the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003), the Government Decree on Proving Knowledge of the Finnish and Swedish Languages in State Administration (481/2003), the Administration Act (434/2003) and the Non-Discrimination Act (21/2004), which entered into force in February 2004, have all contributed to improving the status of minority languages and minority populations.

The Non-Discrimination Act is intended to foster and safeguard equality and enhance the protection provided by law to those who have been discriminated against in cases of discrimination that fall under the scope of the Act. The commentary to the bill for this Act states, *inter alia*, that authorities drafting anti-discrimination plans must not only take into account immigrants but also the traditional national minorities in Finland. The Act contains provisions on prohibited grounds of discrimination, and one of them is language. According to the Act, discrimination based on language is prohibited in connection with work, education and trade union activities. The Act also provides legal safeguards for persons discriminated against.

THE SWEDISH LANGUAGE

The Ministry of Justice monitors the implementation and application of the new Language Act and issues recommendations on questions concerning legislation on the national languages. This statutory task of the Ministry involves permanent and long-term activities to improve the conditions for using both the Finnish and the Swedish language. For performing these tasks, two positions have been established at the Department of Central Administration of the Ministry: a senior adviser responsible for the implementation of the Language Act and a senior officer monitoring the implementation. Moreover, the Information Unit of the Ministry has a bilingual information officer expressly specialised in providing information about the Language Act and the ensuing obligations.

The Government Decree on the Implementation of the Language Act (433/2004) entered into force on 15 June 2004. According to the Decree, there shall be an Advisory Board on Language Issues at the Ministry of Justice. The Board is a permanent expert and drafting body. It consists of expert representatives from different sectors of

society where the implementation of linguistic rights is particularly important, such as the judicial system, social welfare and health care, and education. The first Advisory Board on Language Issues has been set up for the period from 15 June 2004 to 31 December 2007, and it starts working in August 2004.

One task of the Advisory Board is to draft proposals for measures to support the implementation of the Language Act in order to advance the use and status of the national languages. The proposals to advance the implementation of linguistic rights must be expressly other than legislative measures. In autumn 2004, the Board will prepare a working plan and, in that connection, take a stand on questions such as what measures it will recommend to improve the availability of social and health services provided in the Swedish language.

According to the Language Act, the Finnish Government reports to the Parliament each electoral period, as supplemental material to its Report on Governmental Measures, on the application of language legislation and on the securing of linguistic rights and, as necessary, on other linguistic conditions. The first report will be submitted in 2006. The Advisory Board on Language Issues assists the Government to prepare the report. In autumn 2004 the Board will take a stand on the content of the first report. The Government has not yet determined the content of the report but considers it important in principle that the report should deal, among other things, with the provision of education in Swedish.

As part of its tasks, the Ministry of Justice provides authorities with training in the content of the Language Act. Training is also provided in the qualification requirements of civil servants in respect of language proficiency, or the language proficiency required of them in practice and the consideration of it in the recruitment of personnel. New and updated qualification requirements in respect of language proficiency have been provided by law for, among others, the judicial system, where they concern both judges responsible for the administration of justice, expert members and office staff. Further, similar qualification requirements have been prescribed by law at least for civil servants responsible for the enforcement of punishments, and for policemen and officers. The Ministry of Justice has increased its provision of Swedish language courses tailored for judges.

Moreover, the Ministry of Justice has drawn the attention of authorities to the provision of information directly to the public and to the availability of information, particularly in Swedish. Authorities have, especially in their Internet communications, improved the access of citizens to information on authorities' activities, pending matters, their own rights and bringing up matters for consideration, for instance on forms printed in Swedish. Further, the Public Management Department of the Ministry of Finance has published a working group memorandum on quality criteria for public net services (*Julkisten verkkopalvelujen laatukriteerit*, No 8/2004). Among other things, this memorandum pays attention to the information obligations prescribed by the Language Act as part of the quality criteria for public net services.

According to section 92 of the report by the Committee of Experts, the Committee has been informed that the location of emergency response centres in Finland has caused problems to the Swedish-speaking population of the country. Similarly, the observations put forward in the fourth part of the report suggest that the reorganisation of the centres has harmed the Swedish population (section 4.2.D).

When the emergency response centres in Finland were reorganised, the country was divided into larger response areas than before, and at the same time the emergency response services were transferred from the police and the municipalities to the state. When the reorganisation will have been completed by the beginning of 2006, there will be in all 15 response areas. The emergency response centres receive calls for aid around the clock in all kinds of emergencies, in cases of illness requiring urgent medical care and in urgent police matters. The enlarged emergency response units are capable of serving the public better than the previous smaller units, because now more people work in one shift at the same time. Another advantage is that different authorities and fire, ambulance and police services can be alerted at the same time, and the aid arrives more quickly.

The obligation of the emergency response centres to provide services in both Finnish and Swedish is determined in accordance with the Language Act in a government decision concerning the division of the country into emergency response areas. Bilingual authorities are the state authorities of central administration and all other authorities whose administrative district contains municipalities with different official languages, or at least one bilingual municipality. The ability of bilingual emergency response centres to serve the public in Swedish is ensured by placing Swedish-speaking duty officers in each shift. For instance, the area of the Ostrobothnia centre contains many bilingual municipalities, and therefore the majority of its employees are

bilingual, and many of them speak Swedish as their native language. Also most unilingual centres are capable of providing services in Swedish. In the training of new duty officers for emergency response centres, particular attention is paid to the command of Swedish. The knowledge of Swedish of the duty officers already in office is being improved by means of staff training arranged by the employer.

For the aforementioned reasons, the Finnish Government cannot share the view of the Committee of Experts that the reorganisation of the emergency response centres has had adverse effects on the supply of services in Swedish.

The Ministry of Labour has prepared instructions for applying the new Administration Act. They concern, among other things, the application of the new obligations derived from the Language Act. The instructions underline that attention must be paid to the real knowledge of languages of information officers, telephonists and other personnel serving the public, and to the improvement of it. The labour administration must also pay attention to the practical language proficiency of personnel recruited. Recruitment advertisements must state both formal requirements of language proficiency and any knowledge of languages considered an advantage.

Two working groups at the Ministry of Labour are responsible for ensuring Swedish-speaking clients' access to services in Swedish. The Ministry maintains and updates on its intranet among others a glossary/dictionary in order to ensure the use of consistent terminology and smooth services in good Swedish.

During 2003, in anticipation of the entry into force of the new Language Act, the Ministry of Labour examined the language proficiency of the client service staff of employment offices in bilingual regions. The examination showed that the percentages of Finnish- and Swedish-speaking staff in employment offices correspond to the percentages of each region's Finnish- and Swedish-speaking populations. It was assessed that the staff in bilingual regions had, as a rule, a sufficient knowledge of Swedish and that it met the need for services in those regions.

However, the examination showed that all employment office services were not equally available in both languages. Therefore, the examination report proposed among others the following measures to ensure the availability of services in both languages:

- To make the new Language Act known, the Ministry of Labour has, jointly with the Ministry of Justice, published a comprehensive slide series on the obligations under the new Language Act in both Finnish and Swedish on the intranet of the labour administration.
- The employment offices in all bilingual regions have nominated contact persons for services in Swedish. The contact persons are responsible for supervising employment office services provided in Swedish and proposing improvements of them, providing active information on the Language Act, acting as liaisons with the regional organisation of the labour administration and the Ministry of Labour in order to correct any deficiencies, etc. A negotiation meeting is arranged every year for contact persons and employment office managers.
- The employment offices must also assess the need for language training and make proposals for training arrangements.

The employment offices observe the new language legislation in all vocational development services that they provide (training and vocational information services and the related production of vocational information material, vocational guidance and career planning services, vocational rehabilitation, labour market training). Further, they aim at safeguarding the rights of populations speaking minority languages to the extent that it is appropriate and possible from the viewpoint of labour policy. Client services and labour market training are available in Swedish in the coastal regions, and all material published by vocational development services is translated also into Swedish to the extent permitted by the available resources.

THE SÁMI LANGUAGE

The Act on the Use of the Sámi Language before the Authorities, which entered into force at the beginning of 2004, is intended to safeguard the constitutional right of Sámi people to maintain and develop their native language and culture. The Act contains provisions on the right of Sámi people to use their own language before

authorities and on the obligations of public authorities to implement and advance the rights of Sámi-speaking people. Because the Act is a so-called home district act, it mainly concerns the public services provided in the home districts of Sámi people, i.e. in the municipalities of Enontekiö, Inari, Sodankylä and Utsjoki. The Act contains detailed provisions on the rights of Sámi people to use their native language before authorities, in courts, in representative tasks, when providing data to the national population information system, when providing public information etc. Similarly, there are provisions on the obligations and staff qualification requirements of authorities in the home districts of Sámi people.

As to social and health services provided in the Sámi language, the Finnish Government states that, in the last few years, the government budget has allocated separate appropriations for safeguarding the provision of services in the Sámi language. In the budget of 2004, a government grant of 600 000 euros was allocated to secure social and health services in the Sámi language. For children, aged people and people with mental problems it is particularly important to obtain social and health services in their own native language. The Government assesses that the new language legislation will have a positive effect on the availability of health services in the Sámi language.

In many social and health services, especially those provided to children, aged people and people with mental problems, communication through an interpreter or staff with only a fair knowledge of the Sámi language does not guarantee the patient a high-quality service. In this respect, the reports and recommendations of the Committee of Experts are appropriate. They also support the central government in its attempts to improve social and health services provided in Swedish and the Sámi language.

The Government considers that Article 11 of the Charter, concerning media, has been implemented mainly successfully in Finland. However, the Committee of Experts takes up in its report four specific areas where it considers that Finland has not fully met the obligations of the Charter in respect of the Sámi language.

The Committee of Experts notes with satisfaction in its report that Finland has made active efforts to encourage and facilitate regular television broadcasts in the Sámi language. Still, the Committee is concerned about the total lack of regular Sámi television programmes targeted especially at children. Children's television programmes in the Sámi language are of great significance to the promotion and status of the language. The Committee considers that such broadcasting should be promoted particularly in respect of the Inari Sámi and Skolt Sámi languages.

The Norwegian Broadcasting Corporation (NRK) sends out children's television programmes in the Sámi language twice a week, and it has offered them also to Finland, but so far the Finnish Broadcasting Company Ltd has not started sending out Sámi programmes targeted especially at children. At present, Sámi language programmes for children are broadcast on the radio for 25 minutes per week.

The report of the Committee of Experts pays attention to the position of the Sámi language in the Finnish media. The Committee expresses its concern about the fact that, at present, no Sámi language newspapers are published in Finland.

The Finnish constitution guarantees all citizens freedom of expression. Freedom of expression entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. All Finns have a statutory freedom of establishing a newspaper. In this connection, it is important to underline that in Finland the state does not establish newspapers. The existing Finnish press, which is rather many-sided also by international standards, operates as a rule without public support. The Government grants, on application, subsidies to reduce the costs for transporting and distributing newspapers and other related costs. Such subsidies can also be used for projects to develop the press.

Thus, there are no legislative barriers to establishing Sámi newspapers in Finland. The establishment of such newspapers depends completely on the activeness of citizens, especially Sámi-speaking citizens. There are no obstacles, either, to applying for and obtaining press subsidies, granted by the state, for Sámi newspapers.

The European Charter for Regional or Minority Languages contains an undertaking to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the

media. The Committee of Experts states in its report that, at present, it has no access to sufficient information to assess whether the undertaking is being fulfilled in Finland in respect of the Sámi people and the Sámi language.

The Act on Yleisradio Oy (the Finnish Broadcasting Company Ltd) (1380/1993) contains provisions on minorities, concerning both the operations and the administration of the company. According to section 7 of this Act, the company, providing public broadcasting service, shall support democracy by providing a wide variety of information, opinions and debates on social issues, also for minorities and special groups, and it shall treat in its broadcasting Finnish- and Swedish-speaking citizens on equal grounds and produce services in the Sámi and Romani languages and in sign language and, where applicable, also for other language groups in the country.

Section 6 of the Act contains a provision stating that the Board of Directors of the Finnish Broadcasting Company Ltd shall be elected so that it represents both language groups and sufficient expertise in the handling of the public service duties in accordance with section 7 of the Act. Thus, according to the Act, the Board of Directors of the company shall be elected so that its members are capable of representing the interests of both regional or minority languages and the population groups concerned in the provision of public broadcasting service.

When it comes to the administration of the Finnish Broadcasting Company Ltd and the protection by the company of interests of people speaking regional or minority languages, it must be added that the Ministry of Transport and Communications has set up a parliamentary working group with the task of reviewing the public broadcasting service and considering a revision of the administration of the company. The working group should submit its final report in September 2004.

The labour administration makes efforts to improve the availability of employment services in the Sámi language in the Sámi areas by nominating in its regional organisation persons responsible for such services, by gearing its recruitment policies to the purpose and by supporting independent studies of the Sámi language among the staff. Employment offices in the Sámi areas in Lapland have managed to recruit Sámi-speaking staff. Forms and handbooks needed centrally for client service are continuously being translated into the Sámi language, although there are problems with finding skilled translators and language revisers.

THE ROMANI LANGUAGE

The measures of the Finnish Government to promote the Romani language have produced positive results. The production of Romani teaching material has been increased by producing text and exercise books for the needs of pre-school education, the lower grades of comprehensive school, and upper secondary school. More teaching material is being produced continuously. Finland has participated in the project of the Council of Europe to harmonise teaching material published in the Romani language. The teaching material Unit at the National Board of Education has applied for ESF financing from the European Union to increase its production of teaching material and to harmonise the teaching of the Romani language. Although teaching material published in the Romani language is reasonably well available at present, the *de facto* materialisation of the language teaching at different school levels remains a challenge. The Romani Education Unit at the National Board of Education continues its work to improve the awareness of both Romani people and municipalities of the right to learn the Romani language and the existing teaching material.

It is expected that persons who have completed a Romani culture instructor's diploma – which are also mentioned in the interim report – will bring some relief to the teaching of the Romani language. The first course leading to this diploma started in autumn 2003, and one of its option lines is the Romani language.

The Ministry of Social Affairs and Health has, by virtue of the Government Decree on Social Welfare and Health Care Resources, granted financing for the development of early childhood education of Romani children as part of a national project to develop the social sector. Romani people themselves have strongly contributed to the ideas and implementation of the project. The project contains a Romani worker's field inventory of Romani families in the areas concerned, provision of information directly to these families and information provided to early childhood education staff. Further, each area has an itinerant Romani worker, who plays and sings with children at day-care centres in the Romani language. The project started on 1 May 2004 in the cities of Turku

and Vantaa, which are among the largest cities in Finland and have substantial Romani populations. In 2005, two other municipalities/regions will probably join the project. The purpose is to increase the attendance of Romani children at day-care centres and pre-school education. A parallel purpose is to develop early childhood education services so that the Romani language and culture are taken into account as part of normal services. The national project to develop the social sector will be completed in 2007.

The experience gained from the project on early childhood education of Romani children will be utilised in the overall reform of the legislation on early childhood education. The purpose is to create operating models where language and culture are taken into account and which can be applied nationally at day-care centres and in pre-school education.

On the whole, the media interest in the Roma has increased, and it has been positively toned. The media wants to present and interview common Romani people. Many presentations of such people have included an overview on the history of the Roma and general information about their cultural habits and language. The neutral and positive attitude of the media towards Romani people has increased the knowledge of the majority population about the Roma. The Advisory Board on Romani Affairs has noticed that, for instance, the major newspapers have given up mentioning the ethnic origin of the parties concerned in their reports on crime and police affairs. The Advisory Board has wished that the radio programme entitled *Romanihelmiä* (Romani Pearls), sent out by the Finnish Broadcasting Company Ltd, be given more programme time, in order that it could be developed further and the provision of Romani information could be deepened.

To assess the current situation of employment services for Romani people, the Ministry of Labour examined in 2003 their situation as employment office clients. The Ministry requested the employment offices to mention, among other things, the three most important and best measures or methods to support the consideration of the specific features of Romani clients and the improvement of their employment.

The following means to improve Romani employment won most support:

- vocational education,
- supported employment,
- completion of comprehensive school,
- trainee work/training for working life/work try-outs and
- guidance for working life as adult training provided by labour authorities.

Other important measures mentioned by employment offices were a change of attitude among the employment staff and teaching of the Romani language as part of labour market training. Further, brochures on the employment office services in the Romani language and Finnish were also regarded as an important means to increase the utilisation of the services by Romani people.

The regional organisation of the labour administration has been invited to nominate a contact person for Romani affairs in all employment offices and the labour market departments of all Employment and Economic Development Centres. This person could be, for instance, an official who works as a contact person for equality affairs. Moreover, the regional organisation has been invited to arrange staff training on ethnic equality, the Romani culture and the consideration of these aspects in the work of employment offices. Vocational training and language training should be arranged in cooperation with a Romani representative. Brochures in the Romani language on, *inter alia*, employment office services will be produced jointly with the Advisory Board on Romani Affairs at the Ministry of Social Affairs and Health.

The Ministry of Labour monitors regularly the implementation of the aforementioned proposals. Among other measures, it will send a new inquiry to the employment offices in 2005.

THE RUSSIAN LANGUAGE

Sections 30 and 37 of chapter 3.2 in the Committee of Experts' report refer to the recommendation for measures issued in the report *Suomen venäjänkielisen väestönosan kysymyksiä 2002* (Questions concerning the Russian-speaking population in Finland 2002) of the ad hoc working group set up by the Advisory Board for Ethnic Relations (ETNO), which works under the Ministry of Labour. According to this recommendation, a separate

advisory board for the Russian-speaking population should be established under the Prime Minister's Office. The Committee states that such an advisory board has not yet been established.

The Ministry of Labour sent the report of the working group out for comment to a great number of authorities on 6 May 2003. None of the Ministries which commented the report or the central government under them supported the setting up of a separate advisory board. They considered that affairs of the Russian-speaking population in Finland should be dealt with in the existing bodies, when necessary.