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# Report of the Government on the application of language legislation 2017

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# Report of the Government on the Application of Language Legislation 2017

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<p><b>Abstract</b></p> <p>Report of the Government on the application of language legislation is a follow-up report submitted to Parliament once every government term. Provisions on this report are contained in the Language Act (423/2003) as well as in the Decree on the Implementation of the Language Act (433/2004). Pursuant to the decree, the report shall, in addition to Finnish and Swedish, address at least Sámi, Roma and the sign language and, where necessary, the language conditions in the country in more general terms. The report shall discuss the application of language legislation, the realisation of linguistic rights, the numbers of speakers of the different languages and the language relations in the country, as well as the development of Finnish and Swedish.</p> <p>Government reports on the application of language legislation have previously been submitted to Parliament in 2006, 2009 and 2013 as attachment material to the Government Annual Report. Under an amendment to the Language Act which entered into force on 1 February 2014, the language report is no longer produced as attachment material to the Government Annual Report but as an independent report. This is the first time that the report was submitted to Parliament as an independent document.</p> <p>The Report of the government on the application of language legislation 2017 discusses the following themes: linguistic conditions in Finland, amendments to statutes and legislative projects relevant to languages, the climate of attitudes related to languages, the realisation of linguistic rights in social and health care and in state-owned companies as well as future opportunities from the viewpoint of linguistic rights, with emphasis on integration and digitalisation.</p> <p>The report discusses key observations related to each theme, giving proposals for development and identifying essential challenges related to the theme.</p>			
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<b>Tiivistelmä</b>	<p>Hallituksen kertomus kielilainsäädännön soveltamisesta on seurantaraportti, joka annetaan eduskunnalle kerran vaalikaudessa. Kielikertomuksen antamisesta säädetään kielilain (423/2003) sekä kielilain täytäntöönpanosta annetussa asetuksessa (433/2004). Asetuksen mukaan kertomuksessa käsitellään suomen ja ruotsin kielen lisäksi ainakin saamen kieltä, romanikieltä ja viittomakieltä sekä tarpeen mukaan yleisemmin maan kielioloja. Kertomuksessa tulee käsitellä kielilainsäädännön soveltamista, kielellisten oikeuksien toteutumista, maan kielisuhteita sekä suomen ja ruotsin kielten kehitystä.</p> <p>Aiemmat valtioneuvoston kertomukset kielilainsäädännön soveltamisesta on annettu vuosina 2006, 2009 ja 2013 hallituksen toimenpidekertomuksen ohjesuositteina. Kielilakia muutettiin 1.2.2014 siten, että kielikertomusta ei enää anneta hallituksen toimenpidekertomuksen ohjesuositteina, vaan itsenäisenä kertomuksena. Kertomus annetaan nyt ensimmäistä kertaa eduskunnalle itsenäisenä asiakirjana.</p> <p>Hallituksen kertomuksessa kielilainsäädännön soveltamisesta 2017 käsitellään seuraavia teemoja: Suomessa vallitsevat kieliolot, kieliä koskevat säädösmuutokset ja hankkeet, kieli-ilmapää, kielellisten oikeuksien toteutuminen sosiaali- ja terveydenhuollossa, kielellisten oikeuksien toteutuminen valtion omistamissa yhtiöissä sekä tulevaisuuden mahdollisuudet kielellisten oikeuksien näkökulmasta, painopisteinä kotouttaminen ja digitalisaatio.</p> <p>Kertomuksessa esitetään jokaisesta teemasta keskeisiä huomioita, joissa tuodaan esiin kehittämissuhteita ja teemaan liittyviä keskeisiä haasteita.</p>		
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Referat	<p>Regeringens berättelse om tillämpningen av språklagstiftningen är en uppföljningsrapport som lämnas till riksdagen varje valperiod. Bestämmelser om språkberättelsen finns i språklagen (423/2003) och förordningen om verkställigheten av språklagen (433/2004). Enligt förordningen behandlas i berättelsen utöver finska och svenska åtminstone samiska, romani och teckenspråk, samt enligt behov landets språkförhållanden i övrigt. I berättelsen ska också behandlas tillämpningen av språklagstiftningen, hur de språkliga rättigheterna har förverkligats, språkförhållandena i landet och finskans och svenskans utveckling.</p> <p>Statsrådets tidigare berättelser om tillämpningen av språklagstiftningen har lämnats 2006, 2009 och 2013 som komplement till berättelsen om regeringens åtgärder. Språklagen ändrades den 1 februari 2014 så att språkberättelsen inte längre lämnas som ett komplement till berättelsen om regeringens åtgärder, utan i stället som ett självständigt dokument. Berättelsen lämnas nu för första gången till riksdagen som ett självständigt dokument.</p> <p>I regeringens berättelse om tillämpningen av språklagstiftningen 2017 behandlas följande teman: språkförhållandena i Finland, författningsändringar och projekt som hänför sig till språk, språkklimatet, tillgodoseendet av de språkliga rättigheterna inom social- och hälsovården och i statsägda bolag samt framtida möjligheter med tanke på de språkliga rättigheterna och med särskild fokus på integration och digitalisering.</p> <p>Berättelsen innehåller centrala iakttagelser om varje tema. I iakttagelserna framförs utvecklingsförslag och de centrala utmaningarna i anknytning till temana.</p>		
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## FOREWORD

Finland, a country celebrating its first centenary as an independent state this year, has always been multilingual. While multilingualism is not a specifically Finnish characteristic, high-level safeguards for linguistic rights put in place at the time of the nation's birth are unique to Finland. Linguistic minorities are found in almost every country in the world. In a number of other European countries, an attempt was made to suppress linguistic minorities or they were left to their own devices in the last century. This has resulted in societal instability, the birth of separatist movements or a later need to revive traditional languages. While Finland's journey to becoming a bilingual country was not smooth, either, its outcome was cooperation between the language groups for the best of the common fatherland.

Finland's Constitution Act from 1919 states that Finnish and Swedish are the national languages of the Republic. Rather than dividing Finland into Finnish and Swedish-speaking administrative areas, a decision was made to safeguard the citizens' linguistic rights across the country. The first language act, which repealed the language decree of 1902, as well as an act on the language skills required of public officials were passed in 1922. As legislation on fundamental rights was reformed in 1995, no changes were made to the positions of the national languages, and Finland continued to follow the principle of securing their equal status; the provision on linguistic rights was included in the Constitution in 2000 as a matter of course. A new Language Act entered into force in 2004, replacing a similar act going back 82 years. The current balance between the language groups was reached after the Second World War, as the nation was united by the war. If we look at the world today, this is not something we can take for granted. Finland is not only a bilingual country but also a traditionally multilingual one. The Sámi, whose Homeland is located in Northern Finland, are the only indigenous people in Europe. The Sámi Language Act gave the Sámi language an official status in 1992. In 1995, the Sámi were granted a constitutional right to maintain and develop their own language, and an act on their

rights was to be passed. A reformed Sámi Language Act, which applies equally to Northern, Inari and Skolt Sámi, entered into force in 2004.

As the Constitution was reformed, the decision was made to include in it a separate reference to sign language users and the Roma. The Finnish sign language is deemed to date back to the mid-19th century and be based on the Swedish sign language. The first Sign Language Act entered into force in 2015. The sign language is a language in its own right and also the mother tongue of many hearing people. There is little awareness of the sign language. The extremely endangered Finland-Swedish sign language, which is also a separate language, is additionally used in Finland. The Finnish Roma speak a northern dialect of the Romani language, or *kaalo*. While this language has been spoken in Finland for at least 450 years, it is highly endangered today. The Constitution makes no reference to the Karelian language. However, it is the closest related language to Finnish and an indigenous language. The status of Karelian was improved by its inclusion in the European Charter of Regional or Minority Languages in 2009.

The language legislation has changed relatively little over a hundred years, while the language environment has undergone major changes during this period. A hundred years ago, the aim was to make peace in society between two vociferous language groups. Today the emphasis is on promoting linguistic rights and the revival of languages traditionally spoken in Finland. At the same time, the number of those speaking other languages is growing and English is gaining foothold, even if the number of those speaking English as their mother tongue has remained relatively low. Looking back further than one hundred years and as far as the 19th century, we notice that the world both changes and stays the same. At the end of the 19th century, Finland had three official languages (Finnish, Swedish and Russian). In addition to these, several other European languages were spoken in Finland by persons who mostly were assimilated in the Swedish-speaking population. A viable Jewish community in our country and the Finnish Tatars are tokens of historic diversity. Unfortunately, the use of their original languages is declining in both groups. Russian speakers have also been a minority in Finland since the country gained independence, and immigration has increased this group steadily.

The Report of the Government on the Application of Language Legislation is the fourth report of its kind to be submitted to Parliament. It strives to give an honest account of the linguistic situation in the country at the time of Finland's centenary year. Both positive and negative development has been registered. The negative features include a less tolerant language climate and shortcomings in the realisation of linguistic rights. However, the report shows how deep-rooted consideration for more than one language is in our structures. This is a good sign in a country on the way to becoming more and more multilingual. We may and we should promote and

defend our own languages, be they official, traditional or otherwise indigenous. However, our multilingual background should help us understand the needs of new language groups and develop means for solving problems without unnecessary conflict. Our languages are there for interaction, not for contention.

Minister of Justice

Antti Häkkänen



# 1 INTRODUCTION

## 1.1 Background and aims of the report

This document is the Report of the Government on the Application of Language Legislation (later referred to as the Language Report) submitted to Parliament once during each electoral period, at four-year intervals. Its objective is to report on how language legislation has developed and how linguistic rights have been realised since the previous Report was submitted. The Report also contains information on language groups and linguistic conditions in Finland for decision-makers, authorities and citizens.

Provisions on the Language Report are contained in section 37 of the Language Act (423/2003) and sections 9 and 10 of the Decree on the Implementation of the Language Act (433/2004). Pursuant to the decree the report shall, in addition to Finnish and Swedish, address at least Sámi, Romani and the sign language and, where necessary, the linguistic conditions in the country in more general terms. The report shall discuss the application of language legislation, the realisation of linguistic rights, the language relations in the country, as well as the development of Finnish and Swedish. It should also contain a summary of experiences regarding the application of language legislation collected during the monitoring period and discuss trends in the country's linguistic conditions. Under the Language Act, the Government may include in the report proposals on applying the language legislation, implementing linguistic rights, or developing legislation. The report must highlight both positive and negative developments.<sup>1</sup>

Government Reports on the Application of Language Legislation have previously been submitted to Parliament in 2006, 2009 and 2013 as attachment material to the Government Annual Report. Under an amendment to the Language Act which entered into force on 1 February 2014, the Language Report is no longer produced as

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<sup>1</sup> HE 92/2002 vp, p. 98.

attachment material to the Government Annual Report but as an independent report.<sup>2</sup> This is the first time the Report is submitted to Parliament as an independent document.

The Report examines the development that has taken place since the submission of the previous Report. During the reporting period, Finland has had three different Prime Ministers and three Government Programmes. One of the key projects of Prime Minister Katainen's Government concerned the Strategy for the National Languages of Finland<sup>3</sup>; the actions envisaged for electoral period 2012 – 2016 under this Strategy have been implemented. During Prime Minister Sipilä's electoral period, a decision was made to continue the implementation of the Strategy by preparing an Action Plan for the Strategy for the National Languages of Finland, which contains actions for the electoral period 2015–2019. Achievements since the submission of the previous Report also include a government proposal on reforming the Sámi Language Act (HE 44/2017 vp), the first Sign Language Act (359/2015) and a report on the realisation of the Roma people's linguistic rights safeguarded under the Constitution.<sup>4</sup>

In connection with its discussion on the Language Report 2013, the Constitutional Law Committee noted that the Report gives Parliament the possibility of influencing the policies on linguistic rights implementation.<sup>5</sup> When preparing the Language Report 2017, an effort was thus made to comply with the observations made by the Constitutional Law Committee on monitoring linguistic rights. Using a variety of methods, citizens belonging to different language groups and various stakeholders were also requested several times to contribute their views of the realisation of linguistic rights during its preparation. This ensured that the language groups could voice their own opinions of their status.

## 1.2 Data used and scope of the report

### 1.2.1 Data used

In February 2016, the Ministry of Justice conducted a survey on the [otakantaa.fi](http://otakantaa.fi) web service in which people were asked to express their opinions about the realisation of linguistic rights and attitudes towards different language groups. The survey attracted

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<sup>2</sup> HE 62/2013 vp.

<sup>3</sup> The Strategy for the National Languages of Finland, government resolution, Prime Minister's Office Publications 4/2012.

<sup>4</sup> Reports and guidelines of the Ministry of Justice 11/2014.

<sup>5</sup> PeVM 1/2014 vp.

1,836 respondents from different language groups, both from Continental Finland and the Åland Islands.<sup>6</sup>

The Ministry of Justice invited key authorities and oversight bodies as well as stakeholders representing Finnish, Swedish, Sámi and Romani language speakers and speakers of other languages to a hearing held on 17 May 2016. This event was attended by 106 people.

In April 2016, the Ministry of Justice published a request for opinions on the web service lausuntopalvelu.fi. The request for opinions was sent to a total of 535 different stakeholders and emphasised such issues as the realisation of linguistic rights in social welfare and healthcare services and in the activities of the authorities as well as the language climate. It also sought to survey challenges to implementing linguistic rights, ways of promoting linguistic rights, and potential proposals for development.<sup>7</sup> Opinions were received from a total of 80 stakeholders.

For those language groups that could not be reached for the hearing organised in May or that did not submit an opinion, a specific hearing and discussion event was held on 7 September 2016. This event was organised in collaboration with the Advisory Board for Ethnic Relations (ETNO) to ensure that speakers of other languages and, in particular, immigrants' language groups could be reached better.

In addition to hearings and opinions, the Ministry of Justice completed reports and surveys to provide background data for the Report. A Language Barometer survey, which has been carried out every four years since 2004, was conducted in 2016. This survey focuses on the realisation of the linguistic rights of residents in bilingual municipalities and, more specifically, the language minority's opinions about the standard of linguistic services in their municipality. The Language Barometer describes the views of residents who belong to the language minority in a bilingual municipality of how linguistic rights are realised, both in their municipalities and in Finland at a more general level. The results of the Language Barometer 2016 survey<sup>8</sup> were released at the Ministry of Justice on 14 September 2016, while a more extensive survey report was published at a seminar held on 15 December 2016.

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<sup>6</sup> Of the respondents, 1,274 were Swedish speakers (approx. 69%), 456 Finnish speakers (approx. 25%), 49 Sámi speakers (approx. 2.7%) and 57 speakers of other languages<sup>6</sup> (approx. 3%).

<sup>7</sup> Request for opinions, Application of the language legislation, Ministry of Justice 1/58/2016.

<sup>8</sup> Språkbarometer 2004–2016 -forskningsrapport (Language Barometer 2004–2016, study report), Ministry of Justice 52/2016. The Language Barometer 2016 report was prepared in cooperation with Åbo Akademi University's Social Science Research Institute, the Association of Finnish Local and Regional Authorities and the Swedish Cultural Foundation in Finland.

In 2016, the Ministry of Justice carried out the first Sámi Barometer survey with the aim of establishing how the linguistic rights of the Sámi are realised in the Sámi Homeland. Similar research methods and questions were used in the Sámi Barometer as in the Language Barometer. The results of the Sámi Barometer were published at the Sámi Cultural Centre Sajos on 25 November 2016.<sup>9</sup>

The task of the Advisory Board on Language Affairs appointed by the Government is to assist the Ministry of Justice in monitoring the implementation and application of the Language Act and the associated legislation, to participate in the monitoring of legislation on languages other than the national languages and, as an expert body, assist in the drafting of legislation on other languages. In addition, the Advisory Board's tasks include assisting the Ministry of Justice in preparing the Language Report.<sup>10</sup> The Advisory Board on Language Affairs organised the first seminar on language affairs on 20 October 2016 with the aim of launching a new operating method for promoting dialogue between different language groups and the Government. The seminar was attended by the representatives of different language groups and public officials who play a key role in language affairs from various ministries. Essential themes of the seminar were the language climate and linguistic conditions in Finland, as well as the implementation of linguistic rights in social welfare and healthcare.<sup>11</sup>

In addition to the reports and events listed above, experts were interviewed, and meetings were organised with key stakeholders<sup>12</sup>.

## 1.2.2 Scope

Compared to its predecessors, the Language Report 2017 has been made more concise by focusing on a handful of thematic areas that play a key role in linguistic rights. It also contains statistical data on languages and follow-up information on the previous report. An effort has been made to pay increased attention to monitoring the situation of Sámi, the sign language and other languages. The main themes selected for the Report are the realisation of linguistic rights in social welfare and healthcare

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<sup>9</sup> Saamebarometri 2016: selvitys saamenkielisistä palveluista saamelaisalueella (Sámi Barometer 2016: a report on Sámi language services in the Sámi Homeland), Ministry of Justice 39/2016. Sámi Barometer 2016 was produced in cooperation with the Ministry of Justice, the University of Oulu's Giellegas Institute, the Sámi Parliament and the Ministry of Education and Culture.

<sup>10</sup> Government Decree on the Implementation of the Language Act (433/2004), sections 2 to 3.

<sup>11</sup> Press release of the Advisory Board on Language Affairs, 21 October 2016, [http://oikeusministerio.fi/artikkeli/-/asset\\_publisher/kieliryhmat-ja-ministeri-lindstrom-keskustelivat-ensimmaisilla-kieliasia-ineuvottelupaivilla?\\_101\\_INSTANCE\\_0tW6d2FGIU8O\\_languageld=fi\\_FI](http://oikeusministerio.fi/artikkeli/-/asset_publisher/kieliryhmat-ja-ministeri-lindstrom-keskustelivat-ensimmaisilla-kieliasia-ineuvottelupaivilla?_101_INSTANCE_0tW6d2FGIU8O_languageld=fi_FI).

<sup>12</sup> For a list of the experts, see the References, p.100.

services, the implementation of linguistic rights in state-owned companies as well as the language climate. In addition to these main themes, the Report gives a short account of legislative amendments and other projects that are the most essential in terms of linguistic rights. The Report also strives to describe developments that are particularly significant for the future, including digitalisation and integration.

In its report on the previous Language Report, the Constitutional Law Committee highlighted certain entities and themes. These are discussed more thoroughly in the present Report. In general, the Constitutional Law Committee focused attention on how the authorities could secure the availability of services in Swedish better than today, and how the different service chains work.<sup>13</sup> Because of the ongoing health and social services reform, the theme is particularly topical and has been examined at great length in the report. In its resolution<sup>14</sup>, the Committee of Ministers of the Council of Europe also expressed its concern over the fact that there are continued and serious shortcomings as regards the implementation of the Language Act and the Sami Language Act and noted that this is of particular concern as regards the judiciary and health services.

In the context of discussing the previous Report, the Constitutional Law Committee noted: "According to the information received by the Constitutional Law Committee, there are shortcomings related to the realisation of linguistic rights especially in the activities of state-owned companies that provide services. The Committee believes that there is a need to establish whether linguistic rights are implemented as required under section 24 of the Language Act and to assess potential measures for promoting the implementation of rights. This issue should also be addressed in the following Language Report. The following Report should also include an assessment of how linguistic rights are realised when private actors discharge public administration duties (section 25 of the Language Act and section 124 of the Constitution".)<sup>15</sup> Motivated by the Constitutional Law Committee's comments, application of section 24 of the Language Act is discussed in detail in this document. The implementation of section 25 of the Language Act has not been examined on the scale envisaged by the Committee. This is due partly to the broad scope of the topic, and partly to the current health and social services reform; the plan is that after the reform, these services would mainly be provided by private companies. This topic will be the subject of a thorough examination in the following Report, which is to be submitted in 2021.

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<sup>13</sup> PeVM 1/2014 vp.

<sup>14</sup> Resolution of the Committee of Ministers of the Council of Europe, CM/ResCMN(2012)3 on the implementation of the Framework Convention for the Protection of National Minorities by Finland, adopted on 1 February 2012.

<sup>15</sup> PeVM 1/2014 vp.

The Constitutional Law Committee also paid attention to the harsher attitudes towards language groups, and for this reason, the current Report addresses the language climate, attitudes as well as harassment and discrimination based on language more extensively than before. In its report, the Constitutional Law Committee also called for innovative solutions for using technology to safeguard linguistic rights.<sup>16</sup> The Report attempts to respond to this need in the section on digitalisation.

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<sup>16</sup> PeVM 1/2014 vp.

## 2 LEGISLATIVE AMENDMENTS AND PROJECTS RELEVANT TO LANGUAGES IN 2013–2016

This section discusses amendments to language legislation that have entered into force and projects concerning linguistic rights that have been launched since the last Language Report was submitted. The idea is to provide an overall picture of legislative amendments relevant to linguistic rights that have taken place during the period of scrutiny. While individual changes may appear minor, the joint effects of legislative amendments and, in particular, administrative changes may have a significant impact on the practical realisation of linguistic rights. Administrative changes and legislative amendments frequently have some impacts on languages. Only key amendments and projects, or ones that are particularly interesting for some other reason, are discussed below. A compilation of other legislative amendments and projects with impacts on linguistic rights, especially those related to themes addressed in the previous Language Reports, is shown in the Table appended<sup>17</sup> to this Report. However, these lists are not intended as an exclusive account of all changes that have affected linguistic rights during the period of scrutiny.

When looking at linguistic rights, formal linguistic rights and the actual realisation of the rights must be kept apart. Formally, the standard of linguistic rights in Finland is high, and recent legislative amendments have not undermined these rights, at least not intentionally. The actual realisation of linguistic rights, on the other hand, is affected by administrative decisions, the availability of staff with language skills and, for example, IT solutions. From the individual's perspective, this is about whether or not their statutory right to use their own language and to receive information and service in it are realised.

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<sup>17</sup> Appendix 1.

From the viewpoint of the realisation of rights, it is vital that the impacts of legislative amendments on linguistic rights are assessed as part of the drafting process. On 26 October 2016, the Ministry of Justice issued guidelines on the assessment of linguistic impacts<sup>18</sup> on the national languages. The guidelines can also be used to assess impacts on the possibilities of using Sámi and other languages.

In general, it can be noted that no formal changes have been made regarding the statutory rights to receive service in Finnish and Swedish or Sámi. Legal remedies related to linguistic rights have been expanded during the period of scrutiny, and an effort has been made to promote the realisation of linguistic rights. Assessing the impacts of administrative changes that have taken place during the period is challenging at this point.

## 2.1 Legislative amendments

### **Language Act (423/2003)**

Sections 5, 27, 29, and 33 of the Language Act were amended on 1 June 2013 in connection with amendments to the Act on Municipal Divisions, currently the Municipal Structures Act (1698/2009).

A provision was added to section 5 of the Language Act, under which a bilingual municipality will not become unilingual as the municipal division changes, even if the municipal merger led to a situation where the size of the minority language group no longer meets the criteria laid down in the Act.

Under an amendment made to section 27 of the Act, State authorities must send any correspondence to a bilingual municipality both in Finnish and Swedish. The purpose of this is both safeguarding the provision of information to municipalities in both languages and reducing translation costs in individual municipalities.

An amendment made to section 29 of the Act expands the obligation to issue notices and minutes of municipal meetings both in Finnish and Swedish. Under the new provision, the municipality shall safeguard the elected officials' opportunities of discharging their duties and meet the residents' information needs when making a decision on the language used in notices of meetings. The obligation to translate

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<sup>18</sup> Ministry of Justice 46/2016.

meeting notices and minutes was also expanded to include the documents of the local executive and municipal committees.

In connection with a municipal merger, an amendment to section 33 on signs, place names and public transport leaves it to the discretion of the municipality to decide to what extent the street and road signs of an area that previously was unilingual are to be replaced by bilingual signs.

### **Amendment to section 5 of the Language Act (423/2003)**

An amendment to section 5 of the Language Act entered into force on 15 December 2014. Under this amendment, a unilingual municipality may, by proposal of the local council, become bilingual before the end of a ten-year period for which it has been designated a unilingual municipality by the Government. In other words, more flexibility concerning the time period during which a unilingual municipality can become bilingual was added to the statute.

### **Amendments to sections 16a and 26 of the Language Act (423/2003, as amended by 631/2005) (689/2016)**

As the Courts Act (673/2016) was passed, section 16a and section 26, subsection 2 of the Language Act were amended by removing the provisions referring to the Courts Act from them. In addition, section 16a of the Language Act now contains the provision on the language of proceedings in a language division that was previously included in section 18b of the District Court Act, and the provision on the working language of a language division, which was previously part of section 18c of the District Court Act, is now included in section 26, subsection 2 of the Language Act. The scope of these provisions was also extended to other bilingual courts.<sup>19</sup> Under section 16a of the Language Act, notwithstanding the provisions in sections 13 to 16, the language of proceedings in a language division set up in a bilingual court shall be the minority language of the population in the court's jurisdiction unless, in consideration of the interested parties' rights and interests, the court decides to use the language spoken by the majority of the population within the court's jurisdiction. Under section 26, subsection 2 of the Language Act, the working language of a language division established within a bilingual court will be the language spoken by the minority of the population within the court's jurisdiction. These amendments entered into force on 1 January 2017.

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<sup>19</sup> HE 7/2016 vp, pp. 153–154.

Under the new amendment, language divisions are no longer established by decision of the Ministry of Justice. When the Courts Act was passed, provisions in section 18a of the District Court Act on the criteria for establishing such divisions were repealed. A so-called language division could still be set up in a district court and all other bilingual courts if this were necessary in order to secure services for both the Finnish and Swedish-speaking population. Instead of a Ministry of Justice decision, this could in the future be done following each court's rules of procedure.<sup>20</sup>

### **Act on Supporting the Functional Capacity of the Older Population and on Social and Health Services for Older Persons (980/2012)**

The so-called Act on Services for Older Persons entered into force on 1 July 2013. This Act complements the general and special legislation on social welfare and healthcare services. When drafting this statute, the inclusion of a provision on linguistic rights in the proposed act was considered justified. This way, the legislator wished to ensure that these rights will be implemented when organising services that support wellbeing, examining service needs, planning services, appointing employees responsible for a client, and making decisions concerning services.

### **Criminal Investigations Act (805/2011)**

The reformed Criminal Investigations Act entered into force on 1 January 2014. However, the provisions on linguistic rights in the new Criminal Investigations Act entered into force already on 1 December 2013. The new act contains more specific provisions on the language used in pre-trial investigations and the duty to ensure that the linguistic rights of a person to be interviewed are implemented.

### **Government Decree on the Operating Areas of Police Departments (415/2013) PORA III**

The Decree contains provisions on the operating areas of police departments that entered into force on 1 January 2014. This reform reduced the number of police departments from 24 to 11. The change had an impact on the linguistic position of the police department districts and the language skill requirements for the personnel.

In March 2013, the National Police Board appointed a working group tasked to ensure that linguistic services are implemented in the reform of the administrative structure.

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<sup>20</sup> Chapter 8, section 4 of the Courts Act; HE 7/2016 vp, p. 80.

The working group's final report<sup>21</sup> indicates that only 40% of the Swedish speakers who would have preferred to use the service in Swedish were able to do so. The situation of Sámi speakers and sign language user was even worse. The final report contains proposals for measures aiming to develop linguistic services in police activities.

### **Act on Central Government Transfers to Local Government for Basic Public Services (1704/2009)**

The Act on Central Government Transfers to Local Government for Basic Public was amended from 1 January 2015 in order to reform the grounds on which central government transfers are determined. Section 10 of the Act contains a new provision on the impacts of bilingualism on central government transfers. Under this amendment, the number of Swedish-speaking residents aged between 6 and 15 no longer affects the transfer amounts. The numbers of Finnish and Swedish speakers now only affect the determination of central government transfers to bilingual municipalities. Municipalities which have residents representing both language groups but which have not been designated as bilingual municipalities under a Government Decree no longer are entitled to a language increment.

Under an amendment to the Act on Central Government Transfers to Local Government for Basic Public Services, unilingual municipalities were given more flexible opportunities for becoming bilingual by amending the Language Act. Some unilingual municipalities that were no longer entitled to the language increment have changed their linguistic status to bilingual by a local council decision.

### **Government Decree on the Linguistic Status of Municipalities in 2013-2022 (53/2012)**

Section 4 of the Government Decree on the Linguistic Status of Municipalities was amended as from 1 January 2015 and 1 January 2016. Under proposals made by their councils, the municipalities of Korsnäs and Luoto became bilingual from the beginning of 2015, and the City of Närpiö from the beginning of 2016. Before this, they were unilingual Swedish-speaking municipalities. The local council's decisions were mainly influenced by amendments to the Act on Central Government Transfers to Local Government for Basic Public Services that entered into force at the beginning of 2015. Since the beginning of 2016, there are no unilingual Swedish-speaking municipalities in Continental Finland.

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<sup>21</sup> Språklig polisservice, Arbetsgruppen för språklig polisservice, slutrapport, (Linguistic services of the police. Final report of a working group on police services), National Police Board publications 2/2013.

**Non-Discrimination Act (1325/2014)**

A reformed Non-Discrimination Act entered into force on 1 January 2015. The amended statute applies to all public activities. This means that a person who feels that they have been discriminated against on the basis of their language in the activities of an authority may complain to the Non-Discrimination Ombudsman or the National Non-Discrimination and Equality Tribunal, or demand compensation before a court. Discrimination means that a person is treated less favourably because of their language than some other person in a comparable situation. In particular, the reform strengthens the legal remedies available to Finnish and Swedish speakers in situations where the language they use has affected the way they are treated.

**Government Decree on the Centres for Economic Development, Transport and the Environment (1392/2014)**

A new Decree on the Centres for Economic Development, Transport and the Environment entered into force on 1 January 2015. Section 34 of the decree contains provisions on Swedish service teams, and section 35 on language skill requirements. The qualification requirement for posts in the Swedish service teams is excellent oral and writing skills in Swedish as well as satisfactory oral and writing skills in Finnish. The Swedish service teams are a new way of safeguarding Swedish-speaking services when functions are centralised to ELY Centres that previously were Finnish-speaking.

**Sign Language Act (359/2015)**

A new Sign Language Act entered into force on 1 May 2015. It is a concise general act, the purpose of which is to promote the realisation of sign language users' linguistic rights. Under the Sign Language Act, the authorities must in their activities promote the opportunities of sign language users to use their own language and receive information in their own language. Substantive provisions on the linguistic rights of sign language users are found in the legislation of different administrative branches.

**Government Decree on Regional State Administrative Agencies (906/2009)**

Under an amendment to section 6 of the Government Decree on Regional State Administrative Agencies that became effective on 1 May 2015, the remit of the Swedish education services unit of the Regional State Administrative Agencies now also includes early childhood education and care tasks. This amendment centralised duties related to Swedish early childhood education and care to a single unit,

promoting consistent practices and the linguistic rights of the Swedish-speaking population.

### **Enforcement Code (705/2007)**

A new section 111a added to the Enforcement Code entered into force on 1 June 2016. Before this amendment, the language legislation applicable to enforcement was ambiguous. The section now clearly states that the provisions of the Language Act on the language in which a dispute is handled and on the right to receive translations of documents containing a decision and other documents shall apply in an enforcement matter.

### **Amendment to section 50 of the Health Care Act (1326/2010) (urgent medical care)**

An amendment to the provision on urgent medical care entered into force on 1 January 2017. This amendment defines the locations where 24-hour emergency care is available. Some 50% of the residents within the catchment area of Vaasa Central Hospital are Swedish speakers; however, this hospital is not one of the units providing extensive 24-hour emergency care, and the closest unit to these residents is Seinäjoki Central Hospital, which is a unilingual Finnish-speaking hospital. Following parliamentary debate on the bill, the following provision was added to section 50, subsection 3 of the Act: "The South Ostrobothnia Hospital District shall provide emergency care services in Finnish and Swedish, ensuring that patients can use the services in the language of their choice, thus safeguarding the linguistic rights of the population."

As he approved the act, the President of the Republic issued a rare statement (29 December 2016), according to which emergency care services may only be transferred from Vaasa to Seinäjoki if it can be ensured that patients can obtain these services in the language of their choice, either Finnish or Swedish.

### **Courts Act (673/2016)**

On 26 January 2017, a government proposal on amending the Courts Act was submitted to Parliament (HE 270/2016 vp). The proposal would reduce the number of bilingual district courts from the current eight to five as the District Courts of Espoo and Länsi-Uusimaa, the District Courts of Itä-Uusimaa and Vantaa, and the District Courts of Central Ostrobothnia and Ostrobothnia would be amalgamated. Following this change, the majority language of the Ostrobothnia District Court would be

Finnish. Consequently, there would no longer be a district court with Swedish as its main language in Finland.

The reform would also affect the proportion of Swedish-speaking population in the jurisdictions of the district courts in Uusimaa. Approx. 14% of the population in the jurisdiction of Länsi-Uusimaa District Court would be Swedish speakers, whereas the proportion of Swedish speakers in the current jurisdiction of Länsi-Uusimaa is 21% and, in the jurisdiction of Espoo District Court, 9%. Similarly, the proportion of Swedish speakers in the jurisdiction of Itä-Uusimaa District Court would be as low as approx. 7%, whereas it is 30% today, and in the jurisdiction of Vantaa District court, it would be 3%. The number of decisions issued in Swedish would decrease to between 5% and 6% in both District Courts.

The reform would not affect the number of so-called language judges in Uusimaa and Varsinais-Suomi District Courts. Considering the number of proceedings in Swedish and the Swedish-speaking population in the jurisdiction, eight language judges would be needed in Ostrobothnia District Court. Replacing Swedish by Finnish as the working language of a district court would also mean fewer Swedish-speaking trainee district judges. The proposal emphasises paying particular attention to ensuring that the district courts would have sufficient numbers of both Finnish and Swedish-speaking staff.

The courts in the Sámi Homeland (Inari and Utsjoki) would be preserved. The proposal is thus not deemed to compromise the linguistic rights of the Sámi.

## 2.2 Projects

### **New National Core Curriculum**

New National Core Curricula for pre-primary and basic education as well as voluntary additional basic education were approved by the Finnish National Board of Education on 22 December 2014. The new Core Curricula for basic education were introduced for grades 1 to 6 at all schools from 1 August 2016. For the higher basic education grades, they are being rolled out stepwise: The new curricula will be introduced on 1 August 2017 for grade 7, in 2018 for grade 8 and in 2019 for grade 9. Under the new Core Curriculum, the teaching of the second national languages starts earlier than before.

The document envisages that each pupil's linguistic and cultural identity will be supported diversely. The pupils will be guided to know, understand and respect each citizen's constitutional right to their own language and culture. The objective is to guide the pupils to appreciate different languages and cultures and to promote bilingualism and multilingualism, thus building up the pupils' linguistic awareness and metalinguistic skills. School work may include multilingual teaching situations, where the teachers and pupils use all the languages they know. The pupils', their guardians' and their environment's knowledge of the nature, lifestyles, history, languages and cultures in their own linguistic and cultural areas will be drawn on in the teaching and learning.<sup>22</sup>

A special objective in the teaching of Sámi-speaking pupils is supporting the pupils' growth into their language, culture and community and giving them an opportunity to adopt the Sámi cultural heritage. The objectives include building up the pupils' capabilities for operating in a Sámi-speaking environment and for learning Sámi and in Sámi. A particular objective in the teaching of Roma pupils is supporting the pupils' identity development and strengthening their awareness of their history and culture. The status of the Roma as an ethnic and cultural minority in Finland is taken into consideration in the teaching. A particular objective in the teaching of sign language users is to strengthen the pupils' identity as sign language users and awareness of their own culture and the sign language community. The sign language community and media are used in the teaching. Pupils using the sign language may be deaf, with impaired hearing, or hearing.<sup>23</sup>

### **Action Plan for the Strategy for the National Languages of Finland**

The first Government Strategy for the National Languages of Finland was adopted in December 2012. This strategy for two viable national languages spans several decades. At its plenary session on 30 December 2015<sup>24</sup>, the Government identified strategies and programmes adopted by previous Governments whose policies remain valid during the present electoral period of 2015–2019. One of these was the Strategy for the National Languages of Finland. In February 2017, the Ministry of Justice published an Action Plan for the Strategy for the National Languages of Finland.<sup>25</sup> It contains measures to be taken in different branches of administration aiming to implement the long-term measures of the Strategy for the National Languages of Finland in concrete terms.

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<sup>22</sup> Core Curriculum for Basic Education, Regulations and instructions 2014:96, p. 86.

<sup>23</sup> Core Curriculum for Basic Education, Regulations and instructions 2014:96, p. 86–87.

<sup>24</sup> VNK/480/49/2015.

<sup>25</sup> Action Plan for the Strategy for the National Languages of Finland, OM 13/2017.

### **Action plan for clear administrative language**

The Administrative Procedure Act (434/2003) contains the requirement of proper language use, under which an authority shall use appropriate, clear and comprehensible language (section 9). To emphasise this requirement, an 'Action plan for clear administrative language'<sup>26</sup> was formulated in 2013 as envisaged in Prime Minister Katainen's Government Programme. The action plan was published on 30 January 2014. By implementing the 28 proposals contained in it, administrative language could be brought to the standard required under the Administrative Procedure Act.

### **UN Convention on the Rights of Persons with Disabilities**

The UN Convention on the Rights of Persons with Disabilities and its Optional Protocol entered into force in Finland on 10 June 2016. The aim of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. Rather than establishing new rights, the Convention reinforces the existing rights of persons with disabilities guaranteed under other human rights treaties. The leading principles of the CRPD include inclusion, prohibition of discrimination and accessibility. Article 9 CRPD, which concerns accessibility, also includes sign language. According to Article 24 CRPD on education, the learning of sign language and the promotion of the linguistic identity of the deaf community shall be facilitated, and it will be ensured that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

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<sup>26</sup> Reports of the Ministry of Education and Culture 2014:2.

## 3 UP-TO-DATE FACTS ABOUT LINGUISTIC CONDITIONS IN FINLAND

While the population of Finland continues a steady growth, the proportion of Finnish and Swedish speakers has declined in recent years.<sup>27</sup> The number of foreign-language speakers<sup>28</sup> has been growing somewhat all the time. It also appears that migration gain from abroad has exceeded natural population growth in recent years. Changes in the population structure and growing language groups have their effects on the prevailing language conditions in Finland, which have diversified at a fast rate.

### 3.1 Statistics on language groups in Finland

Statistics Finland produces statistics with a wide coverage on such topics as the population. Its population structure statistics describe Finnish and foreign citizens who reside permanently in Finland.<sup>29</sup> Among other things, the statistics note each person's

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<sup>27</sup> Statistics Finland, Population statistics 2014, 2015.

<sup>28</sup> In this Report, the speakers of languages other than Finnish, Swedish and Sámi are referred to as *foreign-language speakers* or *speakers of another language*. The term *foreign-language speaker* is based on the following Statistics Finland definition: "Foreign-language speaking population includes persons whose native language is some other than Finnish, Swedish or Sami". <https://www.stat.fi/tup/maahanmuutto/index.html/maahanmuuttajat-vaestossa/vieraskieliset> (27 February 2017).

<sup>29</sup> The permanent resident population of Finland comprises the Finnish citizens and foreign citizens who reside permanently in Finland even if they were temporarily living abroad. A foreign national is included in statistics on the population of Finland if he or she intends to live or has lived in the country for at least 12 months. An asylum seeker is not included in the statistics on the resident population until the Directorate of Immigration has granted him or her a permanent residence permit. Statistics Finland; Population structure, <http://www.stat.fi/meta/til/vaerak.html> (28 June 2017).

age, marital status, gender, nationality and language. The data produced by Statistics Finland are based on the Population Information System maintained by the Population Register Centre and the mother tongue data recorded it. The language given as a child's mother tongue when the Population Information System is notified of the child's name is regarded as his or her mother tongue in population statistics.

**Table 1. Population proportions in the entire country 2012–2016<sup>30</sup>**

	2012	2013	2014	2015	2016
Total population	5,426,674	5,451,270	5,471,753	5,487,308	5,503,297
Finnish speakers	4,866,848 (89.7%)	4,869,362 (89.3%)	4,868,751 (89%)	4,865,628 (88.7%)	4,857,795 (88.3%)
Swedish speakers	290,977 (5.36%)	290,910 (5.34%)	290,747 (5.31%)	290,161 (5.29%)	289,540 (5.26%)
Sámi speakers	1,900 (0.04%)	1,930 (0.04%)	1,949 (0.04%)	1,957 (0.04%)	1,969 (0.04%)
Speakers of other languages	266,949 (4.91%)	289,068 (5.30%)	310,306 (5.67%)	329,562 (6.01%)	353,993 (6.43%)

The Finnish population has been growing throughout the period of scrutiny since 2013. The yearly increase in the population has been approx. 15,000 to 25,000. The number of Finnish and Swedish speakers has decreased somewhat, whereas the number of Sámi speakers has increased slightly during the period of scrutiny. This may also reflect higher awareness among Sámi speakers of their possibility of registering Sámi as their mother tongue.<sup>31</sup> The number of foreign-language speakers has also continued increasing steadily throughout the period of scrutiny, which is due to immigration and the emergence of the so-called second generation as children are born to immigrant parents in Finland. The birth rate in Finland has showed a decline for the last five years.<sup>32</sup>

### Functional bilingualism

Many people in Finland are bilingual or multilingual for various reasons. However, only one mother tongue can be recorded in the Population Information System. In addition to this, either Finnish or Swedish can be entered as the preferred contact language. The mother tongue recorded in the Population Information System does not

<sup>30</sup> Statistics Finland, Population structure. Language according to age and gender by region 1990–2015). Statistics Finland (6 October 2016).

<sup>31</sup> See also section 3.1.2 Sámi speakers.

<sup>32</sup> Statistics Finland, Population statistics 2015, Population structure, Table 3.12. Population according to age (1-year), sex, marital status and language by area 1990–2015. 7 December 2016). Statistics Finland, birth rate. (5 February 2017).

affect a person's linguistic rights. The language data entered in the Population Information System are used for various official purposes, including the compilation of statistics and anticipation of service needs.<sup>33</sup>

In case of bilingual or multilingual persons, in particular, the language entered in the Population Information Register does not give an accurate picture of the person's language proficiency and the languages they use. For example, there are major variations in the statistics on Sámi languages spoken in Finland, as many of the Sámi have not registered Sámi (Inari, Skolt, or Northern Sámi) as their mother tongue.

In its recommendations for Finland in March 2017<sup>34</sup>, the Council of Europe's Advisory Committee drew attention to the fact that it is only possible to register a single language as a person's own language in Finland. The Committee points out that in questions related to ethnic and linguistic background, such principles as those formulated by the United Nations Economic Commission for Europe (UNECE) on censuses should be followed. According to them, the expression of multiple language affiliations in population registers should be facilitated.<sup>35</sup>

## Key observation

**Population Information System entries:** Modifying the Population Information System by adding to it the possibility of entering several mother tongues for a person should be investigated. This investigation should address the benefits for the individual of entering several languages in the Population Information System. Additionally, the impacts on the authorities' activities, including service design, should be assessed.

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<sup>33</sup> Local Register Office form for entering data on mother tongue in the Population Information System, <http://www.maistraatti.fi/fi/lomakkeet/>, 27 February 2017.

<sup>34</sup> Council of Europe: Committee of Ministers, Resolution CM/ResCMN(2017)1 on the implementation of the Framework Convention for the Protection of National Minorities by Finland, adopted on 15 March 2017, Recommendation no 19.

<sup>35</sup> Council of Europe: Committee of Ministers, Resolution CM/ResCMN(2017)1 on the implementation of the Framework Convention for the Protection of National Minorities by Finland, adopted on 15 March 2017, Recommendation no 19.

### 3.1.1 Changes in language group sizes and population mobility

Certain changes have taken place in language group sizes during the period of scrutiny. The number of Finnish speakers continued to increase until 2013, but has since been declining. Similarly to previous periods, the number of Swedish speakers decreased slowly throughout the period of scrutiny. Emigration increased in all language groups during the period.<sup>36</sup> Emigration of Finnish and Swedish speakers has increased since 2013. The statistics indicate that Swedish speakers have a higher emigration rate than Finnish speakers. The most common country of entry for both Finnish and Swedish speakers is Sweden. In 2015, approx. 0.20% of Finnish speakers went to live abroad permanently, while this figure for Swedish speakers was approx. 0.70%. In all language groups, however, speakers of other languages had the highest relative proportion of those who emigrated.<sup>37</sup>

Table 2. Emigrants by language in 2012–2015

	2012	2013	2014	2015
English	7,444	7,535	7,627	8,084
Swedish	1,673	1,599	1,806	1,938
Sámi	11	6	4	5
Speakers of other languages	4,717	4,753	6,049	6,278
Total	13,845	13,893	15,486	16,305

Source: Statistics Finland

### 3.1.2 Sámi speakers

According to data collected by the Sámi Parliament, there were 10,463 Sámi people in Finland in 2015. About one Sámi person out of three lives in the Sámi Homeland, while approx. 60% of the Sámi population live in other parts of Finland and the remainder abroad.<sup>38</sup> The number of Sámi people who speak one of the Sámi

<sup>36</sup> According to Statistics Finland's definition, persons who move to live abroad for more than one year are regarded as emigrants.

<sup>37</sup> Immigration and emigration by country of exit and entry and by sex and language 1990–2015, Statistics Finland (5 December 2016). Kepsu, Kaisa, 2015, pp. 7–9.

<sup>38</sup> Niskala, Räisänen & Martin (2016, ed.): Lapin sairaanhoitopiirin alueen sosiaali- ja terveydenhuollon tulevaisuuden palveluprosessit (Future social welfare and healthcare service processes in Lapland Hospital District). Final report. Lapland Hospital District, Centre of Expertise on Social Welfare of Northern Finland.

languages depends on the information source used.<sup>39</sup> Recording Sámi as your mother tongue has been possible since the Population Information System was established (1968–1973).<sup>40</sup> As far as it is known, the practice of registering Sámi as your mother tongue has only become more common since 1992, or the year in which the first Sámi Language Act entered into force. Not all Sámi speakers are aware of this possibility even now or see it as significant, and many continue to have Finnish as their mother tongue in the population records.<sup>41</sup> Consequently, the data in the Population Information System do not reflect the full number of people who speak or know one of the Sámi languages.<sup>42</sup>

Based on population data from 2015, Sámi had been registered as the mother tongue of 1,957 people in the entire country, of whom 1,347 lived in the Sámi Homeland<sup>43</sup> municipalities.<sup>44</sup> Since 2013, it has been possible to record a certain Sámi language as your mother tongue in the Population Register: Southern, Inari, Kildin, Skolt, Lule or Northern Sámi. According to information obtained from Statistics Finland, very few people have declared one of these languages as their mother tongue.<sup>45</sup> Statistics collected in connection with the Sámi Parliament elections in 2011 show that 1,514 people said they spoke Northern Sámi, 253 Inari Sámi and 332 Skolt Sámi as their mother tongue.<sup>46</sup>

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<sup>39</sup> The data on the Sámi-speaking population in the Population Information Register, for example, are originally based on a census carried out in 1970. The 1970 census was based on personal data collected from the Sámi population in 1962 and a statistical study completed on them. Since the 1970s, updating the Population Information System data has been each individual's personal responsibility. Source: Nickul, Erkki 1968: Suomen saamelaiset vuonna 1962. Selostus Pohjoismaiden saamelaisneuvoston suorittamasta väestöntutkimuksesta (The Finnish Sámi in 1962. A report on a census carried out by the Saami Council). Master's thesis in statistics. University of Helsinki; in Heikkilä Lydia, Laiti-Hedemäki Elsa & Pohjola Anneli 2013: Saamelaisten hyvä elämä ja hyvinvointipalvelut. (Good life and welfare services for the Sámi.) Lapin yliopistokustannus, Rovaniemi 2013, p. 36. The data provided by the Sámi Parliament are based on such sources as data collected in connection with the Sámi Council elections.

<sup>40</sup> E-mail communication obtained from the Population Register Centre via the Institute for the Languages of Finland (Kotus) in October 2016.

<sup>41</sup> Sámi Barometer 2016, p. 12.

<sup>42</sup> Länsman & Tervaniemi 2012; Anne Länsman ja Saara Tervaniemi, Saamen kielen käyttö Utsjoella (Use of the Sámi language in Utsjoki); Published by: Sámi Language Office of the Sámi Parliament and the preliminary study "Sámi language centre for Utsjoki".

<sup>43</sup> Section 4 of the Act on the Sámi Parliament (974/1995) contains a provision on the Sámi Homeland, which refers to the areas of the municipalities of Enontekiö, Inari and Utsjoki and the area covered by the Reindeer Owners' Association of Lapland in Sodankylä.

<sup>44</sup> Sámi Barometer 2016, p. 11.

<sup>45</sup> In 2015, 18 people had recorded Northern Sámi, 16 Inari Sámi and 14 Skolt Sámi as their mother tongue.

<sup>46</sup> Sámi Barometer 2016, p. 12; NB, these figures only include Sámi speakers with a vote in the Sámi Parliament elections.

### 3.1.3 Sign language users

The Finnish and Finland-Swedish sign language are used in Finland. About 4,000–5,000 persons who are deaf or have impaired hearing use the Finnish sign language as their mother tongue. In addition, some 6,000 to 9,000 hearing people use it as their mother tongue, second language or a foreign language.<sup>47</sup> It was for a long time believed that there are some 300 users of the Finland-Swedish sign language, of whom one half would be deaf. However, a survey carried out between 2014 and 2015 found that the number of deaf users of this language is around 90, most of whom are at a rather advanced age. The Finland-Swedish sign language thus is a seriously endangered language.<sup>48</sup> As far as it is known, Finnish sign language users are spread evenly across the country. The users of the Finland-Swedish sign language mainly live in the Swedish-speaking coastal area (mainly the regions of Ostrobothnia and Uusimaa).<sup>49</sup>

At the end of 2015, 507 people had recorded the Finnish sign language as their mother tongue in the Population Register, while 10 people had entered the Swedish or the Finland-Swedish sign language as their mother tongue.<sup>50</sup>

### 3.1.4 Other language groups

It is estimated that there are approximately 10,000 **Finnish Roma**. Accurate statistics on the number of Roma people are not available, as the Finnish data protection legislation prohibits the registration of ethnic origin.<sup>51</sup> While Romani may be recorded as a person's mother tongue in the Population Information System, this option has been used little or not at all in practice. At the end of 2015, for example, 23 persons

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<sup>47</sup> Institute for the Languages of Finland Kotus

[http://www.kotus.fi/kielitieto/kiellet/suomen\\_viittomakielet](http://www.kotus.fi/kielitieto/kiellet/suomen_viittomakielet) (16 November 2016)

<sup>48</sup> Andersson-Koski, Maria (2015) *Mitt eget språk – vår kultur. En kartläggning av situationen för det finlandssvenska teckenspråket och döva finlandssvenska teckenspråkiga i Finland 2014–2015* (My language – our culture. A charting of the situation of the Finland-Swedish sign language and its deaf users in Finland in 2014–2015). Association of Finland-Swedish Sign Language Users

<sup>49</sup> Ministry of Justice (2016), p. 8: *Selvitys suomenruotsalaisen viittomakielen kokonaistilanteesta* (A report on the overall situation of the Finland-Swedish sign language). Surveys and guidelines 2/2016.

<sup>50</sup> E-mail communications from Statistics Finland received on 25 November 2016 and 29 November 2016, according to which it is not possible to separate Swedish and Finland-Swedish sign language entered as "teckenspråk" in the statistics.

<sup>51</sup> Hedman Henry (2009): *Suomen romanikieli: sen asema yhteisössään, käyttö ja romanien kieliasenteet* (Finnish Romani language: its status and use in the Roma community and language attitudes of the Roma). Institute for the Languages of Finland online publications 8. Implementation of the constitutional linguistic rights of the Roma. Ministry of Justice 11/2014.

had registered Romani as their mother tongue<sup>52</sup>, and the actual number of Romani speakers is thus not reflected by the official statistics.

The Finnish Roma is an endangered language. A northern dialect of this language, or *kaalo*, is spoken in Finland. In 2009, it was estimated that one out of three Finnish Roma speak the Romani language fluently, or approx. 3,000 to 4,000 people. The reduction in their number over 50 years has been estimated at nearly 40%. About one half of the Finnish Roma are presumed to have satisfactory Romani language skills.<sup>53</sup>

**Karelian**, which is spoken in Finland and Russia, is the closest language relation to Finnish. The total number of people who speak different forms of the Karelian language is less than 100,000. The majority of Karelian speakers live in the Republic of Karelia and inner Russia, mainly to the north of the City of Tver. Karelian has traditionally been divided into two main dialects: Karelian Proper and Olonets Karelian, or Livvi. Lude is today usually considered a language of its own, rather than the third main dialect of Karelian (so-called Ludic dialects). Some researchers also regard Karelian Proper and Olonets Karelian as separate languages.<sup>54</sup> There are differences of opinion between the organisations promoting Karelian on how the language should be defined in Finland. The Society for the Karelian Language divides Karelian into three main dialects, or Karelian Proper, Livvi and Ludic, and strives to promote the Karelian language as a whole. Suojärven Pitäjöseura association divides Karelian into two separate and independent languages and promotes the speaking of Karelian and the development of written Karelian in Finland based on the southern dialects, whereas the Society for the Karelian Language promotes the use of Livvi and the written version of this language in Finland.

No comprehensive statistics on Karelian speakers in Finland are available. In the population data, Karelian can be recorded as the mother tongue in the section "Other", and the details of the language may be included as additional information. In 2015, 152 people recorded Karelian as their mother tongue.<sup>55</sup> However, it has been estimated that the number of those who can speak Karelian, mainly Karelians who lived close to the historical border and their descendants, is approx. 5,000. As an estimate, there are less than 3,000 Finnish Karelian speakers, as well as over 2,000

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<sup>52</sup> Information obtained from Statistics Finland by e-mail on 25 November 2016.

<sup>53</sup> Hedman Henry (2009): Suomen romanikieli: sen asema yhteisössään, käyttö ja romanien kielliasenteet (Finnish Romani language: its status and use in the Roma community and language attitudes of the Roma). Institute for the Languages of Finland online publications 8. Soininen Maria (2014): Implementation of the constitutional linguistic rights of the Roma. Ministry of Justice 11/2014.

<sup>54</sup> Institute for the Languages of Finland Kotus, <http://www.kotus.fi/kielitieto/kiellet/karjala>, (16.11.2016).

<sup>55</sup> Information obtained from Statistics Finland by e-mail on 25 November 2016.

persons who have emigrated from the Karelian area in Russia.<sup>56</sup> The number of those who speak some Karelian is put at approx. 20,000.<sup>57</sup>

*”Dementian myöstä äitini aikoinaan alkoi puhua vanhaa rajakarjalaa, jota juuri kukaan ei ellentänyt eikä malttanut (ymmärtänyt eikä osannut), edes tyttärensä.”<sup>58</sup>*

The number of **Tatars** in Finland is estimated at approx. 700–800, more than one half of whom speak Tatar as their mother tongue. 184 persons had declared Tatar as their mother tongue in the Population Register<sup>59</sup> in 2015. The Jewish communities in Helsinki and Turku comprise around 100 **Yiddish speakers**, while some 20 people speak this language as their mother tongue. Approximately 150 people speak **Hebrew** as their mother tongue, and additionally, at least 200 people speak Hebrew as a second language at home. No official statistics on Yiddish and Hebrew speakers are available.<sup>60</sup>

The number of **foreign-language speakers**<sup>61</sup> in Finland has grown steadily over the last four years. As Table 3 shows, there were more than 350,000 foreign-language speakers living in Finland at the end of 2016, while this figure was about 267,000 in statistics from 2012. Some 160 different languages have been registered as mother tongues in Finland. Russian, Estonian, Arabic, Somali and English speakers continue to be the largest groups of foreign-language speakers. As a percentage, the number of Arabic and Persian speakers has increased the most between 2012 and 2015. Changes in other language groups have been more moderate. As an absolute figure, the greatest increase in this period was recorded in the numbers of Russian, Estonian and Arabic speakers. Compared to previous years, the number of Arabic speakers as an individual language group increased the most in 2016, exceeding the number of Somali speakers in that year. In total, the number of foreign language speakers increased by more than 24,000 between 2015 and 2016.

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<sup>56</sup> Institute for the Languages of Finland Kotus, <http://www.kotus.fi/kielitieto/kiellet/karjala>, (16.11.2016).

<sup>57</sup> Karjalan kieli Suomessa (The Karelian language in Finland). Outcomes of the ELDIA project. 2013 European Language Diversity for All (ELDIA), p. 3.

<sup>58</sup> Translation: *As my mother was afflicted by dementia, she started speaking the old border Karelian, which few people understood or could speak, not even her daughters.* Otakantaa.fi survey, an extract from open-ended responses

<sup>59</sup> Statistics Finland, Väestörakenne. Kieli iän ja sukupuolen mukaan maakunnittain 1990–2015 (Population structure. Language according to age and gender by region 1990–2015).

<sup>60</sup> Sarja, Mikko, 2015, p.10.

<sup>61</sup> Foreign-language speaking population includes persons whose native language is some other than Finnish, Swedish or Sami. Statistics Finland. <http://www.stat.fi/tup/maahanmuutto/index.html/maahanmuuttajat-vaestossa/vieraskieliset> (24 November 2016).

**Table 3. Other languages: population by language 2012–2016<sup>62</sup>**

	2012	2013	2014	2015	2016
Russia	62,554	66,379	69,614	72,436	75,444
Estonian	38,364	42,936	46,195	48,087	49,241
Somali	14,769	15,789	16,721	17,871	19,059
English	14,666	15,570	16,732	17,784	18,758
Arabic	12,042	13,170	14,825	16,713	21,783
Kurdish	9,280	10,075	10,731	11,271	12,226
China	8,820	9,496	10,110	10,722	11,334
Albanian	7,760	8,214	8,754	9,233	9,791
Persian	6,422	7,281	8,103	8,745	10,882
Thai	6,926	7,513	8,038	8,582	9,047
Vietnamese	6,549	6,991	7,532	8,273	9,248
Turkish	6,097	6,441	6,766	7,082	7,403
Spanish	5,470	6,022	6,583	7,025	7,449
German	5,792	5,902	6,059	6,168	6,256
Polish	3,579	4,060	4,459	4,794	5,081
Others	57,859	63,229	69,084	74,776	80,991
<b>Total</b>	<b>266,949</b>	<b>289,068</b>	<b>310,306</b>	<b>329,562</b>	<b>353,993</b>

The number of foreign language speakers increased in all Finnish regions between 2012 and 2015. Examined by region, the greatest increase in numbers was recorded in Uusimaa (37,260) and the second greatest in Southwest Finland (4,963). In relative terms, the greatest change took place in the regions of Satakunta and Central Ostrobothnia, where the number of foreign language speakers increased by nearly one third between 2012 and 2015. The smallest increase in the number of foreign speakers was seen in Kainuu (163 people, 9.4%).<sup>63</sup>

## 3.2 Linguistic division of municipalities

Under section 5 of the Language Act, the basic unit of the linguistic division of the country is the municipality, which may be either unilingual or bilingual. The Government determines every ten years by a Government Decree, on the basis of the official statistics, which municipalities are bilingual and which is the language of the majority in these municipalities, as well as which municipalities are unilingual Finnish or Swedish-speaking municipalities. A municipality is designated bilingual if the

<sup>62</sup> Statistics Finland, Population structure, [http://www.tilastokeskus.fi/tup/suoluk/suoluk\\_vaesto.html](http://www.tilastokeskus.fi/tup/suoluk/suoluk_vaesto.html), (24 November 2016).

<sup>63</sup> Statistics Finland, Väestörakenne. Kieli iän ja sukupuolen mukaan maakunnittain 1990–2015 (Population structure. Language according to age and gender by region 1990–2015).

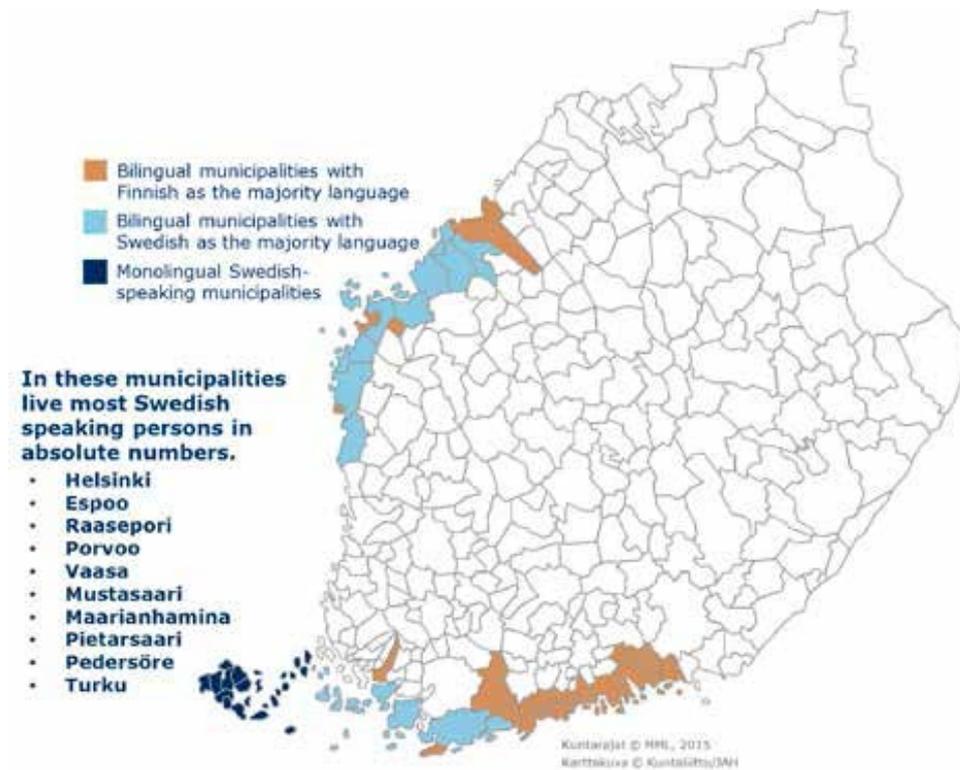
population includes both Finnish and Swedish speakers and the minority comprises at least eight percent of the population or at least 3,000 persons. A bilingual municipality is designated unilingual if the minority comprises less than 3,000 persons and its proportion has decreased below six percent. On the recommendation of the municipal council, the Government may determine by a Government Decree that the municipality is bilingual for the following ten-year period, even if the municipality would otherwise be unilingual. The municipalities in the Sámi Homeland are Finnish speaking under the language legislation.

There were 313 municipalities in Finland at the beginning of 2016, 49 of which are Swedish-speaking or bilingual. All 16 Swedish-language municipalities are located in the Åland Islands. There are 33 bilingual municipalities in total, of which 15 have Swedish and 18 Finnish as their majority language. Provisions on the linguistic status of municipalities are contained in the Government Decree on the Linguistic Status of Municipalities in 2013–2022 (53/2012).

Through an amendment to this Decree that entered into force on 1 January 2016 Närpiö, the last remaining Swedish-language municipality in Continental Finland, became bilingual by recommendation of the municipal council. A year earlier, the unilingual municipalities of Luoto and Korsnäs had become bilingual. The backdrop to this change was the reform of central government transfers to municipalities for basic services, which entered into force in 2015. In this reform, the factors that determine the appropriations concerning Swedish-speaking and bilingual residents were combined into a single factor in the system of central government transfers, in the dimensioning of which the previously used increment for Swedish speakers is taken into account. The amount of the increment for bilingualism is, in principle, slightly larger than the total increments for bilingualism and the use of Swedish in the old system of central government transfers, and the municipalities that proposed a change in their linguistic status had considered this more advantageous.<sup>64</sup>

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<sup>64</sup> Act on Central Government Transfers to Local Government for Basic Public Services (1704/2009), section 10. HE 38/2014, p. 46.

Figure 1. Map of Swedish-speaking and bilingual municipalities in 2015<sup>65</sup>Table 4. Numbers of municipalities in 2012–2015<sup>66</sup>

	2012	2013	2014	2015
Bilingual municipalities (a Swedish-speaking majority)	12	12	12	14
Bilingual municipalities (a Finnish-speaking majority)	18	18	18	18
Swedish-speaking municipalities	3	3	3	1 <sup>67</sup>
Finnish-speaking municipalities	287	271	271	268
Åland Islands	16	16	16	16
<b>All municipalities</b>	<b>336</b>	<b>320</b>	<b>320</b>	<b>317</b>

<sup>65</sup> Association of Finnish Local and Regional Authorities, <http://www.kunnat.net/fi/kunnat/ruotsinjakaksikielisetkunnat/Diasarjat%20kuntien%20toiminnasta/2016-01-ruotsin-ja-kaksikieliset-kunnat.pdf> (2.11.2016).

<sup>66</sup> Kuntaliitto.fi.

<sup>67</sup> NB, following a change that became effective on 1 January 2016, the last remaining Swedish-speaking municipality in Mainland Finland became bilingual.

**Table 5. Bilingual municipalities in Finland in 2015**<sup>68</sup>

Bilingual municipalities where Finnish is the majority language	Number of Swedish speakers <sup>7)</sup>	Proportion of Swedish speakers <sup>7)</sup>	Total population <sup>7)</sup>
Helsinki	36,004	5.7	628,208
Espoo	20,216	7.5	269,802
Vaasa	15,291	22.6	67,619
Porvoo	14,887	29.8	49,928
Turku	10,033	5.4	185,908
Kirkkonummi	6,623	17.1	38,649
Sipoo	6,616	34.1	19,399
Loviisa	6,366	41.6	15,311
Kokkola	6,093	12.8	47,570
Hanko	3,768	42.5	8,864
Kauniainen	3,265	34.4	9,486
Vantaa	5,676	2.6	214,605
Siuntio	1,800	29.1	6,182
Lohja	1,657	3.5	47,353
Lapinjärvi	891	32.1	2,774
Pyhtää	421	7.9	5,321
Kaskinen	374	29.1	1,285
Myrskylä	191	9.7	1,969
Bilingual municipalities where Swedish is the majority language	Number of Finnish speakers <sup>7)</sup>	Proportion of Finnish speakers <sup>7)</sup>	Total population <sup>7)</sup>
Raasepori	8,747	30.8	28,405
Pietarsaari	7,093	36.5	19,436
Parainen	6,426	41.6	15,457
Mustasaari	5,579	28.9	19,302
Kristiinankaupunki	2,793	41.1	6,793
Inkoo	2,373	42.8	5,541
Kemiönsaari	1,924	27.8	6,909
Kruunupyö	1,193	17.9	6,682
Pedersöre	971	8.7	11,129
Vöyri	813	12.1	6,714
Maalahti	565	10.2	5,545
Uusikaarlepyy	537	7.1	7,564
Närpiö <sup>69</sup>	523	5.6	9,387
Luoto	303	5.9	5,147
Korsnäs	71	3.2	2,201

\*) According to Statistics Finland 2015

About 1.75 million Finnish people live in bilingual municipalities. According to statistics from 2015, approx. 140,000 (approx. 49%) of Swedish speakers live in municipalities whose main language is Finnish, and approx. 109,000 (38%) in municipalities whose

<sup>68</sup> Statistics Finland 2015.

<sup>69</sup> Närpiö became officially a bilingual municipality on 1 January 2016.

main language is Swedish. In addition, approx. 25,600 Swedish speakers live in the Åland Islands, which accounts for approx. 9% of the Swedish-speaking population. The remaining Swedish speakers live in unilingual Finnish-language municipalities. In absolute figures, the largest Swedish-speaking minorities in unilingual Finnish-speaking municipalities are found in Kaarina and Tampere. Relatively large Swedish-speaking minorities are also found in the Finnish-speaking satellite municipalities of the Helsinki region as well as in larger cities, including Pori, Kotka, Oulu and Salo.<sup>70</sup>

The majority of Finnish speakers live either in Finnish-speaking municipalities or in bilingual municipalities where Finnish is the majority language. Statistics from 2015 indicate that approx. 40,000 (1%) of Finnish speakers live in a municipality where the main language is Swedish.<sup>71</sup>

### 3.3 Oversight of linguistic rights in Finland

Each authority supervises application of the language legislation within its own area of operation. This is done to ensure that the special characteristics of each administrative branch can be addressed appropriately in the implementation of linguistic rights.<sup>72</sup> Different oversight mechanisms are in place in Finland to supervise the legality of the authorities' actions. The supreme overseers of legality are the Parliamentary Ombudsman and the Chancellor of Justice. Those who have experienced or observed discrimination on the grounds of language may contact the Non-Discrimination Ombudsman. An application may also be submitted to the National Non-Discrimination and Equality Tribunal in these cases. Depending on the nature of the issue, the municipal Social Welfare Ombudsman, the Patient Ombudsman of a healthcare unit, a Regional State Administrative Agency or a higher agency, for example a ministry, may be contacted about shortcomings in linguistic services.

Based on enquiries made by the Ministry of Justice, it appears that those dissatisfied with linguistic services either are not aware of their possibilities of complaining to different oversight authorities, or they decline to do so for some other reason. On the other hand, plenty of feedback on shortcomings encountered when using the authorities' services was received through such channels as the Ministry of Justice's otakantaa.fi survey.

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<sup>70</sup> www.sotkanet.fi, (19 May 2017).

<sup>71</sup> Language Barometer 2016, p. 3. www.sotkanet.fi.

<sup>72</sup> The Language Act, section 36. HE 92/2002. The Sámi Language Act, section 28.

### 3.3.1 Parliamentary Ombudsman

The language issues dealt with by the Parliamentary Ombudsman concern fundamental rights, mainly those referred to in section 17 of the Constitution. In most cases, they are about the right safeguarded under subsections 1 and 2 of everyone to use his or her own language – Finnish, Swedish or Sámi – before the authorities, and the public authorities' duty to provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis. The Parliamentary Ombudsman also deals with questions related to the status and use of the languages referred to in section 17, subsection 3 of the Constitution as language matters; this includes matters associated with the Sámi languages, the Romani language, sign languages and other languages.<sup>73</sup>

The language-related complaints filed with the Parliamentary Ombudsman can be roughly divided into three categories: customer service situations, documents, and information provision. Among other things, complaints concern the language a person is entitled to use before an authority and the language in which an authority has the duty to serve customers and prepare and translate documents. Questions that concern the right to use foreign languages before the authorities are also language matters.<sup>74</sup>

Table 6. Language matters dealt with by the Parliamentary Ombudsman in 2012–2015<sup>75</sup>

	2012	2013	2014	2015
<b>Complaints</b>	32	50	58	34
<b>Own-initiative investigations</b>	9	2	2	2
<b>Statements</b>		3		2
<b>Action taken</b>	19 (46%)	15 (29%)	24 (40%)	13 (38%)
<b>Total</b>	41	55	60	38

According to the statistics contained in the Parliamentary Ombudsman's Annual Reports, few language matters that concern other than the national languages come up. The language matters mainly concern the right to use Swedish. In 2012–2015, seven decisions were relevant to the status of the Sámi language, two to the sign language and 17 to other languages, most frequently English.<sup>76</sup> In the case of sign

<sup>73</sup> Sarja, Mikko. 2015, p. 8.

<sup>74</sup> Sarja, Mikko. 2015, p.15. Annual Report of the Parliamentary Ombudsman 2013, p. 285

<sup>75</sup> Parliamentary Ombudsman's Annual Reports 2012–2015.

<sup>76</sup> Annual Report of the Parliamentary Ombudsman 2012, p. 303 Annual Report of the Parliamentary Ombudsman 2013, pp. 285–286. Annual Report of the Parliamentary Ombudsman 2014, p. 260 Annual Report of the Parliamentary Ombudsman 2015, p. 277

language users, the decisions have concerned the availability and adequacy of personal interpretation services rather than the customer service provided by an authority.<sup>77</sup>

Complaints related to linguistic rights filed with the Ombudsman lead to oversight of legality actions more often than the other categories. Some 16% to 19% of all decisions, complaints and the Ombudsman's own-initiative investigations led to actions during the period of scrutiny. In language matters, these figures have been 29% to 46%. The most common action taken by the Ombudsman in these matters has been stating his views. In addition, a few reprimands and proposals have been issued. No orders to bring charges were issued in language matters.<sup>78</sup>

### 3.3.2 Chancellor of Justice

The Chancellor of Justice deals with language issues from the perspective of fundamental rights legislation and specialised statutes that add detail to the contents of the fundamental rights provisions. As the Chancellor of Justice oversees the authorities' actions, questions related to fundamental and human rights come up as complaints, own-initiative investigations and statements.<sup>79</sup>

Table 7. Language matters dealt with by the Chancellor of Justice in 2012–2015<sup>80</sup>

	2012	2013	2014	2015
Complaints	11	13	10	8
Own-initiative investigations			1	
Statements	1	2		2
Total	12	15	11	10

The Chancellor of Justice makes decisions on fewer language matters annually than the Parliamentary Ombudsman. However, the Annual Reports of the Chancellor of Justice have also addressed shortcomings in the realisation of linguistic rights in public administration and the authorities' actions.

<sup>77</sup> Sarja, Mikko. 2015, p. 11.

<sup>78</sup> Sarja, Mikko. 2015, p. 13. Annual Reports of the Parliamentary Ombudsman 2012–2015.

<sup>79</sup> Annual Report of the Chancellor of Justice 2013, p. 76.

<sup>80</sup> Chancellor of Justice's Annual Reports 2012–2015 and more specific information obtained by e-mail.

### 3.3.3 The Non-Discrimination Ombudsman

A new Non-Discrimination Act entered into force in 2015. The new Act established the Ombudsman for Minorities as the Non-Discrimination Ombudsman, who tackles discrimination issues across a broad spectrum and can also process complaints where language has been the grounds of discrimination or relevant to an authority's actions in a discrimination case. A complaint can be filed with the Ombudsman using a complaint form or by telephone, e-mail or letter. The tasks of the Non-Discrimination Ombudsman are to oversee compliance with the Non-discrimination Act, promote equality and prevent discrimination.<sup>81</sup> In 2015, the Non-Discrimination Ombudsman dealt with 42 cases of discrimination on the grounds of language. Of the total number of cases, language was the grounds of discrimination in 8.5%.<sup>82</sup>

A total of 49 cases of discrimination on the grounds of language were processed in 2016 (approx. 6.5% of all cases). If we also include cases where language was relevant to a discrimination case as so-called other grounds, the number of cases associated with languages was 59 (about 7.5% of all cases of discrimination).<sup>83</sup>

The highest number of other cases of discrimination related to languages and cases where language was cited as other grounds in a discrimination matter (so-called multiple discrimination), was recorded in language issues: 18 in total (2.3%). Rather than being directly related to a certain language, these cases were about such issues as language proficiency requirements or customer service situations. Two of the cases concerned Finnish (0.3%), ten Swedish (1.3%), eleven the sign languages (1.4%) and three the Sámi languages (0.4%). The total number of cases relevant to other languages was 15 (2.0%).<sup>84</sup>

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<sup>81</sup> Act on the Non-Discrimination Ombudsman (1326/2014), section 3

<sup>82</sup> Annual Report of the Non-Discrimination Ombudsman 2015, p. 19. NB: according to the Non-Discrimination Ombudsman, while harassment cases were not included in the discrimination cases, cases relevant to refusing reasonable adaptation were, and they were also included in this figure in 2015. The percentage figures have been rounded to the nearest 0.5%. As long as the customer experiences a case as discrimination on the grounds of language, it is included in discrimination cases (puuttuuko tästä jotain?)

<sup>83</sup> Office of the Non-Discrimination Ombudsman, e-mail communication, December 2016.

<sup>84</sup> Office of the Non-Discrimination Ombudsman, e-mail communication, December 2016.

## 4 LANGUAGE CLIMATE

The general atmosphere in society and attitudes to minority groups are also reflected in the language climate. Minority groups often are a particular target for hate speech, which is more present in public discourse, especially on the social media.<sup>85</sup> Through identifying hate speech<sup>86</sup> and harassment and increasing their visibility, means of intervening in them can also be proposed. The Internet, and the social media in particular, have promoted the freedom of speech in many ways, but certain problems, including hate speech, have also become more prevalent. The increase in hate speech and negative attitudes towards minority groups have an effect on how meaningful members of different language groups find using their own language in public areas and situations. The majority population's attitudes towards other language groups also affects the experienced language climate.

The language climate is also influenced by people's awareness of the language groups in Finland and linguistic rights. The results of a survey conducted by the Ministry of Justice on the otakantaa.fi web service and public debate indicate that the diversity of the linguistic conditions in Finland is not particularly well known. The open-ended responses in the survey brought up how ignorance of languages traditionally spoken in the country is experienced as hurtful.

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<sup>85</sup> The Fourth Opinion on Finland of the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC/OP/IV/2016(002), adopted on 24 February, published on 6 October 2016.

<sup>86</sup> While Finnish legislation contains no definition of hate speech, the General Policy Recommendation No. 15 of the European Commission against Racism and Intolerance (ECRI) contains this definition. According to the ECRI definition, hate speech is to be understood as the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of "race", colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status.

*”Verkar som om man är främling i sitt eget land ibland!”<sup>87</sup>*

*” Kun saamea tai muuta kieltä puhuu lasten kanssa kaupungilla, niin on lisääntynyt sellainen, että huudellaan tyyliin, ”maahanmuuttajat pois Suomesta” Tai että sanotaan keskusteluissa ihan pokkana ”Suomessa kaikkien pitäisi puhua vain suomea” Esimerkiksi ei pidetä ollenkaan saamenkielen opetusta lapsille kuuluvana perusoikeutena.”<sup>88</sup>*

*”Det verkar som om myndigheterna inte tar språklagstiftningen och de språkliga rättigheterna på allvar”<sup>89</sup>*

*”Moni ei tiedä edes, että karjalan kieli on oikea kieli. Kieltämme väheksytään.”<sup>90</sup>*

The language climate also has an effect on whether or not a person dares speak their own language when using the authorities' services, or whether the use of their language is restricted to their close circles and environments. If the authorities do not have sufficient knowledge of linguistic rights, the customer may also feel unsure about their rights.

## 4.1 General language climate

The general language climate appears to have become harsher since the previous Language Report was submitted. Indicated of this were given by the Language Barometer 2016 survey and the statements and enquiries received by the Ministry of Justice.

The Language Barometer surveys have examined the language climate in bilingual municipalities since 2008. They have studied the experiences of language minorities in bilingual municipalities (Finnish or Swedish speakers) regarding the language climate in their home area and also changes in general attitudes towards those who speak a different language. According to the Language Barometer 2016 survey,

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<sup>87</sup> Translation: *Sometimes you feel like a stranger in your own country!*

<sup>88</sup> Translation: *If you speak Sámi or some other language with your children when out and about, these days people are much more inclined to shout at you, "Immigrants out!" Or when you are having a conversation with people, they say with a straight face, "In Finland, everybody should speak only Finnish". For example, teaching of the Sámi language is not seen at all as part of children's fundamental rights.*

<sup>89</sup> Translation: *It seems that the authorities do not take the language legislation and linguistic rights seriously.*

<sup>90</sup> Translation: *Many people do not even know that Karelian is a proper language. Our language is belittled.* Extracts from open-ended responses to Otakantaa.fi web survey.

a greater proportion of Finnish speakers (53%) than Swedish speakers (20%) find that general attitudes towards those who speak a different language have improved. A higher proportion of Swedish speakers find that general attitudes towards those who speak a different language have become more negative. Of Swedish speakers, 41% find that general attitudes towards those who speak a different language have become more negative, whereas this figure for Finnish speakers is 18%.<sup>91</sup>

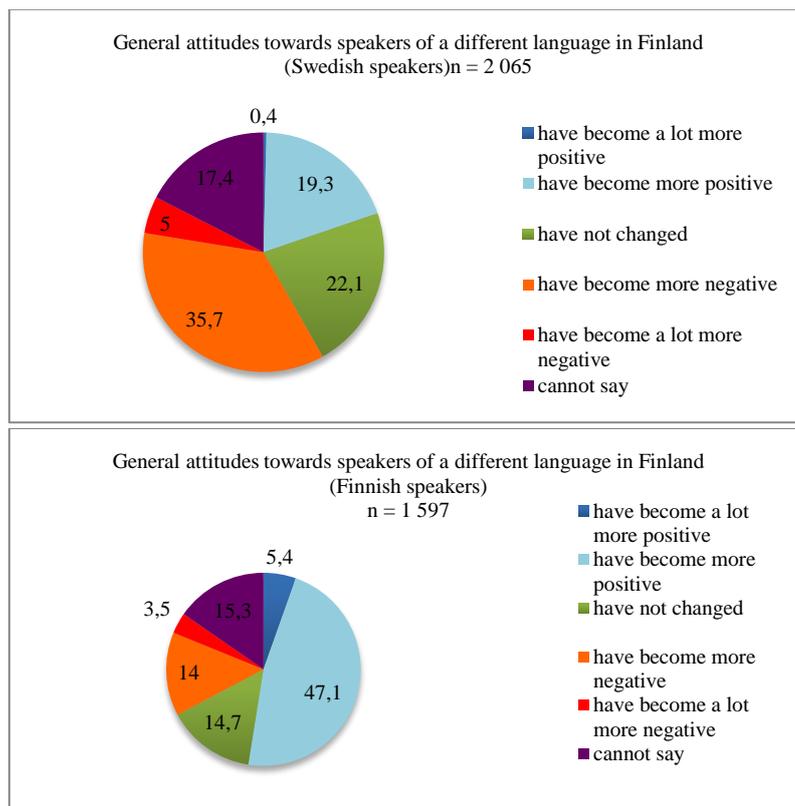


Figure 2. General attitudes to those who speak a different language in Finland. Source: Language Barometer 2016.

Responses received to the general survey conducted by the Ministry of Justice on the otakantaa.fi website as well as the results of the Language Barometer 2016 and Sámi Barometer 2016 indicate that general attitudes towards those who speak a different language have taken a turn for the worse. In the otakantaa.fi survey, the responses were categorised by language group. For example, 71% of Swedish-speaking respondents felt that general attitudes towards those who speak another language have become more negative. This view was shared by 41% of Finnish speakers, 45%

<sup>91</sup> Language Barometer 2016 summary, pp. 8–9.

of Sámi speakers, 30% of Karelian speakers and 38% of speakers of other languages who responded. As an exception to other language groups, only 19% of respondents who used the sign language felt that attitudes have become more negative.<sup>92</sup>

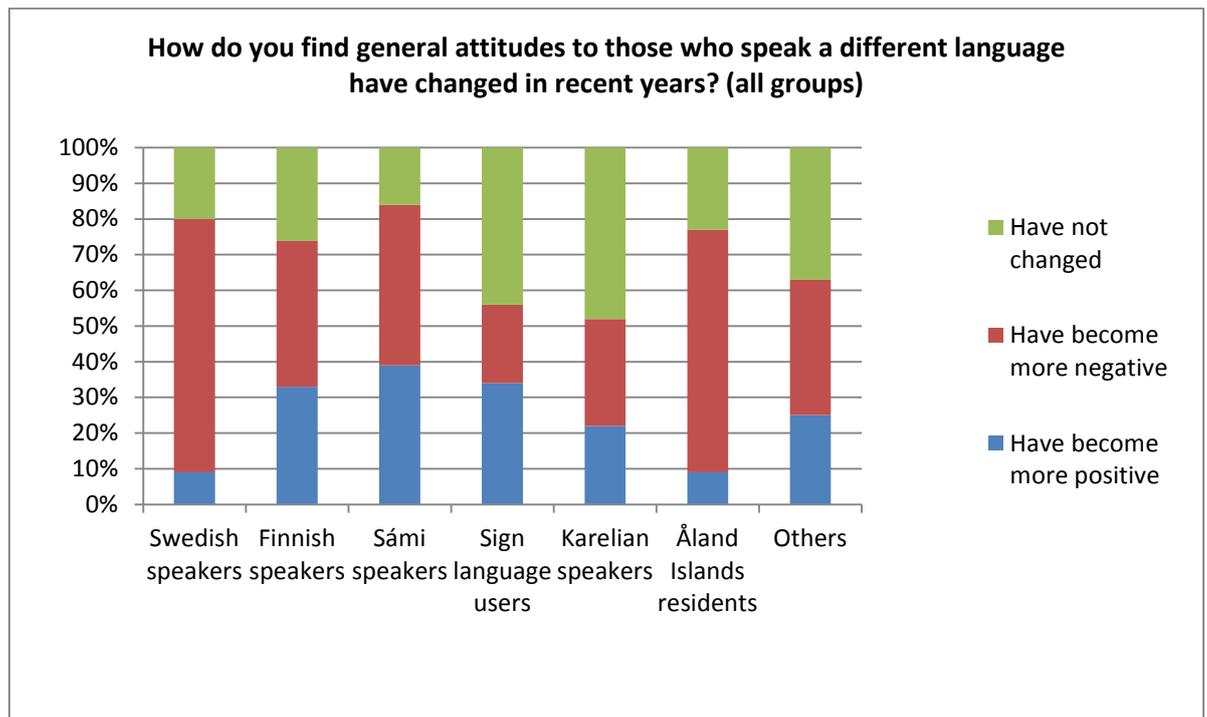
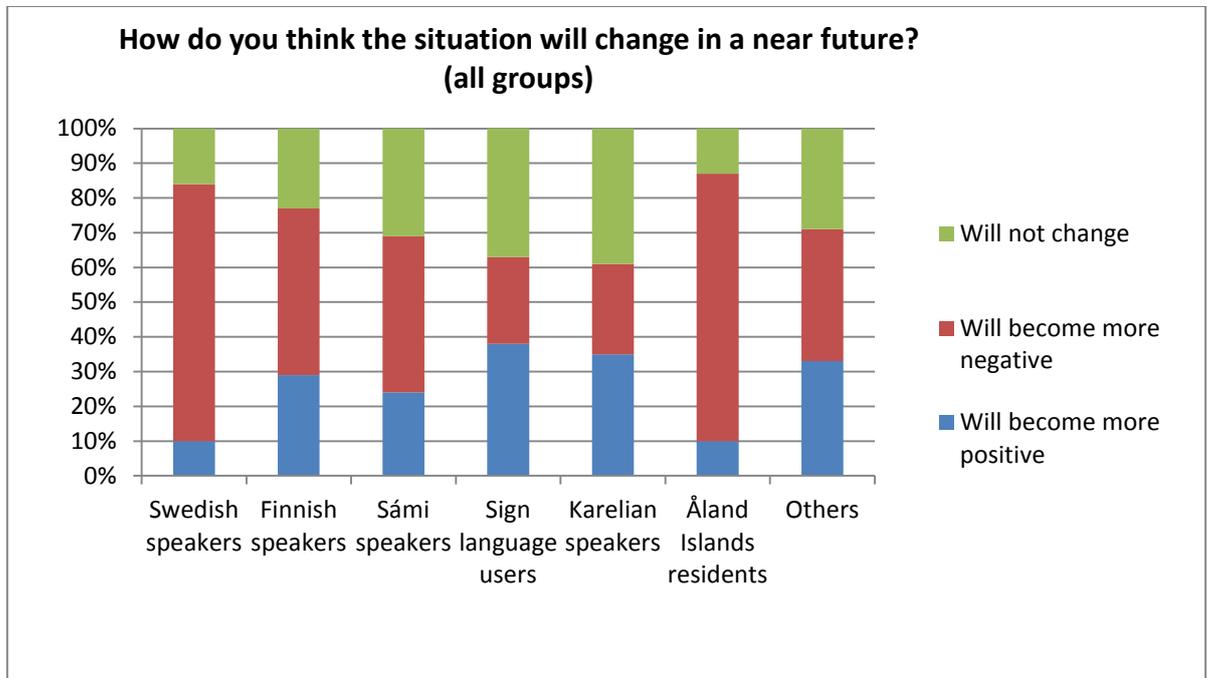


Figure 3. Change in general attitudes towards those who speak different languages in Finland. Source Otakantaa.fi survey

In the otakantaa.fi survey, the respondents were asked what they believed future development would be like. The various language groups' assessments of the future language climate in Finland are not very positive. Both Finnish, Swedish and Sámi-speaking respondents believed that attitudes towards other language groups would become more negative in the future, or remain unchanged. On the other hand, more than one out of three sign language users (38%), Karelian speakers (35%) and speakers of other languages (33%) who responded believed that attitudes towards those who speak different languages will become more positive in a near future.<sup>93</sup>

<sup>92</sup> Otakantaa.fi survey summary, pp. 10–12.

<sup>93</sup> Otakantaa.fi survey summary, Figure 13 p. 12.



**Figure 4. How do you think general attitudes towards those who speak a different language will change in Finland in a near future? Source: Otakantaa.fi survey**

The otakantaa.fi survey also contained open-ended questions. In their answers to these questions, the respondents reflected on possible reasons for both positive and negative attitudes towards other language groups. Many open-ended responses brought up growing prejudices against different language groups and the toughening attitudes in public discussion on languages. On the other hand, especially young, Swedish-speaking respondents who found the language climate positive felt that globalisation had changed attitudes towards other languages into a more positive direction. Many open-ended responses of Finnish-speaking respondents had a positive attitude towards the status of the Swedish language and the preservation of bilingualism.

Some open-ended responses from both Finnish and Swedish speakers referred to the refugee crisis that emerged in autumn 2015. On the one hand, it was seen as having a positive effect, as the growing number of immigrants had promoted understanding of people who speak a different language. On the other hand, some respondents felt that the growing number of asylum seekers has had a negative effect by adding fuel to societal debate and exacerbating internal tensions in society. Finnish, Swedish and

Sámi-speaking respondents alike were concerned over the prevailing negative language climate and ignorance of multilingualism in Finland.<sup>94</sup>

In their open-ended responses, respondents who felt that the language climate had taken a turn for the worse brought up the current structural reforms of public administration, which may have significant linguistic consequences. Many open-ended responses reported that the style of the discourse on studying the second national language and the views related to it had been experienced as hurtful and demeaning. Many also conjectured that the reason for the more negative language climate may be the poorer Swedish skills of the Finnish-speaking population, including the authorities, and low awareness of linguistic rights.<sup>95</sup>

Many sign language users were concerned over the possibility that the country's economic difficulties would lead to growing criticism of the costs incurred in securing services for this language group. Karelian speakers, on the other hand, expressed their frustration with the low awareness among other Finnish people of the Karelian language or its speakers. As a result of this ignorance, Karelian is sometimes branded as a foreign language, which does nothing to improve the language climate. According to the otakantaa.fi survey, Karelian speakers also felt that they had a weaker status than other language groups in Finland.<sup>96</sup> However, positive development had also been observed: for example, according to information obtained by the Ministry of Justice from the Estonian-speaking community, using this language in public has become more acceptable when the number of people speaking Estonian as their mother tongue has grown.<sup>97</sup>

Situations where persons are afraid to use their own language put not only their linguistic rights but also their freedom of speech at risk. While this Report was being prepared, organisations representing language minorities brought up challenges related to maintaining their own languages and their concerns over the harsher language climate. Especially immigrants are not aware of their possibilities of becoming organised as language groups or maintaining their languages, and special support for this from the authorities is hoped for.<sup>98</sup>

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<sup>94</sup> Otakantaa.fi survey summary, pp. 14–16, p. 18.

<sup>95</sup> Otakantaa.fi survey summary, pp. 14–15.

<sup>96</sup> Otakantaa.fi survey summary, pp. 19–21.

<sup>97</sup> Contribution of Tuglas association at a hearing organised by the Ministry of Justice on 17 May 2016.

<sup>98</sup> Workshop on linguistic rights organised by the Ministry of Justice and the Advisory Board for Ethnic Relations ETNO on 7 September 2016 (participants: Finnish Islamic Congregation, Daisy Ladies, Familia association, Network of Multicultural Associations Moniheli, Jewish Congregation of Helsinki, Multicultural Women's Association Monika).

## Key observations

**The visibility of linguistic diversity and awareness of it should be increased.**

**Immigrants should be informed of their linguistic rights.**

## 4.2 Attitudes encountered by language groups

The parties monitoring the implementation of international treaties that are binding to Finland have also paid attention to the prevailing attitudes towards minority groups in the country. For example, the Council of Europe's Committee of Ministers, which monitors the implementation of the Framework Convention for the Protection of National Minorities, paid attention to the growth in hate speech targeting minority groups in its recommendations adopted in March 2017 and urged Finland to take immediate action to combat hate speech.<sup>99</sup>

The Finnish Government and Parliament have paid attention to the increased prevalence of hate speech and initiated actions aiming to intervene in it. In October 2015, all parliamentary parties signed a declaration<sup>100</sup> renewing their signature of the Charter of European Political Parties for a Non-Racist Society. By signing the Charter the parties commit themselves to, among other things, refusing to display views which stir up or invite prejudices and hostility and refraining from any activity that incites hate speech.

### 4.2.1 Language groups' experiences of using the authorities' services

The authorities can improve the language climate through their activities and thus promote the realisation of linguistic rights. The preconditions and needs for bilingualism are not always addressed adequately in the authorities' processes. The highest level of success in this is achieved when an authority is aware of the

<sup>99</sup> Council of Europe's Committee of Ministers' Resolution (CM/ResCMN(2017)1) on the implementation of the Framework Convention for the Protection of National Minorities by Finland, adopted on 15 March 2017.

<sup>100</sup> <https://www.eduskunta.fi/FI/tiedotteet/Sivut/Eduskuntaryhm%C3%A4t-rasismia-ja-v%C3%A4kivaltaa-vastaan.aspx> (10 March 2017).

significance that using their own language has for the individual and of how implementing linguistic rights often is a prerequisite for the realisation of other rights. The authorities should thus pay more attention to what a customer service situation looks like to a customer who speaks another language.

In his Annual Report 2015, the Chancellor of Justice brought up concerns over the diminishing use of Swedish in the administration and among authorities. This is seen as a decline of viable bilingualism in administration and work organisations. Except in Ostrobothnia, the administration relies on individual Swedish-speaking or bilingual public officials, or interpreters and translation services. Less and less training materials and guides for authorities or legal literature is available in Swedish. Similarly, the highest courts rarely conduct their proceedings in Swedish, and Finnish case-law is not translated into Swedish. As Swedish is used less in the administration and fewer public officials speak Swedish, this has a direct impact on the type of linguistic services the authorities are able to provide for Swedish speakers. In fact, the Chancellor of Justice notes that Swedish speakers mostly have to give up the right to use their mother tongue on their own initiative when using the authorities' services.<sup>101</sup>

It has been brought to the Ministry of Justice's knowledge that customers have in different contexts encountered negative attitudes shown by authorities in situations where the customer uses a language other than the majority language. The statements of several stakeholders brought up how the authorities' attitudes have affected the availability of services and the customers' willingness to use their mother tongue when dealing with the authorities. The statements called for a positive attitude among the authorities towards different language groups.<sup>102</sup>

The concluding analysis of the Language Barometer 2016 survey reflects on factors that affect the language climate. One of the challenges identified was the authorities' attitudes towards minority language groups in a municipality and the impacts these attitudes have on the experienced language climate.<sup>103</sup>

The results of the Sámi Barometer 2016 indicate that ignorance on the one hand, and indifference and even negative attitudes towards the linguistic rights of the Sámi on the other, occur among central and local government employees.<sup>104</sup> Additionally,

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<sup>101</sup> Annual report of the Chancellor of Justice 2013, pp. 21–22.

<sup>102</sup> Application of the language legislation, Ministry of Justice 1/58/2016, summary of statements; Finnish Association of the Deaf, City-Sámit Association, Resa Forum, Swedish Assembly of Finland, South Coast Regional Council, Regional State Administrative Agency for Western and Inland Finland, Finnish Youth Cooperation – Allianssi, Finnish Association of Russian-Speaking Organisations.

<sup>103</sup> Language Barometer 2016, pp. 93–94.

<sup>104</sup> Sámi Barometer 2016, p. 44.

some respondents to the Sámi Barometer survey noted that recent high-profile questions, or the definition of the Sámi people and ratification of ILO Convention No. 169, have turned the attitudes of Finnish speakers towards the Sámi people and language more negative.<sup>105</sup>

Complaints about the authorities' attitudes to speakers of different languages have also been filed with the Non-Discrimination Ombudsman. For example, one complaint claimed that a Russian-speaking child had been forbidden to speak Russian during the break and at lunch, and in another case, Russian-speaking nurses who worked in care for older persons had been forbidden to talk to each other in Russian.<sup>106</sup>

The Government's language and translation policies highlight actions aiming to promote the authorities' awareness of linguistic rights and thus influence the authorities' attitudes.<sup>107</sup> The Action Plan for the Strategy for the National Languages of Finland also contains measures intended to increase the authorities' awareness of linguistic rights and thus promote their realisation.<sup>108</sup>

## Key observations

**Consideration given by the authorities to language groups:** A positive climate of attitudes towards different language and population groups should be promoted. The authorities should examine in detail what customer service situations look like from the viewpoint of each language group. A public official may also promote a positive atmosphere by attempting to speak the customer's language, even if not personally fluent in it.

**Awareness of linguistic rights:** The authorities should be more knowledgeable about linguistic rights and the obligations ensuing from them. It is also important to take any needs for interpretation and translation services into account. Awareness of the linguistic rights of different population and language groups should be raised among the authorities and citizens. In addition, the authorities should be encouraged to inform different language groups about their services.

<sup>105</sup> Sámi Barometer 2016, p. 51.

<sup>106</sup> Contribution of the Non-Discrimination Ombudsman at a hearing organised by the Ministry of Justice 17 May 2016.

<sup>107</sup> Valtioneuvostossa noudatettavat kielelliset periaatteet ja linjaukset (Linguistic principles and policies to be complied with in the Government), VNK/813/05/2016.

<sup>108</sup> Ministry of Justice 13/2017, p. 15.

## 4.2.2 Language climate in bilingual municipalities

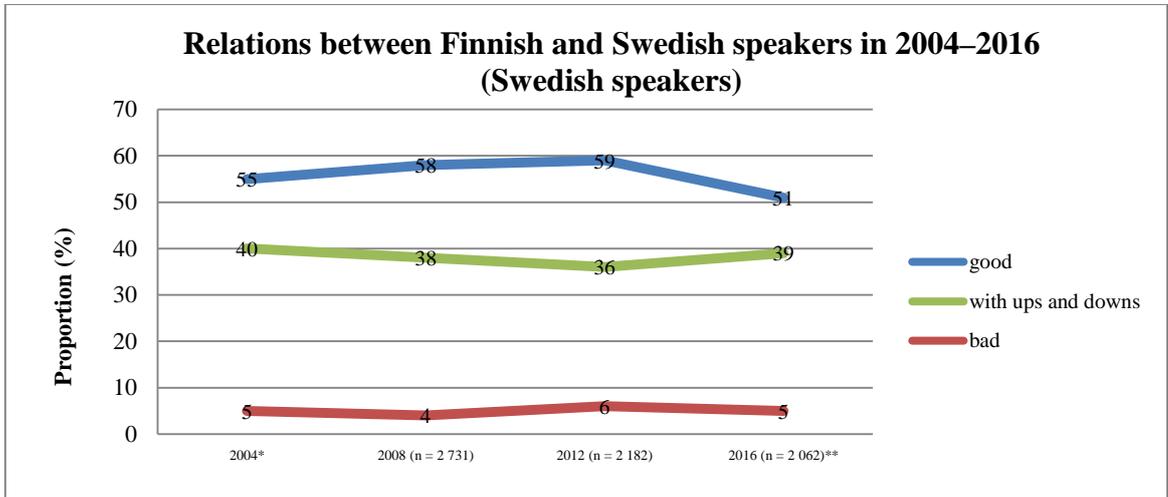
According to the results of the Language Barometer 2016 survey, it appears that the respondents generally find the language climate more negative than in 2012. Finnish-speaking minorities in municipalities where Swedish is the majority language experience the language climate as somewhat more negative than Swedish-speaking minorities. Of Finnish speakers, 44% find the climate good or excellent, while 8% find it negative. Of Swedish speakers, 51% find the climate good or excellent, while 5% find it negative. In other words, these results seem to indicate that the relations between language groups remain relatively good in bilingual municipalities.<sup>109</sup>

However, there was an increase in the proportion of respondents who felt that the relations between the language groups have deteriorated. In bilingual municipalities, especially those belonging to a Swedish-speaking minority find that relations between the language groups have deteriorated. Of Swedish-speaking respondents, 14% find that relations between the language groups have improved, while as many as 47% of Finnish speakers held this view. Of Swedish-speaking respondents, 24% felt that relations between the language groups have deteriorated, whereas this view was only held by 8% of Finnish-speaking respondents.<sup>110</sup>

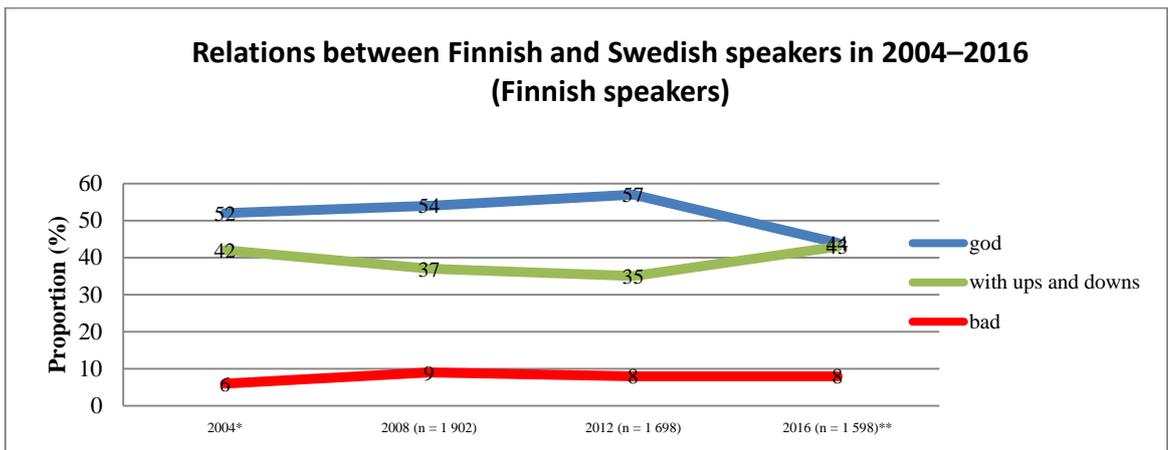
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<sup>109</sup> Language Barometer 2016, Figure 9, pp. 30–31.

<sup>110</sup> Language Barometer 2016, Figure 10, p. 31.



\*) Only Kokkola, Lohja, Espoo, Porvoo, Lapinjärvi. Figures from Language Barometer 2008. \*\*) 5.1% selected the option "cannot say" in 2016.



\*) Pietarsaari, Mustasaari, Kemiö, Tammisaari, Pernaja. Figures from Language Barometer 2008. \*\*) 5.4 % selected the option "cannot say" in 2016.

Figure 5. Relations between Finnish and Swedish speakers in 2004–2016. Source: Language Barometer 2016

## 4.3 Harassment and discrimination experienced by language groups

Discrimination on the grounds of language is prohibited under the Constitution and the Non-Discrimination Act. Section 8 of the Non-Discrimination Act (1325/2014) defines different forms of discrimination, and section 14 contains a definition of harassment. The deliberate or de facto infringement of the dignity of a person is harassment, if the infringing behaviour relates to language among other things, and as a result of the reason, a degrading or humiliating, intimidating, hostile or offensive environment towards the person is created by the behaviour.

Hate speech, harassment and discrimination on the grounds of language is not currently monitored systematically. The Police University College annually produces basic data on racist and other hate crime and its trends by monitoring hate-related offences reported by the police to the Police Information System. The Policy University College’s analysis of hate crime does not include a language perspective.

In the Language Barometer 2016, the respondents were for the first asked if a person belonging to the Finnish or Swedish-speaking language minority in their municipality had been targeted by harassment or discrimination in daily life because of their language. The results indicate that almost one out of two Swedish speakers and one out of five Finnish speakers feel they have been harassed or discriminated against in daily life because of their language.

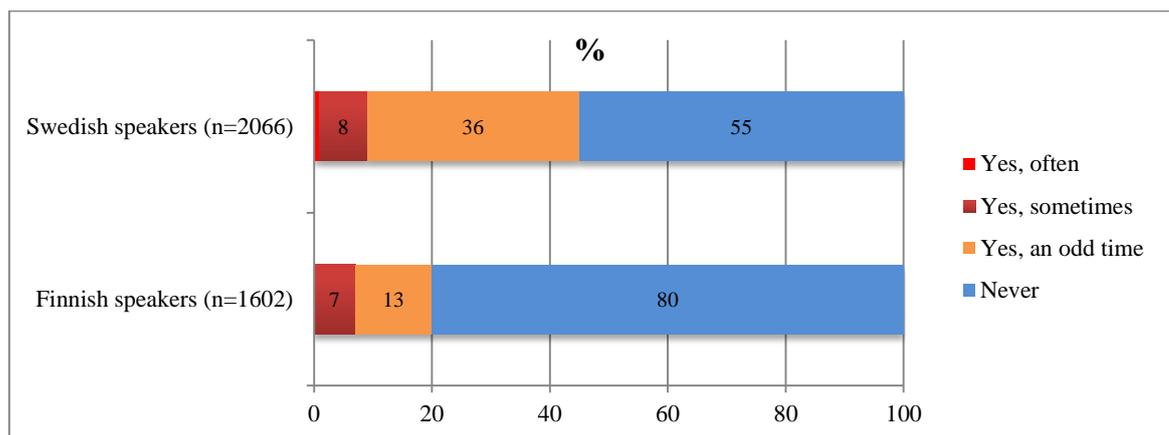


Table 8. Have you been harassed and/or discriminated against in your daily life (e.g. verbal abuse, abusive e-mails or gestures) because of the language you speak? Source: Language Barometer 2016.

There is a clear difference between the language groups in how often the respondents have been harassed or discriminated against on the grounds of their language. Of Swedish speakers, 44% felt that they have been harassed and/or discriminated against because of their language often or sometimes, whereas this figure for Finnish speakers is 20%. According to open-ended responses to the survey, harassment and/or discrimination had taken place in such environments as public transport and other public places.<sup>111</sup>

A report on hate speech<sup>112</sup> commissioned by the Ministry of Justice also found that persons belonging to minority groups are targeted by harassment or hate speech, especially in public places. In particular, public transport, cafés, restaurants and schools were cited as such places in the report. Public places were also brought up in a statement received by the Ministry of Justice that detailed young people's concerns over the tougher climate of attitudes and fear of using their mother tongue in a public place.<sup>113</sup>

Harassment related to language in public places was also brought up in open-ended responses to the survey conducted by the Ministry of Justice on the otakantaa.fi web service. In particular, young respondents aged under 30 say in their open-ended responses that they are afraid to speak Swedish in certain situations, for example on public transport.<sup>114</sup>

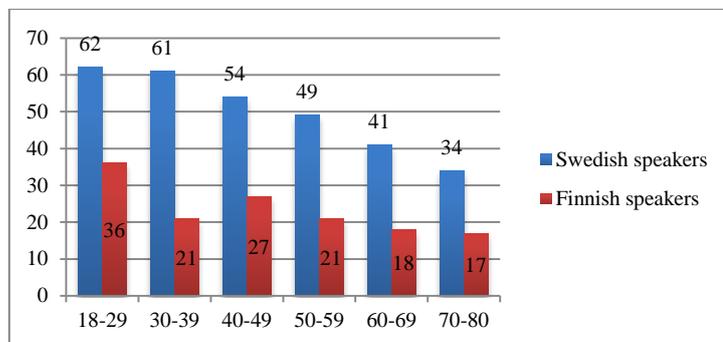


Table 9. Harassment and/or discrimination experienced by respondents by age (%) Source: Language Barometer 2016.

<sup>111</sup> Language Barometer 2016, p. 33.

<sup>112</sup> Survey on hate speech and harassment and their influence on different minority groups, Ministry of Justice 7/2016.

<sup>113</sup> Statement of Finnish Youth Co-operation – Allianssi to the Ministry of Justice, Ministry of Justice 1/58/2016, 10 June 2016.

<sup>114</sup> Otakantaa.fi survey summary, p. 14.

The Language Barometer 2016 survey examines experiences of discrimination and harassment by age group. As Table 9 shows, the highest levels of harassment and discrimination among Swedish speakers are experienced by the age groups 18 to 29 and 30 to 39, whose experiences are relatively similar. Among Finnish speakers, the highest levels of harassment and discrimination are experienced by those aged 18 to 29. It appears that older respondents among both language groups experience less harassment and discrimination. However, Swedish speakers experience harassment and discrimination approximately twice as often in all age groups as Finnish speakers.<sup>115</sup>

Responses to the Language Barometer 2016 survey support the results of the Ministry of Justice's report on hate speech, which indicate that young persons aged 13 to 24 experience harassment and hate speech more often than other age groups. The report on hate speech also examines harassment and discrimination that targets the Sámi, the Roma and speakers of other languages. It does not analyse Swedish speakers as a separate group, even though the respondents did include speakers of this language.<sup>116</sup>

The report on hate speech notes that it is usually the mainstream population that subjects minority groups to hate speech or harassment. It indicates that the Sámi have experienced hate speech more often than other groups, also coming from their own minority group. The hate speech targeted at the Sámi people by the mainstream population has mostly been associated with denying the rights of the Sámi or belittling the Sámi culture and languages. Harassment or hate speech stemming from within the minority group is often associated with acknowledging one's own Sámi identity in the Sámi community, or it may be manifested between different Sámi groups.<sup>117</sup> The attitudes of the Sámi community and their effects within the community were also brought up in the concluding analysis of the Sámi Barometer survey.<sup>118</sup>

The Ministry of Education and Culture launched a broad action plan titled *Meaningful in Finland* for the prevention of hate speech and racism and promotion of inclusion in society in May 2016. The purpose of this action plan is to promote participation and interaction, build up the knowledge base and encourage an ability to put yourself in another person's position. The action plan contains ten actions that concern such areas as teacher education, youth work, sport and dialogue between religions.<sup>119</sup>

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<sup>115</sup> Language Barometer 2016, p. 34.

<sup>116</sup> Ministry of Justice 7/2016.

<sup>117</sup> Ministry of Justice 7/2016, p. 11.

<sup>118</sup> Sámi Barometer 2016, p. 44.

<sup>119</sup> Merkityksellinen Suomessa- toimintaohjelma, Ohjelma vihapuheen ja rasismien estämiseksi ja yhteiskunnallisen osallisuuden edistämiseksi (Meaningful in Finland, Action Plan to prevent hate

## Key observation

**Prevention of hate speech and discrimination:** Information sources that could be used to monitor hate speech, harassment and discrimination experienced by language groups should be surveyed. The existing monitoring mechanisms should be improved to ensure that hate speech and discrimination on the grounds of language are also included in the statistics.

## 5 REALISATION OF LINGUISTIC RIGHTS IN SOCIAL WELFARE AND HEALTHCARE

The realisation of clients' right to use their own language in social welfare and healthcare customer situations has been monitored since the Language Report for 2006. The possibility of using your own language is experienced as highly important for the individual. Finland's social welfare and healthcare system is founded on government-assisted municipal social welfare and healthcare services. In addition to the public sector, services are available from various private companies. Finland also has an extensive network of non-governmental social welfare and healthcare organisations that provide services both free of charge and for a fee.<sup>120</sup>

### LINGUISTIC RIGHTS IN SOCIAL WELFARE AND HEALTHCARE SERVICES

- Under section 19, subsection 3 of the Constitution, the public authorities shall guarantee for everyone, as provided in more detail by an Act, adequate social, health and medical services and promote the health of the population. This provision does not specify how the social, health and medical services should be organised. However, other fundamental rights provisions have an impact on the manner of their organisation and their accessibility.
- Under section 17, subsection 2 of the Constitution, the public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.

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<sup>120</sup> <http://stm.fi/sotepalvelut/jarjestelma-vastuut>, (4 May 2017).

This provision of the Constitution not only requires that these two languages should be treated equally in the formal sense but also imposes an obligation to safeguard the de facto equality of the Finnish and Swedish-speaking population. The provision is significant in terms of the organisation of society's services, including social welfare and healthcare services.

- Under section 17, subsection 3 of the Constitution, the Sámi, as an indigenous people, as well as the Roma and other 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 in the Sámi Language Act. The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act.
- In addition to the Language Act and the Sámi Language Act, provisions on linguistic rights are contained in special legislation. These include the Health Care Act, the Social Welfare Act, the Act on Supporting the Functional Capacity of the Older Population and on Social and Health Services for Older Persons, the Act on the Status and Rights of Patients, the Act on the Status and Rights of Social Welfare Clients, the Child Welfare Act and the Act on Services and Assistance for the Disabled.
- In a bilingual municipality or joint municipal authority, healthcare and medical care, social welfare and services for older people must be provided in Finnish and Swedish. The services must be organised ensuring that the clients can use them in the language of their choice. This means that the client's right to use Finnish or Swedish does not depend on any other language skills that they might have. If the patient documents are prepared in a language other than the client's own language, they must be translated to the extent that this is necessary to provide the patient with sufficient information about their treatment. A unilingual municipality organises the services in the language used in the municipality. However, the patient's mother tongue should be taken into consideration as far as possible.
- In social welfare and healthcare services organised in the Sámi Homeland, Sámi speakers have the right to use Finnish or Sámi as they choose. In Lapland Hospital District, the Sámi have the right to use the Sámi language in matters that concern themselves. The authorities within the scope of the Sámi Language Act have a primary obligation to serve a Sámi-speaking client in Sámi and, only secondarily, to organise

interpretation services. If a professional with Sámi language skills is not available, interpretation is sufficient.

- Under section 2 of the Language Act and section 1 of the Sámi Language Act, the services must also be organised so that clients can access services in their own language without additional effort or without having to specifically ask for or demand this. This is one of the basic principles of the Language Act and the Sámi Language Act. Private individuals tend to give up their linguistic rights if they feel that an authority does not wish to serve them in their language. As a result, their linguistic rights and, consequently, other rights are not always realised.
- Under the Act on the Status and Rights of Social Welfare Clients and the Act on the Status and Rights of Patients, if the social welfare or healthcare professional does not know the language used by the patient or if the patient because of a sensory handicap or speech defect or some other reason cannot be understood, interpretation should be provided if possible, and an interpreter should be called. Sign language users can ultimately obtain interpretation services under the Act on Interpretation Services for Persons with Disabilities (133/2010) if they are unable to access adequate and suitable interpretation services under any other act. Under section 3 of the Sign Language Act that entered into force in 2015, the authorities must promote in their activities the opportunities of sign language users to use their own language and receive information in their own language.
- The Non-Discrimination Act contains provisions on prohibition of discrimination on such grounds as language and on reasonable accommodation to realise the equality of persons with disabilities.
- The client's possibility of understanding and being understood in social welfare and healthcare service situations is an element of service quality and plays a key role for the realisation of other rights. The realisation of linguistic rights also affects patient safety and is a precondition for implementing the patient's right to self-determination.

## 5.1 Linguistic rights in social welfare and healthcare services

### 5.1.1 Legislation on Finnish and Swedish-speaking services

In practical terms, organising services in Finnish and Swedish so that the clients can access them in the language of their choice means that the person serving the client must have sufficient skills in and use the client's language.<sup>121</sup> Finnish and Swedish speakers must also be treated equally. Rather than an obligation to organise the services in the same way, this means that the de facto status of Finnish and Swedish speakers must be equal. According to a decision of the Parliamentary Ombudsman, for example, when a Swedish-speaking client was instructed to order care accessories by telephone, whereas a Finnish-speaking client could choose between an electronic service or telephone service, their equality was not realised.<sup>122</sup> On the other hand, a municipality may organise health services in different ways for Swedish and Finnish-speaking residents if the different ways promote the realisation of linguistic rights. For example, urgent care at a health centre could be organised by directing Finnish and Swedish-speaking clients to different queues as long as the queueing times were approximately the same.<sup>123</sup>

A unilingual municipality organises the services in the language used in the municipality. However, linguistic obligations may be imposed on a municipality by other legislation. The patient's mother tongue, individual needs and culture should be taken into account as far as possible in their care and treatment. Understanding and being understood are also a precondition for implementing the patient's right of access to information and self-determination. Discrimination on the grounds of language is also prohibited under the Non-Discrimination Act, which in an individual case may mean that service must be offered in the patient's language if this can reasonably be arranged.

In areas where the language groups are equal in size or the proportion of the minority group is relatively large, linguistic rights are realised well as a rule.<sup>124</sup> The personnel are often bilingual, or an employee who speaks the other national language can be called without delay. In a bilingual environment, using your own language also feels more natural.

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<sup>121</sup> E.g. decision of the Administrative Court of Northern Finland, register no. 00975/15/6299, issued on 16 March 2017

<sup>122</sup> Parliamentary Ombudsman, register no. 465/4/15.

<sup>123</sup> Parliamentary Ombudsman, register no. 2533/4/13.

<sup>124</sup> Language Barometer 2016, p. 59.

In areas where the proportion of those who speak the other national language is small, practical realisation of linguistic rights requires careful planning. Especially in the case of Swedish-speaking services, the relative share of Swedish-speaking population correlates with the availability of services provided in Swedish.<sup>125</sup> This is due partly to the difficulties of recruiting staff with language skills and partly to the fact that the staff do not have sufficient opportunities for learning and practising the less common language of the area. A minority group may be small as a relative proportion of the population but large in numbers. In the Helsinki region, for example, Swedish speakers are unsatisfied with the standard of linguistic services, even if their number is equal to the population of a major Finnish city.<sup>126</sup> To protect the realisation of linguistic rights, the service provider should specify the area of the service chain where it is particularly important to direct the client straight to an employee who speaks their language well. Healthcare and medical care contain critical stages where providing service in the patient's language is particularly vital. These stages are illustrated in the attached figure.

In addition to the stages described in the figure above, the care should also be monitored in the client's language. These stages can be implemented by identifying clients who speak a language other than the majority language in the area and directing them to staff members who are fluent in the client's language. It should also be ensured that the patient understands the significance of choosing the language in which they use the services. The language and the patient's need to be understood are an important element of patient safety.<sup>127</sup> Implementing linguistic rights is also a precondition for the realisation of other rights. Of these can be mentioned the patient's right to self-determination and access to information.

A bilingual municipality has the duty to provide social welfare services in Finnish and Swedish. Social welfare means actions by professional social welfare personnel, social welfare services and support services included in them that promote and maintain the functional capacity, social well-being, safety and inclusion of the individual, the family and the community. The Social Welfare Act (1301/2014) lists elements that are included in general social welfare services, and specialised legislation contains further provisions on matters that are relevant to social welfare. The needs of children and families with children, including child welfare, care for older people, services for persons with disabilities and intoxicant abuse services are highlighted in the tasks of social welfare, but in practice, anyone can be a social welfare client at some stage of their lives. Social welfare services contain many functions that involve close contact with clients. The availability of service in the

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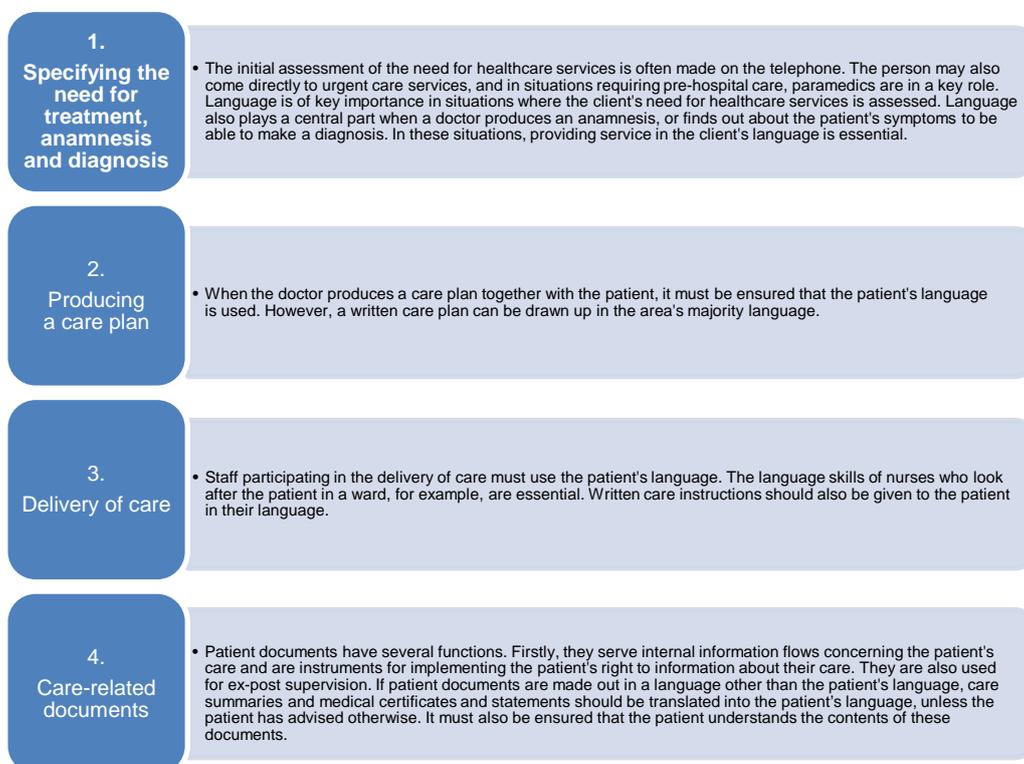
<sup>125</sup> Language Barometer 2016, p. 59.

<sup>126</sup> Language Barometer 2016, p. 57.

<sup>127</sup> PeVL 63/2016 vp, p. 5.

client's language is a precondition for realising social rights. A client should always be directed to a social worker who speaks their language. This does not mean that all employees should know both Finnish and Swedish equally well, even in the context of social welfare services. Linguistic rights can also be implemented by directing Swedish-speaking clients to social workers with good Swedish skills. A person who speaks the minority language in the area should always be available at social welfare emergency services.

Figure 6. Key stages of healthcare from the perspective of linguistic rights<sup>128</sup>



## 5.1.2 Legislation on Sámi-speaking services

The statutes on social welfare and healthcare do not contain direct provisions on the Sámi speakers' right to use or receive services in Sámi, and these rights have been secured by means of reference provisions. The rationale of the Sámi Language Act

<sup>128</sup> Göran Honga 17 November 2016.

notes that the right of the Sámi to use their language in social welfare and healthcare is safeguarded under sections 4 and 12 of the Sámi Language Act<sup>129</sup>.

Under section 12 of the Sámi Language Act, Sámi people have the right to use the Sámi language before the authorities in offices located in the Sámi Homeland. This refers to services organised by the municipalities of Enontekiö, Inari, Utsjoki and parts of Sodankylä. Under section 4 of the Sámi Language Act, a Sámi has the right to use the Sámi language, in his or her own matter or in a matter where he or she is being heard, before any authority referred to in this Act. This also applies to using the services of a joint municipal authority to which one of the aforementioned municipalities belongs. In the case of health services, this in practice means Lapland Hospital District. Under section 18 of the Sámi Language Act, when the Sámi language is being used in the oral hearing of a matter, the matter shall be assigned to an official with knowledge of the Sámi language. If such an official cannot be found, the authority shall arrange for interpretation free of charge. In other words, a Sámi client should primarily be directed to care staff who know Sámi, but if organising Sámi-language service is not possible because of the lack of trained personnel with Sámi skills, interpretation into Sámi meets the requirements of the Act.

Safeguarding rights by means of reference provisions or deriving them directly from the Sámi Language Act without reference provisions has in some cases resulted in ambiguity concerning the level of Sámi speakers' linguistic rights. In Lapland Hospital District (a joint municipal authority), for example, the Sámi Language Act has been interpreted to mean that specialised medical care services provided by the Hospital District are not within the scope of the act. Sámi-language services have thus mainly been organised by through interpretation under sections 3 and 5 of the Act on the Status and Rights of Patients. Neither does the Hospital District have patient documents translated into Sámi in principle, and as a rule, obtaining any translations is mainly left to the patient.<sup>130</sup> The agreement on the organisation of specialised medical care in the special catchment area of Oulu University Hospital (2013–2016) does not separately address the Sámi-speaking population's right to services in their language.<sup>131</sup> On the other hand, the healthcare organisation plan of the municipalities in Lapland Hospital District clearly states that 'interpretation services should only be resorted to when Sámi language services cannot otherwise be secured'.<sup>132</sup>

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<sup>129</sup> HE 46/2003 vp, p. 44.

<sup>130</sup> Lapland Hospital District (video conference on 3 January 2017).

<sup>131</sup> Agreement on the organisation of specialised medical care in the special catchment area of Oulu University Hospital 2013–2016.

<sup>132</sup> Lapland Hospital District (2015): Plan for healthcare organisation 2013–2016. Update for 2015–2016. Municipalities in Lapland Hospital District. Adopted by the Joint Municipal Authority Council on 10 June 2015.

### 5.1.3 Legislation on services for other language groups

Although there are no separate provisions on the right to use languages other than Finnish, Swedish or Sámi in care situations, the patient still has linguistic rights under the Act on the Status and Rights of Patients and the Act on the Status and Rights of Social Welfare Clients. The patient's mother tongue, individual needs and culture should be taken into account as far as possible in their care and treatment. Preconditions for implementing the patient's right of access to information and self-determination also include that the patient and the care staff can understand each other. The Parliamentary Ombudsman has stated that a patient's right to self-determination cannot be ignored on the grounds that they do not speak the languages used before the authority.<sup>133</sup> The Parliamentary Ombudsman also drew a health centre's attention to the fact that it may not announce to a patient that no English is spoken in the surgery if the staff in fact do speak this language.<sup>134</sup>

## 5.2 Realisation of linguistic rights in social welfare and healthcare services

### 5.2.1 Finnish and Swedish-speaking services

Reports of the Government on the Application of Language Legislation submitted in 2006, 2009 and 2013 paid attention to the realisation of linguistic rights in social welfare and healthcare services. In 2006, the Report found shortcomings in large bilingual municipalities, where the availability of Swedish-speaking services, in particular, was haphazard.<sup>135</sup> In 2009, the sections of the Report focusing on social welfare and healthcare monitored especially the delivery of child welfare, care for older persons and mental health services in Finnish and Swedish.<sup>136</sup> The same aspects are also monitored in this Report. The Report for 2013 noted that Swedish speakers were less satisfied with services provided in their language than in 2008 regarding all services.<sup>137</sup>

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<sup>133</sup> Parliamentary Ombudsman's opinions 70/2014.

<sup>134</sup> Parliamentary Ombudsman 903/4/13.

<sup>135</sup> Language Report 2006, p. 42.

<sup>136</sup> Language Report 2008, pp. 40–44.

<sup>137</sup> Language Report 2013, p. 55.

In its resolution<sup>138</sup> on the implementation of the Framework Convention for the Protection of National Minorities by Finland adopted on 1 February 2012, the Committee of Ministers of the Council of Europe expressed its concern over the continued shortcomings as regards the implementation of the Language Act and the Sami Language Act, especially in health services. As the main reason for this the Committee of Ministers cites too few officials with adequate language skills. Four years after the adoption of this resolution, the Advisory Committee visited Finland in October 2015 on the following round of monitoring the implementation of the Framework Convention and published a report<sup>139</sup> on the implementation of the Framework Convention in Finland on 6 October 2016. In its report, the Advisory Committee draws more forcefully attention to the fact that the authorities should see to the possibilities of Swedish and Sámi speakers to use their own languages in healthcare services. In its recent resolution<sup>140</sup> adopted in March 2017, the Committee of Ministers issued the following recommendation for immediate action: ‘Intensify efforts to ensure that first language access to social welfare and health services is adequately available, in particular in Swedish and Sámi, and that any administrative reforms guarantee the linguistic rights of persons belonging to minorities.’

Finnish and Swedish speakers who are in a minority position in bilingual municipalities use social welfare and healthcare services in more or less equal amounts, albeit with minor differences. The most frequently used service is the health centre outpatient clinic.<sup>141</sup> In general, we can note that Swedish speakers are less satisfied with linguistic services and that there are major variations in satisfaction levels, especially among Swedish speakers, between different regions and municipalities. In other words, Swedish speakers are exposed to inequality compared to both Finnish speakers and each other. In Finnish-speaking services, the Finnish skills of staff members with an immigrant background have come up as an issue. The supervision of healthcare professionals, for example, has brought to light cases where it was necessary to assess both the language skills and professional competence of a professional.<sup>142</sup> In open-ended responses to the survey conducted by the Ministry of Justice, the majority of Finnish speakers responded that receiving services in their own language was something they take for granted. However, the responses indicate

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<sup>138</sup> Council of Europe’s Committee of Ministers’ Resolution (CM/ResCMN(2012)3) on the implementation of the Framework Convention for the Protection of National Minorities by Finland, adopted on 1 February 2012.

<sup>139</sup> The Fourth Opinion on Finland of the Council of Europe’s Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC/OP/IV/2016(002), adopted on 24 February, published on 6 October 2016.

<sup>140</sup> Council of Europe’s Committee of Ministers’ Resolution (CM/ResCMN(2017)1) on the implementation of the Framework Convention for the Protection of National Minorities by Finland, adopted on 15 March 2017.

<sup>141</sup> Language Barometer 2016, p. 51.

<sup>142</sup> Statement of the National Supervisory Authority for Welfare and Health Valvira to the Ministry of Justice, Ministry of Justice 1/58/2016, 9 June 2017.

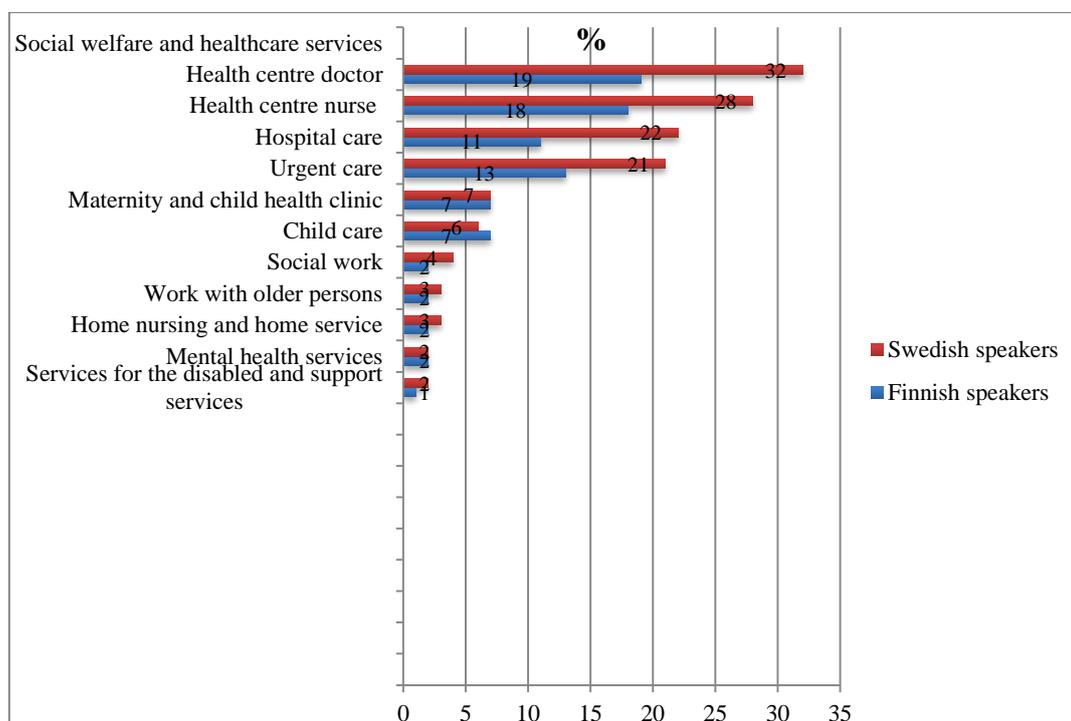
that in some cases, a Finnish speaker had not understood what the person caring for them said, and felt uncertain about the professional’s ability to understand Finnish.

*”Lääkärille on vaikeaa kuvata mielialan sävyjä kun hän ei (venäläinen ?) oikein hallinnut suomea. Koin jääneeni sen takia ilman asianmukaista hoitoa ahdistuneisuuteen (tms. masennukseen)”<sup>143</sup>*

### 5.2.1.1 Choice of language in everyday situations

The challenges facing Swedish-speaking services are different from problems associated with Finnish-speaking ones. Finnish and Swedish speakers behave differently when it comes to using their own language. Swedish speakers demand service in their own language less often than Finnish speakers.

Table 10. Finnish and Swedish speakers (%) who used a service but did not demand service in their own language. Source: Language Barometer 2016, Figure 23.



<sup>143</sup> Translation: *It was difficult to describe the nuances of my moods to the doctor (Russian?) who did not speak Finnish particularly well. For this reason, I felt that I did not receive appropriate treatment for my anxiety (or depression).* Extract from open-ended responses to the otakantaa.fi survey.

Swedish speakers are also quicker than Finnish speakers to change languages if they cannot get service in their own language. In areas where Swedish speakers are a minority, this may partly be due to the fact that many Swedish speakers can also speak Finnish. The survey indicates, however, that they do not necessarily give up on their language or change languages willingly. Changing languages is often associated with the fear of otherwise causing trouble or receiving worse or slower service.<sup>144</sup>

*”Det är en evig kamp mellan att kräva, orka tjata, alltid börja på svenska men utan att göra den andra parten upprörd för då vet man inte hur ärendet går vidare.”<sup>145</sup>*

*”Oftast byter man bara bryskt språk, och man känner sej som en belastning när man ens börjar på svenska. Det är inte roligt.”<sup>146</sup>*

*”det känns oerhört bra när man får betjäning på sitt modersmål”<sup>147</sup>*

#### 5.2.1.2 Satisfaction with the functioning of own-language services

Finnish-speaking minorities give a higher rating for the availability of services in their own language, both in social welfare and healthcare services, than Swedish speakers. Based on surveys conducted and requests for an opinion made by the Ministry of Justice, we can note that Finnish speakers are also more satisfied with the linguistic standard of social welfare and healthcare services in general than Swedish speakers. If satisfaction with healthcare services and social welfare services is measured separately, it become obvious that the highest level of dissatisfaction is expressed by Swedish speakers living in a municipality where Finnish is the majority language. This dissatisfaction is associated with both healthcare and social welfare services.<sup>148</sup>

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<sup>144</sup> Otakantaa survey, p. 30.

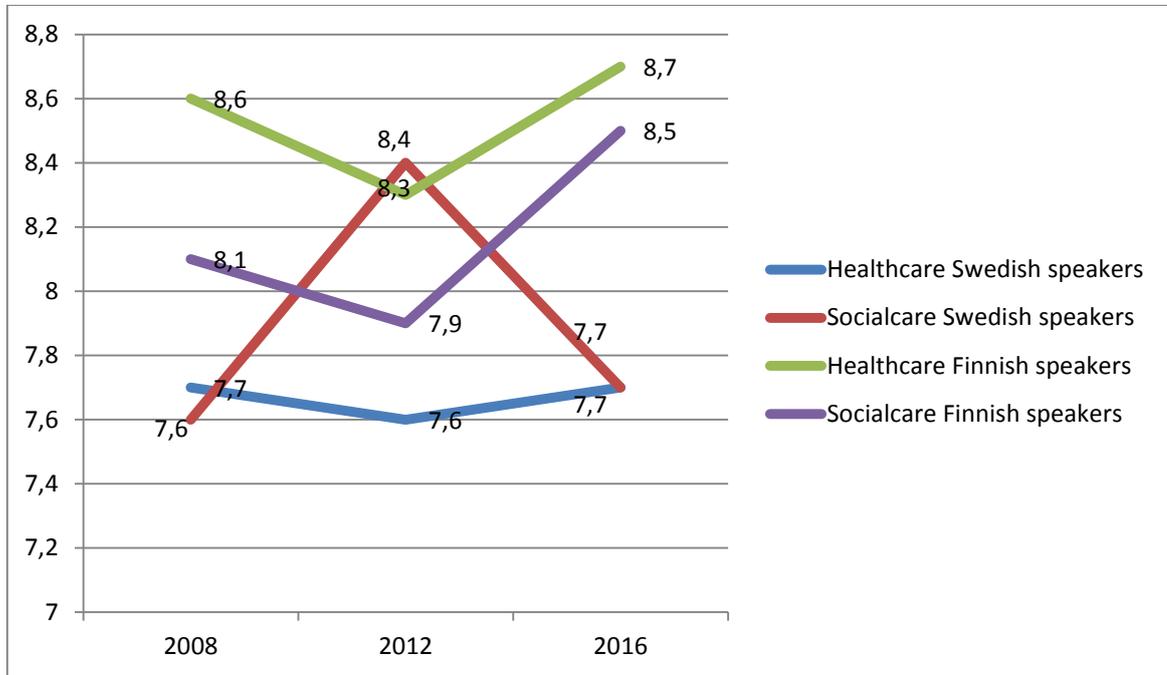
<sup>145</sup> Translation: *You must forever have the energy to demand, go on, always start in Swedish without annoying the other party, as in that case you do not know how it will go.*

<sup>146</sup> Translation: *You often just change languages quickly and feel you are a burden even if you just begin in Swedish. It is not nice.*

<sup>147</sup> Translation: *It feels extremely good to receive services in your mother tongue.* Otakantaa.fi survey, extract from open-ended responses.

<sup>148</sup> Language Barometer 2016, p. 61.

Table 11. Average rating for linguistic services in social and healthcare in 2008–2016



Source: Language Barometer 2016, Figure 29.

There are major regional variations in Swedish speakers' views concerning the quality of linguistic services. Ostrobothnia receives the highest rating for social welfare and healthcare services provided in Swedish, followed by Uusimaa and finally Turunmaa.<sup>149</sup>

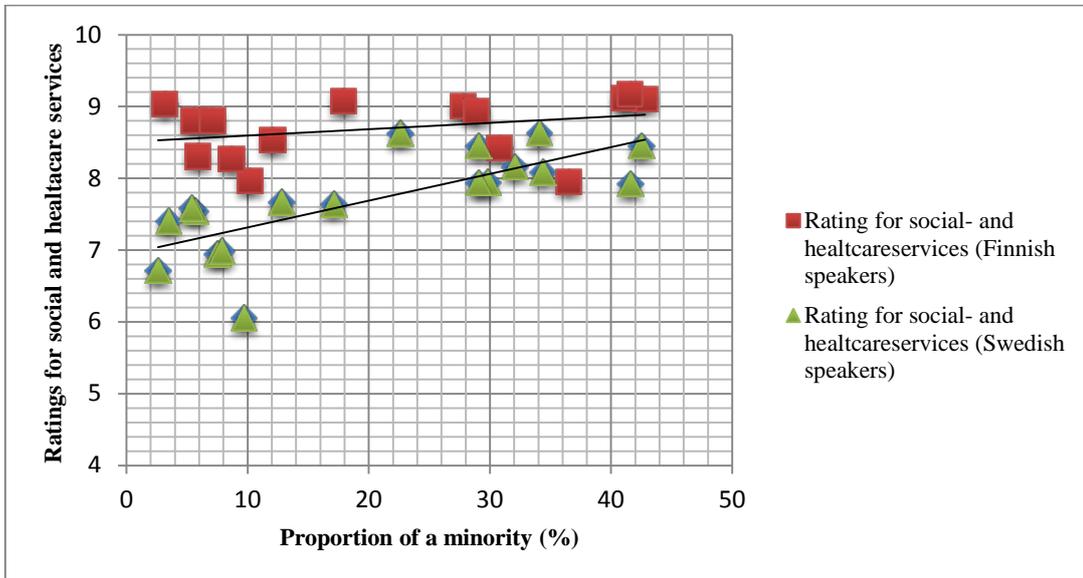
### 5.2.1.3 Linguistic services in municipalities

Satisfaction with linguistic services varies between municipalities. Earlier Language Reports have discussed a link between the relative proportion of the minority and realisation of linguistic rights. In particular, this applies to the proportion of Swedish speakers in a municipality. This correlation was observed again in Language Barometer 2016 survey.<sup>150</sup>

<sup>149</sup> Language Barometer 2016, p. 55.

<sup>150</sup> Language Barometer 2016, p. 59.

Figure 7. Correlation between the relative proportion of a minority and the rating for linguistic services (Finnish and Swedish speakers)

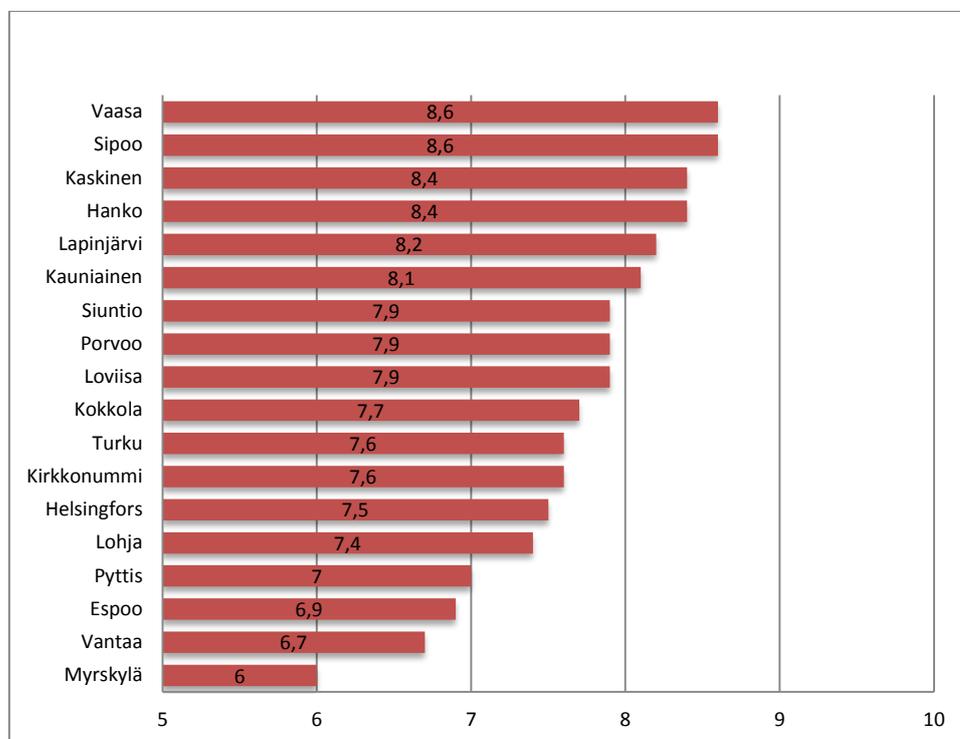


Source: Language Barometer 2016, Figure 27.

The rating given to an individual municipality reflects the language relations in it. However, the municipalities have good possibilities of influencing the realisation of linguistic rights. While the proportion of Swedish speakers in Sipoo and Kirkkonummi is more or less the same, the rating given by Swedish speakers for linguistic services is one grade higher in Sipoo than in Kirkkonummi. The satisfaction level in Kirkkonummi has improved since 2008, however, in which year the general rating was 6.7.<sup>151</sup>

<sup>151</sup> Language Barometer 2016, p. 61.

Figure 8. Average rating given by a local Swedish-speaking minority for social and health services



Source: Language Barometer 2016, Figure 26a.

The differences are less marked in municipalities where Finnish speakers are in a minority. However, these municipalities should also pay attention to the possibilities of accessing services in Finnish. As a positive trend can be considered the improved satisfaction with Finnish-language services in municipalities where the majority language is Swedish. This trend has been recorded in all municipalities but one since 2012.

*“Suomenkielisten oikeudet eivät aina toteudu kunnissa, joissa ruotsi on enemmistön kielenä. Toisinpäin ongelma on huomattavasti suurempi!”<sup>152</sup>*

<sup>152</sup> Translation: *The rights of Finnish speakers are not always realised in municipalities where Swedish is the majority language. The other way around the problem is considerably greater!* Otakantaa.fi survey, extract from open-ended responses

#### 5.2.1.4 Realisation of linguistic rights in the Helsinki region

The highest numbers of Swedish speakers live in Helsinki and Espoo. High numbers of Swedish speakers also live in Vaasa and Turku, cities where Finnish is spoken as the majority language. The Swedish-speaking minority in Vantaa is not numerous. However, Vantaa is interesting as it is located close to Helsinki and Espoo, the cities with the largest Swedish-speaking minorities in the country.

##### **Helsinki**

The City of Helsinki appointed a Bilingualism Committee on 19 October 2015. The tasks of this committee include monitoring the realisation of bilingualism. A senior planning officer has been appointed with a special mandate to develop Swedish-language services, and the implementation of language legislation is also followed up on in an annual monitoring report. Following a comprehensive reform in 2013, the social and health services in the City of Helsinki were combined into a single social services and healthcare division.<sup>153</sup> At the same time, separate Swedish-speaking social services were discontinued, and Swedish services were co-located with the Finnish services. Between 2012 and 2016, satisfaction with Swedish-language services improved somewhat. Staff members who can provide service in Swedish have been gathered into teams that look after Swedish-speaking clients. Some of the services are outsourced. Rather than regional units, a centralised model is used in many services, where Swedish-speaking clients are served by one or several branches at the city level in order to strengthen Swedish-speaking services.<sup>154</sup> The city has striven to improve the realisation of linguistic rights in many ways. The challenge, however, lies in that the number of Swedish-speaking clients is low compared to Finnish speakers. Additionally, staff with language skills is difficult to recruit. According to the city, the low numbers of professionals with language skills in the labour market and competition for these workers have an impact on the availability of staff.<sup>155</sup>

##### **Espoo**

An Advisory Board on Swedish Social and Health Services operates in the City of Espoo. Its task is to monitor the provision of Swedish-language social welfare and healthcare services and make proposals related to needs-based service dimensioning and initiatives for improving the services. An expert of Swedish-language services works in the social welfare and healthcare services. A Swedish service team has

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<sup>153</sup>Statement of the City of Helsinki, Application of language legislation, 10 June 2016.

<sup>154</sup>Language Barometer 2016, p. 61.

<sup>155</sup>Statement of the City of Helsinki, Application of language legislation, 10 June 2016.

operated in each unit, and a monitoring group composed of members of these teams was set up on 1 January 2016. The monitoring group focuses on resolving identified shortcomings and promoting good practices.<sup>156</sup>

In Espoo social welfare and healthcare services, a guideline titled A well-functioning bilingual client journey was introduced for supervisors on 1 January 2014. Its goal is to promote the cause of Swedish-speaking clients and employees who can speak Swedish. Among other things, the client journey includes establishing the client's language and respecting their language choice, an effort to serve the client in the language selected by them, and the client's possibility to go to a unit where they can be served in Swedish. Information and materials are available both in Finnish and in Swedish, also on a web service. An effort is being made to recruit Swedish-speaking staff more effectively.<sup>157</sup> Espoo has taken a number of actions since the previous Language Report was submitted. Based on the statement given by the city, it is not always possible to serve Swedish-speaking residents in Swedish, even if they have requested this. The city is also unable to provide Swedish-language services in all units, which may be one reason for the poor rating given to the linguistic services by the clients. On the other hand, it must be noted that the impacts of the actions taken are not necessarily reflected in client satisfaction surveys as yet. The city sees recruiting staff with Swedish skills as the greatest challenge.<sup>158</sup>

## Vantaa

Similarly to other large cities in the sub-region, Vantaa has also invested in policy-level steering in order to secure Swedish-speaking services. A Swedish committee (Svenska kommittén) also operates in the city.<sup>159</sup> However, Vantaa differs from the other cities in that the number of Swedish speakers in its area is relatively low. The city thus finds it difficult to offer services in Swedish in all units of its extensive service network. Vantaa also brings up the challenge of recruiting staff with Swedish skills.<sup>160</sup>

*"Har 28 års erfarenhet inom vårdbranschen i Helsingfors, Grankulla, Kyrkslätt o LOST området. Dagligen bemöts svenskspråkiga patienter/klienter enbart på finska."<sup>161</sup>*

<sup>156</sup> Statement of the City of Espoo, Application of language legislation, 30 May 2016.

<sup>157</sup> Statement of the City of Espoo, Ministry of Justice 1/58/2016, 30 May 2016.

<sup>158</sup> Statement of the City of Espoo, Ministry of Justice 1/58/2016, 30 May 2016.

<sup>159</sup> Statement of the City of Vantaa, Ministry of Justice 1/58/2016, 9 June 2016.

<sup>160</sup> Statement of the City of Vantaa, Ministry of Justice 1/58/2016, 9 June 2016.

<sup>161</sup> Translation: *I have 28 years of experience in the care sector in Helsinki, Kauniainen, Kirkkonummi and Lohja-Siuntio area. On a daily basis, Swedish-speaking patients/clients are encountered in Finnish only.*

*” Vaikka terveystalvelut ovat organisoitu siten, että ruotsinkielisille asiakkaille on erityiset terveystakeskukset, niin esim. ajanvaraus tai terveydenhoitajan vastaanotto (gate-keeperit) eivät välttämättä ymmärrä ruotsia lainkaan.”<sup>162</sup>*

### 5.2.1.5 Linguistic services in specialised medical care

Specialised medical care is provided by hospital districts. The hospital districts are joint municipal authorities, and their linguistic status is based on whether their member municipalities include one or several bilingual municipalities. Helsinki and Uusimaa Hospital District (HUS), Southwest Finland Hospital District (VSSHP), Vaasa Hospital District, Central Ostrobothnia Hospital District (Soite), Kymenlaakso Hospital District and Päijät-Häme Hospital District are bilingual. The Hospital Districts of Kymenlaakso and Päijät-Häme only have one bilingual municipality each. Päijät-Häme has organised the services of Myrskylä, which is a bilingual municipality, by providing Swedish speakers access to the services of Helsinki and Uusimaa Hospital District.

The surveys carried out by the Ministry of Justice or the Language Barometer do not directly distinguish between services offered by municipalities and hospital districts. Some conclusions can be made about the linguistic services provided by the hospital districts, however. It has been assumed that the rating for medical care in the Language Barometer mainly concerns the service offered by the hospital district, despite the fact that the largest cities offer some medical care as their own service and that municipalities may have in-patient wards in connection with their health centres. The average rating given by Finnish speakers to linguistic services in hospital care was 8.8, while the rating given by Swedish speakers was 7.4. This difference is larger than the difference in ratings for municipal services.<sup>163</sup> The results of the survey<sup>164</sup> conducted by the Ministry of Justice and the open-ended responses received to it also support the idea that Swedish speakers are less satisfied with the linguistic services provided by hospital districts than those provided by municipalities. However, there are clear differences between the hospital districts.<sup>165</sup>

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<sup>162</sup> Translation: *While healthcare services have been organised around dedicated health centres for Swedish-speaking clients, for example the appointments service or the public health nurse's clinic (gatekeepers) do not necessarily understand any Swedish.* Otakantaa.fi, extract from open-ended responses.

<sup>163</sup> Language Barometer 2016, p. 53.

<sup>164</sup> Otakantaa.fi survey, p. 47.

<sup>165</sup> Language Barometer 2016, p. 56.

Table 12. Ratings for linguistic services in hospital care given by Finnish and Swedish speakers

Hospital care	Ostrobothnia (Vaasa Hospital District)	Turunmaa (Southwest Finland Hospital District)	Uusimaa (Helsinki and Uusimaa Hospital District)
Finnish speakers	8.7	9.1	8.6
Swedish speakers	8.3	7.0	7.2

Source: Language Barometer 2016.

Urgent care services are provided by both municipalities and hospital districts. The urgent care hours of many municipalities are more restricted than the hospital district's hours, and in these cases, such services as urgent night-time care operate from the nearest hospital. The average rating given by Finnish speakers to linguistic services in urgent care was 8,5, while the rating given by Swedish speakers was 7.3.<sup>166</sup> Regional differences are also great in this respect.

Table 13. Ratings for linguistic services in emergency care given by Finnish and Swedish speakers

Urgent care unit	Ostrobothnia	Turunmaa	Uusimaa
Finnish speakers	8.4	9.0	8.4
Swedish speakers	8.0	6.5	7.1

In Ostrobothnia, 50% of the residents are Swedish speakers. In Southwest Finland, the proportion of Swedish speakers is 5.7%, while in the region of Uusimaa it is 8.2%. The relative proportion of Swedish speakers in the hospital district appears to affect the standard of linguistic services in the same way as in municipalities. In urgent care services, the question also arises of whether there is time to pay attention to the patient's language in a crisis situation, and how this can be done.

*"De få gånger jag behövt akutvård har svensk service inte funnits tillgänglig i Helsingfors"*<sup>167</sup>

*"Det som mest bekymrar mig är att man i nödsituationer inte kan utgå från att få hjälp på sitt modersmål (nödcentralen, sjukhusjouren, polisen)!"*<sup>168</sup>

<sup>166</sup> Language Barometer 2016, p. 53.

<sup>167</sup> Translation: *The few times that I would have needed urgent care services, they were not available in Swedish in Helsinki.*

## Helsinki and Uusimaa Hospital District (HUS)

HUS is a joint municipal authority of 24 municipalities with around 1,600,000 residents living in its area. The Hospital District is divided into five hospital areas. More than 130,000 Swedish speakers live in the area of the Hospital District (8.2%)<sup>169</sup>, which equals the total population of a medium-sized hospital district. The Hospital District has a minority language committee and four minority language divisions (Helsinki University Hospital, Lohja, Raasepori and Porvoo).<sup>170</sup>

The client selects the language to be used, and their preferred language is recorded in the patient register. HUS has a language programme most recently updated in 2010 that covers patients, processes, staff and finances. The language programme has a steering group that coordinates its implementation. HUS also has language ambassadors. Supervisors are responsible for ensuring that units encountering patients have both Finnish and Swedish staff on each shift. Treatment-related induction material for staff is available in Finnish and Swedish, and the staff are entitled to a small language increment in their pay if they use the second national language or sign language in their work. In 2015, a language increment was granted to 2,655 employees.<sup>171</sup> HUS uses a client satisfaction survey, in which one of the questions concerns the client's ability to use the service in their mother tongue. The responses received in 2016 (1 January–16 November 2016) have been analysed. Relatively few responses have been received to the question about the language, which has made it difficult to draw any conclusions.<sup>172</sup> The Hospital District sees the staff's lack of language skills and the difficulty of recruiting staff with good language skills as a challenge. The fact that the staff does not have enough time to take part in language training also affects their language proficiency. Additionally, the Hospital District's resources for providing translations are meagre.<sup>173</sup>

## Southwest Finland Hospital District

The Hospital District comprises 28 municipalities with more than 470,000 residents. Of the residents, 27,000 (5.7%) are Swedish speakers. The Hospital District provides specialised medical care services at eight hospitals. Of these, Turunmaa Hospital is strongly profiled as bilingual. The Hospital District has a language minority board, and

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<sup>168</sup> Translation: *What worries me the most is that in an emergency, the starting point is that you cannot get help in your mother tongue (Emergency Response Centre, hospital emergency care, the police)!* Extracts from open-ended responses to Otakantaa.fi web survey.

<sup>169</sup> www.sotkanet.fi, (20 February 2017).

<sup>170</sup> Meeting with HUS on 19 December 2016.

<sup>171</sup> Meeting with HUS on 19 December 2016.

<sup>172</sup> Meeting with HUS on 19 December 2016.

<sup>173</sup> Meeting with HUS on 19 December 2016.

the Board of Turunmaa partial catchment area has a minority language division. In addition, the hospital has appointed 145 contact persons to monitor and develop service provided in Swedish in each unit.<sup>174</sup>

The Hospital District has a language policy programme prepared in 2010 and an implementation plan for this programme. Its implementation was evaluated in late 2016. The evaluation shows that the language increment has been replaced by a language use increment, which is paid to 696 employees. The number of staff members participating in Swedish language courses has increased, and one recruitment advertisement out of three states that language skills will be considered an advantage.<sup>175</sup> In a survey addressed to Hospital District clients, the questionnaire contained the claim 'I received service in my mother tongue', with a scale of responses running from 1 to 5. The rating of Swedish-speaking clients for the linguistic services of the entire Hospital District was 3.3, and for the linguistic services at Turunmaa Hospital 4.9.

The clients are asked about their preferred language, and this information is recorded in the patient history. An effort is made to serve the client in the language selected by them at all times. The Hospital District strives to ensure the realisation of linguistic rights by means of human resources planning, staff training, compliance with the language programme and monitoring. The Hospital District also maintains a website for care instructions, [www.hoito-ohjeet.fi](http://www.hoito-ohjeet.fi), which is in the process of being translated into Swedish.

The Hospital District finds it a challenge that the staff do not, in all units and situations, have adequate skills or willingness to serve the clients in Swedish. Recruiting staff with language skills is difficult, and the offer of language courses does not meet the demand. Resources for producing translations are also not sufficient.<sup>176</sup>

### **Vaasa Hospital District**

The Hospital District comprises 13 municipalities with more than 170,000 residents. Some 85,000 (49.8%) of the clients are Swedish speakers, and Vaasa is the only Hospital District in Finland where Swedish is the main language.<sup>177</sup> The Hospital District has a minority language committee, which is Finnish speaking, as an exception to other hospital districts. The staff are mainly bilingual, and the client's

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<sup>174</sup> Meeting with VSSHP on 13 January 2017.

<sup>175</sup> Meeting with VSSHP on 13 January 2017.

<sup>176</sup> Meeting with VSSHP on 13 January 2017.

<sup>177</sup> While the relative proportion of Swedish speakers is less than 50%, it is greater than the proportion of Finnish speakers in the Hospital District.

language is taken into account naturally with no special arrangements required. The qualification and language proficiency regulations contain detailed rules on the staff's language proficiency.<sup>178</sup>

The Hospital District has a language programme that was updated by the minority language board on 10 February 2014. The focus of the programme is providing the patient with service in their mother tongue. The programme contains comprehensive objectives and measures for ensuring this<sup>179</sup>. The Hospital District considers services provided in the patient's language a factor that affects the quality of care. On the initiative of the minority language committee, satisfaction with linguistic services is studied by an outside actor on a yearly basis. A study completed in 2016 surveyed the functioning of linguistic services at clinics. Patient feedback is also collected continuously. On a scale of 1 to 5, the rating for linguistic services has been 4.8. The majority of those who respond to this question have been Finnish speakers.<sup>180</sup>

Vaasa Hospital District considers recruiting bilingual staff (Finland-Swedish) a challenge. Vaasa is a relatively multicultural city, and for this reason, the necessity of staff with a foreign background learning two languages at a fast pace is seen as a challenge.<sup>181</sup> The minority language committee has called for disambiguating the nurses' responsibility for interpreting in situations where a doctor does not speak the patient's language.<sup>182</sup>

### **Central Ostrobothnia Hospital District (Soite)**

Central Ostrobothnia Joint Municipal Authority for Social Welfare and Health Soite became operational on 1 January 2017, and the Hospital District was also merged with this authority. Joint Municipal Authority Soite has ten member municipalities with a total population of about 78,000.<sup>183</sup> More than 10,000 of the residents in the area are Swedish speakers (14.7%). Some patients, especially mothers coming to give birth, also live in municipalities in the northern parts of Swedish-speaking Ostrobothnia. A Swedish language division appointed by the council operates under the Joint Municipal Authority's board.

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<sup>178</sup> Qualification and language proficiency regulations, Board of Vaasa Hospital District 24 November 2014.

<sup>179</sup> Vaasa Hospital District language programme, updated on 10 February 2014.

<sup>180</sup> [www.soite.fi](http://www.soite.fi), (24 February 2017).

<sup>181</sup> Statement of the City of Vaasa, 9 June 2016, Ministry of Justice 1/58/2016.

<sup>182</sup> Meeting with the minority language board in Vaasa Hospital District on 16 November 2016.

<sup>183</sup> [www.soite.fi](http://www.soite.fi), (24 February 2017).

A language programme is being prepared for the new Joint Municipal Authority Soite.<sup>184</sup> The programme will contain clear targets and actions to be taken in order to reach the targets. The Joint Municipal Authority considers it important that clients and patients can be served in their mother tongues, and the authority attempts to ensure this in different ways. The employees handling appointments and nurses make sure that each patient can be directed to care staff who speak the patient's language. This takes place naturally without the patient having to make additional efforts. The advantages of a relatively small hospital include awareness of the language skills of each staff member. An attempt has been made to monitor linguistic services through client satisfaction surveys, but little feedback has been received.

*"Kieliohjelma tullaan jalkauttamaan samalla tavalla kuin käsidesin käyttöohjeet."*<sup>185</sup>

The Joint Municipal Authority sees the availability of service in the client's language in urgent care a challenge. Swedish-speaking patients should also be prompted and encouraged to speak their language. There is a need for bilingual staff and especially nurses in the Joint Municipal Authority.<sup>186</sup>

### Key observation

**Surveying client satisfaction** The Hospital Districts should more actively and efficiently monitor whether clients have received service in their preferred language.

### Specific catchment areas

Some specialised medical care services are organised across the hospital district boundaries based on university hospitals' specific catchment areas. Government Decree on Specific Catchment Areas of Highly Specialised Medical Care (812/2012) defines the specific catchment areas and the hospital districts that belong to each catchment area. There are five specific catchment areas in Continental Finland, each one of which has a university hospital. The university hospitals are located in Helsinki,

<sup>184</sup> Situation in November 2016.

<sup>185</sup> Translation: *The language programme will be translated into concrete actions in the same way as the instructions on using hand sanitizers.* Meeting with Soite, 17 November 2016.

<sup>186</sup> Meeting with Soite, 17 November 2016.

Turku, Tampere, Kuopio and Oulu. The specific catchment area of Kuopio University Hospital is the only one that does not include a bilingual hospital district. The specific catchment area of Oulu University Hospital also covers the Sámi Homeland. The specific catchment areas are not joint municipal authorities whose language would be determined under section 6 of the Language Act or to which the Sámi Language Act would apply under section 2, subsection 1. This blurs the definition of a patient's linguistic rights.

### 5.2.1.6 Good examples in healthcare

#### **Vaasa Hospital District**

Even if recruiting bilingual staff is easier in Vaasa than elsewhere in the country because of the strong bilingual traditions of the region, special consideration has been given to language matters. In other words, the delivery of good linguistic service is underpinned by a methodical approach that can be used as a model. The Hospital District has defined the realisation of linguistic rights in medical care as follows: Language is a key part of a person's identity and culture. At the hospital, **the language has an impact on the patient's care experience**. When treatment and care are provided in the patient's mother tongue, the patient can participate in their care and the decisions concerning it and understand the purpose of the treatment. This is why it is important that care and treatment are delivered to a patient in their mother tongue at the hospital<sup>187</sup>.

The language used by a patient is not seen as an isolated right and a characteristic of a patient. The language is seen as an instrument for realising other rights, and the Hospital District wishes to organise high-quality care and treatment for each patient regardless of the language they use. Targets have been set and actions have been planned to implement the language programme.<sup>188</sup> Vaasa Hospital District successfully delivers good linguistic services to both Finnish and Swedish speakers. This conclusion can be made based on surveys and studies conducted and commissioned by the Ministry of Justice. The backdrop to this situation is both the better availability of staff with language skills and the Hospital District's attitude to languages. Multilingualism is a routine part of the operation that is taken for granted and managed naturally. This also lowers the patient's threshold for using their own language.<sup>189</sup>

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<sup>187</sup> Vaasa Hospital District language programme, updated on 10 February 2014.

<sup>188</sup> Vaasa Hospital District language programme, updated on 10 February 2014.

<sup>189</sup> Meeting with Vaasa Hospital District on 17 November 2016.

## Turunmaa Hospital

Turunmaa Hospital is an example of how linguistic services can also be secured in an area where the proportion of the language minority is small. The hospital operates as a public enterprise of Southwest Finland Hospital District and offers specialised medical care services both to its own catchment area of about 23,000 residents in Parainen and Kemiönsaari and many other Southwest Finland municipalities.<sup>190</sup> The hospital provides a broad range of specialised medical care services but no emergency services.

The section on specialised medical care above discusses satisfaction with linguistic services in the bilingual municipalities of Southwest Finland Hospital District.<sup>191</sup> On this basis, we can say that linguistic rights are realised well at the hospital. The hospital is also cited as a good example in open-ended responses received to the survey conducted by the Ministry of Justice on the otakantaa.fi web service.<sup>192</sup> The hospital has indeed made special efforts to ensure bilingual service which, in an environment with a strong Finnish-speaking majority, means maintaining a Swedish-language hospital environment. The staff participating in patient care must know both Finnish and Swedish. This has not impeded recruitments, as the hospital constantly receives applications from persons interested in working in both languages. The hospital also works together with the local universities of applied sciences.<sup>193</sup>

Ensuring a high standard of linguistic services has not had a negative effect on other aspects of care quality. The hospital comes at the top of a national ranking for reducing the number of patient injuries and high productivity.<sup>194</sup> Centralising Swedish-speaking services to a single unit is presumably one reason for the high level of satisfaction with Turunmaa Hospital's linguistic services. In a strongly bilingual unit, the choice of language comes naturally to both the staff and patients. The hospital also reports that the dedicated structure of Swedish-language services as well as their own Board, administration and autonomy have a bearing on the good results.<sup>195</sup> The hospital is an example of administration where the language minority is involved in making decisions on their own services and matters that are important for them.

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<sup>190</sup> www.vvshp.fi (9.3.2017).

<sup>191</sup> These municipalities are Turku, Parainen ja Kemiönsaari.

<sup>192</sup> Otakantaa.fi survey.

<sup>193</sup> Meeting with Turunmaa Hospital on 13 January 2017.

<sup>194</sup> Meeting with Turunmaa Hospital on 13 January 2017.

<sup>195</sup> Meeting with Turunmaa Hospital on 13 January 2017.

### 5.2.1.7 Social welfare

Social welfare means actions by professional social welfare personnel, social welfare services and support services included in them that promote and maintain the functional capacity, social well-being, safety and inclusion of the individual, the family and the community. The municipalities are responsible for organising social welfare services. As the volume of services and statutes that direct them is high, the services are often grouped following a life span model into services for families with children, adults and older persons, even if they were based on the same legislation.<sup>196</sup>

Under section 6 of the Act on the Status and Rights of Social Welfare Clients, the organisation of social welfare shall be based on a decision made by an authority or, in the provision of private social welfare services, on a written agreement between the social welfare service provider and the client. Under section 7 of this Act, a plan shall be drawn up on service implementation. In other words, a high number of administrative decisions, which play a key role for client rights and which can be appealed, are made in social welfare.

The Language Barometer 2016 survey indicates that Swedish speakers are less satisfied with the linguistic services of social welfare than Finnish speakers who live in a municipality where Swedish is the majority language.<sup>197</sup> If we examine the ratings given by Swedish speakers by service and region, we can see that Swedish-speaking minorities' experiences of the delivery of social welfare services in their language vary. Such variations are not experienced by Finnish speakers.<sup>198</sup>

**Table 14. Regional ratings given by Swedish speakers for social welfare and healthcare services delivered in their language**

	Ostrobothnia	Turunmaa	Uusimaa
Mental health services	9.0	7.9	7.4
Social work	8.4	8.1	7.3
Work with older persons	8.1	6.8	7.6
Home nursing and home services	8.3	7.3	7.5
Services and support for the disabled	8.3	9.5	6.9

Source: Language Barometer 2016, Table 11 a).

<sup>196</sup> [www.stm.fi/sosiaalipalvelut](http://www.stm.fi/sosiaalipalvelut) (13 March 2017).

<sup>197</sup> Language Barometer 2016, pp. 60–61.

<sup>198</sup> Language Barometer 2016, p. 56.

*"I skola och dagvård fungerar svenskan fint. Hälsovården fungerar det i allmänhet inte, men det är möjligt att jag borde ta reda på något annat nummer att ringa till. Jag kör mest med engelska, det funkar."<sup>199</sup>*

The users give the highest rating to the Swedish-speaking services in Ostrobothnia, also when it comes to social welfare services. As an exception, services and support for the disabled receive the best rating, or 9.5, in Turunmaa. Kårkulla samkommun, the main purpose of which is to provide services for the mentally disabled in Swedish, operates in Parainen. This joint municipal authority also provides other services that require a large population base in Swedish. The Language Barometer does not indicate whether the Swedish-speaking respondents had used the disability services of Kårkulla Joint Municipal Authority or some other provider and whether the location of Kårkulla's principal activities plays a role in the well-functioning disability services delivered in Swedish in this area.

As a cause for concern, the regional difference between the ratings for Swedish-language disability services is over 2.5 units. Swedish speakers in Uusimaa give disability services the rating 6.9. Statements received by the Ministry of Justice also draw attention to the variable availability of Swedish-language services depending both on where the client lives and what their diagnosis is, so that accessing the service has in some cases been impossible, and the client has been forced to move elsewhere.<sup>200</sup> Swedish-speaking persons with disabilities are a minority within a minority. Because of their vulnerable position, their capabilities for demanding service in their own language may also be poorer than other clients'. More attention should be paid to the availability of disability services in the client's language.

*"då det gäller handikapptjänster är läget prekärt. Jag har valt att få ärendena vidare på finska, men det som sker i riktning min dotter, måste ske på svenska. Då jag dör, behöver hon tolk."<sup>201</sup>*

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<sup>199</sup> Translation: *Swedish works fine at school and in day care. In healthcare, it usually does not work, but perhaps I should find out about some other number to call. I usually use English, it works.* Open-ended response to the otakantaa.fi survey.

<sup>200</sup> Summary of statements, pp. 41–54.

<sup>201</sup> Translation: *When it comes to disability services, the situation is tricky. I have chosen to use the services in Finnish, but anything directed at my daughter must be done in Swedish. When I die, she will need an interpreter.* Open-ended response to the otakantaa.fi survey.

## Key observations

**Staff availability:** Both municipalities and hospital districts report the lack of staff with language skills as the greatest problem. Staff members with Swedish proficiency are especially difficult to recruit. Many stakeholders are aware of this, but a universal solution has not been found. New ways of improving staff language skills and the recruitment of staff with language proficiency should be developed. Language proficiency should be seen more strongly as part of the staff's professional competence.

**Delivering service in the client's language is part of high-quality care and treatment.**

**Centralisation of services:** In regions with a relatively small language minority, linguistic rights are realised poorly. Based on the examples brought up in this Report, it appears that centralising services on the basis of language would be a solution for securing the provision of services in the patient's language. Situations where centralising the services is justified should be considered.

**Functionality of information systems:** Information systems play a key role in finding out the patient's language and producing written documents. Depending on the way they are implemented, information systems may either support the realisation of linguistic rights or hamper it.

## 5.2.2 Delivery of Sámi-speaking services

### 5.2.2.1 General setting of Sámi-speaking services

#### **Distances and the general availability of services**

The exceptionally sparse population and the large surface areas of the municipalities set challenges to the organisation of social and healthcare services in the Sámi Homeland at the general level. The services are concentrated in municipal centres, and private service providers in this region are practically non-existent. The Sámi people in the Homeland mainly live in their traditional scattered settlements, and

distances to the services are often long.<sup>202</sup> Access to social welfare and healthcare services in the Sámi Homeland both in Finnish and Sámi is mainly experienced as extremely or quite difficult.<sup>203</sup> The general level of satisfaction with the services among the Sámi and the availability of services in their Homeland are significantly below the national average. Contributing factors to this include distance from the services and the trend to replace services delivered face to face by telephone or online services.<sup>204</sup>

### **Awareness of linguistic rights**

The negative attitudes of certain authorities and service providers to the Sámi Language Act or their lack of awareness of the obligations it imposes are experienced as barriers to realising the linguistic rights of the Sámi people in social welfare and healthcare services.<sup>205</sup> According to the Sámi Barometer 2016 survey, Sámi speakers often have to demand their linguistic rights, even if the Sámi Language Act obliges authorities to take the initiative in implementing these rights. Some Sámi people are not aware of their rights, and information provision on the existing Sámi-speaking services is experienced as poor.<sup>206</sup> According to SámiSoster association, it was hoped that the Sámi Language Act would influence the authorities' attitudes so that the Sámi people could use their language before authorities without a fear of being branded as 'trouble-makers'. The statement indicates that there remains scope for improvement in the attitudes, even if the situation varies between different authorities.<sup>207</sup> Responses to the online survey conducted by the Ministry of Justice also brought up the staff's negative attitudes towards the necessity of providing service in Sámi.<sup>208</sup> On the other hand, the staff are not always aware of every patient's or client's mother tongue, and the fact that a person speaks Sámi is not necessarily communicated to the authorities,

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<sup>202</sup> Niskala Asta & Räisänen Rea (ed.) 2016: Lapin sairaanhoitopiirin alueen sosiaali- ja terveydenhuollon palveluiden nykytilan kuvaus (Description of the current state of social welfare and healthcare services in Lapland Hospital District), Lapland Hospital District and Centre of Expertise of Northern Finland, p. 48.

<sup>203</sup> Heikkilä Lydia, Laiti-Hedemäki Elsa and Pohjola Anneli (2013): Saamelaisten hyvä elämä ja hyvinvointipalvelut. (Good life and welfare services for the Sámi.) Lapin yliopistokustannus, Rovaniemi 2013, p. 102.

<sup>204</sup> Heikkilä Lydia, Laiti-Hedemäki Elsa and Pohjola Anneli (2013): Saamelaisten hyvä elämä ja hyvinvointipalvelut. (Good life and welfare services for the Sámi.) Lapin yliopistokustannus, Rovaniemi 2013, pp. 97–157.

<sup>205</sup> E.g. Sámi Barometer 2016. Report on Sámi-speaking services in the Sámi Homeland. Ministry of Justice, reports and guidelines 39/2016.

<sup>206</sup> Sámi Barometer 2016. Report on Sámi-speaking services in the Sámi Homeland. Ministry of Justice, reports and guidelines 39/2016.

<sup>207</sup> Statement of SámiSoster association to the Ministry of Justice, 31 May 2016.

<sup>208</sup> Ministry of Justice (2016). Miten kielelliset oikeudet toteutuvat Suomessa? Yhteenveto otakantaa.fi-kyselystä. (How are linguistic rights realised in Finland? A summary of the otakantaa.fi survey.)

for example in the register data, if the person has not recorded Sámi as their mother tongue in the Population Information System.<sup>209</sup>

*“Ei viranomaiset edes yrittä järjestää palveluja saamen kielellä. Saamelaisalueen kunnissa suhtaudutaan saamenkieleen negatiivisesti lukuun ottamatta Utsjoen kuntaa. Olen usein kuullut, että kaikki saamelaiset osaavat suomea.”<sup>210</sup>*

### Availability of information material in Sámi

There is little material available on social welfare and healthcare services in Sámi. The Ministry of Education and Culture has agreed with the Sámi Parliament on the production of one brochure approximately once a year in Sámi. A brochure on *child and family policy in Finland* was translated into Sámi in 2013, and the *Quality recommendation to guarantee a good life and improved services for older persons* brochure was translated in 2015.<sup>211</sup> While the National Supervisory Authority for Welfare and Health Valvira does not translate its materials into Sámi in principle, the five notification templates included in the Communication guidelines of the series *Practices for securing a good quality of domestic water* have been translated into all three Sámi language. The *Patient's rights* guide, which was updated in 2016, is to be translated into Sámi, and previously, some 1,000 copies of it have been printed in Northern Sámi.<sup>212</sup>

### Sámi-speaking staff

As discussed before, an authority, and in this case the service organiser, should primarily make an effort to direct a Sámi-speaking client to a professional who speaks this language. A particular additional challenge to organising social welfare and healthcare services delivered in Sámi is, however, the lack of Sámi-speaking professionals, especially in the public sector. There are slight annual variations in the number of Sámi-speaking social welfare and healthcare sector employees in the Sámi Homeland due to leaves and turnover. According to different estimates, there are 52 to 64 social welfare and healthcare professionals who speak Sámi (Inari, Skolt or Northern Sámi) working in the Sámi Homeland. Of these, 22 to 26 work in the municipality of Inari, 13 to 20 in Enontekiö, 15 to 17 in Utsjoki and two in Sodankylä.

<sup>209</sup> See section 3.1.2.

<sup>210</sup> Translation: *The authorities aren't even trying to organise services in Sámi. Apart from Utsjoki, the Homeland municipalities take a dim view of the Sámi language. I have often been told that all Sámi people know Finnish.* Otakantaa.fi survey, extract from open-ended responses

<sup>211</sup> Statement of the Ministry of Social Affairs and Health to the Ministry of Justice, Ministry of Justice 1/58/2016, 10 June 2016.

<sup>212</sup> Valvira's statement to the Ministry of Justice on the application of language legislation, 9 June 2016; the statement does not specify if the *Patient's rights* guide is to be translated into all three Sámi languages or into Northern Sámi only.

Their language skills vary from native speaker standard to satisfactory.<sup>213</sup> In addition, around ten employees of Lapland Hospital District speak Sámi. It is estimated that 30 employees have native speaker level skills in Northern Sámi, three in Inari Sámi and two in Skolt Sámi in the Sámi Homeland and Lapland Hospital District.<sup>214</sup>

The availability of Sámi-speaking service depends to a great extent on the standard of Sámi skills that the employees on duty have.<sup>215</sup> A study report produced by the University of Lapland notes that municipalities take little methodical action aiming to improve the standard of their Sámi-speaking services. The employees' Sámi skills are not regarded as special competence and, for example, they are not taken into consideration in pay.<sup>216</sup>

There is a particular shortage of Sámi-speaking employees in physician's services, child health clinics, school healthcare, health centres' in-patient wards, intoxicant abuse and mental health services and institutional and sheltered housing services for older people.<sup>217</sup> If a Sámi person wishes to speak Sámi when using the services, the authority is often required to make special arrangements. This means that service delivery is delayed, for example while an interpreter or a translation of a document is sourced. Sometimes not even interpretation can be arranged if no advance provision has been made for this need and no interpreter is available.<sup>218</sup> If service delivery is delayed or interpretation arrangements fail, a client using the Sámi language is not in a de facto equal position with Finnish-speaking clients.

*“Erityisesti saamea äidinkielenään puhuville lapsille tulisi olla saatavilla oman kieliset palvelut, esim. neuvolassa, jossa äidinkiellentaito testataan!”*

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<sup>213</sup> Report issued by the Sámi Language Bureau and the Sámi Language Council appointed by the Sámi Parliament under section 29 of the Sámi Language Act to the Sámi Parliament 2012–2015; Report on the current status of Sámi-speaking social welfare and healthcare services, pp. 16–17.

[http://www.sosiaalikallega.fi/poske/tyoryhmat/soteuudistus/poske/tyoryhmat/soteuudistus/saame\\_nykytila\\_04052016](http://www.sosiaalikallega.fi/poske/tyoryhmat/soteuudistus/poske/tyoryhmat/soteuudistus/saame_nykytila_04052016) (22 December 2016).

<sup>214</sup> Report on the current status of Sámi-language social and healthcare services, p. 9.

[http://www.sosiaalikallega.fi/poske/tyoryhmat/soteuudistus/poske/tyoryhmat/soteuudistus/saame\\_nykytila\\_04052016](http://www.sosiaalikallega.fi/poske/tyoryhmat/soteuudistus/poske/tyoryhmat/soteuudistus/saame_nykytila_04052016) (22 December 2016).

<sup>215</sup> Report issued by the Sámi Language Bureau and the Sámi Language Council appointed by the Sámi Parliament under section 29 of the Sámi Language Act to the Sámi Parliament 2012–2015.

<sup>216</sup> Heikkilä Lydia, Laiti-Hedemäki Elsa and Pohjola Anneli (2013): Saamelaisten hyvä elämä ja hyvinvointipalvelut. (Good life and welfare services for the Sámi.) Lapin yliopistokustannus, Rovaniemi 2013, pp. 97–157.

<sup>217</sup> Report issued by the Sámi Language Bureau and the Sámi Language Council appointed by the Sámi Parliament under section 29 of the Sámi Language Act to the Sámi Parliament 2012–2015.

<sup>218</sup> Statement of the Sámi Parliament to the Ministry of Justice, Ministry of Justice 1/58/2016, 27 June 2016.

*”On hienoa että esimerkiksi Diakin Ivalon yksikössä sairaanhoitaja-diakonissoiksi opiskelevien opintoihin kuuluu joko pohjois- tai inarinsaamen opintoja. Oman äidinkielen käyttömahdollisuus on oleellinen osa hoitoa ja asiakastyötä. Kielitaitoisia työntekijöitä tarvitaan!”<sup>219</sup>*

## **Regional differences and differences between Sámi language groups in access to services**

In general, the availability of Sámi-language services is poor across the Sámi Homeland.<sup>220</sup> Northern Sámi speakers living in parts of Utsjoki and Enontekiö municipalities appear to enjoy the best situation regarding the availability of services in their language. The poorest situation is faced by residents in Sodankylä municipality and Inari and Skolt Sámi speakers. Sámi-language home care and home nursing services would appear to be the most accessible. In other areas, the availability of Sámi language service mainly depends on individual employees. The availability of intoxicant abuse services, services for older persons and persons with memory disorders, and support activities for their family members is improved by third-sector services. The situation of Northern Sámi speakers is partly improved by cross-border cooperation with municipalities in Norway and Sweden.<sup>221</sup>

## **Actions aiming to secure access to Sámi-speaking services**

The central government has taken action to improve the situation for some time. Since 2002, for example, the state budget has contained a separate central government transfer granted one year at a time for securing Sámi-language social welfare and healthcare services in the Sámi Homeland. The Sámi Homeland municipalities are responsible for producing social welfare and healthcare services, and the funding allocated to safeguarding Sámi-speaking services is directed to the municipalities through the Sámi Parliament. In 2004–2012, this appropriation was

<sup>219</sup> Translation: *Especially children who speak Sámi as their mother tongue should have services in their own language, for example at the child health clinic, which tests the child's mother tongue skills! It is great that such institutions as the Ivalo unit of Diaconia University of Applied Sciences include either Northern or Inari Sámi studies in the programmes of students in the nurse and social worker programmes. A possibility of using your mother tongue is an essential part of care and work with clients. We need employees with language skills!* Otakantaa.fi survey, extract from open-ended responses

<sup>220</sup> Heikkilä Lydia, Laiti-Hedemäki Elsa and Pohjola Anneli (2013): Saamelaisten hyvä elämä ja hyvinvointipalvelut. (Good life and welfare services for the Sámi.) Lapin yliopistokustannus, Rovaniemi 2013, pp. 97–157.

<sup>221</sup> E.g. Niskala Asta & Räisänen Rea (ed.) 2016: Lapin sairaanhoitopiirin alueen sosiaali- ja terveydenhuollon palveluiden nykytilan kuvaus (Description of the current state of social welfare and healthcare services in Lapland Hospital District), Lapland Hospital District and Centre of Expertise of Northern Finland, pp. 48-55; Heikkilä Lydia, Laiti-Hedemäki Elsa ja Pohjola Anneli (2013): Saamelaisten hyvä elämä ja hyvinvointipalvelut. (Good life and welfare services for the Sámi.) Lapin yliopistokustannus, Rovaniemi 2013, pp. 97–157; Sámi Barometer 2016.

EUR 600,000 a year. Since 2013, it has been EUR 480,000. According to the Sámi Parliament, however, the appropriation only covers 32% of the Sámi people's needs.<sup>222</sup> Under section 14 of the Sámi Language Act, knowledge of the Sámi language shall be considered a special merit also in the event that it has not been required as a qualification for the office, position or function in question. In Utsjoki municipality, for instance, language skills have been systematically taken into consideration when filling posts.<sup>223</sup>

### 5.2.2.2 Sámi-speaking health services

According to the Sámi Barometer 2016 survey, there are major differences between the Homeland municipalities in the availability of Sámi-language health services. There are also clear language-specific differences in the availability of services. According to responses received to the Sámi Barometer survey, no health services in Skolt Sámi are available, and services provided in Inari Sámi are also few and far between. The few Sámi-speaking services that are available are mainly offered in Northern Sámi.<sup>224</sup> Table 15 shows an overview of the availability of Sámi-language health services in the Sámi Homeland and Lapland Hospital District.

The Sámi Barometer survey indicates that Sámi people living in the Sámi Homeland experience shortcomings in the availability of Sámi-speaking healthcare services. Many key services, including the child health clinic, are only available in Finnish. According to the survey, only a small proportion of the respondents had received essential health services in one of the Sámi languages, and these few services mainly depended on a small number of employees.<sup>225</sup> Legally, interpretation is sufficient to meet the requirements under the Sámi Language Act if no professionals with Sámi language skills are available. It should be noted, however, that interpretation is a minimum requirement, and it makes a great difference to the client if they can communicate with the professional taking care of them directly in Sámi, rather than through an interpreter.

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<sup>222</sup> Report issued by the Sámi Language Bureau and the Sámi Language Council appointed by the Sámi Parliament under section 29 of the Sámi Language Act to the Sámi Parliament 2012–2015.

<sup>223</sup> Report issued by the Sámi Language Bureau and the Sámi Language Council appointed by the Sámi Parliament under section 29 of the Sámi Language Act to the Sámi Parliament 2012–2015.

<sup>224</sup> Sámi Barometer 2016, pp. 29–30.

<sup>225</sup> Sámi Barometer 2016, pp. 29–30.

*“Neuvolapalvelut olisi erittäin tärkeitä saada lasten äidinkielellä! Miten voin seurata lasten kielellistä kehitystä tulkin avulla, tai sanoa mitään ääntämisongelmista?”<sup>226</sup>*

Table 15. Sámi-language health services in the Sámi Homeland and Lapland Hospital District<sup>227</sup>

MUNICIPALITY	Enontekiö			Inari			Utsjoki			Sodankylä			Lapland Hospital District		
	NS	IS	SS	NS	IS	SS	NS	IS	SS	NS	IS	SS	NS	IS	SS
SERVICE / LANGUAGE															
Physician															
Nurse/midwife															
Maternity and child health clinic services															
Pupil and student healthcare services															
Mental health services															
Urgent care (health centre or hospital)															
Home nursing <sup>228</sup>															
Occupational healthcare															
Dentist/dental nurse															

(NS = Northern Sámi, IS = Inari Sámi, SS = Skolt Sámi; ■ = the service is of native speaker standard and its availability is good/quite good, ■ = the language of the service is satisfactory and/or it is only available occasionally, ■ = no services in Sámi are available)

### 5.2.2.3 Specialised medical care services provided in Sámi

In Lapland Hospital District, Sámi-language services are mainly provided through interpretation.<sup>229</sup> Elective, or non-urgent patients are called to treatment by letter, in which the patient is asked to give advance notice of any need for an interpreter. Telephone interpretation is often used with non-urgent patients in wards, and the

<sup>226</sup> Translation: *It would be extremely important to receive child health clinic services in the children's mother tongue! How can I monitor the children's linguistic development using an interpreter, or say anything about pronunciation problems?* Otakantaa.fi survey, extract from open-ended responses

<sup>227</sup> Two different sources have been used for the table data: Niskala Asta & Räisänen Rea (ed.) 2016: Lapin sairaanhoitopiirin alueen sosiaali- ja terveydenhuollon palveluiden nykytilan kuvaus (Description of the current state of social welfare and healthcare services in Lapland Hospital District), Lapland Hospital District and Centre of Expertise of Northern Finland, pp. 49–54; Report on the current status of Sámi-language social and healthcare services, pp. 16–17. [http://www.sosiaalikallega.fi/poske/tyoryhmat/soteuudistus/poske/tyoryhmat/soteuudistus/saame\\_nykytila\\_04052016](http://www.sosiaalikallega.fi/poske/tyoryhmat/soteuudistus/poske/tyoryhmat/soteuudistus/saame_nykytila_04052016) (referred to on 22 December 2016).

<sup>228</sup> Service in Northern Sámi is only available during office hours and in some parts of the listed municipalities.

<sup>229</sup> See section 5.1.2.

nursing staff have instructions for booking interpretation services. Urgent care situations where interpretation cannot be pre-arranged are a challenge. Sámi-speaking older persons with memory disorders and Sámi children have been identified as client groups who cannot manage in Finnish. The care staff has access to a Northern Sámi phrase book<sup>230</sup>, especially to support the care of persons with memory disorders and for situations where interpretation cannot be arranged. The personnel have also been offered language training paid for by the employer in their free time. Language proficiency is not taken into account in pay, but Sámi language skills may be emphasised in recruitments in case of applicants who are otherwise equal.<sup>231</sup>

Primarily, an effort should be made to arrange services without needing to resort to an interpreter. Specialised medical care services provided in Sámi are mainly available in Lapland Hospital District on an occasional basis and, as a rule, Sámi-speaking services are organised using interpretation as referred to in sections 3 and 5 of the Act on the Status and Rights of Patients.<sup>232</sup> Sámi-speaking services have been used little in the paediatric clinic and maternity clinic, for instance, even if both are regarded as important.<sup>233</sup> No Sámi-speaking staff is available in outpatient and inpatient care for children, and interpretation is mainly provided by other hospital staff members who speak Sámi. There is no separate system of interpretation services.<sup>234</sup>

Lapland Hospital District's website has a Northern Sámi section, and information on patient rights, for instance, is also available in the other Sámi languages to a variable degree. Patient Ombudsmen have only been contacted about language issues a few times, mainly concerning interpretation costs. No complaints or client feedback have been received. From the Hospital District's perspective, the greatest challenges related to practical language issues lie in ensuring the consistent quality of interpretation services and a lack of a specialised medical care vocabulary in Sámi. A less ambiguous interpretation of how the Sámi Language Act should be applied to specialised medical care services is hoped for.<sup>235</sup>

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<sup>230</sup> <http://www.sosiaalikallega.fi/uutiset/saamenkielisen-muistisairaan-hoidon-avuksi-fraasisanakirja> (5 January 2017).

<sup>231</sup> Lapland Hospital District (video conference on 3 January 2017).

<sup>232</sup> Lapland Hospital District (video conference on 3 January 2017).

<sup>233</sup> Niskala Asta & Räsänen Rea (ed.) 2016: Lapin sairaanhoitopiirin alueen sosiaali- ja terveydenhuollon palveluiden nykytilan kuvaus (Description of the current state of social welfare and healthcare services in Lapland Hospital District), Lapland Hospital District and Centre of Expertise of Northern Finland, p. 14.

<sup>234</sup> Niskala Asta & Räsänen Rea (ed.) 2016: Lapin sairaanhoitopiirin alueen sosiaali- ja terveydenhuollon palveluiden nykytilan kuvaus (Description of the current state of social welfare and healthcare services in Lapland Hospital District), Lapland Hospital District and Centre of Expertise of Northern Finland, p. 52.

<sup>235</sup> Lapland Hospital District (video conference on 3 January 2017).

#### 5.2.2.4 Good examples in specialised medical care

##### **Cross-border cooperation**

Cooperation with service providers in Norway and Sweden is an important way of securing the availability of diverse social welfare and healthcare services for Northern Sámi speakers. Lapland Hospital District has had an agreement on specialised medical care in place with Helse Finnmark in Norway since 2007. For example, there is a medical centre with specialist consultants, psychiatric services for young people and families, and an intoxicant abuse rehabilitation unit in Karasjoki. Lapland Hospital District has outsourced some services to Kirkkoniemi Hospital in Norway, mostly child and youth psychiatry, hearing care, dermatology and cardiology outpatient care services as well as some deliveries. These services have been used by a few dozen patients annually. The Muonio-Enontekiö joint municipal healthcare authority, on the other hand, has a cooperation agreement with Sweden on dental care provided in Karesuvanto.<sup>236</sup> Lapland Hospital District also has a pre-hospital care agreement going back to 2011 in place with Helse Nord, Norbåttens Läns landstinget and North Ostrobothnia Hospital District.<sup>237</sup>

Cross-border cooperation does not alleviate the problems associated with specialised medical care services for Inari and Skolt Sámi speakers. Special measures will be needed to safeguard them, for example by improving the availability of staff with language skills, providing more language and cultural training, resorting to special measures in recruitments and introducing an interpretation service. Additionally, closer cooperation with the Skolt village meeting will be needed.<sup>238</sup> In addition to specialised medical care services, this also applies to other social welfare and healthcare services.

#### 5.2.2.5 Social welfare services provided in Sámi<sup>239</sup>

Studies show that on average, Sámi-speaking social welfare services are more readily available than healthcare services. The availability of social welfare services in Sámi

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<sup>236</sup> Niskala Asta & Räisänen Rea (ed.) 2016: Lapin sairaanhoitopiirin alueen sosiaali- ja terveydenhuollon palveluiden nykytilan kuvaus (Description of the current state of social welfare and healthcare services in Lapland Hospital District), Lapland Hospital District and Centre of Expertise of Northern Finland, pp. 48–49.

<sup>237</sup> Niskala Asta, Räisänen Rea & Martin Maria (ed. 1 July 2016): Lapin sairaanhoitopiirin alueen sosiaali- ja terveydenhuollon tulevaisuuden palveluprosessit (Future social welfare and healthcare service processes in Lapland Hospital District). Final report, p. 71.

<sup>238</sup> Niskala Asta, Räisänen Rea & Martin Maria (ed. 1 July 2016): Lapin sairaanhoitopiirin alueen sosiaali- ja terveydenhuollon tulevaisuuden palveluprosessit (Future social welfare and healthcare service processes in Lapland Hospital District). Final report, p. 71.

<sup>239</sup> NB. In such sources as the Sámi Barometer, children's day-care, which is currently part of the municipalities' educational services, is included in social welfare services.

has also improved somewhat in recent years, but as a whole, the offer remains meagre. Sámi-speaking services for the disabled or child welfare services, for example, are not available in practice. Sámi-speaking social work, intoxicant abuse work and crisis assistance services are also few and far between. On the other hand, the respondents in many areas are satisfied with home services for older persons and children's day care.<sup>240</sup>

The most positive results regarding home services provided in Sámi were recorded in Utsjoki and Enontekiö according to the Sámi Barometer 2016 survey. On the other hand, sufficient Sámi-speaking services are not available in institutional care for older persons. The respondents mainly praised individual employees who are known to speak Sámi to the clients. In addition to municipal services, the respondents to the Sámi Barometer mentioned such Sámi-speaking services and activities as those organised by SámiSoster, including home help, rehabilitation and club activities for older people.<sup>241</sup> Similar results have also been obtained in studies produced by the University of Lapland and Lapland Hospital District, for instance (see Table 16).

The need for Sámi-language services is highlighted in care for older people and services for persons with memory disorders. Older Sámi people and those with memory disorders often only speak Sámi. If Sámi-language services are available not at all or only occasionally, the clients' communication may be severely restricted.<sup>242</sup> Sámi-speaking children are also in a particularly vulnerable position when services in their language are not available. The linguistic development of a Sámi-speaking child, for instance, is monitored and tested in Finnish. The test may lead to the conclusion that the child's development is delayed, whereas the truth may be that a child whose mother tongue is Sámi does not yet have sufficient Finnish skills to do well in the test. Parents also feel they do not receive support and guidance in issues related to multilingual education at the maternity and child health clinics. In practice, Sámi-speaking children with disabilities are now forced to grow up as Finnish speakers, as all rehabilitation services are provided in Finnish and in line with the Finnish culture. No speech or other therapies are available in the Sámi languages in Finland, and cross-border services are either complicated to use or not available. The same situation is faced by persons with brain injuries who are re-learning to talk. Tests that

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<sup>240</sup> Sámi Barometer 2016, pp. 30–31; Heikkilä Lydia, Laiti-Hedemäki Elsa and Pohjola Anneli (2013): Saamelaisten hyvä elämä ja hyvinvointipalvelut. (Good life and welfare services for the Sámi.) Lapin yliopistokustannus, Rovaniemi 2013, pp. 97–157.

<sup>241</sup> Sámi Barometer 2016, pp. 30–31.

<sup>242</sup> Statements of the Sámi Parliament (27 June 2016) and SámiSoster (31 May 2016) to the Ministry of Justice.

measure a client's functional capacity, health or special needs are also not available in Sámi, which may undermine the reliability of results and diagnoses.<sup>243</sup>

Table 16. Sámi-speaking social welfare services in the Sámi Homeland municipalities<sup>244</sup>

MUNICIPALITY	Enontekiö			Inari			Utsjoki			Sodankylä		
	NS	NS	IS	SS	NS	NS	NS	NS	NS	NS	NS	
Social work, social counselling, social guidance	■	■	■	■	■	■	■	■	■	■	■	
Home care and home services <sup>245</sup>	■	■	■	■	■	■	■	■	■	■	■	
Institutional care <sup>246</sup>	■	■	■	■	■	■	■	■	■	■	■	
Housing services	■	■	■	■	■	■	■	■	■	■	■	
Family care	■	■	■	■	■	■	■	■	■	■	■	
Informal care	■	■	■	■	■	■	■	■	■	■	■	
Child welfare	■	■	■	■	■	■	■	■	■	■	■	
Parenting guidance and family counselling, family mediation	■	■	■	■	■	■	■	■	■	■	■	
Custodianship, child maintenance, confirmation of paternity	■	■	■	■	■	■	■	■	■	■	■	
Intoxicant abuse services	■	■	■	■	■	■	■	■	■	■	■	
Services and support for the disabled	■	■	■	■	■	■	■	■	■	■	■	
Group activities for older people <sup>247</sup>	■	■	■	■	■	■	■	■	■	■	■	
Support activities for persons with memory disorders and their families	■	■	■	■	■	■	■	■	■	■	■	

(NS = Northern Sámi, IS = Inari Sámi, SS = Skolt Sámi; ■ = the service is of native speaker standard and its availability is good/quite good, ■ = the language of the service is satisfactory and/or it is only available occasionally, ■ = no services in Sámi are available)

<sup>243</sup> Niskala Asta & Räsänen Rea (ed.) 2016: Lapin sairaanhoitopiirin alueen sosiaali- ja terveydenhuollon palveluiden nykytilan kuvaus (Description of the current state of social welfare and healthcare services in Lapland Hospital District), Lapland Hospital District and Centre of Expertise of Northern Finland, pp. 51–54.

<sup>244</sup> Two different sources have been used for the table data: Niskala Asta & Räsänen Rea (ed.) 2016: Lapin sairaanhoitopiirin alueen sosiaali- ja terveydenhuollon palveluiden nykytilan kuvaus (Description of the current state of social welfare and healthcare services in Lapland Hospital District), Lapland Hospital District and Centre of Expertise of Northern Finland, pp. 49–54; Report on the current status of Sámi-language social and healthcare services, pp. 16–17. [http://www.sosiaalikallega.fi/poske/tyoryhmat/soteuudistus/poske/tyoryhmat/soteuudistus/saame\\_nykytila\\_04052016](http://www.sosiaalikallega.fi/poske/tyoryhmat/soteuudistus/poske/tyoryhmat/soteuudistus/saame_nykytila_04052016) (22 December 2016).

<sup>245</sup> Service in Sámi is only available during office hours and some parts of the listed municipalities.

<sup>246</sup> Sámi-language services in residential and institutional care depend on individual employees and are not available at all times.

<sup>247</sup> Group activities for Sámi-speaking older people and support activities for persons with memory disorders and their family members are implemented in cooperation with SámiSoster.

### 5.2.2.6 Good examples in social welfare services

**Developing Sámi-speaking online services** is a good way of promoting the linguistic rights of Sámi speakers in social welfare and healthcare. Through online services, Sámi speakers both in the Homeland and outside it can be reached. The Sámi Language Council, which operates in conjunction with the Sámi Parliament, grants an annual Sámi Language Act of the Year award to a service provider for having promoted the status of Sámi and Sámi-speaking services in Finland. The Language Act award of 2015 was presented to Helsinki and Uusimaa Hospital District and its partners for a self-care guide in Northern Sámi for treating depression developed in the Mielenterveystalo.fi project.<sup>248</sup>

SámiSoster association has produced the Sámi culture sensitive Muiitogiisá material bank to support the families of Sámi speakers with memory disorders and social welfare and healthcare professionals. Among other things, the material bank contains information on the Sámi culture and language. Muiitogiisá is also suited for planning cross-generational activities and for teaching use.<sup>249</sup>

### 5.2.2.7 Sámi-speaking services outside the Homeland

The core area for the application of the Sámi Language Act is the Sámi Homeland, and the scope of the Act is limited to the Homeland area as a rule. The majority of Sámi people (approx. 65%) and up to 75% of Sámi children aged under 10 are today living outside the Homeland.<sup>250</sup> Migration from the Sámi Homeland to cities and other growth centres increases constantly.<sup>251</sup> For example, 800 to 900 Sámi people were living in Rovaniemi according to data from 2011. Around 1,000 Sámi people are living in the Helsinki region.<sup>252</sup> These Sámi people have no access to services in their language.

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<sup>248</sup> Yle web news 22 December 2015 at 13:01 [http://yle.fi/uutiset/osasto/sapmi/saamen\\_kieliteko\\_palkinto\\_saamenkieliselle\\_masennuksen\\_omahoito-ohjelmalle/8544469](http://yle.fi/uutiset/osasto/sapmi/saamen_kieliteko_palkinto_saamenkieliselle_masennuksen_omahoito-ohjelmalle/8544469) (11 November 2016).

<sup>249</sup> [www.samisoster.fi/muitogiisa](http://www.samisoster.fi/muitogiisa) (5 December 2016).

<sup>250</sup> [http://www.samediggi.fi/index.php?option=com\\_content&task=blogcategory&id=105&Itemid=174&lang=finnish](http://www.samediggi.fi/index.php?option=com_content&task=blogcategory&id=105&Itemid=174&lang=finnish) (27 December 2016). Statement of the Sámi Parliament to the Ministry of Justice on the Sámi Language Act reform.

<sup>251</sup> Statement of the Sámi Parliament to the Ministry of Justice on the draft Government proposal on amending the Sámi Language Act on 30 March 2017.

<sup>252</sup> Institute for the Languages of Finland Kotus <http://www.kotus.fi/kielitetieto/kielet/saame> (24 November 2016).

*"[...]koska asumme lain asettaman saamelaisten kotiseutualueen ulkopuolella, niin jopa lasten saamen kielen opetus on sattumanvaraista."<sup>253</sup>*

While no formal definition of an indigenous people has been adopted internationally, certain common characteristics of indigenous peoples have been agreed upon, which are stated in ILO Convention no. 169 (Article 1, paragraph 1b). As an indigenous people has been regarded a population which inhabited a geographical region before the arrival of the current mainstream population, who identify themselves as an indigenous people separate from the main population in a specific area, who are not in a ruling position in society, and who wish to preserve their unique culture through their own institutions and legal systems. This definition stresses strong links with a certain geographical region. The links of an indigenous people with a certain geographical region, in this case the Sámi Homeland, is a justification for regional differences in the scope of linguistic rights. As the majority of Sámi people live outside the Homeland, it is also justified to promote the status of the Sámi language elsewhere in Finland.

## Key observations

**Access to Sámi-speaking services:** Access to high-quality, client-centered social welfare and health services in all three Sámi languages should be improved. Ways of achieving this end could include developing the practices related to recruitments and filling in posts, and improving the Sámi language skills of professionals. Awareness of the Sámi culture and the Sámi people's linguistic rights should also be raised among the staff. In some parts, cross-border cooperation can be used to improve the availability and smooth running of services provided in the Northern Sámi language.

**Sámi-language interpretation services:** The availability and good quality of Sámi-language interpretation services should be secured. Ways of making a better use of distance interpretation in social welfare and healthcare services should also be investigated. Developing the possibilities of using distance services in the Sámi language could also promote the realisation of Sámi speakers' linguistic rights both in the Sámi Homeland and outside it.

**Provision of information on services:** The provision of information on Sámi-language social welfare and healthcare services should be improved.

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<sup>253</sup> Translation: [...] as we are living outside the Sámi Homeland specified in the law, even the teaching of the Sámi language received by our children is haphazard. Otakantaa.fi survey, extract from open-ended responses

## 5.2.3 Services for other language groups

### 5.2.3.1 Sign languages

Provisions on the right to use sign language or interpretation and translation services organised by the authorities are contained in numerous statutes applicable to different branches of government, including the Act on the Status and Rights of Social Welfare Clients (812/2000) and the Act on the Status and Rights of Patients (785/1992). Among other things, provisions on taking the patient's mother tongue and culture into account as part of good care are laid down in these acts. In the context of the patient's right to access information, it is also stated that if the patient because of a sensory handicap or speech defect or some other reason cannot be understood, interpretation should be provided if possible.

The Social Insurance Institution (Kela) organises interpretation services pursuant to the Act on Interpretation Services for Persons with Disabilities. Those entitled to interpretation services organised by Kela include persons with hearing and visual impairments, hearing impairments or speech impairments and who, because of their disability, need interpreting services for work, study, the use of services, civic participation, hobbies or leisure. The interpretation service organised by Kela is secondary compared to other interpretation services organised pursuant to some other act. In other words, the provisions in specialised legislation on the arrangement of sign language interpretation should thus primarily be complied with.

In connection with the drafting of the Sign Language Act, the Constitutional Law Committee noted that there were significant shortcomings in the realisation of sign language users' rights as intended in the legislation of different administrative branches. For example, the right to obtain assistance from an interpreter at the cost of an authority when dealing with matters initiated by the authority is not always realised, and sign language users are forced to obtain this assistance at their own cost. Services provided under the Act on Interpretation Services almost appear to be primary, even if this Act is of secondary importance compared to other legislation concerning interpretation. Parliament has issued a statement urging the Government to take action to ensure that the rights of sign language users are realised across the country as intended when drafting the legislation on their linguistic rights.<sup>254</sup>

#### **Ambiguities concerning responsibility for organising interpretation**

While this Report was being drafted, it transpired that the valid provisions in the Act on the Status and Rights of Social Welfare Clients and the Act on the Status and

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<sup>254</sup> PeVM 10/2014 vp - HE 294/2014 vp ja EV 346/2014 vp - HE 294/2014 vp.

Rights of Patients on interpretation and obtaining an interpreter are causing problems for sign language users.<sup>255</sup> Feedback received from the sign language community indicates that no uniform practices currently exist in social welfare and healthcare services regarding the arrangement of interpretation. Both those who need interpretation and health service employees are uncertain about who is responsible for booking a sign language interpreter, in what types of situations an interpreter should be booked, and who pays the costs of the interpretation service. According to the statements received, the authorities' attitudes towards sign language users' linguistic needs often are belittling or negative. Clients who use the sign language have reported that, despite requests to do so, an interpreter has not always been booked for them, and this may have put patient safety at risk. At some hospitals, for example, an interpreter for patients cared for in the wards may only have been booked for the time of the doctors' rounds, and communication with other staff in the ward was impossible in practice. On the other hand, sometimes more than one interpreter turn up if the client has not been informed of the interpreter booked by the authority and believed that they are responsible for making the booking. At some hospitals, clients are requested in the appointment letter to inform the hospital in advance if they need an interpreter; however, this notification can only be given by telephone, which naturally is a problem for a deaf client. In a number of cities the social welfare services (for example disability services) have deemed that it is up to the client to book an interpreter, as it is the client who wishes to contact the services.<sup>256</sup> The overwhelming majority of clients contacting the Finnish Association of the Deaf's advocacy service, for example, have questions about ambiguities related to the provision of interpretation services.<sup>257</sup>

### **Inconsistent quality of interpretation services**

Shortcomings have also come up in sign language interpretation services for which Kela is responsible. According to information received by the Ministry of Justice, the quality of interpretation services organised by Kela has been inconsistent, especially since the booking activities related to them were centralised to Turku in 2014. The centralisation has had a negative impact on service users' possibilities of influencing such aspects as the selection of the interpreter. The client's preferences or the demanding nature of the interpretation situation have not always been taken into

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<sup>255</sup> E.g. Statement of the Finnish Association of the Deaf to the Ministry of Justice on 9 June 2016, Ministry of Justice 1/58/2016.

<sup>256</sup> Statements of the Finnish Association of the Deaf (9 June 2016), the Finnish Association of Parents of Deaf and Hard of Hearing Children (10 June 2016) and Finnish Youth Cooperation – Allianssi (10 June 2016) to the Ministry of Justice, Ministry of Justice 1/58/2016.

<sup>257</sup> Statement of the Finnish Association of the Deaf to the Ministry of Justice on 9 June 2016, Ministry of Justice 1/58/2016.

consideration when selecting interpreters.<sup>258</sup> The situation of Kela's interpretation services gives cause for concern especially regarding the Finland-Swedish sign language. The number of interpreters who know Finland-Swedish sign language is very small. In addition, deaf clients who use the Finland-Swedish sign language are sometimes offered interpreters who know Swedish, while they use the Finnish sign language and do not necessarily understand the Finland-Swedish sign language.<sup>259</sup>

### **Significance of interpretation and service provided in the client's language**

The statements issued to the Ministry of Justice stress that the possibility of using an interpreter should be secured, especially for children who use sign language as their mother tongue, in all social welfare and healthcare services.<sup>260</sup> On the other hand, it has been suggested that because of their nature, service provided in the client's language rather than interpretation would be needed in certain social welfare and healthcare services. These include services where long-standing client relationships are typical and services for vulnerable groups, including therapy services for young people, some services for older persons, mental health services, and services for children, people with memory disorders, immigrants or persons affected by social exclusion.<sup>261</sup>

### **Translations of documents into sign language**

According to the Finnish Association of the Deaf<sup>262</sup>, there are major variations in the literacy skills of sign language users in Finnish or Swedish. In a service use situation, an interpreter's fast-paced rendition is not recorded in any way, and the client may forget its contents. In some matters, a written decision is only produced after the service use situation. If the client does not understand written Finnish or Swedish, their legal protection may be at risk.<sup>263</sup> In recent years, the need to translate

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<sup>258</sup> Statements of Finnish Youth Cooperation – Allianssi (10 June 2016) and the Finnish Association of Parents of Deaf and Hard of Hearing Children (10 June 2016) to the Ministry of Justice, Ministry of Justice 1/58/2016.

<sup>259</sup> Statement of the Advisory Board on the Sign Languages (Institute for the Languages of Finland Kotus) to the Ministry of Justice, 10 June 2016, Ministry of Justice 1/58/2016.

<sup>260</sup> Statements of Finnish Youth Cooperation – Allianssi (10 June 2016) and the Finnish Association of Parents of Deaf and Hard of Hearing Children (10 June 2016) to the Ministry of Justice, Ministry of Justice 1/58/2016.

<sup>261</sup> Statements of the Finnish Association of the Deaf (9 June 2016), the Advisory Board on the Sign Languages (Institute for the Languages of Finland, 10 June 2016) and Finnish Youth Cooperation – Allianssi (10 June 2016) to the Ministry of Justice, Ministry of Justice 1/58/2016.

<sup>262</sup> Statement of the Finnish Association of the Deaf to the Ministry of Justice on 9 June 2016, Ministry of Justice 1/58/2016.

<sup>263</sup> See e.g. Supreme Administrative Court decision in a case that concerned processing an application relevant to taking a child into care and placing the child in substitute care (KHO:2016:73).

documents into sign language has been brought up in situations where the sign language user's reading skills are poor.<sup>264</sup>

### **Accessibility of social welfare and healthcare services**

There remains scope for improvement in the accessibility of social welfare and healthcare services to sign language users. In some municipalities, appointments can be made by text message<sup>265</sup>, but often the client can only make an appointment by telephone<sup>266</sup>.

*“Nykyään useat terveysterveystahot käyttävät takaisinsoittopalvelu-systeemiä asiakaspalvelussa. Tämä on suurin syrjintä-case meille viittomakielisille, koska viittomakielentulkkia ei voi vaatia läsnä olevaksi 24/7. Asiakaspalvelussa tulee huomioida tasavertaisesti eri kielimuodot, jolloin enemmän monipuolisuutta kehiin sähköpostin ja tekstiviestin muodossa.”<sup>267</sup>*

Reconciliation of linguistic rights and reasonable adaptations – From the perspective of deaf persons who use sign language, the organisation of services provided in the sign language or obtaining interpretation into sign language are about the realisation of linguistic rights on the one hand, and reasonable adaptations due to a disability on the other. According to the Finnish Association of the Deaf, these two perspectives are currently not reconciled effectively at the level of municipalities. In care for older persons, for example, there is often uncertainty about who is responsible for organising services for a deaf client. Additionally, when assessing the service needs of persons with multiple disabilities who are deaf, linguistic needs are sometimes completely ignored. For instance, when assessing the service needs of a person with reduced mobility, the emphasis may be on organising mobility aids and an accessible physical environment, whereas the need for services provided in, or interpreted into, the sign language receives less attention.<sup>268</sup>

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<sup>264</sup> Statement of the Finnish Association of the Deaf to the Ministry of Justice on 9 June 2016, Ministry of Justice 1/58/2016.

<sup>265</sup> Statement of the Finnish Association of the Deaf to the Ministry of Justice on 9 June 2016, Ministry of Justice 1/58/2016.

<sup>266</sup> Statement of Finnish Youth Co-operation – Allianssi to the Ministry of Justice, 10 June 2016, Ministry of Justice 1/58/2016.

<sup>267</sup> Translation: *Many health authorities use a call return system in their client service these days. This is a major case of discrimination against us sign language users, because you cannot demand that a sign language interpreter is there 24/7. Different language forms should be taken into consideration equally in client service, and for this reason, we would like to see more diversity in the form of e-mail and text messages.* Otakantaa.fi survey, extract from open-ended responses

<sup>268</sup> Statement of the Finnish Association of the Deaf to the Ministry of Justice on 9 June 2016, Ministry of Justice 1/58/2016.

*"Sosiaali- ja terveystalvuuissa tiedetään yllättävän huonosti viittomakielistä ja kuuroista."*<sup>269</sup>

*"Hörselskadade personer som är beroende av läppavläsning och som har svenska som modersmål hör bäst på svenska. Lättast att avläsa läppar på sitt eget modersmål."*<sup>270</sup>

*"Kuuleva viittomakielinen on väliinputoaja – mikäli sairastuu vaikkapa dementiaan ja viittomakieli on se oma vahvempi kieli, puhutun suomen väistyessä, ei palveluja ole tarjolla."*<sup>271</sup>

*"Jag kan använda teckenspråkstolk vid besök till läkare och hälsocentral, vilket har varit en bra lösning. De flesta hälsotjänster har också möjlighet ge svenskspråkig service, och de jag har använt har fungerat tillfredsställande."*<sup>272</sup>

## Key observation

**Using the staff's sign language skills:** Note should be taken of the language skills of social and healthcare professionals who know sign language, and their skills should be used better in work with clients and patients.

**Centralisation of sign language services:** The situations where gathering and centralising sign language related expertise to certain social and healthcare units or branches is justified should be considered. The other units/branches could draw on the centralised expertise and language skills by such means as a video link.

**Sign language interpretation:** The practices and responsibilities related to organising interpretation into sign language in social welfare and healthcare services should be clarified. The quality of the interpretation service organised by Kela and the adequacy of resources should be monitored.

<sup>269</sup> Translation: *The social and health services know surprisingly little about sign language users and deaf people.*

<sup>270</sup> Translation: *Persons with a hearing impairment who depend on lip-reading and whose mother tongue is Swedish can hear the best in Swedish. Your mother tongue is the easiest to lip read.*

<sup>271</sup> Translation: *A hearing sign language user falls between the cracks – if you are affected by dementia, for example, and sign language is your stronger language as spoken Finnish recedes, no services are available*

<sup>272</sup> Translation: *I can use a sign language interpreter when I have to see a doctor or visit the health centre, which has been a good solution. Most health services can also provide service in Swedish, and the ones I have used have worked satisfactorily.* Extracts from open-ended responses to Otakantaa.fi web survey.

### 5.2.3.2 Other languages

#### **Russian speakers**

There is a high number of Russian-speaking doctors and other social welfare and healthcare experts working in Finland. The authorities also increasingly provide information in Russian (printed material and websites, for example Lastensuojelu.info). However, more information, especially information targeted at persons with disabilities, older persons and other special groups, should be provided in Russian. Many organisations offer information and publications in languages spoken by immigrant groups. The Finnish Association of Russian-Speaking Organisations (FARO), for example, has published a series of guides in Russian that provide information on social welfare and healthcare services. The availability of Russian interpreters, assistance with interpreting and translating documents as well as crisis help and assistants to accompany persons with disabilities when they use services outside the home is poor, on the other hand, especially in urgent cases.<sup>273</sup>

#### **Estonian speakers**

Presumably because of the close language relation between Finnish and Estonian, Estonian-speaking clients and patients are often expected to understand Finnish sufficiently well, and for this reason, an interpreter is usually not booked for them. The Finnish skills of many Estonian speakers are not good enough to use the authorities' services, however.<sup>274</sup> There is also a need for more information and materials (for example brochures and websites) in Estonian.<sup>275</sup>

#### **Availability of interpretation and translation services**

The number of people who speak languages other than Finnish, Swedish or Sámi has increased in recent years, and the availability of interpretation services and other resources is inadequate. The social welfare and healthcare services also offer advice to immigrants in their own languages.<sup>276</sup>

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<sup>273</sup> Statement of the Finnish Association of Russian-Speaking Organisations (FARO) to the Ministry of Justice, 10 June 2016, Ministry of Justice 1/58/2016.

<sup>274</sup> Statements of Tuglas association (10 June 2016) and Federation of Estonian Associations in Finland (20 May 2016) to the Ministry of Justice.

<sup>275</sup> Statement of Tuglas association to the Ministry of Justice 10 June 2016, Ministry of Justice 1/58/2016.

<sup>276</sup> Statement of the City of Tampere to the Ministry of Justice 9 June 2016.

## Plain language

The linguistic rights of those who need plain language are poorly realised in social welfare and healthcare services. Electronic services are more wide-spread, and they do not always pay enough attention to service accessibility from the linguistic point of view<sup>277</sup>. According to the feedback received, appointment systems and forms are often difficult to understand and use for clients who speak languages other than Finnish or Swedish<sup>278</sup>. Plain language services would also benefit persons with memory disorders and very old persons, persons with intellectual disabilities and many other groups of people with disabilities as well as persons who have other difficulties with learning, reading, language use or concentration. So far, no uniform practices or guidelines for plain language use exist, and plain language use would appear to be a challenge in social welfare and healthcare services regarding both interpreters and translation services. Based on the feedback received, however, social welfare and healthcare services attempt to take the client's or the patient's mother tongue into consideration and organise interpretation where possible.<sup>279</sup> The City of Tampere's Pirkanmaa interpreter centre can provide interpretation into around 40 languages. The interpreter centre also offers training related to culture and interpretation as well as translation services. Notices and instructions have been translated into various languages, with special attention to large language groups. Where necessary, individual official decisions have been translated into the language used by the client, for example in the field of social work. The City of Tampere has also offered targeted healthcare and integrating social work services to immigrants.<sup>280</sup> The use of plain language in public services is currently very haphazard.<sup>281</sup>

*"Myös sosiaali- ja terveystalveissa tulee huomioida äidinkielen lisäksi ymmärrettävyys, erityisesti silloin jos henkilöllä on kielellisiä vaikeuksia ja hän tarvitsee selkokielistä viestintää tai käyttää puhetta tukevia ja korvaavia kommunikaatiokeinoja.[...]"<sup>282</sup>*

<sup>277</sup> Statement of the Finnish Association on Intellectual and Developmental Disabilities' Plain Language Centre to the Ministry of Justice 9 June 2016, Ministry of Justice 1/58/2016.

<sup>278</sup> Statement of the Network of Multicultural Associations Moniheli to the Ministry of Justice 9 June 2016, Ministry of Justice 1/58/2016.

<sup>279</sup> E.g. the statements of City of Kaskinen (9 June 2016) and the Regional State Administrative Agency for Western and Inland Finland (8 June 2016) to the Ministry of Justice; Lapland Hospital District (video conference 3 January 2017).

<sup>280</sup> Migration Info Centre Mainio: <http://www.tampere.fi/sosiaali-ja-terveyspalvelut/sosiaalinen-tuki-ja-toimeentulo/maahanmuuttajat/mainio.html>

<sup>281</sup> Statement of the Finnish Association on Intellectual and Developmental Disabilities' Plain Language Centre to the Ministry of Justice 9 June 2016.

<sup>282</sup> Translation: *In addition to the client's mother tongue, comprehensibility should also be taken into account in social welfare and healthcare services, especially if a person has linguistic difficulties and he or she needs plain language communication or uses speech support and compensating methods [...]* Otakantaa.fi survey, extract from open-ended responses.

## Key observations

**Encountering foreign-language speakers:** The practices of encountering foreign-language speakers and organising interpretation in social welfare and healthcare services should be harmonised.

**Good administrative language and plain language:** Plain language should be used more in social welfare and healthcare services.

### 5.2.3.3 Good examples

**In Tampere, the communication needs of the deaf-blind and sign language users have been addressed when organising services.** The client's or patient's method of communication is taken into consideration when booking an interpreter. Sign language users and deaf-blind clients have been offered social work services in their own languages in the disability services office, which has employed two social workers who know Finnish sign language. Communication between a client who uses sign language and a social worker has also been possible via a video link. Additionally, training on sign language culture has been organised for the staff. Own-language home care services and housing services for older people and persons with severe disabilities where the staff knows sign language have also been outsourced.<sup>283</sup>

#### Plain language

Some authorities and social welfare and healthcare service providers have taken plain language users into consideration in their activities. A good example of this is Satakunta Hospital District, where essential information that concerns all patients in general, including instructions for patients and the website, is provided in plain language. The Social Insurance Institution also offers information about its benefits and services in plain language. These two examples can be considered exceptional, however, and any other examples of plain language use in the communication and activities of public administration actors are individual and unsystematic.<sup>284</sup>

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<sup>283</sup> Statement of the City of Tampere to the Ministry of Justice 9 June 2016.

<sup>284</sup> Statement of the Finnish Association on Intellectual and Developmental Disabilities' Plain Language Centre to the Ministry of Justice 9 June 2016.

## 5.2.4 Special questions of social welfare and healthcare

### 5.2.4.1 Services for older persons

The responsibility for organising the social welfare and healthcare services needed by older people rests with the municipalities to a great extent. Their social security consists of social welfare and health services and income security. Older persons' ability to use their own language in public services is part of a well-functioning service mix.

Based on the table below, which illustrates the ratings given for linguistic services in social welfare (Table 17), we can say that the level of satisfaction depends on where the respondents live, also when it comes to services for older people delivered in Swedish. In particular, Swedish speakers in Turunmaa are less than satisfied (rating 6.8). Similar regional differences cannot be seen in the case of Finnish-speaking respondents.

The Report on the Application of Language Legislation submitted in 2009, which also monitored services for older people separately, notes: <sup>285</sup> *'In the Language Barometer 2008, the representatives of language minorities of bilingual municipalities gave approximately the same grades for the care of the elderly, but the grades vary between different municipalities. For example in Turku, the Swedish-speaking minority gave the grade 6.5 for the care of the elderly in 2008 when it was 6.7 in 2004. In Vaasa, on the other hand, the grade improved from 6.9 in 2004 to 7.5 in 2008. The Swedish-speaking minority in the Helsinki region gave particularly low grades for home help and home services.'* The Language Report for 2013, on the other hand, notes that the average level of satisfaction with the language in which services for older persons were delivered had dropped over four years. <sup>286</sup>

The following table shows the ratings given by the Swedish-speaking population for services for older people in connection with the Language Barometer surveys conducted in the Helsinki region in 2008, 2012 and 2016. While there was some variation in the questions between different years, the results are still comparable. The residents were asked to rate services for older people in 2008, services for older people (home help and home services) in 2012, and services for older people and home services separately in 2016.

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<sup>285</sup> Language Report 2009, p. 43.

<sup>286</sup> Language Report 2013, p. 56.

Table 17. Ratings given by Swedish speakers for linguistic services in services for older persons in bilingual municipalities in the Helsinki region and its satellite municipalities<sup>287</sup>

	2008 Services for older persons	2012 Services for older persons (home help and home services)	2016 services for older persons/home care
Helsinki	7.08	6.3	7.2 / 6.8
Espoo	6.89	6.52	6.2 / 6.0
Kauniainen	7.35	7.5	8.0 / 8.7
Vantaa	7.0	6.73	6.5 / 5.7
Sipoo	8.74	8.19	8.1 / 8.3
Kirkkonummi	6.96	7.31	6.5 / 7.1
Siuntio	8.19	8.20	8.4 / 8.1

Based on Table 17, we can conclude that in the residents' opinion, Swedish-speaking services for older persons work poorly, and in general, the municipalities in the Helsinki region have been unable to solve this problem. However, the City of Helsinki has surveyed the availability of Swedish-speaking home care for several years. This survey showed that less than 20% of those who expressed their preference for home care services provided in Swedish reported that they always received them. 75% of the respondents reported that they receive no service in Swedish.<sup>288</sup> The Swedish home care services in the City of Helsinki can thus be found inadequate. On the other hand, it is positive that the City continuously monitors satisfaction with the standard of Swedish-speaking services. It would be a good idea for other bilingual municipalities to follow suit.

*"Nej, hur kan ens rättigheter tillgodoses när vi ex. inom äldreomsorgen även på svenskspråkiga boenden har övervägande finskspråkig personal som indirekt är respektlösa och kategoriskt talar finska till kunderna, även fast boendet är svenskspråkigt."*<sup>289</sup>

The Ministry of Social Affairs and Health has issued a quality recommendation aiming to guarantee a good life and improved services for older persons.<sup>290</sup> The recommendation notes that having data on the linguistic distribution of the older population in a municipality supports the municipalities' efforts to develop services for

<sup>287</sup> Information provided in an e-mail by Marina Lindell, February 2017.

<sup>288</sup> Helsinki social and health services; Asiakastutkimus 2016, kooste ruotsinkielisistä palveluista (Client survey 2016, summary of Swedish-speaking services).

<sup>289</sup> Translation: *No, how could your rights be realised when, for example in services for older persons and also in Swedish-speaking sheltered housing services, we mainly have Finnish-speaking staff who indirectly behave superciliously and categorically only speak Finnish to the clients, even if the housing service is supposed to be Swedish-speaking.* Otakantaa.fi, extract from open-ended responses.

<sup>290</sup> Ministry of Social Affairs and Health publications 2013:11.

them.<sup>291</sup> This is indeed highly important in terms of service planning and the personnel's language skills. The proportion of Swedish-speaking older people is almost without exception higher in bilingual municipalities than the proportion of Swedish speakers in the entire population of the municipality. This difference is particularly notable in the Helsinki region.

Table 18. Swedish-speaking older population in the bilingual municipalities of the Helsinki region and its satellite municipalities<sup>292</sup>

Swedish speakers in the Helsinki region on 31 December 2015	Aged over 65, % of population	Aged over 85, % of population	The entire language group's proportion of the population
Helsinki	8.1	11.2	5.7
Espoo	11.3	14.8	7.5
Vantaa	4.8	6.9	2.6
Kauniainen	40.9	50.4	34.4
Sipoo	51.9	63.2	34.1
Kirkkonummi	27.4	46.4	17.1
Siuntio	45.4	65.2	29.1

The reduction in the relative proportion of Swedish-speaking residents in the Helsinki region is due to a wave of migration from Finnish-speaking municipalities in the 1960s and 1970s rather than to any essential reduction in the number of Swedish speakers.<sup>293</sup> In other words, the need for Swedish-language services for older persons is not likely to decrease in the future.

*"Att bli äldre på svenska i Nyland är inget att se framemot, utan då flyttar jag tillbaka till Österbotten."*<sup>294</sup>

In its recommendation, the Ministry of Social Affairs and Health stresses how important it is that an older person can participate in the assessment of service needs in their mother tongue. The linguistic needs of an older person must also be addressed in the plan. When planning the service structure and selection, the linguistic needs of the older population must be taken into account.<sup>295</sup> It would be vital for the municipalities to apply the Ministry of Social Affairs and Health's recommendation.

<sup>291</sup> Ministry of Social Affairs and Health publications 2013:11, p. 29.

<sup>292</sup> [www.sotkanet.fi](http://www.sotkanet.fi).

<sup>293</sup> Finlandssvenskarna, 2012, p. 12.

<sup>294</sup> Translation: *Growing old in Swedish in Uusimaa is not something I look forward to, and when I get to that stage, I will move back to Ostrobothnia.* Otakantaa.fi survey, extract from open-ended responses

<sup>295</sup> Ministry of Social Affairs and Health publications 2013:11, pp. 31–32 and p. 38.

#### 5.2.4.2 Access to Swedish-speaking youth psychiatry services in the Helsinki region

Mental health services are organised by the municipalities and specialised medical care units. They include guidance, counselling and appropriate psychosocial support, psychosocial support in crises as well as the examination, treatment and rehabilitation of mental health disorders. Provisions on these services are contained in the Health Care Act and the Mental Health Act (1116/1990).<sup>296</sup>

The availability of mental health services in the client's language is considered important. For example, the Finnish Central Association of Mental Health has noted that especially in psychiatric services, it is important and essential that treatment, rehabilitation and services are provided in the patient's mother tongue. The Association continues that a good command and understanding of a language is required to translate feelings and emotions into words at a time when the client's functional capacity is impaired because of a psychological or somatic reason, disability or old age.<sup>297</sup> In addition to the Finnish Central Association of Mental Health, many other associations have given statements where they draw attention to the differences between regions and municipalities in the availability of Swedish-speaking mental health services and their inadequacy compared to Finnish-speaking mental health services. Ostrobothnia is the only region in Finland where Finnish and Swedish language minorities give almost the same rating for the availability of mental health services in their languages. In Uusimaa and Turunmaa, Swedish speakers give lower ratings for these services than Finnish speakers. difference amounts to roughly one grade.<sup>298</sup>

*"Behövde under våren hjälp på mentalvårdssidan i min kommun. Fick bra och snabb hjälp, men inte på mitt modersmål. I den akuta situationen var det ok, men kunde ändå inte uttrycka mig som jag skulle ha önskat och kände ett extra tryck pga detta. Inom mentalvården är det ytterst viktigt att få vård på eget modersmål. Efter den akuta perioden letade jag upp och betalade jag privat vård på svenska helt själv."<sup>299</sup>*

<sup>296</sup> [www.stm.fi/mielenterveys](http://www.stm.fi/mielenterveys), 16 March 2017.

<sup>297</sup> Statement of the Finnish Central Association of Mental Health, 10 June 2016, Ministry of Justice 1/58/2016.

<sup>298</sup> Language Barometer 2016, p. 56.

<sup>299</sup> Translation: *In the spring, I needed the support of the mental health services in my municipality. I received good and fast service, but not in my mother tongue. In an acute situation, this is OK. However, I could not express myself as well as I could have wished, and this put me under extra pressure. In mental health services it is extremely important to receive treatment in your mother tongue. After the acute treatment period I sought and paid for private service provided in Swedish.* Otakantaa.fi survey, extract from open-ended responses

For an extended period, psychiatric services for Swedish-speaking young people in the Helsinki region have been identified as the greatest problem area. The problems have included difficulties with recruiting personnel for the Swedish-language youth psychiatry care team.<sup>300</sup> This issue has also been on the news a number of times.

In 2016, the total number of Swedish-speaking psychiatric patients treated in the entire Helsinki and Uusimaa Hospital District was 2,694. This figure includes outpatient and inpatient care in Helsinki, Espoo, Vantaa and Kellokoski area. A Swedish-speaking outpatient clinic of youth psychiatry is located in Pasila, which serves young Swedish-speaking patients from Helsinki University Hospital and their families. In February 2017, the clinic cared for 70 to 80 patients. The unit's recruitments have been successful in that the clinic has a physician, a psychologist and other staff who know Swedish.<sup>301</sup> In addition to Pasila, youth psychiatry wards that provide service in Swedish are found in Raasepori and Porvoo.

The City of Espoo has paid attention to the need to safeguard access to therapy services provided in the client's mother tongue for children and young people.<sup>302</sup> At the moment, there are five Swedish-speaking employees in Espoo area. It is possible to receive service in Swedish at the clinics of both Leppävaara and Olari. This is important as the clinics in Espoo also serve Kirkkonummi, which has a relatively high number of Swedish speakers.<sup>303</sup>

Based on the information provided above, we can observe that long-standing shortcomings in Swedish-language youth psychiatry services have been successfully remedied, at least so far. The success in recruiting Swedish-speaking staff is a very positive development.

#### 5.2.4.3 Child welfare and children taken into care

##### **Swedish speakers**

Under section 4, subsection 2 of the Child Welfare Act (417/2007), when assessing the interests of the child, consideration must be given to the extent to which the alternative measures and solutions safeguard the need to take account of the child's linguistic, cultural and religious background. Under section 50 of this Act, when a place is chosen for substitute care, the child's linguistic, cultural and religious

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<sup>300</sup> E.g. von Kraemer, 2014 p. 24.

<sup>301</sup> Information provided by Helsinki and Uusimaa Hospital District by e-mail on 6 February 2017.

<sup>302</sup> Statement of the City of Espoo, 30 May 2016, Ministry of Justice 1/58/2016.

<sup>303</sup> Statement of the City of Espoo, 30 May 2016, Ministry of Justice 1/58/2016.

background must be taken into account as far as possible. The specialised legislation has been criticised for not being obliging enough when it comes to linguistic rights<sup>304</sup>.

No statistics are compiled in Finland by language on children who have been child welfare clients. Regional statistics indicate, however, that the lowest number of children were taken into care in Ostrobothnia, while the second lowest number was recorded in the Åland Islands.<sup>305</sup> In Ostrobothnia and the Åland Islands, the proportion of Swedish speakers in the population is higher than in other parts of the country. There is no statistical data on regional or national differences between Finnish and Swedish speakers.

Little data is available on either Swedish-speaking child welfare clients or Swedish-speaking child welfare services and service chains. This hampers the planning of the services. There are no children's homes that operate exclusively in Swedish. This means that even if they have employees who know Swedish, children's homes do not necessarily have the prerequisites for receiving Swedish-speaking children or young people.<sup>306</sup> Lagmansgården in Pedersöre is the only state-run reform school that offers the possibility of attending school in Swedish.<sup>307</sup> The future of this reform school is constantly uncertain due to financial reasons. In Southern Finland, family care arranged as support referred to in section 37 of the Child Welfare Act (417/2007) in Swedish is only available in Raasepori. A long distance may become an obstacle to using the service.<sup>308</sup>

Child welfare clients often need many different support forms. Child welfare employees have described the Swedish-speaking service network as difficult to comprehend. Experts also know of several cases where, in lack of services provided in Swedish, a Swedish-speaking child has lost contact with both their Swedish-speaking relatives and their culture as a result of child welfare measures.<sup>309</sup>

### **Sign language users**

According to feedback received from the Finnish Association of the Deaf, challenges have been encountered in safeguarding the linguistic rights of a child who uses the sign language and who has been taken into care. When he or she is taken into care, a child who uses the sign language usually ends up in a Finnish-speaking environment where no-one communicates with the child in sign language. This may cause

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<sup>304</sup> Summary of statements, Central Union for Child Welfare, p. 46.

<sup>305</sup> Child welfare 2015, p. 4. Publications of the National Institute for Health and Welfare.

<sup>306</sup> Expert meeting with University Lecturer Harry Lunabba, 1 February 2017.

<sup>307</sup> [www.valtionkoulukodit.fi](http://www.valtionkoulukodit.fi), 4 April 2017.

<sup>308</sup> Von Kraemer 2014, p. 17.

<sup>309</sup> Von Kraemer 2014, p. 18.

problems, for example when it comes to delivering crisis therapy and hearing the child's views in issues that concern him or her. It may be difficult for social workers to assess the success of the child's treatment if they cannot communicate with the child in his or her own language.<sup>310</sup>

### Russian speakers

The criticism levelled by the so-called Children's Ombudsman in Russia at Finnish child welfare practices sparked public discussion about the rights of Russian-speaking children and their parents in 2013. As the Ministry of Social Affairs and Health offered more extensive and up-to-date information in Russian on the principles of the Finnish child welfare services, the situation was defused.<sup>311</sup> The topic again received high-profile media coverage in 2015 and 2016. The feedback received by the Ministry of Justice for the present Report shows that, in order to avoid misunderstandings, continuous information activities among the Russians in their own language about child welfare issues would be needed. In this respect, the Russian-speaking organisations could support the authorities.<sup>312</sup>

## Observations

**Swedish-speaking child welfare services:** Data on Swedish-speaking child welfare services and child welfare clients should be produced to enable the development of a service network that would safeguard linguistic and cultural rights. This also applies to other minority language groups in Finland.

### 5.2.4.4 Children's right to sign language

According to the preliminary work on the Sign Language Act (359/2015), the right to their own language and culture of children who use the sign language has given cause for concern among the sign language community.<sup>313</sup> The statements submitted to the Ministry of Justice for the purposes of this Report have also brought up concerns, particularly over the right of children who are born deaf or with a hearing

<sup>310</sup> Feedback from the Finnish Association of the Deaf to the Ministry of Justice 27 February 2017 (e-mail communication).

<sup>311</sup> Annual Report of the Ombudsman for Children 2013, p. 61, <http://lapsiasia.ssthosting.fi/wp-content/uploads/2014/12/Vuosikirja-2013.pdf>.

<sup>312</sup> Statement of the Finnish Association of Russian-Speaking Organisations (FARO) to the Ministry of Justice, 10 June 2016, Ministry of Justice 1/58/2016.

<sup>313</sup> HE 294/2014 vp, p. 36.

impairment and their parents to learn sign language and receive education provided in this language.<sup>314</sup>

### **Cochlear implants and sign language**

Almost all children who are deaf or with hearing impairments today receive a cochlear implant as part of medical rehabilitation provided by the healthcare services with the aim of enabling communication based on hearing and learning spoken language. During the rehabilitation period of a child who has received an implant, the family may be urged to stop using sign language as it is no longer needed. The use of sign language is also often believed to slow down the child's process of learning to hear and speak. However, research-based information does not support this idea<sup>315</sup>. Not all children achieve sufficient spoken language skills with the implant, and it thus does not benefit them. Some children also need sign language or communication by signs to support their linguistic development. A child with a cochlear implant also encounters everyday situations where using the device is not possible. In those situations, sign language is a natural method of communication.<sup>316</sup> Simultaneous or alternative teaching of the sign language may often be in the best interests of a child who is born deaf. Otherwise the child may be left without an effective means of communication, and their learning and personality development are put at risk.<sup>317</sup>

### **Providing teaching of sign language is discretionary**

Provisions on the right of the hearing parents of a deaf child to receive teaching of sign language as part of adaptation training are contained in the Act on Services and Assistance for the Disabled. This service depends on the availability of appropriations, and a recommendation from the treating physician or other healthcare professional is often required.<sup>318</sup> The provision of teaching of sign language is discretionary, and there are thus major differences between the municipalities regarding the grounds for granting this services and the number of hours that are granted. Some municipalities require a medical statement, and some physicians do not recommend the use of sign

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<sup>314</sup> <http://oikeusministerio.fi/fi/index/toimintajatavoitteet/perusoikeudetjademokratia/kielilaki/kielilelli-stenoikeuksienseuranta.html>

<sup>315</sup> Cf. e.g. Takkinen, Ritva 2013. Sisäkorvaistutetta käyttävien lasten viittomakielen ja puhutun kielen omaksuminen (Learning of sign language and spoken language by children with a cochlear implant). In *Lähivertailuja* 23. (Main editor) Annekatrin Kaivapalu, (ed.) Pirkko Muikku-Werner, Johanna Laakso, Katre Oim and Maria-Marem Sepper, pp. 392–393.

<sup>316</sup> Statements of the Finnish Association of Parents of Deaf and Hard of Hearing Children (10 June 2016), the Advisory Board on Sign Languages (Institute for the Languages of Finland Kotus, 10 June 2016) and the Central Union for Child Welfare (6 June 2016) to the Ministry of Justice, Ministry of Justice 1/58/2016.

<sup>317</sup> Statement of the National Institute for Health and Welfare to the Ministry of Justice 31 May 2016, Ministry of Justice 1/58/2016.

<sup>318</sup> HE 294/2014 vp, p. 36.

language before the benefits of a cochlear implant for helping the child learn to speak have been investigated. In some municipalities, the number of teaching hours is insufficient for learning a new language, and in others, no teaching of sign language is granted as there are no appropriations.<sup>319</sup> Rather than teaching of the sign language, families are sometimes only offered the teaching of supportive signing<sup>320</sup>. Consequently, some children and families that need sign language are left without an effective common language and interaction. This means that children who have been born deaf or with severely impaired hearing and their parents living in different parts of the country are treated very differently depending on the practices and appropriation policies in their municipality.

### **The authorities' attitudes**

The statements received by the Ministry of Justice indicate that in addition to lack of information, negative attitudes towards bilingualism in families using the sign language occur among social welfare and healthcare service personnel. They express concerns over the learning of spoken language and linguistic development in the hearing children of parents who use the sign language. On the other hand, it has been pointed out that the care staff do not recommend that the parents use sign language to support spoken language with a child who has been born deaf or with a severe hearing impairment.<sup>321</sup> The attitudes of many authorities reflect the idea that sign language is only an assistive device.<sup>322</sup>

### **Decisions on a child's language**

The Finnish Association of the Deaf estimates that only about 5% of the children who are deaf or have severe hearing impairments are born to families where the parents already know sign language. The hearing parents in around 20 new families need to be taught sign language every year. For hearing parents, learning sign language can be compared to learning other foreign languages.<sup>323</sup> Some parents of children with hearing impairments have felt that when assessing the child's needs related to

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<sup>319</sup> Statements of the Finnish Association of the Deaf (10 June 2016) and the National Institute for Health and Welfare (31 May 2016) to the Ministry of Justice, Ministry of Justice 1/58/2016.

<sup>320</sup> Statement of the Finnish Association of Parents of Deaf and Hard of Hearing Children to the Ministry of Justice, 10 June 2016, Ministry of Justice 1/58/2016.

<sup>321</sup> Negative attitudes to bilingualism are described in such sources as Karoliina Nikula's doctoral dissertation *Lapsen hyvää edistämässä. Syntymäkuurojen lasten sisäkorvaistutehoitokäytännön sosiaalieettistä tarkastelua* (Promoting The Good of The Child. A Social-Ethical Analysis of Cochlear Implants in Children Born Deaf). 2015; <https://helda.helsinki.fi/bitstream/handle/10138/157048/Lapsenhy.pdf?sequence=1>.

<sup>322</sup> Statement of the Finnish Association of the Deaf to the Ministry of Justice, 10 June 2016, Ministry of Justice 1/58/2016.

<sup>323</sup> Statement of the Finnish Association of the Deaf to the Ministry of Justice, 10 June 2016, Ministry of Justice 1/58/2016.

linguistic development and offering information to parents, the perspectives of hearing technology and medicine are mainly emphasised. The parents' experience has been that healthcare units do not offer sufficient expert information on sign language and bilingualism to support the parents in making decisions on the child's language.<sup>324</sup>

Decisions made on behalf of a child in an early phase may have far-reaching consequences for inclusion in different life stages at home, in early childhood education and care, at school, in hobbies and in the labour market alike. Language choices and hearing aid solutions should thus be examined as mutually complementary, not mutually exclusive possibilities. A child must have the possibility of communicating with others at all times. Effective language (spoken and sign language) supports the child's psychological, social and cognitive development. Language is also a key part of a child's identity. Families should have the right to choose the language they use for communicating within the family.<sup>325</sup> The Advisory Board on Sign Languages (Institute for the Languages of Finland Kotus) noted in its statement that legislation should place a clearer obligation on social welfare, healthcare and education authorities to ensure that a child who is deaf or has a hearing impairment is given an opportunity to learn one of the sign languages used in Finland.<sup>326</sup>

### Key observation

**A child's possibility of learning sign language:** The practices of different authorities that prevent or obstruct the possibilities of a child who is born deaf or with a hearing impairment to learn sign language in addition to spoken language should be examined and action should be taken to improve the situation if necessary.

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<sup>324</sup> Statements of the Finnish Association of the Deaf (10 June 2016) and the Central Union for Child Welfare (6 June 2016) to the Ministry of Justice, Ministry of Justice 1/58/2016.

<sup>325</sup> Statements of the Finnish Association of the Deaf (10 June 2016) and the Central Union for Child Welfare (6 May 2016) to the Ministry of Justice, Ministry of Justice 1/58/2016. See also the UN Convention on the Rights of the Child (Article 30) and the UN Convention on the Rights of Persons with Disabilities (Articles 24 and 30).

<sup>326</sup> Statement of the Advisory Board on Sign Languages (Institute for the Languages of Finland Kotus) to the Ministry of Justice, 10 June 2016, Ministry of Justice 1/58/2016.

## 6 LINGUISTIC RIGHTS IN STATE-OWNED COMPANIES

### LANGUAGE ACT

**Section 24** *Linguistic services of a public enterprise and a State and municipal company.* A public enterprise and a service-producing company in which the State or one or more bilingual municipalities or municipalities using different languages exert authority shall provide services and information in Finnish and Swedish to the extent and manner required by the nature of the activity and its substantive connections and which in view of the totality cannot be deemed unreasonable from the point of view of the company. What is provided in this Act regarding authorities applies to a State company that attends to a function of an authority.

**Section 25** *The obligation of a private individual to provide linguistic services.* If a public administrative task has been assigned by or under law to a private individual, the provisions of this Act on an authority apply to the said private individual in attending to this task. If the recipient of the task is determined on the basis of a decision or other action of an authority or on the basis of an agreement between an authority and the recipient, the authority shall ensure that linguistic services are provided in accordance with this Act in the performance of the task. This shall also be ensured when an authority assigns other than a public administrative task to a private individual, if the maintenance of the level of service required by this Act so demands.

### SÁMI LANGUAGE ACT

**Section 17** *State enterprises and State- or municipality-owned companies.* A State enterprise and a service-producing company in which the State or one or more of the municipalities referred to in section 2, subsection 1, paragraph 1, exert authority, shall

in the Sámi homeland provide the linguistic service referred to in this Act and provide information to the public also in the Sámi language to the extent warranted by the nature and context of the activity and in a manner that cannot be deemed unreasonable to the enterprise or company when assessed as a whole. What is provided in this Act regarding authorities applies also to a State enterprise that attends to a function of an authority.

**Section 18** *Obligation of a private entity to provide linguistic services.* If a public administrative function has by Act or on the basis of an Act been assigned to a private entity, the provisions of this Act on an authority apply to the entity when operating in the Sámi homeland. If the assignee of such a function in the Sámi homeland is determined by the decision or other measure of an authority or by contract between the assignee and the authority, the authority shall ensure that linguistic service is provided in the performance of the function as provided in this Act. The authority shall ensure the same also when assigning a task other than a public administrative function to a private entity in the Sámi homeland, if the standard of service required in this Act so necessitates.

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The State of Finland owns shares in more than fifty major companies. About two thirds of them are commercial companies in which the state is a majority shareholder or associated companies in which the state is a minority owner. The remainder are companies that either have a certain special task assigned to them by the Government or some dispensation that disqualifies them from operating in a competitive environment.<sup>327</sup> As tasks that have been previously handled by the state are transferred to companies, an effort has often been made to separate public administrative tasks from other tasks and keep the public administrative tasks in the hands of the state. However, state-owned companies continue to handle matters that include public administrative tasks, public tasks or special tasks of societal significance.

From the perspective of applying the Language Act, whether or not the company has been assigned tasks that contain exercise of public power or public administrative tasks is crucial. In that case, the same obligations related to languages apply to private companies as to authorities. If a company performs public tasks or produces a service for the public, the principle of proportionality applies to linguistic obligations. There are no specific provisions on the difference between a public administrative task and a public task. If a private party handles a public administrative task, under

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<sup>327</sup> <http://vnk.fi/omo/omistajapolitiikka-ja-ohjaus1>.

section 25 of the Language Act, the same obligations related to linguistic services apply to it as to the authorities. This means a relatively broad obligation to operate in both national languages. A similar provision, which is applied in the Sámi Homeland, is contained in section 18 of the Sámi Language Act.

Section 24 of the Language Act and section 17 of the Sámi Language Act contain provisions on the obligation of public enterprises and state-owned companies to provide services and information in Finnish, Swedish or Sámi. This legislation represents an effort to safeguard linguistic basic services when functions that have previously been handled by authorities are transferred to public enterprises and companies. In other words, if basic services of societal significance are transferred to companies in public ownership, this should not affect the clients' right to receive service and information in their own language. However, the Language Act and especially its section 24 cannot always be applied to state-owned companies in a straightforward manner.

Under section 24 of the Language Act, a service-producing company in which the State exerts authority shall provide services and information in Finnish and Swedish to the extent and manner required by the nature of the activity and its substantive connections and which in view of the totality cannot be deemed unreasonable from the point of view of the company. This also applies to Finnish and the Sámi languages in the Sámi Homeland. The provision applies to companies in which the State exerts authority,<sup>328</sup> or state majority-owned companies. A state majority-owned company today means a company where the state owner has the majority of votes.<sup>329</sup> The definition of ownership has not caused problems in terms of Language Act application. The scope of this provision includes companies that provide services to the public. On the other hand, the obligations do not extend to companies that produce goods, or services if they are offered to such customers as companies or authorities. This excludes most state-owned companies from the scope of the Act.

The principle of proportionality is followed in the application of the provision, as the ownership of a limited company should not have a negative impact on the company's possibilities of operating in an open market.<sup>330</sup> The assessment of proportionality is, however, the greatest reason for uncertainty regarding the provision's scope. What exacerbates the situation is that no-one appears to be competent to solve all questions associated with the assessment of proportionality. The Parliamentary Ombudsman has processed complaints concerning state-owned companies, but efforts to define the full scope of the Language Act are hampered by discrepancies

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<sup>328</sup> HE 92/2002 vp, HE 233/1994 vp.

<sup>329</sup> <http://vnk.fi/omistajaohjaus/yhtiot>.

<sup>330</sup> LaVM 25/1994 vp.

between the Ombudsman's competence and the scope of the Language Act. The scope of the Act exceeds the Ombudsman's competence.<sup>331</sup>

According to the rationale of the Language Act, the aforementioned principle of proportionality works in two different ways. On the one hand, the significance of the activities in question for citizens must be taken into account. The requirement of applying the Act is stressed the more, the more important the activity is for the citizen, and vice versa. On the other hand, the requirements that can be reasonably imposed on a company must be assessed. If demand is very low, a company cannot be expected to maintain a continuous capability to provide full service in both national languages. Attention should be paid to establishing whether the company in question has a monopoly or a dominant position in the market, or whether other actors also offer a similar service in a competed market.<sup>332</sup> However, a company may always provide a better service than what is required under the Language Act.

Services of societal significance must be available in Finnish, Swedish and Sámi. If the company is the only actor in the market, or the most significant one, its obligations can be compared to the obligations imposed on bilingual authorities under the Language Act and, similarly, the obligations imposed on the authorities under the Sámi Language Act. If there is no demand for the services in the other language, however, for example in offices located in unilingual municipalities, services in the other language may be compromised on.

Under the Act, the linguistic obligations concern both services and information. The services and information need not have the same content in both national languages, or in Finnish and Sámi. Regardless of the form and scale of the service and the information provision, it is crucial that the individual can receive basic services in their own language. Notices that play a key role for the clients must be prepared in both languages, and in Sámi in the Sámi Homeland. The rationale for the Act lists prices, schedules, contract terms and other information that is important for the consumer as examples.<sup>333</sup> When it comes to information provision, producing information of a permanent nature in the languages required under the Act cannot be considered unreasonable. This also applies to information about services that are not of societal importance. Various companies have selected different solutions regarding the scope of services they offer in Finnish, Swedish and Sámi. As in other sectors, recruiting personnel with language skills is challenging, especially in Sámi but also in Swedish.

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<sup>331</sup> Parliamentary Ombudsman register no. 5551/4/13. Sarja, Mikko, 2015.

<sup>332</sup> HE 92/2002 vp.

<sup>333</sup> HE 92/2002 vp.

## 6.1 Implementation of linguistic rights in state-owned companies

### 6.1.1 State-owned companies within the scope of the Language Act and the Sámi Language Act

In principle, the Language Act applies to all state-owned companies that provide service for the public. Additionally, the company's market position affects the application of the Act. On this basis, at least Posti Group, Finavia, Finferries, VR Group, Veikkaus, Finrail, Finnish Broadcasting Company and Alko have the duty to provide service and information in Finnish and Swedish and, in certain cases, in Sámi. Finvera and Finpro also have linguistic obligations, even if their target group is companies. Not all of these companies have equally extensive obligations to provide services in both Finnish and Swedish or Sámi. We can also single out the companies which have statutory public tasks, administrative tasks or a universal service obligation or which, because of the nature of their activities, can be seen as performing a public administrative task.

Posti Oy, Finavia Oy and VR as state-owned companies have been selected for special examination in this Report. Only two state enterprises, Metsähallitus and Senate Properties, remain in existence. They have been excluded from this examination on the grounds that the Ministry of Justice is not aware of any cases where they would encounter challenges related to applying the Language Act similar to those faced by state-owned companies.

The Sámi Language Act is applied to the services of state-owned companies offered in the Sámi Homeland. These include Posti branches and Ivalo airport. In addition, the Act on Yleisradio Oy (1380/1993) contains provisions on the Sámi language.

### 6.1.2 Users' views of the realisation of linguistic rights

In the Language Barometer 2016 survey, Finnish and Swedish-speaking respondents who belonged to the minority language group in a bilingual municipality were asked to indicate if they had used the services of a certain company, and which school grade they would give to the company's linguistic services. The survey also distinguished between the respondents' levels of satisfaction in Ostrobothnia, Southwest Finland and Uusimaa.

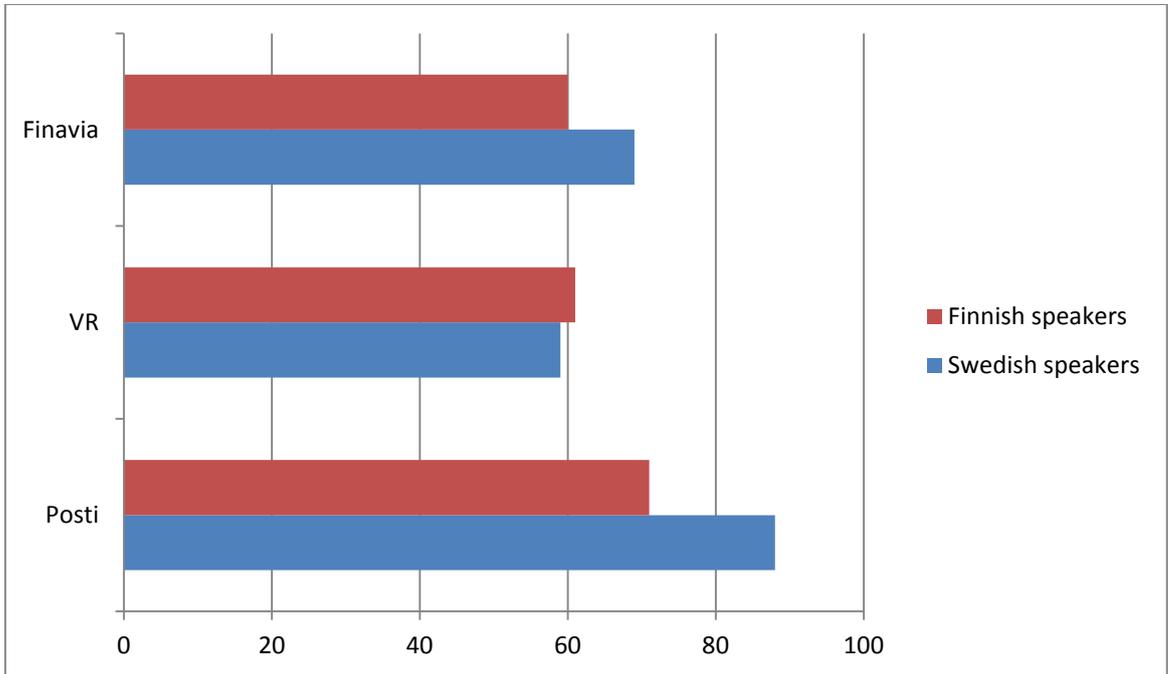


Table 19. Services used by Finnish and Swedish speakers. Source: Language Barometer 2016.

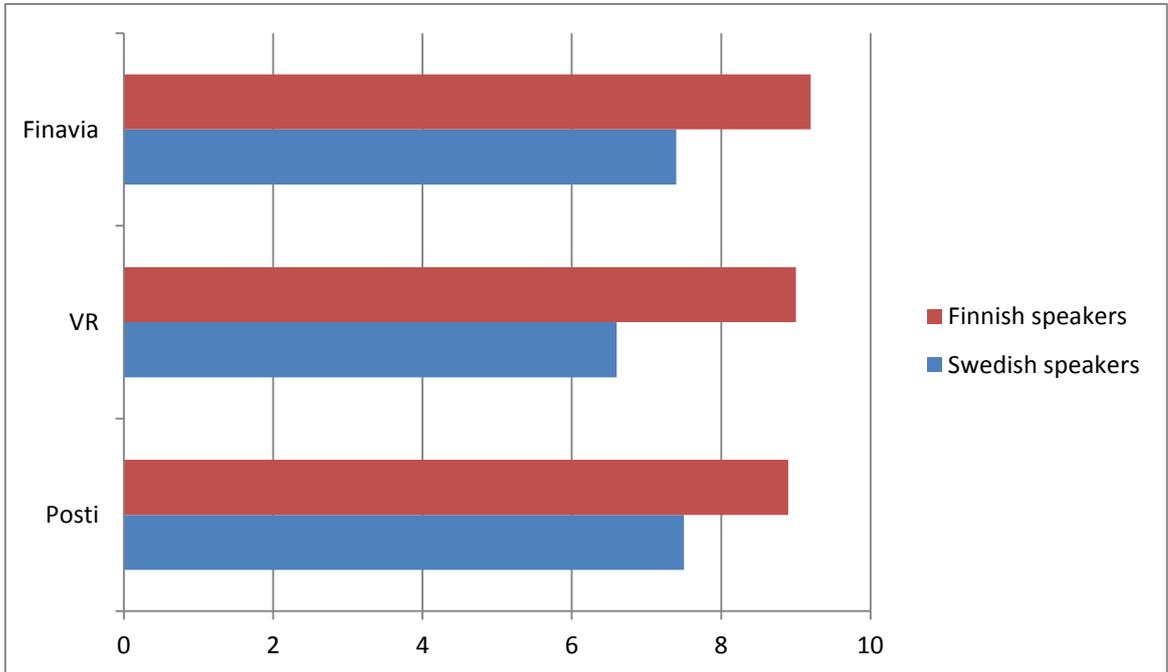


Table 20. Users' school grade for linguistic services. Source: Language Barometer 2016.

Table 20 shows that while Finnish speakers were more or less equally satisfied with the linguistic services of all three state-owned companies, there would appear to be problems associated with the offer of Swedish-speaking services.

Table 21. Swedish speakers' assessment of linguistic services by region<sup>334</sup>

	Ostrobothnia	Southwest Finland	Uusimaa
Finavia	8.1	7.3	7.2
VR	6.8	6.8	6.4
Posti	7.8	6.4	7.5

When interpreting Table 21, it should be noted that only those Swedish speakers who belong to the language minority in their municipalities responded to Language Barometer 2016 survey. Consequently, the survey does not necessarily provide an accurate big picture of the standard of Swedish-speaking services offered by these state-owned companies. For example, the majority of Swedish speakers in Ostrobothnia, Southwest Finland and Uusimaa may be more satisfied with Posti's services than the survey indicates. VR, on the other hand, could receive a lower grade if the other Swedish speakers besides those who belong to the language minority in their municipality had taken part in the survey.

The otakantaa.fi site survey conducted by the Ministry of Justice also contained questions about the quality of linguistic services provided by state-owned companies. The respondents rated the Swedish-language service of state-owned enterprises extremely low. Almost three out of four (72%) of the Swedish speakers find the Swedish-language service of state-owned companies poor, while only 15% find it good. Many respondents also gave open-ended responses in the otakantaa.fi survey. These responses would appear to indicate that the greatest problem is shortcomings in the staff's Swedish skills.<sup>335</sup>

*"Statsbolagen (VR, Posten, Finavia) ger sällan/aldrig info på svenska när det är frågan om direkt information pga ändringar i tidtabeller eller scheman. Endast den färdigt behandlade infon ges på svenska. Kan sällan/aldrig fråga konduktören på tåget något på svenska."*<sup>336</sup>

<sup>334</sup> Language Barometer 2016.

<sup>335</sup> Otakantaa.fi summary, extract from open-ended responses.

<sup>336</sup> Translation: *State-owned companies (VR; Posti, Finavia) rarely/never provide direct information in Swedish about changes in schedules or programme. Only information processed in advance is available in Swedish. I can rarely/never ask the conductor on the train anything in Swedish.*

In the Sámi Barometer, the offer of central government services in the Sámi language was examined through the general question, ‘Do you think that central government services and authorities work well in the Sámi language you speak?’<sup>337</sup> Not a single respondent felt that central government services had been organised well as a whole in Sámi. The Sámi Barometer did not contain separate questions about the Sámi-language services provided by state-owned companies, and thus the results are indicative at best. It is worth mentioning, however, that Metsähallitus was cited by 11 respondents when asked about state authorities and services where Sámi can be used as the language of communication. In proportion, Metsähallitus was mentioned more often specifically by speakers of Inari Sámi. On the other hand, such companies as Posti and Finavia, which have branch offices in the Sámi Homeland, were not mentioned once.

## 6.2 Realisation of linguistic rights by specific companies

### 6.2.1 Finavia Oyj (Finavia)

Finavia sees to the fluency and safety of passenger traffic at airports as well as the smooth flow of air traffic and air traffic control in the Finnish air space. Finavia also rents business and operating premises to companies and organisations.<sup>338</sup> Public administrative tasks assigned to Finavia include security checks of passengers and air navigation services.

The Aviation Act (864/2014) does not contain provisions on the national languages or Sámi that would be relevant to this examination. Section 25 of the Language Act applies to the public administrative tasks assigned to Finavia under the Aviation Act, or the security checks of passengers and air navigation services. Finavia also provides customer service and information, to which section 24 of the Language Act is applied. The Parliamentary Ombudsman’s interpretation is that in some cases, Finavia’s information activities may be associated with performing a public administrative task and thus subject to section 25 of the Language Act.<sup>339</sup>

Section 25 of the Language Act applies to security check tasks at airports. In principle, everyone has the right to use Finnish or Swedish at the security check, and the public must be served in both Finnish and Swedish. Finavia has ensured this by

<sup>337</sup> Sámi Barometer 2016, pp. 33–35.

<sup>338</sup> Meeting with Finavia on 21 November 2016.

<sup>339</sup> Parliamentary Ombudsman register no. 1515/4/10.

including in its service contracts the requirement of having at least one person who can serve customers in Swedish on each security check shift.<sup>340</sup> Air navigation services are also public administrative tasks,<sup>341</sup> even though they comprise technical and de facto administrative duties of a special nature, in connection of which no administrative decisions are made.<sup>342</sup> Interpreted in this light, a duty to provide service in both Finnish and Swedish would apply to air navigation services under section 25 of the Language Act. Under section 108, subsection 3 of the Aviation Act, on the other hand, the Ministry of Transport and Communications may decide that in the air space for which Finland is responsible or in some part of it, air navigation services will only be provided in English, if this is necessary to ensure aviation safety and smooth running of air traffic as well as to implement the objectives of the Single European Sky. One decision has been issued on this matter, which concerns the use of English in the approach area of Kirkkoniemi.<sup>343</sup>

Finavia has announced that it provides personal and electronic customer service in several languages. The personnel is required to have skills in the national languages used in the relevant region, or at least awareness of where they can find assistance, for example in situations where their oral skills are not sufficient to deal with an issue. In principle, Finavia requires all personnel members to have proficiency in Swedish. Language training is also offered to the staff.<sup>344</sup>

Multilingualism is highlighted in Finavia's information activities. The services and information on the company's website are provided not only in the national languages but also several other languages. When the information provided by the company in Swedish is examined, it turns out that the most important news and instructions for passengers are also available in Swedish. The websites of Helsinki-Vantaa, Kokkola-Pietarsaari, Mariehamn and Vaasa, including flight information and information on delayed flights, are provided in both national languages. Signposts for terminals and ground traffic are provided at least in Finnish, Swedish and English. A decision has been made to only give the names of cities in English in the information screens. Public announcements at the terminals are made in several languages. As a good example of both the application of the Language Act and accessibility can be

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<sup>340</sup> Meeting with Finavia on 21 November 2016.

<sup>341</sup> PeVL 47/2005 vp.

<sup>342</sup> HE 79/2014 vp.

<sup>343</sup> Decision on the use of English in Kirkkoniemi approach area, Ministry of Transport and Communications 1826/08/2016.

<sup>344</sup> Meeting with Finavia on 21 November 2016.

considered the listening function on Finavia's website, which has been implemented in both Finnish and Swedish.<sup>345</sup>

### 6.2.1.1 Observed challenges related to Finavia's services

Finavia itself has considered recruiting bilingual security check operators to the airports a particular challenge, especially since the company reports a general shortage of labour. Finding staff with language skills for other roles at the small airports in Eastern and Northern Finland has also been challenging. The difficulty with recruiting bilingual security check operators may also be affected by the regulations on their training programme or qualification, which do not include requirements related to Swedish proficiency. The aviation authority is also not known to have approved Swedish-language training programmes for security check operators.<sup>346</sup>

Swedish speakers give a lower rating for Finavia's linguistic services than Finnish speakers.<sup>347</sup> While Finavia does well in many respects when it comes to providing information in both national languages, constant attention needs to be paid to service and information in Swedish.

*"Finavia ger hellre service på engelska än svenska. (Tom. ryska hellre än svenska ibland, såsom Helsingfors-Vandas parkeringsservice.)"*<sup>348</sup>

### 6.2.2 Posti Group Oyj (Posti)

Posti mainly offers postal, logistics and online services. The Finnish Communications Regulatory Authority has imposed on the company a universal service obligation referred to in Chapter 3 of the Postal Act (415/2011).<sup>349</sup> Universal services include letter services (both domestic and cross-border services) as well as service that covers parcels sent abroad from any part of the country. The universal service also includes registration and insurance services of postal items as well as the notification procedure referred to in the Administrative Procedure Act (postal receipt).<sup>350</sup> The act limits universal service related to letters and parcels by both the method of payment and weight. The activities of a postal services company offering universal service

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<sup>345</sup> Meeting with Finavia on 21 November 2016.

<sup>346</sup> Meeting with Finavia on 21 November 2016.

<sup>347</sup> See above, section.

<sup>348</sup> Translation: *Finavia prefers to serve customers in English rather than Swedish. (Even Russian rather than Swedish sometimes, including the parking service at Helsinki-Vantaa.)* Otakantaa.fi survey, extract from open-ended responses

<sup>349</sup> Finnish Communications Regulatory Authority decisions 1645/9210/2011 and 788/911/2016.

<sup>350</sup> Meeting with Posti Oy on 19 December 2016.

comprise performing a public administrative task to the extent that they involve tasks related to the notification procedure laid down in section 21 of the Postal Act<sup>351</sup>.

Linguistic obligations applicable to Posti are contained in several acts, key ones of which are the Language Act, the Sámi Language Act and the Postal Act. Under section 20 of the Postal Act, a universal service provider shall provide the service in both Finnish and Swedish in compliance with the provisions of the Language Act. This obligation also applies to a company that offers universal services to customers under a contract concluded with the universal service provider, or the so-called sub-post offices. In the Parliamentary Ombudsman's legal practice, the universal service provided by Posti is not a public administrative task, which means that the obligations arising from the Language Act are primarily determined under section 24 of the Act.<sup>352</sup> This also means that the principle of proportionality is applied to the universal service obligation when applying the Language Act.

The only aspect which the Parliamentary Ombudsman has commented on is the language used in information provision. In one of his decisions, the Parliamentary Ombudsman commented on the texts on Posti's automated parcel collection points and material advertising Posti services distributed to households. The decision indicates that information on the service and the universal service obligation should be provided in both Finnish and Swedish. Due to the limitations of the Parliamentary Ombudsman's competence, he could not comment on whether or not section 24 could be applied to services and information that are not within the scope of the universal service obligation. The decision draws attention to the fact that this difference may be vague, especially for the service users.<sup>353</sup>

The Parliamentary Ombudsman has further assessed the Postinen flier<sup>354</sup> distributed to households that Posti introduced in spring 2015 and the change of the company's name in early 2015, after which the Swedish version of the name (Posten) was no longer used.<sup>355</sup> Both cases sparked public discussion on the company's attitude to Swedish, especially among Swedish speakers.<sup>356</sup> The Parliamentary Ombudsman did not feel there was a need to take action regarding the Postinen flier once Posti announced that it would include more Swedish material in it.<sup>357</sup> Regarding the company's name, the Parliamentary Ombudsman noted that no obligation can be

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<sup>351</sup> Sarja, Mikko, 2015, p. 27.

<sup>352</sup> Sarja, Mikko, 2015, p. 30.

<sup>353</sup> Parliamentary Ombudsman register no. 5551/4/13.

<sup>354</sup> Parliamentary Ombudsman register no. 1481/4/15.

<sup>355</sup> Parliamentary Ombudsman register no. 1934/4/15.

<sup>356</sup> This also comes up in the Otakantaa.fi survey.

<sup>357</sup> Parliamentary Ombudsman register no. 1481/4/15.

derived from the Language Act under which the company would have to change its name following the same principles as those applicable to the name of a bilingual national authority.<sup>358</sup>

Posti reports that it fulfils its linguistic obligations in several different ways. Of these can be mentioned dedicated customer service telephone numbers for each language, the website, price lists and terms of delivery, notices for external customers, media releases concerning the universal service and model responses to customer feedback, which are published in both languages. The staff's language skill requirements are also specified on the basis of their roles and customer needs, and persons recruited for customer service also have to go through a Swedish interview. Swedish language training is organised for the staff.<sup>359</sup>

The contracts with sub-post offices contain a term under which the contracting partner shall ensure that the staff have the language skills indicated by the language proportions in each branch office's location. The manuals and work instructions produced for sub-post offices are also available in both languages. In the Sámi Homeland, Posti branches also have Sámi-language signs, and Sámi language skills are taken into account in recruitments.<sup>360</sup>

#### 6.2.2.1 Problem areas in Posti's operation

The surveys<sup>361</sup> produced for the Language Report did not differentiate between respondents who used the services of Posti's own branches and those who used sub-post offices. In general, however, it can be noted that the longer the chain between the direct application area of the Language Act and the actor is, the lower their awareness of the obligation to serve customers in both Finnish and Swedish. As Posti itself has observed, the lack of language skills is the greatest problem related to its offer of services.

Posti's statement shows that information on the tasks related to the universal service obligation is provided in both Finnish and Swedish. Information is also available in Sámi, albeit less extensively.<sup>362</sup> The problem lies in the blurred line that defines the required scope of information provision, which determines if the service and the obligation to provide information extend beyond the universal service obligation. For

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<sup>358</sup> Parliamentary Ombudsman 1934/4/15.

<sup>359</sup> Meeting with Posti Oy on 19 December 2016.

<sup>360</sup> Meeting with Posti Oy on 19 December 2016.

<sup>361</sup> Language Barometer 2016, pp. 69–74. Otakantaa.fi survey.

<sup>362</sup> Meeting with Posti Oy on 19 December 2016.

customers, recognising the difference between the universal service obligation and other activities may be less obvious.<sup>363</sup>

The Language Barometer 2016 survey shows that while Swedish speakers use Posti's services frequently, they often do it in Finnish. However, they are not satisfied with this. In the survey, Posti also received a poor rating from Swedish speakers in Ostrobothnia who, due to the strong bilingual character of the region, usually are satisfied with locally provided services.<sup>364</sup> The explanation may be found in the name selected by the company, only the Finnish version of which exists today, and experienced shortcomings in information provision. Posti's language choices may have stirred uncertainty regarding whether or not the company's services can be used in Swedish anymore. Posti should thus reinforce the message about the right to use Swedish in customer service.

*"Posti visar ju redan enbart genom val av namn att det statliga bolaget inte vill vara tvåspråkigt som lagen kräver."*<sup>365</sup>

*"Posten betjänar ju knappast alls på svenska. Dessutom har ju inte företaget i fråga ens ett svenskt namn fastän ni tycks tro det"*<sup>366</sup>

*"Hur lyckas statsbolag som VR, Posten eller Finavia" skriver ni, men företaget i fråga heter nuförtiden tyvärr faktiskt "Posti" också på svenska. Det här är verkligheten för de språkliga minoriteterna i detta land."*<sup>367</sup>

### 6.2.3 VR Group Ltd (VR)

Among its other duties, VR provides passenger rail transport services. No public administrative tasks have been assigned to VR, and the company has no universal service obligation. The Parliamentary Ombudsman has specifically stated in his decisions that the Ombudsman is not competent to assess compliance with section 24 of the Language Act in VR's operation.<sup>368</sup> From this we can also conclude that VR

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<sup>363</sup> Sarja, pp. 27–31. Parliamentary Ombudsman register no. 5551/4/13.

<sup>364</sup> Language Barometer 2016, pp. 70–73.

<sup>365</sup> Translation: *By its choice of name alone, Posti shows that this state-owned company does not wish to be bilingual as required by legislation.* Otakantaa.fi survey, extract from open-ended responses

<sup>366</sup> Translation: *Posti provides little or no service in Swedish. Besides, the company does not have a Swedish name as you seem to believe.*

<sup>367</sup> Translation: *You write, 'How successful are state-owned companies, including VR, Posten or Finavia', but the company in question is today also called 'Posti' in Swedish. This is the reality of the Swedish-speaking minority in our country.* Otakantaa.fi survey, extract from open-ended responses

<sup>368</sup> Deputy-Ombudsman, register no. 1610/4/07.

does not have public tasks. Section 24 of the Language Act applies to VR's services intended for the public and information activities. VR's operations can also be seen to compete with other modes of passenger transport, including bus transport. VR itself reports that offering service in the national languages is important for the company.<sup>369</sup>

Some of the services and tasks associated with passenger rail transport are often mistakenly believed to belong to VR. Ticket control, for example, involves exercise of public power, and this task can only be assigned to an authority. It has thus been assigned to Helsinki Regional Transport joint municipal authority across the country, and provisions on ticket control are contained in the Act on Penalty Fares in Public Transport (469/1979). In other words, ticket control is a public administrative task to which the Language Act applies directly. Passenger information services, on the other hand, are managed by the state-owned company Finrail Oy. Passenger information includes information intended for passengers about train traffic, its timetables and any disruptions, and it is provided using display and PA systems at the stations.<sup>370</sup> Passenger information must be provided in Finnish and Swedish as referred to in section 24 of the Language Act.

VR has a customer service centre that serves customers in Finnish, Swedish and English. The customer service staff are required to know Finnish, Swedish and English. Different numbers are provided for telephone services in Finnish and Swedish. Responses to customer feedback are given in the language used by the customer, at minimum in Finnish and Swedish. All electronic services are available at least in Finnish and Swedish. VR has cut back on the number of its own ticket sales points. Train passengers are served by conductors, who have been given separate instructions for Swedish-speaking customer service situations. If the conductor's language proficiency is not sufficient, for example in challenging situations, they can call a number where the customer is served in Swedish.<sup>371</sup>

All customer information, in other words timetables, information posters, automated announcements and signs on trains are provided in Finnish, Swedish and English. Notices are also issued in Finnish and Swedish.<sup>372</sup> Real-time information on trains, for example in exceptional situations, should be provided at minimum in Finnish and Swedish. A precondition for this is train staff with language skills. Based on the feedback received during the preparation of this Report, it appears that shortcomings are associated with information provision in Swedish, especially in exceptional

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<sup>369</sup> Meeting with VR on 10 November 2016.

<sup>370</sup> [www.finrail.fi](http://www.finrail.fi).

<sup>371</sup> Meeting with VR on 10 November 2016.

<sup>372</sup> [www.vr.fi](http://www.vr.fi)

situations where the need for real-time information is the greatest.<sup>373</sup> When a train stops on the tracks, information is primarily provided by the engine driver.

### 6.2.3.1 Challenges related to VR's operation

Swedish speakers give VR's Swedish services a poor rating regardless of where they live. A contributing factor to this is the information provided on the platforms, which is part of the duties of Finrail rather than VR. We can conclude from the open-ended responses to the otakantaa.fi survey that this is also about problems associated with information provided on trains, especially in exceptional situations as the passengers experience the greatest need for information.

The biggest challenge in passenger rail transport is providing real-time information on trains in several languages. VR has announced that it is striving to respond to this challenge by training the staff and developing its customer service, also in the national languages.<sup>374</sup> In exceptional situations, announcements on trains should also be made at least in Finnish and Swedish. The announcements often are short communications about waiting times, and the reasons for stoppages tend to be similar, for example waiting for an oncoming train, and the requirement of also developing aids for information provision for train drivers should not be unreasonable.

*"VR betjänade på perfekt svenska via telefon och e-post."<sup>375</sup>*

*"Vr har undrerbart bra svenskspråkiga hemsidor. Men tågkonduktörerna verkar hata alla som inte talar finska"<sup>376</sup>*

*"VR kan ibland varken betjäna på svenska eller engelska, ofta då man åker tåg får man vara tolk åt utlänningar ex. om det läses upp meddelanden om förseningar kan de vara enbart på finska"<sup>377</sup>*

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<sup>373</sup> E.g. Open-ended responses to the otakantaa.fi survey, interview with an expert of the Swedish Assembly of Finland on 28 February 2017.

<sup>374</sup> Meeting with VR on 10 October 2016.

<sup>375</sup> Translation: *VR provided perfect service in Swedish by telephone and e-mail.*

<sup>376</sup> Translation: *VR has a great Swedish website. But the conductors seem to hate everyone who does not speak Finnish.*

<sup>377</sup> Translation: *Sometimes VR is unable to serve either in Swedish or English. You often end up interpreting for foreigners when travelling by train: for example, announcements about delays may be made in Finnish only.* Otakantaa.fi survey, extract from open-ended responses

## 6.2.4 Other state-owned companies within the scope of the Language Act

The Finnish Broadcasting Company is a state-owned company whose operation is regulated under the Act on Yleisradio Oy (1380/1993). This Act contains specific provisions on the languages to be used in the programmes. Under section 7 of the Act, the company shall treat in its broadcasting Finnish-speaking and Swedish-speaking citizens on equal grounds and produce services in the Sami, Romany, and sign languages as well as, where applicable, in the languages of other language groups in the country. The requirement of equal treatment is relevant to the broadcasting and programmes rather than the company's other service activities, for example actual information provided to the public. Its other services and information provision must be assessed in the light of section 24 of the Language Act and section 17 of the Sámi Language Act.<sup>378</sup> However, the duties of the Finnish Broadcasting Company differ from those of other state-owned companies to the extent that the company has been excluded from scrutiny in this Language Report.

Similarly, Alko Inc and Veikkaus Oy are state-owned companies providing a service. Both companies also have a monopoly in the market, and providing services and information in both national languages should thus not be considered unreasonable, based on an evaluation of proportionality discussed at the beginning of this section. The management team of the new Veikkaus outlined the principles of its bilingual activities in autumn 2016 on the basis of the Language Act. The company's online games can be played in Finnish and Swedish. Veikkaus Oy provides information extensively in both languages and also offers other services in both languages. The information and other material of Alko Inc is also provided in both Finnish and Swedish.

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<sup>378</sup> Deputy-Ombudsman, register no. 2622/4/05.

## Key observations

**Specifying the obligations of state-owned companies:** The interpretation of section 24 of the Language Act and section 17 of the Sámi Language Act is ambiguous due to the evaluation of proportionality contained in these provisions. It is further hampered by the fact that no stakeholder appears to be competent to make decisions on disputes related to their interpretation. The section of the Language Act in question should be reviewed for this part.

**Staff language skills:** The rating given for state-owned companies for their Swedish-language services is relatively poor. Both customers and the companies have reported the availability of staff with language skills as the greatest problem. A sharper focus on the staff's Swedish skills is needed, especially when performing public administrative tasks and providing information in exceptional situations. The key observations made in this Report should be an object of scrutiny in the following Language Report.

## 7 FUTURE OPPORTUNITIES AND CHALLENGES

### 7.1 Linguistic rights and digitalisation

Digitalisation will have an impact on the entire Finnish society, public and private stakeholders alike. In Prime Minister Sipilä's Government Programme<sup>379</sup>, digitalisation is a cross-cutting theme of the government strategy. The Government wishes to grasp the opportunities of digitalisation, among other things by public services that are user-oriented and primarily digital to enable the leap in productivity necessary for the general government finances. Digitalising public services has thus been selected as one of the Government's key projects. In order to achieve this target, the Government will establish principles for the digitalisation of all public services. Internal administrative processes will be digitalised and old processes dismantled.<sup>380</sup>

The digitalisation of services and functions is already having an effect on the daily life of citizens and authorities. Digitalisation is changing our modes of working as well as old operating methods and environments. As digitalisation advances, working and service provision will no longer be tied to a certain place and time. Multilingual databases as well as automated information searches and chat services will be in more wide-spread use. From the authorities' perspective, digitalisation is associated with the introduction of new platforms, websites and information and operating systems among other things.

The principles of digitalisation formulated by the Government include customer-oriented service development and opening data and interfaces to companies and

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<sup>379</sup> Finland, a land of solutions; Strategic Programme of Prime Minister Juha Sipilä's Government 29 May 2015, Government Publications 10/2015.

<sup>380</sup> Prime Minister Sipilä's Government Programme, p. 26.

citizens.<sup>381</sup> From the citizens' perspective, finding information and mastering new platforms will be a precondition for the optimal use of digitalisation. To make the most of digitalisation, fundamental and human rights must be addressed in an early stage. In this connection, the realisation of linguistic fundamental rights is a precondition for the full utilisation of digitalisation. On the other hand, digitalisation may also enable more extensive and better linguistic services provided by the authorities.

Digital services in Finnish and Swedish, and in Sámi if necessary, must be developed in parallel in order to safeguard the equal treatment of all population groups in the face of a changing society. Other linguistic groups should also be taken into consideration, offering them linguistic service through digitalisation. When developing digital services, it is important to pay attention to accessibility. Services are accessible when everyone can participate in their use equally. Comprehensible communication is also an essential part of accessibility.<sup>382</sup>

#### 7.1.1.1 How could digitalisation be used?

Digitalisation could be used more efficiently for the organisation of interpretation services. More advanced distance services could facilitate the organisation of interpretation into different languages, for example by using a video link.<sup>383</sup> In order to promote and safeguard the availability of Sámi-language services, for instance, the Sámi Parliament has set establishing a Sámi interpreter centre within the Parliament's own organisation as one of its objectives during the current electoral period (2016–2019). According to the Sámi Parliament, the establishment of the interpreter centre would safeguard the availability of interpretation into all Sámi languages and the quality of the service. The interpreter centre would serve all authorities within the scope of the Sámi Language Act.<sup>384</sup>

In February 2017, the Ministry of Finance published a report that discusses future opportunities brought about by digitalisation and robotisation. The report also mentions the need to ensure in the future that Finnish can be used for controlling devices and robots if global operators' solutions do not support this feature.<sup>385</sup> In addition to Finnish, the use of Swedish should also be enabled. However, it may be

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<sup>381</sup> Ministry of Finance, Public Sector ICT, Memorandum 3 April 2017. <http://vm.fi/digitalisoinninneriaatteet>.

<sup>382</sup> National Action Plan on Fundamental and Human Rights 2017–2019, OM 9/2017, pp. 82–83. Language Barometer 2016, p. 76.

<sup>383</sup> Meeting with experts from the Social Insurance Institution, the Finnish Terminology Centre and the Institute for the Languages of Finland, Ministry of Justice, 22 March 2017.

<sup>384</sup> Statement of the Sámi Parliament to the Ministry of Justice, 27 June 2016, Ministry of Justice 1/58/2016.

<sup>385</sup> Glimpses of the future – possibilities of digitalisation and robotisation, Ministry of Finance 10/2017, p. 20.

expected that speech recognition will primarily promote the rights of language groups whose language does not have a statutory position in Finland.

When building information systems, it is vital not to overlook terminology work, or developing and using clearly defined concepts and recommended terms in Finnish and Swedish. Terminology work done in the context of developing information systems and the services based on them may help support the semantic interoperability of public administration information systems, in addition to which public administration actors' common terminology work will reduce overlapping efforts in different organisations. When services are digitalised, the importance of terminology work related to user interface development will also grow, as digital service users will need user-friendly guidance in order to be able to use the services as less face-to-face services will be available. On the other hand, chat services directed at different language groups, in which the results of the terminology work could also be used, could become more widespread.<sup>386</sup>

#### 7.1.1.2 Practical IT solutions as challenges to digitalisation

Language legislation must also be complied with in the authorities' activities when the operating environment transforms and the forms in which services and information are provided change. Taking different language versions into account in the design and coding phase of electronic services and information systems is often more economical and efficient than updating the systems later. Problems are caused when checking the operation of the system in both national languages has been forgotten on the one hand<sup>387</sup>, and when the special fonts occurring in some languages, including Sámi, have been overlooked on the other.<sup>388</sup> In a statement given to the parliamentary Constitutional Law Committee in connection with the discussion on the previous Language Report, the Parliamentary Ombudsman commented on linguistic problems associated with the commissioning of information systems.<sup>389</sup> As a concrete example was cited the automated camera surveillance system of the police, concerning which the Parliamentary Ombudsman has issued two reprimands. Due to shortcomings in the system, some of the information in a notification of a conditional fine was only provided in Finnish, also to Swedish-speaking customers. The information system had been inadequate in terms of safeguarding the linguistic rights at the time of its

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<sup>386</sup> Interview with experts from the Finnish Terminology Centre, the Institute for the Languages of Finland and the Social Insurance Institution, 22 March 2017.

<sup>387</sup> Comments of the Swedish Assembly of Finland (Markus Österlund) for the Language Report 2017, 24 February 2017.

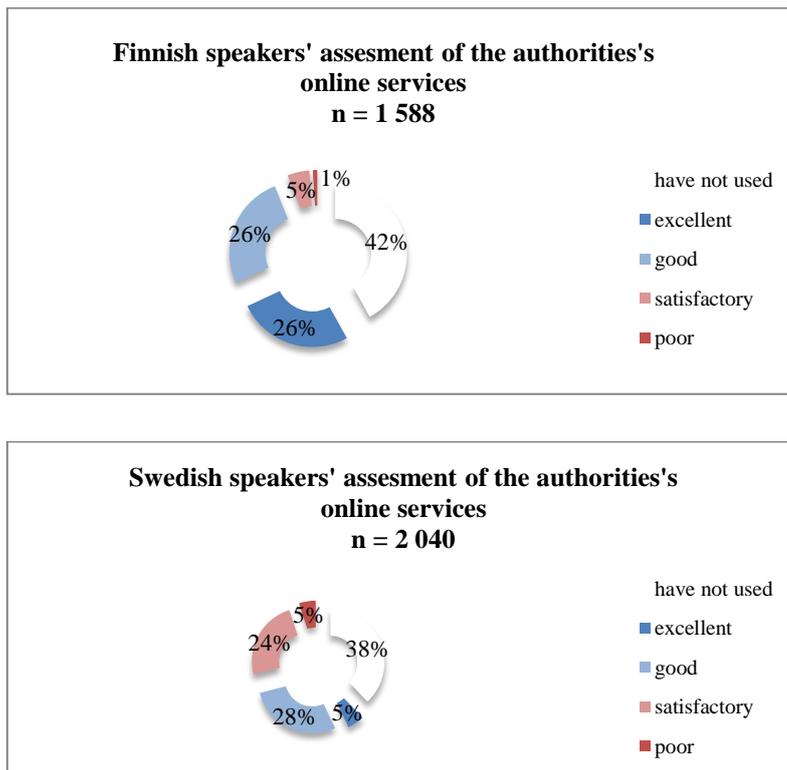
<sup>388</sup> Statement of the Regional State Administrative Agency for Eastern Finland to the Ministry of Justice 8 June 2016.

<sup>389</sup> Parliamentary Ombudsman's report, 4 December 2013.

commissioning, and bringing the system up to an appropriate standard afterwards turned out to be a difficult project that took years to complete.<sup>390</sup>

The Language Barometer 2016 survey examined the opinions of Finnish and Swedish speakers living in bilingual municipalities who belonged to the minority group in their municipality concerning the usability of online services in their language. There were some differences between the experiences of Finnish and Swedish speakers concerning municipal online services. Swedish speakers found their possibilities of using their own language in the online services slightly poorer than the Finnish speakers.<sup>391</sup> The differences between the experiences of Finnish and Swedish speakers were even larger when it comes to questions about central government online services, and only 5% of the Swedish speakers felt that they could use Swedish in these services.

Figure 9. Swedish and Finnish speakers' assessment of the authorities' online services



Source: Language Barometer 2016, Figures 36a, 36b

<sup>390</sup> Parliamentary Ombudsman's decisions, register nos. 3243/2/11, 2523/4/08, and 4777/5/13. Sarja, p. 45.

<sup>391</sup> Language Barometer 2016, pp. 75–76.

Addressing linguistic rights in ICT solutions as well as in new electronic platforms and systems in an early stage is essential for safeguarding the rights of different language groups and ensuring that they are treated equally. In his decisions concerning linguistic rights, the Parliamentary Ombudsman has on a number of occasions highlighted shortcomings in digital services that did not treat Finnish and Swedish speakers equally. Websites and new electronic systems, for example, are often first created in Finnish and only later in Swedish. As another example can be brought up information provided by authorities on the social media, which in some cases has only been available in Finnish.<sup>392</sup> In his decisions, the Parliamentary Ombudsman has noted that regardless of the format in which an authority's service is provided, the authority must treat both language groups equally, and the quality of the service may not depend on the language used.<sup>393</sup>

The Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities has drawn attention to the fact that the Finnish Population Information System and other public administration systems do not support the Sámi spellings of personal names. The Committee urges the authorities to implement the required changes to take the steps necessary to guarantee the registration of Sámi names respecting the language diacritic signs in public registries, passports and other public documents.<sup>394</sup> In their statements on the evaluation memorandum on the needs to update the Names Act, the Names Board and the Institute for the Languages of Finland also commented that 'it should be possible to reproduce characters included in Finnish, Swedish and Sámi alphabet in official registers'.<sup>395</sup>

The statements issued to the Ministry of Justice also brought up aspects that should be taken into consideration in the digitalisation of public services. For example, the Finnish Association of the Deaf highlighted in its statement a case where a sign language user had found completing official forms in the electronic format challenging and could not register as an unemployed jobseeker without assistance. This person had been unable to use the online service, and their Finnish skills were not sufficient to fill in the form, as sign language was their mother tongue. An official had refused to enter the information based on signing.<sup>396</sup>

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<sup>392</sup> Parliamentary Ombudsman, register nos. 1793/4/15, 2762/4/09, 3746/4/13, 465/4/15.

<sup>393</sup> Parliamentary Ombudsman, register no. 1793/4/15.

<sup>394</sup> Council of Europe: Committee of Ministers, Resolution CM/ResCMN(2017)1 on the implementation of the Framework Convention for the Protection of National Minorities by Finland, adopted on 15 March 2017, Recommendation no 74.

<sup>395</sup> Ministry of Justice 2016: *Nimilain uudistaminen. Lausuntotiivistelmä (Reform of the Names Act. Summary of statements)*, p. 16.

<sup>396</sup> Statement of the Finnish Association of the Deaf to the Ministry of Justice 9 June 2016.

## Key observations

**Functioning of digital public services in Finnish and Swedish:** In the key project on **digitalisation of public services**, the functioning of public services in both Finnish and Swedish should be ensured. The needs of different language groups should be addressed when developing customer-oriented services following the principles of digitalisation. In addition, the operating instructions for the principles of digitalisation should be complemented with instructions related to languages.

**The importance of terminology in digitalisation.** Different branches of government should pay attention to harmonising their terminology in order to facilitate the creation of cross-administrative operating systems.

**The possibilities of using distance interpretation and speech recognition should be investigated.**

## 7.2 Integration from the perspective of linguistic rights

The purpose of the Act on the Promotion of Immigrant Integration (1386/2010) is to promote integration and the immigrant's opportunities to become an active member of Finnish society. The act also seeks to promote equality, non-discrimination and positive interaction between different population groups. Integration refers to interactive development of the immigrant and society aimed at providing the immigrant with the knowledge and skills needed in working life and society while supporting their opportunities of preserving their own language and culture.<sup>397</sup>

In the Act and instructions on its application, particular attention is paid to providing for integration in either Finnish or Swedish. The immigrant should indicate in an early stage of integration which language they wish to use.<sup>398</sup> A reference to the Strategy

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<sup>397</sup> Act on the Promotion of Immigrant Integration (1386/2010), Section 1 Purpose of the Act, Section 3 Definitions.

<sup>398</sup> Ed. Helander, Mika (2015), Kan vi stå till tjänst? Integration på svenska i Finland (Can we help? Integration in Swedish in Finland). Teikkari, Karoliina, Integrationsvägen i Finland och

for the National Languages of Finland was added to the instructions for applying this Act issued by the Ministry of Economic Affairs and Employment in spring 2015. The instructions state that in accordance with the government resolution on the Strategy for the National Languages of Finland, when using services referred to in the Act on the Promotion of Immigrant Integration, foreigners settling in Finland should also systematically be given information about the bilingual status of Finland, the significance of this status in the labour market, and the offer of Finnish and Swedish language courses. The instructions also recommend that, especially in bilingual localities, bodies procuring integration training for adult immigrants consider the needs for instruction in the Finnish and Swedish languages when procuring training to enable working life-oriented learning of Finnish and Swedish.<sup>399</sup>

#### 7.2.1.1 Organisation of integration training in Swedish

If an immigrant selects the Swedish-language integration path, it does not mean that they would not learn Finnish, however. This is mainly about the immigrant's personal choice in a situation where Swedish is more compatible with their needs and future plans. Selecting the Swedish-language integration path is not always without its problems, however. For example, there are major regional differences in Finland regarding the organisation of integration training in Swedish.<sup>400</sup>

In 2011–2013, the Ministry of Economic Affairs and Employment coordinated a project titled Participative Integration in Finland, which examined projects promoting immigrants' integration and social inclusion nationally. Almost 30 trial projects were carried out in unilingual and bilingual municipalities to seek new methods for supporting immigrants at different ages and in different life situations in having a good life in Finland: children, young people, adults and older persons. Integration in Swedish was also considered during the project. The project publication presents the project's conclusions and, in this context, also reflects on measures and needs for promoting integration in Swedish. The Participative Integration in Finland project identified integration needs in both Finnish and Swedish. The starting points for integration in Swedish are the immigrants' existing language skills, family ties and contacts with other Nordic countries, as well as possible residence in a Swedish-

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svenska som integrationsspråk (Integration path in Finland and Swedish as the language of integration), p. 25.

<sup>399</sup> Ohje kotoutumisen edistämistä annetun lain (1386/2010) soveltamisesta työ- ja elinkeinotoimistoissa (Instructions on the application on the Act on the Promotion of Immigrant Integration), Ministry of Economic Affairs and Employment 642/07.10.02/2015.

<sup>400</sup> Ed. Helander, Mika (2015), Kan vi stå till tjänst? Integration på svenska i Finland (Can we help? Integration in Swedish in Finland). Teikkari, Karoliina, Integrationsvägen i Finland och svenska som integrationsspråk (Integration path in Finland and Swedish as the language of integration), p. 25.

speaking area of Finland or in other Nordic countries earlier or in the future.<sup>401</sup> A key observation was that the needs of immigrants who use Swedish as the language of integration are not recognised sufficiently by the authorities in their work. The reasons for this were presumed to include lack of information and structural problems. In procurements of integration training for adult immigrants, for example, the size requirements for groups are too high to enable the organisation of training in Swedish or both Swedish and Finnish. The project looked at the sufficiency of language skills in terms of immigrants' employment from the perspective of not only statutory requirements but also integration in work and professional communities. The experiences gathered during the project indicate that while there is no specific obstacle to finding employment in a bilingual organisation, a lack of Swedish language skills affects managing the work duties and job satisfaction. In order to develop integration in Swedish, comprehensive understanding of the situation that takes regional special needs into account will be needed to ensure that the right to choose the language could also be realised in integration training.<sup>402</sup>

The Centres for Economic Development, Transport and the Environment (ELY Centres) do not have a statutory obligation to procure training provided in Swedish, as the customers do not have a subjective right to the services. The services are offered within the limits of appropriations, which affects the offer of services, especially if demand is low. In practice, this means that in training programmes organised for small groups, the price per student becomes unreasonably high, in which case it is usually not appropriate to organise the training in the form of labour force training. While there is no statutory obligation to do so, ELY Centres have paid attention to organising training in Swedish. As an example, Swedish-language integration training programmes for three separate areas were put out to tender in Uusimaa in 2016: the Helsinki region, Länsi-Uusimaa and Itä-Uusimaa. In autumn 2016, places for assessing client needs were procured, and training has since been offered whenever there is a demand for it. The places in the training and assessments are open for all relevant applicants to also include those for whom the TE Office has not specifically offered integration training. In practical terms, the problem lies in finding clients for Swedish-language integration training.<sup>403</sup>

A group of 20 students started in Helsinki in autumn 2016. In 2016, the ELY Centre for Ostrobothnia procured 5,204 student-days of training delivered in Swedish, and Swedish-language integration training was organised in Pietarsaari for a total of 46

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<sup>401</sup> Osallisen Suomessa. Kokeiluhankkeiden satoa (Participative Integration in Finland. Outcomes of trial projects). 2013. pp. 241, 320.

<sup>402</sup> Osallisen Suomessa. Kokeiluhankkeiden satoa (Participative Integration in Finland. Outcomes of trial projects). 2013, p. 242.

<sup>403</sup> Communication from the Ministry of Economic Affairs and Employment, November–December 2016.

students in four groups. No Swedish-language integration training has been organised as labour force training in other regions. In addition to labour force training, integration training can also be organised as self-motivated training, for example using the range of studies at adult education centres, which offers more diverse options for studying and responds to immigrants' training needs in different life situations. In Vaasa, those needing Swedish-language integration training have participated in self-motivated training. Stepping up cooperation between ELY Centres in the organisation of training and the possibility of using distance learning have been considered as one option for organising Swedish-language integration training.<sup>404</sup>

In February 2017, the Ministry of Justice published an Action Plan for the Strategy for the National Languages of Finland, which contains measures related to implementing immigrants' choice of integration language. One of the measures cited in the Action Plan is that the Ministry of Economic Affairs and Employment will survey the factors that influence immigrants' language choices in 2017. Integration in the local society is vital. Even if the main language of the local society were Swedish, immigrants' language of integration often is Finnish. The selection of language is not always a methodical choice, as it may depend on a number of factors, including the language of the reception centre at which a refugee stays first. This makes it necessary to analyse the factors that influence immigrants' choices of integration language.<sup>405</sup>

### Key observation

**Language in integration training:** Cost-effective implementation models of integration training for Swedish-speaking immigrants should be considered.

#### 7.2.1.2 Maintaining immigrants' own languages

Under the Constitution of Finland, all language groups have the right to maintain and develop their own language and culture. While this provision is not limited to traditional minorities, it does not, on the other hand, apply to every group of people

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<sup>404</sup> Communication from the Ministry of Economic Affairs and Employment, November–December 2016.

<sup>405</sup> Ministry of Justice 13/2017, p. 8.

that happens to be staying in Finland.<sup>406</sup> Neither is the provision limited to safeguarding linguistic rights, as it extends to minority cultures in a broader sense.<sup>407</sup>

The Act on the Promotion of Immigrant Integration (1386/2010) states that the integration process includes supporting the opportunities of immigrants to preserve their own language and culture. An immigrant's integration plan may contain an agreement on studies of the immigrant's mother tongue.<sup>408</sup>

Teaching of their mother tongue has been found to reinforce immigrant children's identities and improve their learning outcomes. Immigrant pupils<sup>409</sup> have the same rights to basic education as mainstream Finns. In addition, teaching of their mother tongue or instruction preparing immigrants for basic education may be provided. Teaching of an immigrant's mother tongue is education that complements basic education, for which municipalities can apply for separate central government transfers.<sup>410</sup> The teaching and maintaining of their mother tongues promote both immigrants' growth into multiculturalism and their integration in Finnish society. Mother tongue teaching is currently organised in around 50 different languages, and almost 20,000 people participate in it every term.<sup>411</sup>

## Key observation

### **Immigrants' right to maintain their own language and culture:**

The possibilities of adult and so-called second generation immigrants for maintaining their own language and culture should be improved.

<sup>406</sup> Hallberg et al. 2011, p. 657.

<sup>407</sup> Hallberg et al. 2011, p. 665.

<sup>408</sup> Act on the Promotion of Immigrant Integration(1386/2010), section 11, subsection 2; In addition to studies of Finnish or Swedish, it may also be agreed that the integration plan includes teaching of the immigrant's mother tongue, studies familiarising the immigrant with society, the teaching of reading and writing skills, studies complementing basic education, integration training and other personalised measures facilitating integration. HE 185/2010, p.71 ' The plan should, at minimum, contain learning Finnish or Swedish. If necessary, it could also include other measures and services that promote integration, including studies in the immigrant's mother tongue, especially for immigrants who are minors,...'

<sup>409</sup> In this context, the concept refers to both children and young people with an immigrant background born in Finland and children and young people who have immigrated to the country.

<sup>410</sup> HE 185/2010 vp, p. 22. [http://www.edu.fi/yleissivistava\\_koulutus/maahanmuuttajien\\_koulutus/kielen\\_opetus\\_ja\\_oppiminen/maahanmuuttajien\\_aidinkielen\\_opetus/maahanmuuttajien\\_aidinkielen\\_opetus/oman\\_aidinkielen\\_opetus\\_ja\\_opetuksen\\_jarjestaminen](http://www.edu.fi/yleissivistava_koulutus/maahanmuuttajien_koulutus/kielen_opetus_ja_oppiminen/maahanmuuttajien_aidinkielen_opetus/maahanmuuttajien_aidinkielen_opetus/oman_aidinkielen_opetus_ja_opetuksen_jarjestaminen), (6.2.2017).

<sup>411</sup> [http://www.oph.fi/tietopalvelut/tilastotiedot/muita\\_koulutustilastoja/maahanmuuttajien\\_koulutus](http://www.oph.fi/tietopalvelut/tilastotiedot/muita_koulutustilastoja/maahanmuuttajien_koulutus) (6.2.2017).

## 8 SUMMARY OF KEY OBSERVATIONS

The Language Report 2017 concentrates on certain areas that play a key role for linguistic rights. The idea was to have a sharper focus on issues that have been found particularly important or topical, thus identifying effective solutions to problems. In particular, the Report wished to bring up good examples of successful realisation of linguistic rights.

### TOPICAL OBSERVATIONS ON LINGUISTIC CONDITIONS IN FINLAND (CHAPTER 3)

- **Population Information System entries:** Modifying the Population Information System by adding to it the possibility of entering several mother tongues for a person should be investigated. In this context, the benefits for the individual of entering several mother tongues in the Population Information System should be considered. Additionally, the impacts on the authorities' activities, including service design, should be assessed.

### LANGUAGE CLIMATE (CHAPTER 4)

- **Taking linguistic groups into account in the authorities' activities:** A positive climate of attitudes towards different language and population groups should be promoted. The authorities should give more consideration to what customer situations look like from the perspective of each language group. It would be important for the authorities to provide information on the rights of language groups and actively

encourage them to use their own languages. A public official may also promote a positive atmosphere by attempting to speak the customer's language, even if not personally fluent in it.

- **Awareness of linguistic rights:** The authorities should be more knowledgeable about linguistic rights and the obligations ensuing from them. It is also important to take any needs for interpretation and translation services into account. Awareness of the linguistic rights of different population and language groups should be raised among the authorities and citizens. In addition, the authorities should be encouraged to inform different language groups about their services.
- **The visibility of linguistic diversity and awareness of it should be increased.**
- **Immigrants should be informed of their linguistic rights.**
- **Prevention of hate speech and discrimination:** Information sources<sup>412</sup> that could be used to monitor hate speech, harassment and discrimination experienced by language groups should be surveyed. The existing monitoring mechanisms should be improved to ensure that hate speech and discrimination on the grounds of language are also included in the statistics.

## REALISATION OF LINGUISTIC RIGHTS IN SOCIAL WELFARE AND HEALTH CARE (CHAPTER 5)

### Social and healthcare services provided in Finnish and Swedish and observations that concern all language groups

- **Surveying client satisfaction.** The Hospital Districts should more actively and efficiently monitor whether clients have received service in their preferred language.
- **Staff availability:** Both municipalities and hospital districts report the lack of staff with language skills as the greatest problem. Staff with Swedish proficiency is especially difficult to recruit. Many stakeholders are aware of the situation, but no universal solution has been found.

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<sup>412</sup> For example, the legal practice of oversight authorities, official statistics, and reports and studies.

New methods for improving staff language skills and the recruitment of staff with language skills should be developed. Language proficiency should be seen more strongly as part of the staff's professional competence.

- **Delivering service in the client's language is part of high-quality care and treatment.**
- **Centralisation of services:** In regions with a relatively small language minority, linguistic rights are realised poorly. The examples discussed in this Report indicate that centralising services based on language would appear to offer a solution for safeguarding services in the clients' language. Situations where centralising the services is justified should be considered.
- **Functionality of information systems:** Information systems play a key role in finding out the patient's language and producing written documents. Depending on the way they are implemented, information systems may either support the realisation of linguistic rights or hamper it.

### **Social welfare and healthcare services provided in Sámi**

- **Access to Sámi-speaking services:** Access to high-quality, client-centered social welfare and health services in all three Sámi languages should be improved. Ways of achieving this end could include developing the practices related to recruitments and filling in posts, and improving the Sámi language skills of professionals. Awareness of the Sámi culture and the Sámi people's linguistic rights should also be raised among the staff. In some parts, cross-border cooperation can be used to improve the availability and smooth running of services provided in the Northern Sámi language.
- **Sámi-language interpretation services:** The availability and good quality of Sámi-language interpretation services should be secured. Ways of making a better use of distance interpretation in social welfare and healthcare services should also be investigated. Developing the possibilities of using distance services in the Sámi language could also promote the realisation of Sámi speakers' linguistic rights both in the Sámi Homeland and outside it.

- **Provision of information about Sámi-language services:** The provision of information about Sámi-speaking social welfare and healthcare services should be improved.

### **Social and healthcare services provided for sign language users**

- **Using the staff's sign language skills:** Note should be taken of the language skills of social and healthcare professionals who know sign language, and their skills should be used better in work with clients and patients.
- **Centralisation of sign language services:** The situations where gathering and centralising sign language related expertise to certain social and healthcare units or branches is justified should be considered. The other units/branches could draw on the centralised expertise and language skills by such means as a video link.
- **Sign language interpretation:** The practices and responsibilities related to organising interpretation into sign language in social welfare and healthcare services should be clarified. The quality of the interpretation service organised by Kela and the adequacy of resources should be monitored.

### **Other language groups and plain language**

- **Encountering foreign-language speakers:** The practices of encountering foreign-language speakers and organising interpretation in social welfare and healthcare services should be harmonised.
- **Good administrative language and plain language:** Plain language should be used more in social welfare and healthcare services.

### **Special issues**

- **Swedish-speaking child welfare services:** Data on Swedish-speaking child welfare services and child welfare clients should be produced to enable the development of a service network that would safeguard linguistic and cultural rights. This also applies to the other minority language groups in Finland.
- **A child's possibility of learning sign language:** The practices of different authorities that prevent or obstruct the possibilities of a child who is born deaf or with a hearing impairment to learn sign language in

addition to spoken language should be examined and action should be taken to improve the situation if necessary.

## LINGUISTIC RIGHTS IN STATE-OWNED COMPANIES (CHAPTER 6)

- **Specifying the obligations of state-owned companies:** The interpretation of section 24 of the Language Act and section 17 of the Sámi Language Act is ambiguous due to the evaluation of proportionality contained in these provisions. It is further hampered by the fact that no stakeholder appears to be competent to make decisions on disputes related to their interpretation. The relevant section of the Language Act in question should be reviewed for this part.
- **Staff language skills** State-owned companies receive a fairly poor rating for their Swedish-language services. Both customers and the companies have reported the lack of staff with language skills as the greatest problem. A sharper focus on the staff's Swedish skills is needed, especially when performing public administrative tasks and providing information in exceptional situations. The key observations made in this Report should be an object of scrutiny in the following Language Report.

## FUTURE OPPORTUNITIES AND CHALLENGES (CHAPTER 7)

### Digitalisation of services

- **Functioning of digital public services in Finnish and Swedish:** In the key project on digitalisation of public services, the functioning of public services in both Finnish and Swedish should be ensured. The needs of different language groups should be addressed when developing customer-oriented services following the principles of digitalisation. In addition, the operating instructions for the principles of digitalisation should be complemented with instructions related to languages.
- **The importance of terminology in digitalisation.** Different branches of government should pay attention to harmonising their terminology in order to facilitate the creation of cross-administrative operating systems.

- **The possibilities of using distance interpretation and speech recognition should be investigated.**

### **Integration**

- **Language in integration training:** Cost-effective implementation models of integration training for Swedish-speaking immigrants should be considered.
- **Immigrants' right to maintain their own language and culture:** The possibilities of adult and so-called second generation immigrants for maintaining their own language and culture should be improved.

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[www.vvshp.fi](http://www.vvshp.fi)  
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<https://www.eduskunta.fi/FI/tiedotte.et/Sivut/Eduskuntaryhmät-rasismia-ja-väkivaltaa-vastaan.aspx>  
<http://www.tampere.fi/sosiaali-ja-terveyspalvelut/sosiaalinen-tuki-ja-toimeentulo/maahanmuuttajat/mainio.html>  
<http://vnk.fi/omo/omistajapolitiikka-ja-ohjaus1>  
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[http://www.edu.fi/yleissivistava\\_koulutus/maahanmuuttajien\\_koulutus/kielen\\_opetus\\_ja\\_oppiminen/maahanmuuttajien\\_aidinkielen\\_opetus/maahanmuuttajien\\_aidinkielen\\_opetus/oman\\_aidinkielen\\_opetus\\_ja\\_opetuksen\\_jarjestaminen](http://www.edu.fi/yleissivistava_koulutus/maahanmuuttajien_koulutus/kielen_opetus_ja_oppiminen/maahanmuuttajien_aidinkielen_opetus/maahanmuuttajien_aidinkielen_opetus/oman_aidinkielen_opetus_ja_opetuksen_jarjestaminen),  
[http://www.oph.fi/tietopalvelut/tilastotiedot/muita\\_koulutustilastoja/maahanmuuttajien\\_koulutus](http://www.oph.fi/tietopalvelut/tilastotiedot/muita_koulutustilastoja/maahanmuuttajien_koulutus)

## APPENDIX 1\tab

<h3>Monitoring table</h3> <p>Report of the Government on the Application of Language Legislation 2013</p>	
Object	Monitoring
International conventions	<p>Finland issued its fourth report on the implementation of the Framework Convention on the Protection of National Minorities in December 2014. The Council of Europe's Advisory Committee, which monitors the convention, visited Finland in October 2015 and met the chairpersons of the Advisory Board on Language Affairs on 5 October 2015. In March 2017, the Council of Europe Ministerial Committee published its resolution (CM/ResCMN(2017)1), in which the Committee gives Finland recommendations related to the implementation of the Strategy for the National Languages of Finland and the rights of the Sámi. The most recent report by Finland on the implementation of the European Charter on Regional or Minority Languages dates back to 2010.</p> <p>A negotiation result was achieved on the Nordic Sámi Convention in December 2016. Preparations for its ratification are to begin in 2017. Under the convention, the agreement must be approved by the Sámi Parliament before the relevant state party can sign it.</p> <p>The UN Convention on the Rights of Persons with Disabilities and its Optional Protocol entered into force in Finland on 10 June 2016. The Convention includes stipulations on the status of sign language.</p>
Strategy for the National Languages of Finland	<p>An interim report on the Strategy for the National Languages of Finland was published on 13 May 2015. This is a follow-up report that examines measures taken during electoral period 2011–2015 with the aim of achieving the goals of the Strategy. The Strategy for the National Languages of Finland has a long time span, and the interim report also contains recommendations on continuing the strategy work in electoral period 2015–2019. An Action Plan for the Strategy for the National Languages of Finland was prepared by the Ministry of Justice to support the implementation of the long-term measures of the Strategy. The Action Plan was published on 28 February 2017 (Reports and guidelines of the Ministry of Justice 13/2017).</p>

Language immersion teaching	<p>Language immersion teachers have been educated in a programme offered in cooperation by the University of Vaasa and Åbo Akademi University since 2014. In autumn 2017, degree education in languages and language research at the University of Vaasa is to be transferred to the University of Jyväskylä, but Åbo Akademi University will also offer class teacher education in Vaasa in 2017, which will allow the students to specialise in language immersion. Additionally, kindergarten teacher education in which the students will specialise in language immersion teaching provided by the Åbo Akademi University will start in Vaasa in autumn 2017.</p> <p>The Core curriculum updated in 2014 (National Agency for Education regulation 104/011/2014) contains a reference to bilingual education, including language immersion teaching.</p> <p>In March 2015, the Ministry of Education and Culture granted discretionary transfers amounting to EUR 3 million for expanding the language immersion activities. In 2016, the handling of these transfers was over by the Finnish National Agency for Education, which granted central government transfers amounting to a total of EUR 842,000 for expanding language immersion activities. Regarding 2017, the Budget states that 'the strengthening of language skills by supporting language immersion activities and language trials will be continued'. A similar amount as in 2016 has been earmarked for central government transfers.</p>
Early childhood education and care and basic education	<p>The drafting of legislation, administration and steering related to early childhood education and day care services were transferred from the Ministry of Social Affairs and Health to the Ministry of Education and Culture in 2013.</p> <p>Tasks related to Swedish-language early childhood education and care were transferred to the Swedish education services unit of the Regional State Administrative Agencies. This change centralised tasks related to Swedish early childhood education and care tasks to a single unit, promoting the linguistic rights of the Swedish-speaking population.</p> <p>Åbo Akademi University organises teacher and kindergarten teacher education in Swedish. The University of Helsinki has offered class teacher education in Swedish since 2016. In autumn 2016, 40 students were admitted to study for this degree, and in spring 2017, further 40 were admitted.</p>
Cooperation on language affairs and public servant organisations	<p>The first network of contact persons for the national languages operated in 2013–2015, and a new network was appointed for the term 2015–2019 to continue its work. In addition to the contact persons for national languages at the ministries, the Swedish Assembly of Finland, the Association of Finnish Local and Regional Authorities, the National Agency for Education and Suomalaisuuden Liitto are represented in the network. Bilingual municipalities have also set up their own networks coordinated by the Association of Finnish Local and Regional Authorities.</p> <p>A new network of contact persons for the national languages was appointed for the term 2016–2020. The task of this network is to monitor the implementation and application of the Language Act and the associated legislation as well as to promote linguistic rights.</p>

	<p>A new cooperation group on sign languages was appointed for the term 2017–2019. This cooperation group discusses issues related to sign languages that are topical within the Government and strives to ensure good flows of information between key actors.</p>
Application of the Language Act to information provision	<p>The website of the Strategy for the National Languages of Finland has published check lists for the authorities' information activities. The Strategy for the National Languages of Finland (Government Publications 4/2012) also contains recommendations on the use of the national languages in information provision.</p> <p>On 5 October 2015, the Ministry of Justice issued a recommendation to the ministries, their administrative branches and courts on the application of the language legislation in online services (Ministry of Justice 7/58/2015).</p> <p>On 10 April 2017, the Prime Minister's Office issued guidelines on linguistic principles and policies to be complied with in the Government (VNK/813/05/2016). Attached to the guidelines is an action plan for development measures to support the Government's language and translation policies for 2017–2020. The development measures include numerous actions for promoting good administrative language and especially legal language, improving public officials' language skills, utilising the terminological work carried out by different stakeholders more extensively as well as anticipating the service needs of language and translation services in the Government better. The policies also include measures for ensuring sign language users' and Sámi speakers' access to information.</p> <p>The central government communication recommendations published in November 2016 stress the importance of being familiar with the obligations under the language legislation and taking different language groups into account in communication.</p> <p>The Ministry of Social Affairs and Health was the first ministry to also publish its website in Russian. This is an example of linguistic service that exceeds the requirements of the Language Act.</p> <p>In his legal practice, the Parliamentary Ombudsman has deemed that a bilingual authority must use both national languages on the social media (see e.g. register no. 3746/4/13 or 2/4/16).</p>
Language skills in recruitments	<p>The topics covered in the recruitment guide Valitse oikein (Choose well) published by the Office for the Government as Employer include qualification requirements related to language skills, and the guide refers to Ministry of Justice recommendations and the Strategy for the National Languages of Finland. The new central government recruitment guidelines published on 29 November 2016 (VM/2118/00.00.00/2016) also discuss the language proficiency of a public official to be recruited as a qualification requirement.</p>
Application of language legislation in the Police	<p>In the interim report on the Strategy for the National Languages of Finland, the Ministry of the Interior stated that a development and support function for Swedish-language police services has been established at Vaasa Central Police Station in Ostrobothnia Police Department, in which a bilingual staff member with third-level education is employed full time. This development function serves all police units in issues related to the Swedish language. The function ensures the availability of Swedish-language police services, maintains situational awareness of their availability and works with the National Police Board to develop</p>

	<p>stakeholder cooperation. The tasks of police command centres and situational awareness centres include issuing emergency warnings in both national languages. Every year, the Police University College has one application period to Swedish-language police training. All police students are taught Swedish.</p> <p>The Deputy-Ombudsman launched an own-initiative investigation on the impacts of the police department reform on police officers' linguistic qualifications and on whether the language proficiency requirements prevent the recruitment of police officers for fixed-term tasks related to asylum seekers (register nos. 4158/2/15 and 5511/2/15 ).</p> <p>PORA III project, see Chapter 2 of this Report.</p>
Application of language legislation in district courts	<p>A Finnish division was established in the District Court of Ostrobothnia, which is located in Vaasa, in September 2014. The working language of this division is Finnish. The District Court is bilingual, and the majority language of the population within its jurisdiction is Swedish. The majority of the proceedings at the District Court are heard in Finnish. Finnish is increasingly used at the court because it also hears complaints concerning enforcement, land court matters and business reorganisation matters among others from outside its jurisdiction.</p> <p>The Government has submitted to Parliament a proposal on reforming the district court network (HE 270/2016 vp). The proposal has been assessed to have impacts on the practical implementation of linguistic rights.</p>
ELY Centres	<p>At the beginning of 2015, a Swedish-speaking service team was set up at the ELY Centres for Häme and Central Finland to secure service provision in this language as certain tasks were centralised to ELY Centres that previously were Finnish speaking. The Swedish-speaking services are produced at the ELY Centres for Uusimaa and Ostrobothnia. This change was implemented by Government Decree 1392/2014. According to information received by the Ministry of Justice from the ELY Centres, this arrangement has secured the provision of smooth and customer-oriented Swedish-speaking services.</p>
Regional councils	<p>Provisions on bodies operating in connection with the regional councils with the aim of developing linguistic services are no longer valid since the Regional Development Act was repealed as from 20 January 2014 and the new Act on Regional Development and the Administration of Structural Funds (7/2014) was passed. The detailed rationale of the reformed Act (HE 190/2013 vp) proposes that the provision in the previous act, under which regional councils consisting of both unilingual and bilingual municipalities had an obligation to set up a body to develop linguistic services in the region, be repealed as unnecessary under the new act. According to the Government proposal, the regional council as an authority is also liable to comply with Language Act provisions in other respects. In keeping with the preliminary work on the Act, regional councils may set up a body for this purpose if they see it necessary, but this no longer is a statutory requirement.</p>
Emergency Response Centre Administration	<p>The Emergency Response Centre Administration is introducing a new information system, Erica. The system is to be commissioned in 2016–2017. In the new information system, emergency calls may also be directed to other Emergency Response Centres besides the nearest one, if the nearest centre is busy or unable to respond for some other reason. According to the Ministry of the Interior, the new Emergency Response Centre information system should provide better service in both national languages. If necessary, it also has access to interpretation services.</p>

Sámi languages	<p>On 3 July 2014, the Government adopted a resolution on an action plan for reviving the use of Skolt Sámi, Inari Sámi and Northern Sámi. Among other things, this action plan will strengthen early childhood education and care provided in Sámi and language nest activities as well as improve the teaching of Sámi across Finland. A language nest that teaches Northern Sámi was set up in Helsinki in 2013 and in Oulu in early 2015. The Sámi Parliament/the Sámi Language Office conducted a survey addressed to the authorities on the implementation of the Sámi Language Act in 2012–2014.</p> <p>In autumn 2016, the Ministry of Justice published the Sámi Barometer 2016 survey that examines the implementation of Sámi speakers' linguistic rights in the Sámi Homeland. This project was underpinned by a report on Sámi-speaking services commissioned by the Ministry of Justice in cooperation with the University of Oulu's Giellagas Institute. The purpose of the survey was to study the realisation of the Sámi Language Act from the citizens' perspective: how do Sámi speakers of different ages living in different municipalities of the Sámi Homeland experience the significance and availability of services in their own language? The emphasis was on social welfare and healthcare services. The study indicates that in general, the rights of Sámi speakers to services provided in their language are poorly realised.</p> <p>A Government proposal on updating the Sámi Language Act was submitted to Parliament in spring 2017 (HE 44/2017). This proposal takes into account the changes required by the regional government reform and health and social services reform.</p>
Sign languages	<p>A new Sign Language Act entered into force on 1 May 2015. It is a brief general act whose aim is to promote the realisation of sign language users' linguistic rights. Under this Act, the authorities must in their activities promote the opportunities of sign language users to use their own language and receive information in their own language. The Sign Language Act applies to both Finnish and Finland-Swedish sign language. Substantive provisions on the linguistic rights of sign language users are contained in special legislation. The Non-Discrimination Act, which entered into force in early 2015, is also important for sign language users.</p> <p>A cooperation group on sign language appointed by the Ministry of Justice has monitored the implementation of the Sign Language Act together with actors representing the sign language community. The group's mandate expired at the end of 2016, and a new cooperation group was appointed to continue its work in 2017–2018. The cooperation group prepared an implementation plan in spring 2016 with proposals for practical measures to raise awareness of the Sign Language Act and to ensure that the Act is applied in the authorities' information activities.</p> <p>On 19 January 2016, the Ministry of Justice published a report on the overall situation of the Finland-Swedish sign language (Ministry of Justice reports and guidelines 2/2016). According to this report, the Finland-Swedish sign language is particularly endangered, and a comprehensive programme would be needed to revive it.</p> <p>A research and training project on the Finland-Swedish sign language funded by the Ministry of Education and Culture (EUR 250,000) was launched at the HUMAK University of Applied Sciences (2015–2017). This project will produce small-scale studies and a description of the language itself, and train expert</p>

	<p>instructors of Finland-Swedish sign language who can then act in such roles as teachers of sign language to families, special needs assistants, translators and instructors of interpreters.</p> <p>The Advisory Body on the Sign Languages (Institute for the Languages of Finland) published recommendations on the quality of sign language translations in 2015.</p>
The Romani language	<p>The Ministry of Justice published a report on the realisation of the Roma people's linguistic rights in February 2014 (Ministry of Justice reports and guidelines 11/2014). The report shows that the legislative base for the linguistic rights of the Roma is in place, and any problems are associated with its practical implementation. The greatest problems are a lack of qualified Romani teachers as well as the shortage of learning materials.</p> <p>A hearing on the Roma people's linguistic rights was organised in May 2015. The organisation of this event was proposed in the aforementioned report. The event was organised by the Advisory Board on Romani Affairs in cooperation with such stakeholders as the Ministry of Justice.</p> <p>Finland's first National Policy on the Roma (ROMPO) was prepared for 2010–2017. Its implementation is coordinated by a steering and monitoring group appointed by the Ministry of Social Affairs and Health</p>



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