

Follow-up Indicators for Linguistic Rights



Ministry of Justice has been developed an indicator tool for following-up the implementation of the linguistic rights. The follow-up system of linguistic rights will be used to highlight developments in the implementation of language legislation. The indicators can be applied to Finnish, Swedish and Sámi speakers, sign language users and, as appropriate, to other language groups as well. The indicators can be used by various parties to monitor linguistic rights and national language policy, and as a tool when making decisions relating to language policy.

The indicators are based to the United Nations human rights indicators:



Structural indicators defines structures supporting implementation of linguistic rights



Process indicators explores ways to promote the linguistic rights



Outcome indicators are used to monitor experiences of enjoyment of rights from individual and collective points of view.

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Introduction

Completed in 2012, the Strategy for the National Languages by the Government of Finland¹ set out the objective of creating indicators for linguistic rights in order to monitor developments in the implementation of linguistic rights and viable bilingualism. The indicators should take into account the experiences among representatives of different language groups of the extent to which linguistic rights are being realised.² The Action Plan for the Strategy for the National Languages of Finland was published in February 2017 to carry out and specify the long-term measures set out in the National Language Strategy. One of these measures was to develop and deploy follow-up indicators for monitoring linguistic rights.³ The rationale of the Language Act also calls for the creation of a follow-up system to support the preparation of the Report of the Government on the Application of Language Legislation (the Government's Language Report).⁴

In keeping with the Action Plan for the Strategy for the National Languages of Finland, the Ministry of Justice Unit for Democracy, Language Affairs and Fundamental Rights began to prepare follow-up indicators for linguistic

rights in the autumn of 2017. The process involved exploring national and international sources of information relating to monitoring linguistic rights and good practices of indicator development. Various organisations representing language groups, stakeholders and experts was engaged in the preparation process.⁵

This document puts forward a follow-up system for linguistic rights. The indicators can be applied to Finnish, Swedish and Sámi speakers, sign language users and, as appropriate, to other language groups as well. The indicators can be used by various parties to monitor linguistic rights and national language policy, and as a tool when making decisions relating to language policy. It is also possible to make use of the indicator system as part of drafting the Government's periodic reports on the implementation of international and regional human rights treaties and responses to requests for information by other human rights mechanisms.⁶ The indicators will be developed further after gaining some practical experiences concerning the indicators proposed here and their applicability to measuring the realisation of linguistic rights.

Monitoring linguistic rights

Each authority supervises the realisation of linguistic rights within its own area of operation. This is done to ensure that the special characteristics of each administrative branch can be addressed adequately in the implementation of linguistic rights.⁷

The Ministry of Justice is responsible for monitoring enforcement and application of the Language Act.⁸ A key instrument for monitoring linguistic rights is the Government's Language Report submitted to Parliament once per electoral period. It has been submitted to Parliament in 2006, 2009, 2013 and 2017. The Government's Language Report deals with the application and implementation of language legislation, language relations in the country and developments in the language conditions prevailing in Finland, while also pointing out deficiencies and areas for improvement as required.⁹

The preparation process of the Language Reports involves collecting extensive information on the realisation of linguistic rights by means such as the Language and Sámi Barometers and other surveys, as well as wide-ranging consultations with different language groups and key experts in the field. Consequently, the information collected as part of the preparation process provides a natural point of departure in view of developing a follow-up system for linguistic rights.

A high-quality follow-up system requires extensive collection and analysis of information and publication of results on a regular, long-term and systematic basis.¹⁰


Premises for indicator development

The follow-up system of linguistic rights is used to highlight developments, conflicts between law and reality and, in more general terms, other shortcomings in realisation of linguistic rights.¹¹


Development of an effective follow-up system requires indicators describing certain trends and changes in realisation of linguistic rights. The aim of the identified indicators is to measure and explain complex societal phenomena in simplified terms.¹² Indicators are used to describe effectiveness and actual change in relation to an objective – in this context, realisation of linguistic rights.

Since linguistic rights are fundamental and human rights, the linguistic indicators were put together making use of the framework of human rights indicators developed under the auspices of the United Nations. The UN indicator framework¹³ consists of three types of indicators (structure, process and outcome) illustrating changes in legislation, policy, the experiences of individuals and the realisation of their rights.

According to the definitions of the UN framework of human rights indicators:

 **Structural indicators** define the legal and policy instruments and administrative structures deemed necessary in terms of the rights being monitored. These structures form the legal and institutional framework for the implementation of human rights. Structural indicators reflect, at the macro level, how certain rights are protected through legislation, implementation of international treaties and other binding obligations.

 **Process indicators**, in turn, aim to illustrate how state policy instruments influence the implementation of the rights being monitored. These indicators are used to monitor how the given rights are being implemented by a state and the extent of the state's intent to promote these specific rights. This involves monitoring how various measures such as programmes and strategies are used to promote the realisation of rights.

 **Outcome indicators** are used to capture the status of realisation of the rights being monitored in practical terms from the perspectives of individuals and language communities, while also looking at the experiences relating to these at an individual level. These indicators reflect the importance of measuring the enjoyment of rights from individual and collective points of view.¹⁴

When applying the UN framework of human rights indicators, it is also advisable to pay attention to the following considerations:

- Is the intention to measure the enjoyment of rights by rights-holders or the implementation of human rights obligations by public authorities?
- How are potential indicators selected in an organised, consistent and transparent manner?
- How many indicators are required to assess the implementation of human rights?¹⁵


These above-mentioned considerations have been taken into account both in process design and when defining the follow-up indicators for linguistic rights.

What are the follow-up indicators for linguistic rights?


The follow-up indicators for linguistic rights explore the structures and processes relating to the implementation of linguistic rights and language policy, and the ways of measuring the enjoyment of linguistic rights at individual and collective levels.

Drawing on the UN framework of human rights indicators, the follow-up indicators can be presented as follows:


Structures supporting linguistic rights

 **Structural indicators** are used to monitor the ways in which linguistic rights are protected in national legislation and international treaties. In addition to legislation, structural indicators include the opportunities of language groups to exert influence in legislative drafting and other project preparation processes, the means of redress relating to realisation of linguistic rights (including oversight of legality and remedies) and their application.

Promoting linguistic rights

 **Process indicators** explore the ways in which linguistic rights are implemented in society in practical terms. These indicators are used to monitor the ways in which language groups are taken into account in Government Programmes, key strategies and action plans. They also allow a closer look at central government resources allocated to language groups.

Experiences of linguistic rights

 **Outcome indicators** are used to monitor the enjoyment of rights from individual and collective points of view. The aim is to form an overview of the language atmosphere prevailing in Finland and, in particular, to analyse the topic from the perspective of experiences among different language groups. The analysis focuses on individuals' own experiences of realisation of linguistic rights in their daily lives, experiences of social inclusion, and discrimination and harassment experienced by language groups.

Efforts have been made to identify key follow-up targets relevant to linguistic rights for each type of indicator (structural, process and outcome indicators). These follow-up targets form the indicators and the follow-up system of linguistic rights. Regarding the identified indicators, some questions have been formulated to clarify in further detail what the indicators help to measure and monitor. It was not possible to formulate indicators from every relevant target concerning linguistic rights, for example, language education and teaching overall, but this

aspect will be covered later on. In order to measure the follow-up targets, both future needs and existing sources of information have been identified for information collection purposes. The aim is to discover indicators that enable the monitoring and measurement of any changes taking place in developments. However, some of the indicators are qualitative, requiring interpretation to detect and verify trends and developments. Indicator results will only be interpreted and analysed when the relevant information has been collected.

Structures supporting linguistic rights

☞ Structural indicators

Indicator (follow-up target)	Questions to consider	Examples of information sources
1.1 Protection of linguistic rights in legislation	<ul style="list-style-type: none"> What has changed in legislation governing linguistic rights? 	Lausuntopalvelu service, Edilex, Finlex, Hankeikkuna services
1.2. Effects of administrative changes on language groups	<ul style="list-style-type: none"> Have there been any administrative changes with effects on linguistic rights? Are different language groups taken into account when transferring official functions? Is the right to use one's native language, Finnish or Swedish, realised in new public bodies? 	Follow-up reports required by Parliament on the implementation of linguistic rights following administrative changes
1.3. Consideration of language groups in legislative drafting and other project preparation processes; linguistic impact assessments	<ul style="list-style-type: none"> How frequently are linguistic impact assessments carried out as part of legislative projects? How frequently are linguistic impact assessments discussed by the Finnish Council of Regulatory Impact Analysis? How frequently are requests for opinions published in Swedish and Sámi in the lausuntopalvelu.fi web service? What materials included in requests for opinions are available in a language other than Finnish? 	Annual Reviews of the Finnish Council of Regulatory Impact Analysis Lausuntopalvelu service VAHVA system Finlex service
1.4. Opportunities of language groups to exert influence	<ul style="list-style-type: none"> How many opinions are submitted by the Swedish Assembly of Finland, the Sámi Parliament, the Advisory Board on Language Affairs, the Advisory Board for Ethnic Relations, the Finnish Association of the Deaf, and other parties (incl. NGOs) representing different language groups? 	Lausuntopalvelu service VAHVA system Survey for language groups on opportunities to exert influence Act governing the Swedish Assembly of Finland, section 1

	<ul style="list-style-type: none"> What are the experiences of realisation of linguistic rights among parties advocating for linguistic rights (the Swedish Assembly of Finland, the Sámi Parliament, the Finnish Association of the Deaf, the Association of Finland-Swedish Sign Language Users)? To what extent is the consultation obligation laid down in the Act on the Sámi Parliament fulfilled in matters relevant to the Sámi languages? Have language groups been offered opportunities to participate in drafting the Government's periodic reports on the implementation of international and regional human rights treaties and in monitoring the implementation of recommendations? 	Annual reviews of the Advisory Board on Language Affairs, annual reports of the Advisory Board for Ethnic Relations, the Sámi Parliament, the Swedish Assembly of Finland and the Finnish Association of the Deaf Survey for parties advocating for language groups on opportunities to exert influence Act on the Sámi Parliament, section 9 Ministry for Foreign Affairs of Finland
1.5 Means of redress available to implement linguistic rights: Oversight of legality and remedies	<ul style="list-style-type: none"> How many complaints and appeals concerning linguistic matters are submitted to the supreme overseers of legality (the Parliamentary Ombudsman and the Chancellor of Justice) and the Non-Discrimination Ombudsman and what topics do these concern? 	Annual reports of the Parliamentary Ombudsman, the Chancellor of Justice and the Non-Discrimination Ombudsman Court decisions on language-based discrimination, Court decisions on damages, Court decisions on reparations
1.6 National implementation of recommendations issued to Finland by monitoring bodies of international and regional human rights treaties and other human rights mechanisms	<ul style="list-style-type: none"> How are linguistic rights taken into account in the Government's periodic reports on the implementation of international and regional human rights treaties? Are responses to all the recommendations issued to Finland by treaty monitoring bodies and other human rights mechanisms to protect and promote linguistic rights comprehensive enough, including impact assessments of legislative and other projects? 	Ministry for Foreign Affairs

Promoting linguistic rights

🔄 Process indicators

Indicator (follow-up target)	Questions to consider	Examples of information sources
2.1 Consideration of language groups in the Budget	<ul style="list-style-type: none"> How is government funding distributed among the different language groups (e.g. central government transfers to bilingual municipalities, the foreign language coefficient, the Swedish Assembly of Finland, the Sámi Parliament)? How much discretionary government transfers are granted to the following language groups for producing media contents in their own language: Swedish, Saami, Karelian, Romani and the sign language? What kind of government funding is allocated in the budget proposal under section 31 of the Sámi Language Act? How much are the expenses for interpretation services organised by the Social Insurance Institution of Finland? 	<p>Budget proposals (items 29.01.02 and 22, 29.50, 29.53, 29.10.01, 29.10.30, 29.10.51, 29.20.01, 33.60.36)</p> <p>Supplementary budgets</p> <p>Annual budget reviews</p> <p>Act on Central Government Transfers to Local Government for Basic Public Services (1704/2009), sections 9 and 10</p> <p>Act on Interpretation Services for Persons with Disabilities (133/2010), sections 11 and 12</p> <p>Act on the Swedish Assembly of Finland (1331/2003), section 11</p> <p>Government Decree on Press Subsidies (389/2008)</p> <p>Sámi Language Act (1086/2003), section 31</p> <p>Act on the Sámi Parliament (974/1995), section 4</p> <p>Discretionary government transfer for securing healthcare and social services in the Saami languages</p> <p>Ministry of Finance</p>

2.2. Language groups in government programmes, key projects and other language policy programmes	<ul style="list-style-type: none"> How are different language groups taken into consideration in government programmes and government key projects? How many language revival programmes, language policy programmes or other similar programmes are underway? 	<p>Government programmes, policy programmes and action plans, and other corresponding programmes</p>
2.3 Visibility of languages in media content produced by public authorities	<ul style="list-style-type: none"> How does the Finnish Broadcasting Company (YLE) contribute to fostering Finnish cultural heritage, tolerance, non-discrimination, equality and cultural diversity and also provide programming for minority and special groups? Language versions of the websites and e-services of public authorities (Finnish, Swedish, Sámi, other languages) To what extent is information communicated in languages other than Finnish within central government? 	<p>Act on Yleisradio Oy (Finnish Broadcasting Company), sections 6, 7 and 12b</p> <p>YLE Administrative Council report to Parliament</p> <p>YLE's report to the Finnish Communications Regulatory Authority (FICORA), financial oversight concerning separation of public service costs, prohibition on advertising, etc.</p> <p>Act governing the provision of digital services</p> <p>Public authorities' information on services provided in different languages</p> <p>User surveys on public administration recommendations (JHS): Recommendation JHS 173 (v. 1.2/15 May 2018)</p> <p>Annual surveys on central government communications for ministerial directors of communications</p>

Experiences of linguistic rights

☺☹ Outcome indicators

Indicator (follow-up target)	Questions to consider	Examples of information sources
3.1 Awareness and experiences of linguistic rights:	<ul style="list-style-type: none"> • Are rights-holders aware of their linguistic rights and the obligations arising from these? • To what extent do individuals experience that linguistic rights are realised by different authorities (quality)? • Are all key authorities and language groups aware of the content of recommendations issued to Finland by monitoring bodies of international and regional human rights treaties and other human rights mechanisms and of the monitoring of their implementation? 	<p>Municipal language strategies, language strategies and client surveys of hospital districts, Language and Sámi Barometers, Fundamental Rights Barometer, other surveys and studies on the topic</p>
3.2 Language atmosphere experienced by language groups	<ul style="list-style-type: none"> • Attitudes encountered by language groups • Experiences of language-based discrimination and harassment • What experiences do language groups have of access to services in their respective languages? 	<p>Language Barometer, Sámi Barometer, Fundamental Rights Barometer, hate speech surveys, research into monitoring of hate speech and harassment, School Health Promotion Surveys of the National Institute for Health and Welfare, Immigrant Barometer, Statistics Finland Working Conditions Surveys, situation testing study on services</p> <p>Police and Prosecution Service statistics, annual reports and decisions of the Non-Discrimination Ombudsman, decisions of the Parliamentary Ombudsman and the Chancellor of Justice</p>

3.3 Experiences of inclusion among language groups	<ul style="list-style-type: none"> • How do language groups experience their opportunities to participate in societal decision-making and policy-making concerning linguistic rights? 	<p>Language and Sámi Barometers, Democracy Indicators, Fundamental Rights Barometer</p>
3.4 Use and provision of interpreting services	<ul style="list-style-type: none"> • How do sign language users experience the effectiveness and availability of interpreting services? 	<p>Annual report of the Finnish Association of the Deaf</p>

Building and introducing the follow-up system

The deployment of the above-mentioned follow-up indicators for linguistic rights and the building of the follow-up system will be carried out in stages.

The follow-up system will be built through the following stages:

1. Exploring the existing sources of information in more detail in terms of different types of indicators (structural, process, outcome indicators) and identifying any missing sources.
2. Harmonising the battery of questions used in the Language Barometer and the Sámi Barometer surveys with the linguistic indicators.
3. Commissioning the necessary studies and surveys on missing themes, such as the opportunities of language groups to exert influence and media content produced by public authorities.
4. Creating a publishing platform for the purpose of collecting indicator information, with open access to information and materials.
5. Launching the application of indicators and information collection. Updating the indicators as required, for example concerning language education and questions related to teaching overall.



Bibliography

¹ Strategy for the National Languages of Finland, Prime Minister's Office Publications 7/2012.

² Strategy for the National Languages of Finland, p. 25.

³ Action Plan for the Strategy for the National Languages of Finland, Publication of the Ministry of Justice 13/2017, p. 6.

⁴ Government Proposal No. 92/2002, p. 98.

⁵ The Ministry of Justice organised a workshop on the follow-up indicators for linguistic rights at the House of the Estates in Helsinki on 19 December 2017. The event was attended by the Advisory Board for Ethnic Relations, the Advisory Board on Language Affairs, the Sámi Parliament, the Swedish Assembly of Finland, the Finnish Association of the Deaf, the Finnish Deafblind Association, the Association of Finland-Swedish Sign Language Users, the

Non-Discrimination Ombudsman and the network of contact persons for the national languages, among others. The Advisory Board on Language Affairs and the network of contact persons for the national languages were also consulted while preparing the indicators during the spring of 2018.

⁶ European Charter for Regional or Minority Languages (Finnish Treaty Series 23/1998), Council of Europe Framework Convention for the Protection of National Minorities (Finnish Treaty Series 2/1998), UN Convention on the Rights of Persons with Disabilities.

⁷ Language Act (kielilaki 423/2003), section 36.

⁸ Decree of the Ministry of Justice governing the rules of procedure of the Ministry of Justice (oikeusministeriön asetus oikeusministeriön työjärjestykseksi 833/2016), section 24; Language Act, section 36.

⁹ Language Act, sections 36 and 37. Government Proposal No. 92/2002, p. 97–98. Government Decree on the Implementation of the Language Act (valtionneuvoston asetus kielilain täytäntöönpanosta 433/2004), section 11.

¹⁰ Kotoutumisen seurantajärjestelmän kehittäminen Helsingin kaupungilla [Developing a system for following the progress of immigrant integration in the City of Helsinki], Pasi Saukkonen, Tutkimuskatsauksia [Research reviews] 2017/2, p. 10.

¹¹ Government Proposal No. 92/2002, p. 98.

¹² Ihmisoikeusindikaattorien käyttäminen Suomen perus- ja ihmisoikeustilanteen seurantaan [Monitoring Finland's fundamental and human rights situation through human rights indicators], Valtionneuvoston selvitys- ja tutkimustoiminnan julkaisu [Publications of the Government's analysis, assessment and

research activities] 36/2016, p. 8–9.

¹³ Human Rights Indicators in Development, An Introduction. Siobhán McInerney-Lankford, Hans-Otto Sano. A World Bank study, 2010, p. 18–19.

¹⁴ Human Rights Indicators in Development, An Introduction. Siobhán McInerney-Lankford, Hans-Otto Sano. A World Bank study, 2010, p. 18–19.

¹⁵ United Nations, Office of the High Commissioner for the Human Rights (OHCHR 2012). Human Rights Indicators: A Guide to Measurement and Implementation, p. 27–30. Ihmisoikeusindikaattorien käyttäminen Suomen perus- ja ihmisoikeustilanteen seurantaan [Monitoring Finland's fundamental and human rights situation through human rights indicators], Valtionneuvoston selvitys- ja tutkimustoiminnan julkaisu [Publications of the Government's analysis, assessment and research activities] 36/2016, p. 125–126.

