# Report on entering several languages in the Population Information System



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#### **Abstract**

One of the key observations contained in the Report of the Government on the Application of Language Legislation 2017 is that the possibility of entering several mother tongues for a person in the Population Information System should be investigated. A recommendation issued by the Committee of Ministers of the Council of Europe to Finland also stated that the expression of multiple identity and language affiliations in the Population Information System should be facilitated.

This report assessed the benefits for the individual of entering several mother tongues in the Population Information System. They include providing a fuller picture of a person's language identity, and avoiding situations where parents who speak different languages have to choose a language for their child. The possibility of recording several languages could additionally give a more diverse idea of the language resources in Finland.

The impacts of the proposal on the public administration were also assessed. The mother tongue information in the Population Information System is used for such purposes as determining the linguistic division of municipalities, service planning, selecting the language used to contact a person, as well as the criteria for determining the amounts of central government transfers to local government and discretionary government transfers.

The report concludes by examining two alternatives. Alternative A is entering several mother tongues in the system, however always also recording either Finnish or Swedish as the person's service language. Alternative B is recording the mother tongue and service language as before but incorporating in the Population Information System the possibility of entering one or more languages spoken at home.

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#### Tiivistelmä

Hallituksen kertomus kielilainsäädännön soveltamisesta 2017 sisältää keskeisen huomion siitä, että useamman kielen merkitsemistä väestötietojärjestelmään tulisi selvittää. Myös Euroopan neuvoston ministerikomitea on suositellut Suomelle moni-identiteetin ja useisiin eri kieliyhteisöihin kuulumisen ilmoittamisen helpottamista väestötietojärjestelmässä.

Selvityksessä on arvioitu yksilön hyötyä usean kielen merkitsemisestä järjestelmään. Näitä olisivat muun muassa se, että se antaisi täydellisemmän kuvan henkilön kielellisestä identiteetistä ja erikielisten vanhempien ei tarvitsisi valita lapsen kieltä. Usean kielen merkitseminen voisi myös antaa monipuolisemman kuvan kielivarannosta.

Myös vaikutuksia viranomaisten toimintaan on arvioitu. Väestötietojärjestelmään merkittyjä tietoja äidinkielestä käytetään muun muassa kuntien kielisyyden määrittelyyn, palveluiden suunnitteluun, yhteydenottokielen valitsemiseen sekä valtionosuuksien- ja avustusten laskennassa.

Selvityksessä päädyttiin tarkastelemaan kahta eri vaihtoehtoa. Vaihtoehto A on usean äidinkielen merkitseminen siten, että henkilö aina myös merkitsee asiointikielekseen suomen tai ruotsin kielen. Vaihtoehto B on, että äidinkieli ja asiointikieli merkitään samalla tavalla kuin nykyään, ja lisätään mahdollisuus merkitä väestötietojärjestelmään yksi tai useampi kotikieli.

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#### Referat

I regeringens berättelse om tillämpningen av språklagstiftningen 2017 ingår en central iakttagelse om att det bör utredas om man i befolkningsdatasystemet kunde anteckna flera språk för en person. Också Europarådets ministerkommitté har rekommenderat att Finland ska göra det lättare att i befolkningsdatasystemen anmäla multiidentitet och tillhörighet till flera språkgemenskaper.

I denna utredning har det bedömts vilka fördelar en individ skulle ha av att flera språk antecknades i systemet. Till fördelarna hör bland annat att systemet skulle ge en fullständigare bild av personens språkliga identitet och att föräldrar som talar olika språk inte skulle behöva välja barnets språk. Att anteckna flera språk skulle också ge en mångsidigare bild av språkreserven hos finländare.

I utredningen bedömdes också konsekvenserna för myndigheternas verksamhet. De uppgifter som finns i befolkningsdatasystemet om modersmål används bland annat vid den språkliga indelningen av kommuner, vid planering av tjänster, vid val av kontaktspråk och vid bestämmande av statsandelar statsunderstöd.

I utredningen kom man fram till att två alternativ ska undersökas. I alternativ A antecknas flera modersmål och dessutom alltid finska eller svenska som kontaktspråk. I alternativ B antecknas modersmålet och kontaktspråket på samma sätt som i dagens läge, men det blir också möjligt att i befolkningsdatasystemet anteckna ett eller flera hemspråk.

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#### Čoahkkáigeassu

Ráďdehusa muitalus giellaláhkaásaheami guoskadeamis 2017 doallá sisttis guovddáš fuomášumi das, ahte eanet gielaid merken álbmotdiehtovuogádahkii galggalii čilgejuvvot. Maiddái Eurohpa ráði ministtarkomitea lea ávžžuhan Supmii mánggaidentiteahta ja mánggaide sierra giellaservošiidda gullama ilmmuheami álkidahttima álbmotdiehtovuogádagas.

Čilgehusas lea árvvoštallojuvvon ovttaskas olbmo ávki mángga giela merkemis vuogádahkii. Dát livčče earret eará dat, ahte dat attálii dievaslaččat gova olbmo gielalaš identiteahtas ja sierragielat váhnemat eai dárbbahivčče válljet máná giela. Mángga giela merken sáhtálii maid addit mánggabealálaččat gova giellariggodagas.

Maiddái váikkuhusat eiseválddiid bargui leat árvvoštallojuvvon. Álbmotdiehtovuogádahkii merkejuvvon dieðut eatnigielaš adnojuvvojit earret eará gielddaid gielalašvuoða meroštallamii, bálvalusaid plánemii, oktavuohtaváldingiela válljemii sihke stáhtaossodagaid ja doarjagiid rehkenastimis.

Čilgehusas gávnnahuvvoje guorahallojuvvot guokte sierra molssaeavttu. Molssaeaktu A lea máŋgga eatnigiela merken daði lági mielde, ahte olmmoš álohii merke áššiiddikšungiellanis suoma- dehe ruotagiela. Molssaeaktu B lea, ahte eatnigiella ja áššiiddikšungiella merkejuvvo seamma ládje go dálá áigge, ja lasihuvvo vejolašvuohta merket álbmotdiehtovuogádahkii ovtta dehe máŋga ruovttugiela.

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#### 1 Background

The Report of the Government on the Application of Language Legislation 2017 discusses the situation of functionally bilingual persons in Finland. There are many people in Finland who, for various reasons, are bilingual or multilingual. Only one mother tongue can be recorded in the Population Information System, however. In addition to this, either Finnish or Swedish can be entered as the service language. The mother tongue recorded in the Population Information System does not affect a person's linguistic rights. Public authorities use the language information entered in the Population Information System for various purposes, including compilation of statistics and anticipation of service needs.<sup>1</sup>

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

In its Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Finland, the Committee of Ministers of the Council of Europe recommended to Finland that the expression of multiple identity and language affiliations in population registries should be facilitated.<sup>2</sup> Following its visit to Finland, the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities called on the Finnish authorities to ensure the realisation of the principle of free self-identification as laid down in Article 3 of the Framework Convention by facilitating the expression of multiple identity and language affiliations into population registries in order to reflect better each individual's choice.<sup>3</sup>

<sup>1</sup> Report of the Government on the Application of Language Legislation 2017, pp. 26-27

<sup>2</sup> Resolution CM/ResCMN(2017)1 on the implementation of the Framework Convention for the Protection of National Minorities by Finland

<sup>3</sup> Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities, Fourth Opinion on Finland. (ACFC/OP/IV(2016)002)

The Report of the Government on the Application of Language Legislation 2017 contains the following key observation: 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.<sup>4</sup>

An expert group consisting of public servants from the Ministry of Justice, the Ministry of Finance, the Ministry of Education and Culture, the Digital and Population Data Services Agency as well as the Advisory Board for Ethnic Relations investigated the alternatives of modifying the Population Information System and the impacts of such modifications. The expert group came up with two alternatives. Alternative A is entering several mother tongues in the system, however always also recording either Finnish or Swedish as the person's service language. Alternative B is recording the mother tongue and service language as before, with the added possibility of entering one or more languages spoken at home in the Population Information System.

<sup>4</sup> Report of the Government on the Application of Language Legislation 2017, p. 27

# 2 The Population Information System in Finland

Under section 13 of the Act on the Population Information System (661/2009), the mother tongue and service language registered by a person are entered in the Population Information System.

The mother tongue is registered by a person himself or herself, or by his or her parents. Statistics Finland complies with the brief language classification of the ISO 639-1 standard.<sup>5</sup> Collecting information on mother tongues and recording it in a population register is not very common globally, and the other Nordic countries, for example, do not collect information on their citizens' mother tongues. In Finland, this information has been necessary for decades due to the official bilingual status of the country: data on Finnish and Swedish speakers are at the core of the language statistics.

If the mother tongue of a person registered in the Population Information System is neither Finnish or Swedish, the person can register one of these languages as his or her service language in the system. By registering a service language, the person can ensure that he or she receives such documents as correspondence from the authorities in the official language of Finland which he or she know best.

A child's parents register his or her mother tongue together with the child's first name/s and second name. Anyone can change his or her mother tongue and service language in the Population Information System. There are no specific controls to check that the mother tongue information is correct; however, the data in the Population Information System should be reliable.

In a study conducted in 2012 aiming to test the reliability of the Population Information System data, approx. 9,000 working-age respondents were asked if their mother tongue entered in the system was correct. This information was registered correctly for 99.7% of the respondents.<sup>6</sup>

<sup>5</sup> Quality descriptions: Population structure 2018, www.tilastokeskus.fi

<sup>6</sup> Quality descriptions: Population structure 2018, www.tilastokeskus.fi

#### 3 International comparison

#### 3.1 United Nations Economic Commission for Europe UNECE

United Nations Economic Commission for Europe UNECE was established in 1947. It is one of the UN's five regional commissions established to promote economic cooperation among its member states. Focal areas of its work include economic and political analyses, the environment and human settlements, statistics, sustainable energy as well as trade, industry and enterprise development, timber, and transport. UNECE develops common practices, regulations and standards as well as provides technical support. Development carried out by the UN provides a framework for international statistical classifications and uniform practices.<sup>7</sup>

UNECE supports national statistical systems through methodological guidance and assists member states in modernising their statistics and in capacity building. In its recommendations for 2020, UNECE's Conference of European Statisticians<sup>8</sup> expressed its views of collecting information on ethno-cultural characteristics,<sup>9</sup> which include statistics on spoken and written languages.

The UNECE recommendation on statistics notes that multilingual countries may wish to collect data on languages that are currently spoken and written in them. Where a country has more than one official language, it may be necessary to include questions on the use of the official languages for legislative or policy requirements. Depending on information needs, the collection of data on one or more of the following concepts is recommended:

a) Mother tongue, defined as the first language spoken in early childhood at home; b)

Main language, defined as the language which the person commands best; c) Usual language(s), defined as the ones most often currently spoken at home and/or work;

d) Knowledge of language(s), defined as the ability to speak and/or write one or more

<sup>7</sup> www.stat.fi

<sup>9</sup> Conference of European Statisticians Recommendations for the 2020 Censuses of population and Housing, Chapter XII. Ethno-cultural characteristics, pp. 148-153

specific languages. The recommendation notes that each country should decide which, if any, of these variants is relevant to its own information needs. However, the organisation recommends that countries should ask more than one question regarding language.<sup>10</sup>

#### 3.2 Language statistics in UNECE member states

A UNECE report titled 'Measuring population and housing'<sup>11</sup> contains a review of practices followed by the member states in their censuses for 2010. According to the report, more countries collected information on language (36 out of 51 countries) than did so on ethnic group or religion, but most (31) collected data on all areas. The report notes, however, that administrative data were rarely used to collect information on language and that Finland was the only country with a register-based census which collects language information. Unexpectedly, the proportion of countries collecting information on language fell slightly during the monitoring period.

The most commonly adopted mode was to collect information on mother tongue (two countries out of three). Information on language(s) spoken most often at home was collected by over half of the countries (20), and over a third of countries (13) collected information on knowledge of languages. Countries which collect information on languages using several modes of question included Canada (6 modes), Kazakhstan (5 modes), Hungary, Ireland, Russia (4 modes), Luxembourg, Switzerland, the United Kingdom (3 modes), as well as Poland and the United States (2 modes). <sup>12</sup>

#### 3.3 Sweden

The Swedish Language act defines Swedish as the main language of the country, while Finnish, Meänkieli (Tornedalian Finnish), Yiddish, Roma and Sámi are recognised as national minority languages in Sweden. The public authorities have a particular duty to protect and promote the national minority languages. This also applies to sign language, even if it has not been defined as a minority language. <sup>13</sup>

<sup>10</sup> Conference of European Statisticians Recommendations for the 2020 Censuses of population and Housing, Chapter XII. Ethno-cultural characteristics, pp. 152–153

<sup>11</sup> Measuring population and housing 2014: pp. 163–164

<sup>12</sup> Measuring population and housing 2014: s. 163–164

<sup>13</sup> Språklag (2009:600)

Accurate numbers of minority language speakers are not available in Sweden, as no statistical data on them are collected, and any figures are based on estimates.<sup>14</sup> Sweden keeps statistics on both country of birth and nationality.<sup>15</sup> However, these data do not provide information on minority language speakers who, as a rule, have been born in Sweden and are also Swedish citizens.

Under the Language act, members of a national minority shall be given opportunities for learning, developing and using a minority language. Inadequate data on minority language speakers can, however, be presumed to hamper the provision of services and instruction in these languages compared to the situation in Finland, where the authorities have relatively accurate information on how many people speak each language.

#### 3.4 Norway

The Norwegian Language act, *mållova*<sup>17</sup>, contains provisions on the use of the two language variants, bokmål and nynorsk. Under the Act, both language forms shall be used in printed or online publications.<sup>18</sup> Private individuals have the right to use their service language variant when addressing central government authorities. As Norway ratified the European Charter for Regional or Minority Languages,<sup>19</sup> the country defined Sámi, Kven and two Roma languages (romanes and romani) as its minority languages.<sup>20</sup>

The Language Council of Norway keeps statistics on the use of the language variants (bokmål and nynorsk) by requesting data from central government authorities on how many people have approached them in a certain language and publishes a yearly report on the use of the two variants.<sup>21</sup>

<sup>14</sup> Estimated numbers of the speakers of different languages can be found on such websites as www.minoritet.se

<sup>15</sup> https://www.scb.se/hitta-statistik/sverige-i-siffror/manniskorna-i-sverige/

<sup>16</sup> Språklag (2009:600)

<sup>17</sup> Mållova (LOV-1980-04-11-5)

 $<sup>18 \ \</sup> https://www.sprakradet.no/Spraklige-rettigheter/Spraklege-rettar-som-gjeld-bruken-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova/praklege-rettar-av-norsk/Maallova$ 

<sup>19</sup> European Charter for Regional or Minority Languages (23/1998)

<sup>20</sup> www.sprakradet.no

<sup>21</sup> https://www.sprakradet.no/Spraklige-rettigheter/Spraklege-rettar-som-gjeld-bruken-av-norsk/Maallova/Statistikk/

# 4 Benefits of registering several languages for the individual

#### 4.1 General remarks

Of the resident population in Finland, 87.6% had registered Finnish and 5.2% Swedish as their mother tongue in 2018, <sup>22</sup> whereas 2,282 people, or 0.03%, had registered Sámi as their mother tongue. Of these, 28 had entered Inari Sámi, 27 Skolt Sámi, and 80 North Sámi as their mother tongue.<sup>23</sup>

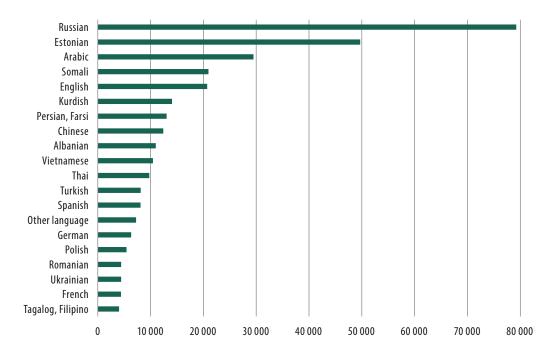


Figure 1. Largest groups of foreign-language speakers 2018, Statistics Finland/Population structure.

<sup>22</sup> Population structure 2018, Statistics Finland

<sup>23</sup> Population Information System 15 January 2020

Approx. 160 mother tongues had been registered in the Population Information System in 2016. Many of these are spoken by less than 100 people. The largest groups of foreign-language speakers (speakers of languages other than Finnish, Swedish or Sámi) in Finland in 2018 were Russian, Estonian, Arabic, Somali, English, Kurdish, Persian/Farsi, Chinese, Albanian and Vietnamese speakers. All these languages had more than 10,000 speakers. The proportion of foreign-language speakers was 7.1 of the population at the end of 2018.<sup>24</sup>

As a person can only register a single mother tongue in the system, bilingualism or multilingualism does not come up in the data, which causes problems in terms of keeping statistics. Additionally, many of those who were born in Finland enter Finnish as their mother tongue, even if their parents were foreign-language speakers. Consequently, the statistics do not give a realistic picture of the country's language situation.

The UNECE recommendation notes that the capture of multiple languages provides a more complete picture of the linguistic diversity of a country's population where there are multiple language groups and more than one official language is recognized. <sup>25</sup> A system where one language only is registered does not give a true picture of the country's language resources.

As the Report of the Government on the Application of Language Legislation was being prepared, surveys, hearings and consultations were organised. On 7 September 2016, the Ministry of Justice and the Advisory Board for Ethnic Relations invited organisations representing foreign-language speakers to a workshop. The language groups brought up the need to make entering several languages in the Population Information System possible and drew attention to the way in which the mother tongue registered in the system is used by the authorities.

Language is a major part of a person's identity. If a person is functionally bilingual or multilingual, entering a single language in the system does not describe his or her full linguistic identity. The language to be entered in the Population Information System for a child is in most cases selected by the parents. If the parents speak two different languages, they may find it difficult to select a language for their child.

The language recorded in the Population Information System does not affect a person's linguistic rights. For Finnish and Swedish speakers as well as for Sámi speakers in the Sámi Homeland, the entry in the Population Information System is used as the default language

<sup>24</sup> Population structure 2018, Statistics Finland

<sup>25</sup> Conference of European Statisticians Recommendations for the 2020 Censuses of population and Housing, Chapter XII. Ethno-cultural characteristics, paragraph 725

in which the authorities approach a person. This language is always changed, however, should the client so wish.

Nevertheless, the language groups brought up their concern that the local authorities in fact rely on these entries when considering a child's right to receive instruction of his or her home language, for example. While the entry in the Population Information System alone cannot be regarded as decisive when considering the right to a certain service, the possibility of this occurring in practice cannot be discounted. For a more detailed discussion of this issue, see Chapter 6.

#### 4.2 Finnish and Swedish speakers

The registered data on Finnish and Swedish speakers may be considered relatively reliable. However, there is no indication in the statistics of a person being bilingual. It is estimated that three out of four children born to bilingual families (Finnish/Swedish) are registered as Swedish speakers.<sup>27</sup>

The registered language directly influences the language in which the authorities contact a person if they have no prior indication of the client's service language. The language entered in the system also indicates the language in which the parents would like their child to participate in early childhood education and care and attend school, even if the information does not create rights or obligations as such. As the language entered in the system has a visible impact on Finnish and Swedish speakers' everyday life, they usually have a relatively high level of awareness of the choices they make.

In surveys or consultations organised by the Ministry of Justice, the organisations representing Swedish speakers did not bring up any needs to modify the Population Information System. The Swedish Assembly of Finland, which promotes the rights of the Swedish-speaking population in Finland, suggested that entering both Finnish and Swedish as a person's mother tongue in the Population Information System could lead to a reduced provision of Swedish-language services.<sup>28</sup>

<sup>26</sup> Familia association together with the Cultura Foundation and All Our Children organised a round table discussion on the possibility of registering more than one mother tongue in the Population Information System on 14 March 2019.

<sup>27</sup> www.folktinget.fi, 1 October 2019

<sup>28</sup> Fifth opinion on Finland, Advisory Committee on the Framework Convention for the Protection of National Minorities, adopted on 27 June 2019

#### 4.3 Sámi speakers

Recording Sámi as a person's mother tongue has been possible since the Population Information System was established (1968–1973). As from 2013, it has been possible to record a certain Sámi language as your mother tongue: South, Inari, Kildin, Skolt, Lule or North Sámi. <sup>29</sup> There were 2,282 persons registered as Sámi speakers in the Population Information System in 2020,<sup>30</sup> whereas the number of Sámi people in Finland is around 10,000<sup>31</sup>. The North Sámi are the largest group of Sámi people, with the Inari Sámi and the Skolt Sámi both numbering approx. 600.<sup>32</sup>

Few people enter Sámi as their mother tongue in the Population Information System. Not all Sámi speakers are aware of this possibility or see it as significant, and many have Finnish registered as their mother tongue in the population information.<sup>33</sup> In a telephone interview conducted for the Sámi Barometer, approx. one out of four respondents said they regarded both Sámi and Finnish as their mother tongues when the question was consistently asked in the specific format of "Which language or languages do you regard as your mother tongue?" It is also possible that people have reservations about official data collections and statistics, or that they find using services in Finnish more straightforward. Their attitudes may also be associated with a lack of skills in reading and writing Sámi and poor knowledge of more recently coined words.<sup>34</sup>

For Sámi speakers, the possibility of entering several languages in the Population Information System could make the number of those who speak Sámi more visible. This would allow such actors as the local authorities to use the information when planning Sámi-language services.

<sup>29</sup> For more information, see the Report of the Government on the Application of Language Legislation 2017, pp. 28–29

<sup>30</sup> Population Information System 15 January 2020

<sup>31</sup> www.oikeusministerio.fi/saamenkielet

<sup>32</sup> www.kotus.fi/kielitieto/kielet/saame

<sup>33</sup> Sámi Barometer 2016, p. 12.

<sup>34</sup> Sámi Barometer 2016, p. 49.

#### 4.4 Sign language users and CODA children

The Finnish and Finland-Swedish sign language are used in Finland. Approx. 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 or second language, or as a foreign language. The Finnish sign language has been registered as their mother tongue in the Population Register by 633 people,<sup>35</sup> while 10 people have entered the Swedish or the Finland-Swedish sign language as their mother tongue.<sup>36</sup>.

Only a small proportion of sign language users have registered sign language as their mother tongue in the Population Information System. The reasons for this have not been investigated. Older people with hearing impairments have only received instruction in Finnish and Swedish and never in sign language, and some of them have lived through a time when using sign language at school was prohibited. This may explain their unwillingness to register sign language as their mother tongue, even if they were aware of the possibility.

Entering sign language as a child's mother tongue is no guarantee of their right to an interpreter or an assistant or, for example, the possibility of a CODA child (child of a deaf adult) to study sign language as a school subject, and these decisions are made on the basis of other information. In practice, registering sign language as a hearing child's mother tongue has led to situations where the authorities have presumed the child to be deaf.<sup>37</sup>

<sup>35</sup> Population Information System 15 January 2020

<sup>36</sup> Report of the Government on the Application of Language Legislation 2017, pp. 29–30

<sup>37</sup> Finnish Association of the Deaf, e-mail 9 December 2019

#### 4.5 Other language groups

If a language other than Finnish or Swedish has been entered as a person's mother tongue, either Finnish or Swedish may be selected as their service language. The authorities have no obligation to use any language other than Finnish or Swedish, and decisions, judgements and other documents are issued in the language used to process the matter, which is either Finnish or Swedish. However, an authority may have an obligation to use an interpreter and, for example, explain the contents of a document in a language which the client understands. The language registered in the Population Information system does not affect the assessment of the need for interpretation, or the language of the possible interpretation.

Approx. 30% to 40% of the Finnish Roma speak the northern Roma dialect, or Kalo. The Roma mainly use their language within their own communities.<sup>38</sup> While the Roma language can 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 2020, for example, 73 persons had registered Roma as their mother tongue, and the actual number of Roma speakers is thus not reflected by the official statistics.<sup>39</sup>

The size of the population with a foreign and migrant background is often described using the number of people who speak various languages entered in the Population Information System. Basing multiculturalism statistics on the mother tongue information alone has indeed been criticised.<sup>40</sup> One of the problems perceived in these statistics is that rather than registering the language they know best, many people register some other language, for example to express their ethno-cultural identity. Others, on the other hand, may avoid entering their actual mother tongue in fear of discrimination or other consequences<sup>41</sup>

The necessity of registering several languages has also been justified on the grounds that it would provide more versatile information about the selection of languages that needs to be used for disseminating information as well as for the provision and development of services. The increasing plurilingualism in Finnish society also needs to be accounted for when planning services, or the correct scale of the services cannot be determined.<sup>42</sup>

<sup>38</sup> Romanien perustuslaissa turvattujen kielellisten oikeuksien toteutuminen, Ministry of Justice, Reports and guidelines, 11/2014.

<sup>39</sup> Population Information System 15 January 2020

<sup>40</sup> For more information, see e.g. Saukkonen Pasi and Latomaa Sirkku

<sup>41</sup> Saukkonen Pasi

<sup>42</sup> Latomaa Sirkku

# 5 Use of the language entered in the Population Information System by the authorities

#### 5.1 General remarks

The information on a person's mother tongue is an important tool for the authorities when they plan services, make decisions and send documents to private individuals. This information is used extensively. Public administration organisations who are informed of changes in mother tongue information include the Finnish Transport and Communications Agency Traficom, the Finnish Centre for Pensions, the Social Insurance Institution, the municipalities, joint municipal authorities and hospital districts, the pensions institution Keva, the Ministry of Justice, the Finnish Patent and Registration Office, the Police, the Defence Command of Finland, the Orthodox parishes, the Church Council, the Finnish Institute for Health and Welfare, the Finnish Tax Administration, the Finnish Food Authority, the Finnish Forest Centre, the National Land Survey of Finland, the Unemployment Insurance Fund, the National Supervisory Authority for Welfare and Health Valvira, Statistics Finland and the Finnish Agency for Education.

The information registered in the Population Information System is also used by the authorities to avoid incurring additional expenses from translations and interpretation services. Among other things, the language information affects central government transfers to local government.

#### 5.2 Linguistic division

Under section 5 of the Finnish Language act (423/2003), the basic unit of the linguistic division of the country is the municipality. This means that the use of the country's official languages by all other authorities is underpinned by the situation in the municipalities.

A municipality is either *unilingual* or *bilingual*. Bilingual municipalities are divided into those with Finnish and those with Swedish 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).

A municipality is designated bilingual if the 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.

This calcuation only includes those residents who have entered Finnish or Swedish as their mother tongue. Unless the calculation method is to be changed, the Population Information System should continue to indicate if a person's main language is Finnish, Swedish or something else.

There were 313 municipalities in Finland at the beginning of 2016, 49 of which were 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.<sup>43</sup>

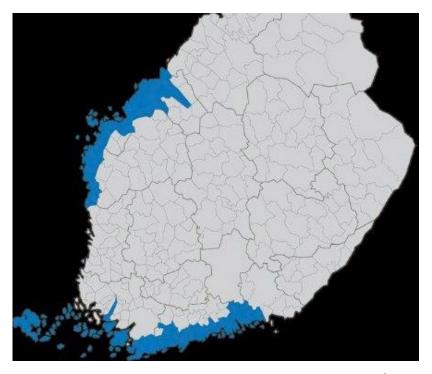


Figure 2. A map of bilingual municipalities and the municipalities in the Åland Islands.

 $<sup>43\ \</sup> Report\ of\ the\ Government\ on\ the\ Application\ of\ Language\ Legislation\ 2017, p.\ 33$ 

The bilingual municipalities are located on the southern and western coasts of Finland. There are great variations in the proportions and numbers of Swedish speakers in these municipalities. In the municipalities where Swedish is the majority language, the proportion of Finnish speakers ranges from 3.2% (Korsnäs) to 42.8% (Inkoo) of the population. In the municipalities where Finnish is the majority language, the proportion of Swedish speakers ranges from 2.6% (Vantaa) to 42.5% (Hanko). All municipalities in the Åland Islands are unilingual and Swedish-speaking, and the Language act does not apply to them.

#### 5.3 Service planning

Among other things, the information on residents' registered mother tongues is used by the municipalities to plan their services. For example, they can estimate how many children will start early childhood education and care or school in Finnish-speaking and Swedish-speaking services. Information on the numbers of Finnish and Swedish speakers is also used to organise other services.

An authority must take the initiative in its activities to ensure that the linguistic rights of private individuals are secured in practice. The objective of both the Language act and the Sámi language act is that linguistic rights are realised without a need to specifically refer to them. A physician, social worker etc. who knows Swedish should be designated to a Swedish-speaking resident without him or her having to request this separately. A patient's or a client's language can be checked in the Population Information System.

If a person's main language is not apparent from the system, it is not possible for the authorities to assess on their own intitiative which language he or she would like to have the service provided in.

#### 5.4 Service language

Under section 23(3) of the Language Act, bilingual authorities shall, when contacting private citizens and legal persons, use their language, either Finnish or Swedish, if it is known or can reasonably be ascertained, or both.

Under the Act, an authority has an obligation to use the person's mother tongue or a language selected by the person, in other words the language he or she has used previously. The objective of this is to ensure that the authority approaches the recipient in the correct language. The person's service language may already be known to the authority

based on earlier service use. In many cases, however, the authority can check the person's language in the Population Information System.<sup>44</sup>

An authority can usually presume that the recipient wishes to use the language entered in the Population Information System with the authorities, unless earlier contacts with the authority indicate that the recipient wishes to use another language.<sup>45</sup>

Under section 15(1) of the Sámi language act (1086/2003), in their notices, summonses and letters that are sent to a party or to a person who under law is to be informed of a pending matter or a matter about to become pending, the authorities shall, regardless of the language of proceedings, use the language of the recipient, if this is known or can reasonably be ascertained, or use both the Finnish and the Sámi language. Additionally, an authority shall use the Sámi language, without a separate request, when responding to written communications in the Sámi language.

Foreign-language speakers may choose to use services in either Finnish or Swedish. Their choice appears from the Population Information System.

The objective of both the Language act and the Sámi language act is that linguistic rights are realised without having to specifically refer to them. This is closely associated with the authority's obligation to take the initiative in ascertaining which language a person prefers to use. If there has been no prior contact between an authority and the client which would shed light on the client's service language, the authority may use the language registered in the Population Information System. If the contents of the population information were to be modified, a clear indication of whether the person wishes to be contacted in Finnish, Swedish or Sámi should be preserved in it.

#### 5.5 Language of proceedings

Provisions on the language used in administrative matters, administrative judicial procedures, civil cases and appellate cases are contained in Chapter 3 of the Language Act. The language choice is influenced by the nature of the matter, the authority's language, the interested party's language and/or the defendant's language. The language of proceedings is either Finnish or Swedish. A judgement or a decision is always issued in the language of proceedings.

<sup>44</sup> HE 92/2002 vp, p. 82

<sup>45</sup> HE 92/2002 vp, p. 82

The language of proceedings is always Finnish or Swedish, and the judgement or decision is always issued in the language of proceedings. The language of proceedings is determined based on the criteria laid down in the Language act or the court's overall consideration. In some cases, anticipation of the languages used by the interested parties affects the selection of the language of proceedings. This applies, for example, if a Finnish-speaking company has applied for a permit related to land use in an area where most of the residents are Swedish speakers.

Sámi speakers have the right to use the Sámi language when dealing with authorities as stipulated by the Sámi Language Act. Under section 19 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 or, secondarily, the authority shall arrange for interpretation free of charge. Under section 13 of the Act, a Sámi party to a matter shall on request be issued with an application for a summons, a judgment, a decision, a record or another document in the Sámi language in so far as the matter concerns his or her rights, interests or obligations, except where the document is manifestly irrelevant to the resolution of the matter. If a Sámi party to the matter has used the Sámi language, written or spoken, when contacting an authority dealing with the matter, the document containing a decision shall be issued in the Sámi language, to the same extent and under the same conditions, without the need for a separate request to this effect. However, a document containing a decision shall be issued merely as an official translation into the Sámi language if there are several parties to the matter and they are not unanimous regarding the use of the Sámi language.

If the interested party has not contacted the authority and his or her service language of proceedings is otherwise not known, the authority must be able to conclude this language on the basis of some other source. The authorities can usually rely on the language information entered in the Population Information System and thus conclude the language of proceedings. Any modification to the Population Information System should not hamper the selection of the language of proceedings.

#### 5.6 Central government transfers to local government

The allocation criteria of central government transfers to local government are laid down in the Act on central government transfers to local government for basic public services (1704/2009). Section 9 of the Act contains a provision on a coefficient based on the number of foreign-language speakers in a municipality, section 10 on bilingualism, and section 28 on supplementary transfers for municipalities in the Sámi Homeland. The data in the Population Information System on the number of foreign-language speakers in a

municipality is used to calculate the coefficient. When determining the costs incurred by a municipality from bilingualism, the data on the number of Swedish-speaking residents is also obtained from the Population Information System. Similarly, the proportion of Sámi speakers in a municipality needed to calculate the supplement for the Sámi Homeland municipalities is based on the Population Information System data.

When determining the central government transfers to local government, the information on a person's mother tongue registered in the Population Information System is of specific significance. Continuing this practice in the future would be justified. The purpose of central government transfers to local government is to fund the organisation of the municipality's statutory basic services, and the criteria to be used should thus be linked to the municipality's obligation to provide services.

The legislation should be unambiguous regarding the fact that a person's mother tongue entered in the Population Information System is considered the criterion for the central government transfers. In such areas as service planning, however, municipalities and other bodies could also use more accurate information about the other home languages a resident may speak.

A pupil's mother tongue registered in the Population Information System currently determines whether or not the pupil can be taken into account as grounds for increased funding.

Section 45 of the Act on the financing of educational and cultural provision (1705/2009) contains provisions on discretionary government transfers granted for the instruction of and in the Sámi language and certain other discretionary government transfers. More detailed provisions on the grounds for determining these transfers are contained in a Ministry of Education and Culture decree.<sup>46</sup>

Whereas a pupil's participation in the instruction of Finnish or Swedish as a second language has not been restricted on the basis of the language entered in the Population Information system, a discretionary government transfer towards the instruction of this syllabus can only be granted for foreign-language pupils where no more than six years have elapsed since they started attending education referred to in the Basic education act and where their Finnish or Swedish proficiency does not correspond to the native-level proficiency of a Finnish or Swedish-speaking pupil of a similar age<sup>47</sup>. The Finnish Agency

<sup>46</sup> Ministry of Education and Culture decree on the grounds of discretionary government transfers granted for supplementary instruction of foreign-language, Sámi-language and Roma-language students in basic education and general upper secondary education (1777/2009)

<sup>47</sup> Section 2 of the Ministry of Education and Culture decree on the grounds of discretionary government transfers granted for supplementary instruction of foreign-language, Sámi-language and Romani-language students in basic education and general upper secondary education (1777/2009)

for Education defines as foreign-language pupils those whose mother tongue in the Population Information System is a language other than Finnish, Swedish or Sámi.

While a pupil's participation in instruction of his or her mother tongue has not been restricted on the basis of the language entered in the Population Information System, discretionary government transfers towards the instruction of the pupil's mother tongue are only available for Sámi, Roma and foreign-language pupils for whom mother tongue instruction referred to in section 12 of the Basic education act is not provided.<sup>48</sup> Discretionary government transfers may only be granted for studying a single language.

## 5.7 Other impacts on Sámi speakers and Sámi Homeland municipalities

The authorities to which the Sámi language act applies include the municipalities in the Sámi Homeland, courts, certain regional state authorities whose jurisdiction comprises the Sámi Homeland municipalities, the supreme overseers of legality and some supervisory authorities, certain central government agencies including the Finnish Tax Administration, and the Social Insurance Institution.

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 the Act. Additionally, a Sámi has the perpetual right to use Sámi or Finnish lanuage, as he or she may choose, when dealing with the authorities within the scope of the Act in their agencies or other branches situated in the Sámi Homeland. In the Sámi Homeland, the authorities must take the initiative in using the Sámi language in correspondence and other documents addressed to a Sámi client, if this language can reasonably be ascertained. For example, the authorities may check the language in the Population Information System.

As discussed in section 4.3 of this report above, however, few people enter the Sámi language as their mother tongue in the Population Information System. The possibility of registering several languages in the Population Information System could, for example, be helpful in situations where, due to their inadequate reading and writing skills or poor knowledge of new words or 'Sámi officialese', a person finds it more natural to use services in Finnish and has therefore not entered Sámi as their mother tongue.<sup>49</sup>

<sup>48</sup> Section 3 of the Ministry of Education and Culture decree on the grounds of discretionary government transfers granted for supplementary instruction of foreign-language, Sámi-language and Roma-language students in basic education and general upper secondary education (1777/2009)

<sup>49</sup> Sámi Barometer 2016, p. 25.

Section 16 of the Sámi language act contains a provision on the use of the Sámi language in municipal documents. In municipalities where the proportion of Sámi speakers in the population has on 1 January of the preceding year exceeded one third, the municipal organs shall use also the Sámi language in records and other documents not to be issued to private parties, but being of general concern. In practice, this provision applies to the municipality of Utsjoki. The municipal organs in other municipalities must also use the Sámi language in such documents to the extent deemed necessary.

As the obligation to use the Sámi language in documents of general concern, including the documents of elected bodies, is tied to the proportion of Sámi speakers in a municipality, the Population Information System should show this proportion unambiguously.

# 6 Mother tongue information and instruction

#### 6.1 Right to instruction in a pupil's mother tongue

Under section 17(1) of the Constitution, the national languages of Finland are Finnish and Swedish. Under subsection 2 of this section, 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. Under subsection 3, 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. 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.

The provisions on linguistic rights in section 17 of the Constitution have a bearing on the organisation of educational and other cultural conditions, among other things. From the perspective of the organisation of educational conditions and instruction, the provisions in section 17(2) of the Constitution are essentially about each person's right to receive instruction of and in their own language.

The right to instruction in a pupil's mother tongue is not specifically protected under the human rights treaties, even if in some human rights documents of the Organisation for Security and Cooperation in Europe (OSCE), the participating states undertake to safeguard religious instruction in the pupils' mother tongues. As under the International Convenant on Economic, Social and Cultural Rights, primary education shall be compulsory and available free to all and other education shall also be generally available, the states have nevertheless the minimum duty to organise for such groups as immigrant children the type of instruction in their mother tongue that enables them to follow other teaching. Further, under the Convention on the Rights of the Child, a child belonging to a minority or who is indigenous shall not be denied the right to use his or her own language.

### 6.2 Early childhood education and care and pre-primary education

Provisions on early childhood education are contained in the Act on early childhood education and care (540/2018), while provisions on pre-primary education are laid down in the Basic education act (628/1998). If pre-primary education is provided in a day-care centre or a family day-care centre, the provisions contained in the Act on early childhood education and care, or issued by virtue of this Act, also apply to pre-primary education. Consequently, the section on Basic education below also discusses the provisions on pre-primary education.

Provisions on the language of early childhood education are contained in section 8 of the Act on early childhood education and care, under which the municipality shall ensure that a child can receive early childhood education in his or her mother tongue, in other words Finnish or Swedish, or in the Sámi language as referred to in section 3(1) of the Sámi language act.

Under subsection 2 of this section, in a bilingual municipality and a joint municipal authority comprising bilingual or both Finnish and Swedish-speaking municipalities, early childhood education shall be provided in both languages of the municipality or the joint municipal authority, ensuring that service users can receive early childhood education in the language of their choice, either in Finnish or Swedish.

The detailed rationale<sup>50</sup> of this section in the government proposal defines the first section in more detail by stating that in practice, decisions on a child's right to receive early childhood education and care in his or her mother tongue are made by the child's parents or other guardians. The Deputy Parliamentary Ombudsman has found that even if the language entered as a person's mother tongue in the Population Information System is a strong indication of his or her mother tongue, this information cannot alone be regarded as decisive when considering a child's right to early childhood education and care and the manner in which they are provided.<sup>51</sup> It would be essential to discuss the child's linguistic and cultural rights and the guardians' preferences when applying for a place in early childhood education and care, and to make an effort to find for the child a service that is in his or her best interest and meets his or her linguistic needs in a mutual understanding with the guardians. There is nothing to stop a municipality from also offering early childhood education and care in a language other than the child's mother tongue if this were in the best interest of the child and preferred by the child's guardians, and if services

<sup>50</sup> HE 40/2018 vp

<sup>51</sup> Deputy-Ombudsman 18 December 2013, register no 410/4/12, on early childhood education and care in the Sámi language

were available in the language in question in the municipality. Early childhood education and care may also be organised in sign language or the Roma language.

The DeputyOmbudsman's decision is underpinned by, among other things, statements of the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities, according to which access to Sámi-language pre-primary teaching may not depend on the language entered in the Population Information System. While many Sámi people are in fact bilingual, a person may only enter a single language as his or her mother tongue in the Population Information System. Consequently, the information in this system should not be used as criteria for access to Sámi-language pre-primary or early childhood education.

According to an estimate by the Ministry of Education and Culture, the mother tongue information in the Population Information System is used for the general planning of early childhood education and care and pre-primary education services, including the locations of day-care centres and the deployment of their personnel.

For the purposes of a report titled *The many languages and religions in schools*, <sup>52</sup> municipalities were asked to provide information on the home languages of children participating in early childhood education and care and the number of bilingual or multilingual children. A total of 98 different home languages were mentioned in the responses. Many large urban municipalities added to this information their assumption that the actual number of home languages would be higher than the reported number.

After Finnish, the most common home languages of children participating in early childhool education and care reported in the survey were Russian (70%), Kurdish languages (51%), Estonian (48%) and Arabic (46%). These numbers also correspond relatively well to Statistics Finland's figures on the most commonly spoken languages in Finland. When we compare the responses received in the survey and Statistic Finland's figures, it turns out that Kurdish is emphasised in the responses: in the survey, it emerged as the third most commonly spoken language, whereas in Statistics Finland's figures, it was only the eighth most common. This is also true for Thai and Turkish: Thai language came eighth in the survey but 13th in Statistics Finland's figures; Turkish was the ninth most common in the survey and 15th in Statistics Finland's statistics. It thus appears that the speakers of these languages comprise a high proportion of children in early childhood education age as compared to other age groups.

<sup>52</sup> Koulujen monet kielet ja uskonnot (The many languages and religions in schools), 2019

In *pre-primary education*, In pre-primary education, the most common languages spoken by children at home after Finnish to be reported were Russian (46%), Swedish (32%), Arabic (30%) and Kurdish (30%). These numbers also correspond relatively well to Statistics Finland's data on the most commonly spoken languages in Finland. However, the order of the languages reported in the survey differs from the statistics when we examine the numbers of those who speak the various languages in proportion to the entire population in Finland.

#### 6.3 Basic education

The Basic education act contains provisions on the instruction of mother tongue and literature. Instruction of mother tongue and literature is also included in the National core curricula for those forms of instruction that supplement basic education, or basic education for students past the age of compulsory education as well as preparatory education for basic education. Organising forms of education that supplement basic education is not mandatory for municipalities.

Similarly to other subjects, provisions on the lesson-hours allocated to language instruction are contained in the Decree on the distribution of teaching hours in basic education (422/2012).

The delivery of basic education is guided by the National core curriculum for basic education from 2014 as well as the local curricula prepared on its basis.

Provisions on the eligibility of subject teachers in basic education are contained in section 5 of the Decree on the qualifications required of teaching staff (986/1998), which applies to all subjects.

#### 6.4 Language of instruction at schools

Under section 10(1) of the Basic education act, a school's language of instruction and the language used in extracurricular teaching shall be either Finnish or Swedish. The language of instruction may also be Sámi, Roma or sign language. Additionally, instruction may be provided in a language other than the aforementioned languages of the pupils, provided that this does not risk the children's possibilities to follow instruction.

Under subsection 2 of this section, pupils living in the Sámi Homeland who are proficient in the Sámi language *shall be primarily taught* in Sámi. Pupils with auditory impairments must be given teaching in sign language, *when needed*.

Under subsection 3, if the education provider provides education in more than one of the languages of instruction referred to in subsections 1 and 2 in which the pupil can study, the parent/carer shall choose the language of instruction.

Under subsection 4, additionally, in a separate teaching group or in a separate school, teaching may be given primarily or totally in a language other than those referred to in subsection 1.

Under section 11 of the Basic education act, mother tongue is one of the core subjects; in other words, each pupil shall study some syllabus in the subject of mother tongue and literature.

Under section 12 of the Basic education act, "as mother tongue, the pupil *shall be taught* Finnish, Swedish or Sámi in keeping with the language of instruction. As mother tongue, the pupil *may* also be taught the Roma language, sign language or some other language which is the pupil's native language" as chosen by the guardian.

In other words, the school's language of instruction referred to in the Basic education act determines the language in which the instruction of mother tongue and literature is delivered in each school. The mother tongues registered in the Population Information System do thus not affect the school's language of instruction, and consequently also not the mother tongue and literature syllabus taught in the school. On the other hand, the mother tongue does have an impact on the school in which a pupil is allocated a place. For more information, see section 6.5 below.

#### 6.5 Determination of school place

The pupil's mother tongue officially influences the determination of his or her school place, at least for pupils who are Finnish, Swedish or Sámi speakers or sign language users. Under section 6(2) of the Basic education act, "the local authority shall assign to a child of compulsory school age and others receiving education under this Act a neighbourhood school or some other appropriate place where education is given under Section 4(1) and (2) in his or her native language in which the local authority is obliged to provide education." Under section 4(4) of the Basic education act, "the local authority in a municipality which has both Finnish and Swedish-speaking residents shall be responsible

for arranging basic and pre-primary education separately for both linguistic groups." Under section 10(2) of the Basic education act, "pupils living in the Sámi Homeland who are proficient in the Sámi language shall be primarily taught in Sámi. Pupils with auditory impairments must be given teaching in sign language, when needed." <sup>53</sup>

Under section 28(1) of the Basic education act, in basic education the pupil shall have the right to attend a school referred to in section 6(2). Under subsection 2 of this section, a child of compulsory school age may also apply for a place in a school other than one referred to in subsection 1.

In the Ministry of Education and Culture's view, it is likely that the information on a pupil's mother tongue and languages spoken in his or her home is primarily obtained from the form filled in by the guardian when registering for school. Education providers probably use the mother tongue data in the Population Information System mainly for the general planning of school services. The extent to which education providers check pupils' mother tongues in the Population Information System while determining school places is not known to the Ministry of Education and Culture. If education providers do check the pupils' mother tongues, and if several mother tongues were to be entered in the Population Information System in the future, changes to the practices of determining a pupil's school place would also be necessary.

#### 6.6 Bilingual instruction

The National core curriculum for basic education contains a definition of bilingual education.<sup>54</sup> The education may be implemented as large-scale bilingual education, which can be divided into early total immersion in the national languages and other large-scale bilingual education. It may also be provided as small-scale bilingual education, and sometimes bilingual instruction may also be implemented in languages other than the national languages following the principles of language immersion.

If necessary, the lessons of the syllabus in mother tongue and literature and the A1 language syllabus in bilingual instruction may be combined as set out in the Government decree.<sup>55</sup> The number of lessons shall be determined so as to enable the achievement of the objectives set for the subject of mother tongue and literature determined on the basis of the school's language of instruction during basic education. In this case, at least one

<sup>53</sup> See also HE 86/1997 vp, p. 55

<sup>54</sup> National core curriculum for basic education 2014, Chapter 10

<sup>55</sup> Section 8 of Government decree (422/2012)

half of the total number of lessons must be taught in the actual language of instruction of the school.

The mother tongue information in the Population Information System has no bearing on bilingual teaching.

## 6.7 Finnish or Swedish as a second language

Under section 8(2) of the Decree on the distribution of teaching hours in basic education (422/2018), instruction of the Finnish or Swedish language may be provided for immigrants either fully or partly following a specific syllabus for immigrants instead of instruction in mother tongue and literature in the school's language of instruction. A special syllabus does not mean that the scope of the pupil's studies would be less than that of the syllabus in mother tongue and literature specified in this Decree. The municipalities have no obligation to teach the syllabus in Finnish or Swedish as a second language.

Finnish/Swedish as a second language is one of the syllabi in the subject of mother tongue and literature, and its task is to provide the pupils with linguistic capacity needed in further studies. Finnish/Swedish as a second language has its own objectives, contents and assessment criteria, and the selection of the syllabus is based on the pupil's language proficiency and capabilities for studying, rather than such factors as the entry in the Population Information System. A pupil is given a grade in the Finnish/Swedish as a second language syllabus in his or her basic education certificate if he or she has studied this syllabus in grade 9, regardless of what the pupil's mother tongue is in the Population Information System.

## 6.8 Instruction of a pupil's mother tongue

Instruction of a pupil's mother tongue in pre-primary and basic education as well as in general upper secondary education is supplementary instruction that is organised and attended on a voluntary basis. Rather than reducing the scope of instruction laid down in the Decree on the distribution of teaching hours in basic education, this instruction is additional to it.

The Finnish National Agency for Education has prepared a National core curriculum for the instruction of the pupil's mother tongue (National core curriculum, Appendix 3).<sup>56</sup> The National core curriculum defines the objectives and contents of the instruction of the pupil's mother tongue, the scope of which is two annual weekly lessons throughout the pupil's basic education.

According to Appendix 3 to the National core curriculum, all pupils whose mother tongue or one of the languages spoken in their families is a language other than Finnish, Swedish, or Sámi may participate in the instruction of their mother tongue. In addition, pupils who speak Finnish, Swedish, or Sámi as their mother tongue and participate in instruction aiming to maintain language proficiency acquired abroad may follow this mother tongue syllabus. No entry concerning the language in question is needed in the Population Information System to entitle the pupil to instruction of his or her mother tongue.

A precondition for eligibility for discretionary government transfers<sup>57</sup> is that the instruction of the pupil's mother tongue may not be combined with the lessons of core subjects referred to in section 11 of the Basic education act. The instruction on which the transfer is based must be slotted in the pupils' and students' timetables and organised during their working day. Discretionary government transfers are paid for two lessons a week for each imputed group of four pupils. If the education provider has fewer than four Sámi or Roma-language pupils, the minimum size of an imputed group may be two pupils. These eligibility requirements for the transfers have created challenges in practical educational activities. The groups may have consisted of pupils from several schools, in which case transport arrangements are also needed.

According to the report *The many languages and religions in schools,* <sup>58</sup> the number of pupils studying their mother tongues was clearly the highest in Southern Finland. The variety in the pupils' mother tongues was also the greatest in this region. Nationwide, the responding municipalities said they organise mother tongue instruction in a total of 49 languages. In Southern Finland, this figure was 46. The corresponding figure was 32 in Western and Inland Finland, 27 in Western Finland 27, and 13 in Northern Finland. The survey indicates that in Eastern Finland, Lapland and the Åland Islands, the number of languages in which mother tongue instruction is provided is less than ten. The most common mother tongues in which instruction was provided was Russian, followed by Arabic, Estonian and English.

<sup>56</sup> National core curriculum for basic education 2014, Appendix 3

<sup>57</sup> Ministry of Education and Culture decree on the grounds of discretionary government transfers granted for supplementing instruction of foreign-language, Sámi-language and Roma-language students in basic education and general upper secondary education (1777/2009)

<sup>58</sup> Koulujen monet kielet ja uskonnot (The many languages and religions in schools), 2019

The report also identified major differences between the qualifications of the teachers of different languages who provide instruction in pupils' mother tongues in basic education. Teachers of English, German and Russian were mainly qualified, whereas there is a huge shortage of qualified teachers of Arabic, Chinese, Albanian, Kurdish, Thai and Somali languages, in particular. The respondents expressed their worries over unqualified teachers encountering difficulties in following the curriculum and conducting assessment in compliance with the law. While many teachers were qualified in their home countries, they failed to meet the stringent eligibility requirements in Finland, which was also experienced as a problem.

# 6.9 General upper secondary education and matriculation examination

Under section 15 of the General upper secondary schools act (714/2018), mother tongue instruction is provided in Finnish or Swedish as indicated by the school's language of instruction, or in Sámi as indicated by the student's mother tongue. The Roma language, sign language or some other language which is the pupil's mother tongue may also be taught as mother tongue.

The test in mother tongue and literature in the matriculation examination is compulsory. As a rule, the language of the test is determined by the school's language of instruction. Mother tongue and literature tests are organised in Finnish, Swedish and Sámi.

Under section 11 of the Matriculation examination act (502/2019), a precondition for taking a test based on the syllabus in Finnish or Swedish as a second language and literature is that the candidate's mother tongue is a language other than Finnish, Swedish or Sámi and that he or she has completed the syllabus in question, or that the candidate uses sign language as his or her mother tongue or first language. The Matriculation Examination Board determines the candidates' mother tongue referred to in this statute based on Population Information System entries.<sup>59</sup>

<sup>59</sup> Matriculation Examination Board regulation on the test in Finnish or Swedish as a second language and literature, 29 March 2019

### 6.10 Vocational education and training

Under section 24 of the Vocational education and training act (531/2017), the language of instruction may be Finnish, Swedish or Sámi. The education provider may also be bilingual, in which case the languages of instruction are Finnish and Swedish. One education provider has Finnish and Sámi as the languages of instruction. In addition to the language of instruction specified in their authorisation, an education provider may also provide instruction in a second national language, Sámi, the Roma language, sign language or a foreign language.

A qualification or preparatory training may be completed in the language of examination specified in the authorisation to provide education. An education provider's languages of qualification are the languages of instruction determined in their authorisation as well as any other languages specified for each qualification or preparatory training programme in the authorisation.

The compulsory studies that are part of the common studies defined in the qualification requirements for vocational upper secondary qualifications include 8 competence points of communication and interaction competence (4 points for mother tongue or Finnish as a second language, 1 point for a second national language, and 3 points for English). In the optional studies of the common qualification modules, the students may also choose studies related to the theme of communication and interaction.

## 6.11 Higher education

Provisions on universities' languages of instruction and degrees are laid down in section 11 of the Universities act (558/2009). In addition, the universities may decide to use some other language as a language of instruction and degrees.

Section 6 of the Government decree on university degrees (794/2004) contains provisions on the language proficiency to be demonstrated during the studies. The student must demonstrate in studies included in education for a lower or higher university degree or otherwise that he/she has attained:

1. proficiency in Finnish and Swedish which is required of civil servants in bilingual public agencies and organisations under section 6(1) of the Act on the knowledge of languages required of personnel in public bodies (424/2003) and which is necessary for their field; and

2. skills in at least one foreign language needed to follow developments in the field and to operate in an international environment.

The provisions of subsection 1 do not concern a student who has been educated in a language other than Finnish or Swedish or a student who has been educated abroad. The language proficiency of such students shall be determined by the university.

Regarding a lower university degree, the Decree states that the student must write a maturity essay which demonstrates conversance with the topic of the thesis and skills in the use of Finnish or Swedish. When a student is not required to have language proficiency referred to in section 6(1), the university shall determine separately the language used in the maturity essay.

Under section 8 of the University of applied sciences act (932/2014), the language used for instruction and degrees of the university of applied sciences is specified in the operating licence. The degree language is either Finnish or Swedish. In addition, universities of applied sciences may decide to use a language other than those referred to above as a language of instruction and degrees.

Under section 7 of the Government decree on universities of applied sciences (1129/2014), the student must demonstrate in studies included in a university of sciences degree or otherwise that he/she has attained:

- proficiency in Finnish and Swedish which, under the Act on the knowledge of languages required of personnel in public bodies (424/2003), is required for posts in bilingual jurisdictions where the eligibility requirement is a higher education degree and which is necessary for the practice of their profession and their professional development; and
- 2. written and oral skills in one or two foreign languages necessary for the practice of their profession and their professional development.

The provisions of subsection 1 do not concern a student who has been educated in a language other than Finnish or Swedish or a student who has been educated abroad. The language proficiency of such students shall be determined by the university of applied sciences.

Under section 8 of this Decree, the student must write a maturity essay which demonstrates conversance with the field and skills in the use of Finnish or Swedish to obtain their degree. When a student is not required to have language proficiency referred

to in section 7(1), the university of applied sciences shall determine separately the language used in the maturity essay.

Modifications to the Population Information System would not have an effect on these provisions on higher education institutions.

### 6.12 Conclusions on education legislation

In the current situation (with no amendments to the education legislation), entering several mother tongues in the Population Information system would lead to potential changes in the determination of school places in basic education and modifications to the criteria for discretionary government transfers. If more than one mother tongue were registered in the Population Information System, it would be necessary to investigate if this would have an impact on determining who can take a test based on the syllabus in Finnish or Swedish as a second language and literature as part of the matriculation examination.

If the objectives of entering several mother tongues in the Population Information System included a broader right to instruction of the syllabus in mother tongue and literature in basic education (an amendment to the education legislation), the following consequences could be expected. The right to complete the basic education syllabus in mother tongue and literature in every mother tongue registered in Finland, let alone in several mother tongues per pupil, would be difficult and costly to organise considering the large number of different mother tongues, poor availability of qualified language teachers, requirements for school transport and learning materials as well as the fact that there would not be sufficient numbers of pupils for forming teaching groups in all languages. The question of unequal treatment of different language groups could also easily arise.

In terms of instruction, we can note on the grounds discussed above that various possibilities for studying several languages are already available, without requiring the entry of several mother tongues in the Population Information System. In other words, from the perspective of learning languages, there is no need to amend the legislation concerning the Population Information System. However, having access to information on some other language spoken in a child's home, or a so-called home language, could facilitate the general organisation of the municipality's services, including early childhood education and care and basic education.

## 7 Alternative implementation methods

Based on an impact assessment, the expert group consisting of public servants from the Ministry of Justice, the Ministry of Finance, the Ministry of Education and Culture, the Digital and Population Data Services Agency as well as the Advisory Board for Ethnic Relations ended up examining two different alternatives for modifying the Population Information System. Alternative A consists of entering several mother tongues in the system, however always also recording either Finnish or Swedish as the person's service language. Alternative B is recording the mother tongue and service language as before, with the added possibility of entering one or more languages spoken at home in the Population Information System.

No changes to the way in which the information on languages is entered in the Population Information System are proposed under either alternative. Parents would continue to register their child's language together with his or her name in the Population Information System, and a person could still himself or herself register any changes to their language information in the system.

# 7.1 Registering several mother tongues and selecting a service language (Model A)

In alternative A, a person could register several different languages as his or her mother tongues. In addition, he or she would always also select a service language, which would be Finnish or Swedish. This would also apply to those Finnish and Swedish speakers who have entered both Finnish and Swedish as their mother tongues.

In bilingual and multilingual families, the possibility of entering several mother tongues would eliminate the need for hierarchic ranking of the child's languages. This alternative would also allow the person's full linguistic identity and language resources to be registered. It could also improve the anticipation of the need for Sámi-language services.

From the public authorities' perspective, this alternative would have significant impacts, the key ones of which would concern the municipalities' language division, the system of central government transfers, needs for technical amendments to legislation as well as different authorities' systems. Additionally, it would be necessary to decide if Sámi could be registered as the service language in situations in which Finnish or Swedish has also been entered as a mother tongue.

Under current law, the only factor that influences the language division of municipalities as well as the majority language of local and other authorities is the proportions of Finnish and Swedish speakers among the residents. Alternative A would also make it necessary to decide which factors should be taken into consideration when determining the language, or majority language, of an authority. Would the determinant be, for example, the service language, or only the service language of those who have entered Finnish and/or Swedish as their mother tongue? In any case, the change would be significant.

The criterion for determining central government transfers to local government for basic municipal services is the population's mother tongue. The information on mother tongues registered in the Population Information System is used to calculate the coefficients for bilingualism and foreign-language speakers. In this respect, too, modifying the system would mean having to make a decision on the criteria on which the numbers of Swedish, Sámi and foreign-language speakers would be calculated. This report has not investigated the impacts of the two alternatives on central government transfers. It is likely, however, that there would be changes and that these changes would affect the municipalities differently depending on which language data would be factored in. The solution should not be ambiguous as regards the criteria for calculating the central government transfers, nor should it increase a municipality's obligations to provide services without appropriately addressing the additional costs.

If, as today, only Finnish or Swedish could be selected as the service language, it would be impossible to ascertain on the basis of the population information which language a Sámi person would primarily like to use when dealing with the authorities. In this case, including Sámi as one of the service languages in addition to Finnish and Swedish should be considered. The impacts of such a change were not assessed in this report.

A number of statutes make reference to the mother tongue, or mother tongue information, for different purposes. If, rather than the mother tongue information, information on the service language would have to be used, this would additionally necessitate amendments to dozens of other statutes. While most of these amendments would be technical in nature, the possibility of some of them resulting in substantial changes in these statutes cannot be excluded.

The financial costs incurred from the technical implementation of this alternative by the Digital and Population Data Services Agency would be 127 to 146 person-days, or approx. EUR 120,000. The costs incurred from modifying forms were not estimated. If the system is modified, dissemination of information will also be needed, resulting in further costs.

Many authorities enter the mother tongue information in their registers for various purposes. In addition to the changes affecting the Digital and Population Data Services Agency, this alternative could have extensive impacts on different authorities' registers and require system modifications whose financial impacts should be investigated further.

# 7.2 Possibility of entering another language spoken at home in the system in addition to the mother tongue (Model B)

In alternative B, a person would enter one language as their mother tongue and, if necessary, a service language in the system. In addition, he or she could register one or more home languages in the population data.

A home language would refer to the UNECE recommendation for statisticians, according to which the home language is the language the person currently mostly speaks at home.<sup>60</sup> A report titled 'Multilingualism into a strength' also proposes the possibility of entering not only a mother tongue but also other home languages.<sup>61</sup>

For the individual, this alternative would continue to mean that they can only enter a single language as their mother tongue. However, the information on home language(s) would reflect the person's linguistic identity significantly better than today.

In this option, the mother tongue information would be used as before. Public authorities, including education providers, could obtain this information as additional data from the Population Information System. The information would also give an indication of the language resources in Finland.

The information on a person's language(s) entered in the Population Information System would not be verified in this alternative, either. In addition, everyone would have the possibility of changing their information, should they wish to do so. It is also unclear how many people would use this opportunity of entering several languages in their population

<sup>60</sup> Conference of European Statisticians Recommendations for the 2020 Censuses of population and Housing, Chapter XII. Ethno-cultural characteristics, pp. 148-153

<sup>61</sup> Monikielisyys vahvuudeksi – Selvitys Suomen kielivarannon tilasta ja tasosta (Multilingualism into a strength. A report of the status and levels of language competences in Finland), p. 20

information. Consequently, the current shortcomings and factors of uncertainty would continue to apply to using the data as a basis for statistics.

The financial impacts incurred from the technical implementation of this alternative would be 100 to 120 person-years, or approx. EUR 100,000. The costs incurred from modifying forms were not estimated. If the system is modified, dissemination of information will also be needed, resulting in further costs.

The authorities would obtain the information on home languages as additional information. The change would only affect those authorities who use this information.

### 7.3 Conclusions

Both alternative A, in which a person could enter several mother tongues and select a service language, and alternative B, in which a person could select a mother tongue and enter several home languages in the Population Information System, would have impacts on private individuals and public authorities. In the case of both alternatives, it should be assessed if the benefits obtained from the change would justify its financial impacts and effects on the authorities' activities.

As the information on a person's mother tongue entered in the Population Information System does not create rights to certain services for him or her, neither would entering several mother tongues create additional rights. In this respect, there is no difference between models A and B.

Not all impacts created by alternative A have been assessed. The examination carried out indicates, however, that the costs estimated in this report alone would be significant. In the impacts of model B, changes to the Population Information System and modifications to the systems of those organisations that use the home language information in the Population Information System would be emphasised. Assessing these impacts within the framework of this report was not possible.

Globally, the practice of entering mother tongue information in the population register is unusual. The system is used to safeguard the rights of language groups and to compensate for costs incurred from multilingualism in Finland. Changing the current system is not justified if it undermines the rights of language groups.

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