

F I N L A N D

SECTION A

Capital

Helsinki 525,031 (1995 est.)

Area

338,145 sq km (130,559 sq mi)

Form of government

Multiparty Republic with one legislative house

GDP—per capita

Purchasing power parity—\$21,000 (1999 est.)

Population

5,158,372 (July 1999 est.)

Ethnic composition

Finnish	92.9%
Swedish	5.7%
Other	1.4%

Official language

National languages - Finnish and Swedish

Minority languages

Russian, Sami, Swedish, Romany

Legislation dealing with the use of languages

The new Finnish Constitution came into force on March 1, 2000, thus overriding the former one, promulgated on July 17, 1919. In terms of linguistic rights, the new text defines both Finnish and Swedish as national languages and guarantees the citizens' right to use either of the two languages before any administrative or court authority. In regards to the

state's minority languages and cultures, such as the indigenous Sami's, or others such as the Roma's, the Constitution guarantees their members right to use and develop their respective languages. According to the Constitution, the Sami community now will have the right to self-government in linguistic and cultural policy matters in their native areas, and the use of their language will be constitutionally protected.

The Language Law (Språklag June 1, 1922/148) governs the use of the two official languages. It was enacted in 1921 and modified in 1935, 1971 and 1975. Finnish and Swedish should be used in every body of the government according to the language of the citizen concerned. It means that, at least in theory, each citizen has the right to be served in his/her language. However, the only official language of the Islands of Åland is Swedish.

The official language of the municipalities or of their constituent parts shall be the language spoken by the whole population, or both languages if the minority exceeds 8% of the population or are more than 3,000 in number. Any administrative unit including more than one municipality is monolingual if all municipalities are monolingual in the same language, otherwise it shall be bilingual. The government determines the official languages every ten years according to the result of the population census. A bilingual municipality is declared monolingual when, according to the census, the minority language does not exceed the 6% of the population. However, bilingualism can be maintained on request of the municipal administration. Presently there are 26 monolingual Swedish municipalities (16 of which are on Åland) and 39 bilingual ones (22 with a Swedish majority and 17 with a Finnish majority).

The Linguistic Act provides that the national languages are Finnish and Swedish, and everyone has the right to use their own language. This Act also governs the use of Swedish and Finnish in courts of law and State administrative offices.

The linguistic rights of the Swedish speakers are guaranteed in practice, but there are some difficulties with the usage of their language in dealing with the authorities. The state is bilingual but due to the small size of the Swedish-speaking population it happens that some civil servants, even in bilingual areas, are monolingual Finnish.

Background notes

RUSSIANS

The presence of most Russians in Finland dates back to the period during which Finland was part of the Russian Empire as a Grand Duchy (1809-1917). However, a Russian presence on current Finnish territory can be noted since the 18th century (military and tradesmen). The 20th century witnessed migrations due to the Bolshevik Revolution.

SAMI/LAPP

The oldest description of these peoples was given by Tacitus in "De origine et situ Germanorum" in 98 B.C. The Lapps originally lived by hunting and fishing in small communities. Their way of living was affected during the 17th and 18th centuries when colonists settled in the northern territories. The mores of colonists - who were mainly farmers, lived in houses and produced wool and butter - were very different from the traditional occupations of the Lapps. However, the colonists were able to integrate with and adapt to the Sami way of life. In the 19th century, the establishment of a school system changed behavior towards the Lapps and their culture and allowed a limited use of "Sámegiella", which would subsequently be eliminated.

SWEDISH

The origin of the Swedish presence in Finland dates back to the 13th and the 14th centuries, when the Swedish crown sent peasants and fishermen to colonize the coasts of South and West Finland. Finland was part of the Kingdom of Sweden until 1809, when it became a subject of the Russian empire, which made it an autonomous Grand Duchy. At that time, the administrative language was Swedish. In 1917, Finland declared its independence and the Constitution of 1919 states that Finnish and Swedish are the official languages of the Republic.

After being a part of Sweden for 650 years, Swedish remained the language of administration throughout the first half of the 19th century. It was not until 1863 that Finnish was recognized as an official language in Finland. For some time, Russian was also used, and the administration was in fact multilingual. After independence, Finnish very soon became the dominant language.

TATAR

The presence of Tatars in Finland dates back to the early 19th century. The first Tatars who settled in Finnish territory were soldiers from the Kazan region (Nizhni Novgorod), in Russia. Having arrived in Finland as merchant farmers at the end of the 19th century and later joined by family members, they became organized and successful throughout the business world.

SECTION B

Where does one observe language to be a problem in the country?

In Finland the only possible problem could be the Swedish minority representing approximately 6% of the whole population. It is interesting to note that this percentage has dropped from a level of 17.5% in 1610. The Finnish Constitution (1919) declares that Finland's domestic languages are

Finnish and Swedish. There are two official national languages according to the Language Act of 1922: Finnish and Swedish. The rights of the Swedish-speaking minority are supported through the existence of self-governing municipalities. A municipality can be either monolingual or bilingual. In a bilingual municipality, people are entitled to use either Finnish or Swedish with local authorities; all the documents, public notices and road signs are published in both languages. In a monolingual municipality only one language may be used. Only 4% of the whole Swedish-speaking population lives in a monolingual Finnish municipality and the same applies to the 1% of Finnish-speaking Finns. In the 1980's, there were 461 municipalities: 396 Finnish-speaking; 21 bilingual with a Finnish-speaking majority; 24 Swedish-speaking; 20 bilingual with Swedish as the majority language. A municipality was bilingual if the number of speakers of the minority language exceeded either 3,000 or 8% of its total population. If a municipality had been classified as bilingual, it could not revert to monolingual status until the minority population declined to less than 6%.

The use of language in everyday life e.g. education, broadcasting and other

SWEDISH

SCHOOLS

The Swedish minority has schools in Swedish from elementary to university level, where Finnish is a compulsory subject. A native Finnish speaker does not generally speak good Swedish despite the fact that it also is a compulsory subject. Finland Swedes have their own public, free and independent education system, as do the Finns. These schools have native speakers of Swedish as teachers and the language of instruction is Swedish. All Finnish citizens have the right to receive education in their mother tongue from kindergarten to university. The parents have the right to choose the language of the education for their children.

The language right in education is based on the principle of personality. Each municipality, independently from its official languages, has to organize schools in the minority language (Swedish or Finnish) when at least 18 pupils ask for them. All bilingual municipalities have schools for both linguistic groups but there are many public Swedish-speaking schools in monolingual Finnish towns where there are enough Finland Swedes to ask for them. On Åland only Swedish-speaking schools are allowed with Swedish language textbooks and teachers.

PUBLIC AUTHORITIES AND SERVICES

Southern Finland is predominantly bilingual with Finnish as the majority language. In that region it may be difficult, if not impossible in some cases, to obtain services in Swedish. Even though civil servants in bilingual municipalities are theoretically obliged to know both national languages,

their knowledge of Swedish is often so weak that Finland Swedes prefer to use Finnish. It seems that only where the overwhelming majority of the population is Finland Swedish it is always possible to get service in Swedish (e.g. Österbotten (Vasa/Vaasa region)).

Nevertheless, the Language Law is carefully observed in the field of written official texts and laws: all bilingual municipalities publish most official written material in both languages. All the laws on the national level are published in the both languages so that they may be used in the courts and the State Administrative offices.

There are approximately 7 to 10 000 Sami people living in Finland. The Sami Language Law came into force in 1992. Since then the Sami have had the official right to use the Sami language in dealing with authorities in the Sami area. The language is considered to be official in municipalities where at least 7% of the population speaks Sami.

THE PRESS, RADIO AND TELEVISION

There are about 15 Swedish daily newspapers for the Swedish minority. The largest is Hufvuds-tadsbladet, delivered to most Swedish speaking homes. The Finnish Broadcasting Company maintains two Swedish-language channels, renamed Radio Vega and Radio Extrem. Television broadcasts from Sweden, or a selection of them, are available in most parts of Swedish-speaking Finland.

POLITICAL PARTIES

The Swedish speaking population is politically organized in order to safeguard its economic, social and cultural interests at various levels. The Finnish Parliament has 200 members, and in 1999 the Swedish-speaking MP's numbered 16. The Swedish People's Party is the only monolingual party, standing for moderate conservatism-liberalism. At the most recent parliamentary elections the party took 11 seats.

THE SWEDISH ASSEMBLY OF FINLAND

It is commonly called Folktinget, and it is a semi-official body representing the Swedish-speaking population. The Assembly was established in 1919 and it offers a forum for political discussion on issues concerning Swedish speakers. The Assembly's primary task today is to establish meaningful dialogue with the Finnish-speaking population concerning the significance of the second national language of Finland, Swedish.

SAMI

Three Sami languages are spoken in Finland: North Sami, Inari Sami and Skolt Sami. A Sami Parliament in Finland protects the rights of the Sami people in that country by implementing the Sami Language Act of 1992. All

three Sami languages are included in the act but none are accorded the same legal status as Finnish and Swedish.

Official government employees are not obliged to know the language, but translation or interpretation is provided in cases where officials do not speak it. The Sami also have the right to receive documents and information in their native language and to use it with authorities. It can also be included as a native language on the official census. The Sami Language Office, set up by the Sami Parliament, ensures that public buildings and road signs are bilingual Finnish/Sami in addition to various announcements by the authorities and notices in newspapers.

The national broadcasters of Finland, Sweden and Norway co-operate in their provision of Sami-language programs for these countries. Broadcasts in this language amounts to approximately 12 hours per week or 4 to 6 hours for each country. Newspapers have been published in the language since the 1870s and publications for schools have been appearing in the language since 1978 when the language first started being used in schools.

RUSSIAN

The language has no official legal status, however a 1992 agreement between Russia and Finland contains a clause where both states guarantee to support the preservation of the identity of people belonging to the Russian minority in Finland and the Finnish minority in Russia.

Russian speaking pupils can get Russian lessons two hours every week in schools as all pupils in Finland whose mother tongue is not Finnish or Swedish are entitled.

ROMA

According to the Finnish Constitutional Act of 1995 the Roma have the right to maintain and to develop their language and culture. In 1977 a Romany-language committee was established within the Language Research Center by decree of a national law.

As a Finnish citizen, a Romany person has equal educational rights to the rest of the population. In practice, however, the position of the Romany people is more complex. A series of decrees which came into effect in 95/96 stipulate that in pre-schools, comprehensive schools, upper secondary schools and upper secondary schools for adults, students whose native language is Sami, Romany or a foreign language can be taught in their native language in place of Finnish or Swedish. They can then take either Finnish or Swedish as their second choice. Romany was first taught in the early 1980s at study circles in one locality only. Since 1989; however, the Romany language and culture have been more widespread in comprehensive schools. In 1997 there were about ten Roma teachers in the whole of Finland.

News in Romany is broadcast once a week on the national radio channel.

Teaching is given in 45 different mother tongues in Finland. A special allocation has been made for this purpose in the government budget.

Did the country ratify any international treaty dealing with the protection of minorities?

Framework Convention for the Protection of National Minorities signed on February 1, 1995, enacted on February 1, 1998.

European Charter for Regional or Minority Languages signed on November 9, 1994, enacted on March 1, 1998.

What else can be found about languages and minorities?

In August 1999, the Finnish Government appointed a Language Act Committee in order to prepare a draft for a new Language Act for Finland. The need of this Act can be explained as follows:

The present Act from 1922 is old both in terms of the language used and in legislative technique.

The Language Act does not guarantee adequate ways of sufficient linguistic skills of civil servants.

The present Language Act does not cover fields for new means of transmitting information, for instance the use of the Internet.

The Constitutional Rights Reform in 1995 made it necessary to renew the Language Act according to the new stipulations.

SECTION C

Legislation dealing with the use of languages

Updated (News from the year 2000)

The new Finnish Constitution came into force on March 1, 2000, thus derogating the former one, promulgated in 1919.

According to this Constitution both Finnish and Swedish are national languages and citizens are guaranteed the right to use them before any administrative or court authority. Regarding the state minority languages, the Constitution guarantees their speakers right to use and develop them. The Sami community will have the right to self-government in linguistic and cultural policy matters in their native areas and their language will be constitutionally protected.

Updated (January 2001)

The Language Law that is currently valid in Finland is from the year 1922. Even it was updated three times, is old and should be replaced by a new one paying better attention to the individual and his/her linguistic rights. The draft is expected to be finished by the end of May 2001 the new legislation should come into force in 2004. It will also guarantee linguistic equality between Finnish and Swedish (spoken by 6% of the population). Other languages (Sami, Roma) will be taken into consideration in other laws.

Since 1919 Constitution both Finnish and Swedish are national languages in Finland. Out of 5 million 300,000 people speak Swedish. There are 40,000 bilingual families in the country. About 15 daily newspapers and 150 specialized magazines are printed in Finland. Television broadcasting in Swedish (Finlands Svenska Television, FST) amounts to about 1/10 of the total national broadcasting time. From autumn 2001 the FST will have its own channel.

As for politics, there are 16 Swedish speakers out of the 200-membered Finnish Parliament. The Swedish People's Party holds 11 seats.

Updated (September 2001)

The draft document was officially published in Finnish and Swedish by the committee in charge of the future languages act in Finland so it can be considered and amended. The next step must be its submission and final approval in the Parliament. The contents of the act will not differ much from the preceding language legislation in force in Finland.

Updated (December 2002)

A NEW FINNISH LANGUAGE ACT OF 2004

The bill for a new Language Act, prepared by the Finnish Ministry of Justice, was submitted to the Parliament in June this year and, according to the schedule, it should be passed before the elections in March 2003. Therefore, the new act will not enter into force until the beginning of 2004.

The bill's text is based on a proposal drafted by the Language Act Commission, which was appointed in 1999 by the Finnish government, and on feedback from several authorities, including all ministries and other central authorities, courts and municipalities, etc.

The present, still valid, language act is the one from 1922, although the new Finnish Constitution declares both Finnish and Swedish as national languages and recognizes the rights of Sámi and Romany population.

To read the proposal, please see the Appendix B of Finland.

Source: Mercator News, December 2002,
<http://www.ciemen.org/mercator/index-gb.htm>

Updated (February 2003)

LANGUAGE LAW IN FINLAND – A POTENTIAL MODEL FOR MINORITY LANGUAGES IN THE BALTIC

On February 4, 2003 the Finnish Parliament unanimously accepted an updated text of the country's 1922 Language Law. This gives both Swedish and Finnish speaking citizens the right to use their mother tongue in dealings with public institutions. Currently there are about 300,000 Swedish native speakers in Finland.

This law, viewed as an extremely positive one, could possibly offer a model for solving the language problems of the Russian speaking minorities in the Baltic States.

The debate also touched upon the situation of 800,000 members of the Finnish-speaking minority in Sweden. The Finnish daily "*Hufvudstadsbladet*" reported that many elderly native Finnish speakers return to Finland because they do not have an access to health care in their mother tongue in Sweden.

Source: Eurolang News, Brussels, February 5, 2003, by Hannah McGlue,
<http://217.136.252.147/webpub/eurolang/pajenn.asp?ID=4078>

Background notes

Updated (January 2001)

ROMA

Finland's Roma came to the country during the 16th Century via Sweden and the Baltic. At that time Finland was a part of Sweden and the policy towards Roma was not very agreeable. In 1637 a law was introduced which made it legal to kill any Roma discovered in the kingdom. After Finland was independent from Russia in 1917, all ethnic groups soon became Finnish citizens. In 1970's anti-discrimination laws came into force and special measurements were introduced to improve the economic, educational and social position of Roma.

Today it is believed that there live 10,000 Roma in Finland.

Updated (February 2003)

SWEDISH

The language belongs to the German language family and it is one of the Nordic languages, which have very much in common. About 20 million people understand Swedish in all Nordic countries. The Swedish language spoken in Finland has the same standard and norms as Swedish spoken in Sweden.

The total population of Finland is about 5.2 million people (July 2002). Swedish-speakers number about 311,000 or 6.0 percent of the total population.

In 1880, the Swedish-speaking population numbered 294,900 and thus formed 14.3 percent of the total population in Finland. Because of the heavy increase of the Finnish-speaking population during the 20th Century, the Swedish speakers, though they remained almost the same in numbers, have decreased in proportion to about 5.9 percent (2002). This negative trend can be partly explained by emigration (since 1950, about 60,000 Finland-Swedes have emigrated (mostly to Sweden)) and by a language shift to Finnish (since 1950, about 1,000 people have shifted from Swedish to Finnish).

Source: Mercator Education, Regional Dossiers, the Swedish language in education in Finland,
http://www1.faknaw.nl/mercator/regionale_dossiers/regional_dossier_swedish_in_finland.htm

The use of language in everyday life e.g. education, broadcasting and other

Updated (November 2001)

Leif Jakobsson, Director of the Television with programs for Swedish-speaking Finns (FST), met Elan Closs Stephens, the Chairwoman of Welsh language television S4C at a conference about digital broadcasting in Cardiff (November 2001). Only two months ago, Jakobsson launched the digital channel FST in Finland. One of the most important messages presented at the conference was that digital television could actually become a very important platform for preserving and developing minority cultures in the future.

The audience of this channel (more than 50%) has Finnish as the mother tongue. "In Helsinki, 50% of all Swedish-speaking marriages are in fact bilingual today. If we can provide a television alternative that both language parties can enjoy, this is what gives us extra strength as a channel," said Jakobsson.

FST receives more than 6% of the Finnish Broadcasting Company's funding what resembles to the percentage of the Swedish-speaking population in Finland. This allowed the launch a new FST channel.

Updated (May 2002)

SWEDISH

Professor Marika Tandefeldt from the Swedish School of Economics and Business Administration in Helsinki, in co-operation with the Research Center for the Languages of Finland started a new program for the promotion of the Swedish language in Finland. During this spring a number of seminars were held on various topics related to the maintenance of the Swedish language.

Ms. Tandefeldt said that the worst enemies of the Finland-Swedes are they themselves. It is a well-known fact that many Swedish speakers tend to use Finnish in communication with the authorities, in shops, in restaurants etc. Another typical phenomenon is a habit of Swedish speakers to switch immediately to Finnish when a Finnish-speaking person is present. Thus it is common for a group of ten Finland-Swedes and one Finn to use Finnish.

Today, many Swedish-speaking parents neglect teaching their children the Swedish language what has resulted in a number of "semi-speakers;" children who neither know their own language nor any other language well enough.

Another main target group of the program are sport and leisure organizations. Ms. Tandefeldt deplores the lack of sense for language and language preservation among adults who train children and points out that

a huge number of traditionally Swedish-speaking organizations have recently become completely Finnish speaking. Even in Swedish sport clubs there is a habit of Swedish trainers training Swedish children in Finnish, since they know the terminology only in Finnish.

Within the public sector the Swedish language has a very good theoretical position secured by the Constitution. However, reality is less optimistic because a shortage of time and resources often means that many documents are never translated into Swedish and a Swedish speaker can't always interact with the authorities in Swedish.

Concerning the position of the Swedish language in Finland Tandefeldt points out that there are enormous regional differences. There are three different degrees of Swedish speaking communities:

- The Swedish only communities, which are characterized by the strong dominance of Swedish and a considerable number of monoglots.
- Bilingual communities, both Finnish and Swedish speakers know each other's languages and both languages are used extensively.
- Almost completely Finnish communities, which have historical and sizeable Swedish populations, but nowadays are bilingual. In Helsinki this is a rather recent phenomenon. For most of 450 years the city had a Swedish majority, which slowly has decreased in percentage as more Finnish speakers have moved to the capital. Today the city's 36,000 Swedish speakers only account for 6.5 percent of Helsinki's population.

Ms. Tandefeldt says that the program is an effort to raise attention among the Swedish speakers on their own situation and try to make them responsible for their actions. She is aware of the fact that some of its recommendations may be controversial, especially those concerning the criticism of the lack of language abilities among school children. Still, she is convinced that something has to be done in order to stop the Swedish language from deterioration.

Source: Eurolang News, <http://www.eurolang.net/>

Updated (February 2003)

EDUCATION

SWEDISH

The educational system in the Swedish-speaking parts of Finland is not different from the rest of the country. The teaching of Swedish population at all levels is characterized by the principle of "language shelter." Besides the Finnish school system, a parallel school system exists in Swedish. These schools function entirely in Swedish, teachers are native speakers and all

subject are taught in Swedish. For teaching Finnish as a foreign language in such schools the medium of instruction can be either Swedish or Finnish (depending on the group of pupils). In Finnish-language schools Swedish is a compulsory subject (grade 7 to 9), taught 2-3 lessons a week.

The Ministry of Education has a separate Department for Swedish Affairs, dealing with the minority languages (Swedish, Sámi and Romani).

PRE-SCHOOL EDUCATION

Educational institutions are set up on the basis of language – either Swedish or Finnish. Some are bilingual with two separate groups according to the language background of pupils. The kindergarten teacher is a native speaker of Swedish, but usually he/she is also fluent in Finnish. This is typical for more urban bilingual areas in Finland, where a family often lives in a Finnish-speaking environment. Parents want their child to go to a Swedish day care group in order to give the child a chance to perfect his/her Swedish language competence before entering primary school.

In 14 cities the possibility exists for the Finnish-speaking pre-school children to participate in an immersion program where the medium of instruction is Swedish. The target group consists of unilingually Finnish-speaking children, who, through the immersion program, should become functionally bilingual. In 1987, the idea of immersion was for the first time implemented in the Finnish-speaking school system in Vaasa. Therefore all research in this field is now carried out at Vaasa University.

PRIMARY EDUCATION

In Swedish schools in Finland Swedish is the medium of instruction, except for the teaching of a foreign language.

To pupils from bilingual families where Finnish is a dominant language a “strengthened mother tongue Swedish” course is offered in Swedish primary schools. These children are not fluent in Swedish so they have two extra lessons a week, however, usually only in the 1st and 2nd grade. Some 2 percent of pupils in the Finland-Swedish primary schools come from monolingual, Finnish-speaking homes.

In the southern part of Finland every third Swedish primary school and every second lower secondary school offers the course of Finnish taught as a mother tongue (for 2 hours a week). The other pupils learn Finnish as their first foreign language (A language). The teaching of Finnish as a subject starts in the 3rd grade (sometimes even sooner).

In the Finnish schools pupils can choose between Swedish or English as their first foreign language (A language). Most pupils choose English from grade 3 and Swedish from grade 7. The learning of Swedish is obligatory for the Finnish-speaking pupils and vice versa. Only in the Åland Islands pupils choose Finnish (B language) on a voluntary basis.

For the immersion program schools in Finland, the medium of instruction is Swedish for the first three years, then gradually the teaching partly is given in Finnish.

SECONDARY EDUCATION

Lower secondary school

At lower secondary schools the same type of support for language learning can be given as at primary schools.

Swedish is taught as a subject for at least 2-3 hours a week and the teaching covers writing, reading, and oral communication skills. In Finnish-language schools Swedish is taught as a foreign language for 2-3 lessons a week from the 7th grade (sometimes from the 3rd grade - if a pupil chooses it).

Upper secondary school

Upper secondary schools normally take 3 years (16-18/19 years) and students study there in their own pace (from two to four years).

In addition to the obligatory courses, a school can offer voluntary, more in-depth, studies in Swedish (project work on a theme, Finland-Swedish questions, drama, theatre, literature, the Nordic languages, functional grammar or oral communication).

In gymnasiums a course "on strengthened mother tongue Swedish" for bilingual pupils can be taken. The aim of this course is to enable bilingual pupils to achieve the same proficiency level in Swedish as their monolingual Swedish peers.

In Finnish-language upper secondary schools Swedish is taught as a subject (both A and B level courses). Swedish is described in the Finnish-language national curriculum (1994) as a part of the students' general education. Swedish language proficiency gives students a Nordic cultural capital and strengthens their cultural identity.

HIGHER EDUCATION

The major Swedish-language University is Åbo Akademi University. Other Swedish-language university level institutions are the Swedish Business Management School and the School for Social Studies and Welfare at the University of Helsinki. Several other universities are bilingual and have some teaching in Swedish (at the University of Helsinki, at the Technical University, the Theatre Academy, the Music Academy and at the University of Vaasa).

As a rule, Åbo Akademi University requires native-like competence in Swedish from its students. Some 25 percent of the students are

predominantly Finnish speaking but they have to pass a test in Swedish, to make sure that they can study through the medium of Swedish.

The academic teaching is given in Swedish from undergraduate to postgraduate level.

In the bilingual universities of Helsinki and Vaasa teaching is carried out in both Swedish and Finnish.

Source: Mercator Education, Regional Dossiers, the Swedish language in education in Finland,
http://www1.fa.knaw.nl/mercator/regionale_dossiers/regional_dossier_swedish_in_finland.htm

APPENDIX A

MAP OF FINLAND



APPENDIX B

FINLAND - CONSTITUTION

(Adopted on June 11, 1999)

(In force since March 1, 2000)

(Document Status on January 1, 2000)

(Editor's Note: The ICL edition is based on the text of the official government translation)

Section 6 (Equality)

(2) No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.

Section 17 (Right to one's language and culture)

(1) The national languages of Finland are Finnish and Swedish.

(2) The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. 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.

(3) The Sami, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sami to use the Sami language before the authorities are laid down by an Act. The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act.

Section 51 (Languages used in parliamentary work)

(1) The Finnish or Swedish languages are used in parliamentary work.

(2) The Government and the other authorities shall submit the documents necessary for a matter to be taken up for consideration in the Parliament both in Finnish and Swedish. Likewise, the parliamentary replies and communications, the reports and statements of the Committees, as well as the written proposals of the Speaker's Council, shall be written in Finnish and Swedish.

Section 122 (Administrative divisions)

(1) In the organization of administration, the objective shall be suitable territorial divisions, so that the Finnish-speaking and Swedish-speaking populations have an opportunity to receive services in their own language on equal terms

(2) The principles governing the municipal divisions are laid down by an Act.

Note: The complete text of the Constitution and further information on the constitutional background of Finland are provided by the International Constitutional Law Project at the University of Wuerzburg.

LANGUAGE ACT

(June 1, 1922/148)

Published by the Ministry of Justice

Helsinki 1992

Please note: This is an unofficial translation.

The original titles in Finnish and Swedish are:

Kielilaki

Språklag 1.6.1922/148

Asetus kielilain täytäntöönpanosta

Förordning angående verkställighet av språklagen

29.12.1922/311

Amendments have been marked with the date and number of the amendment. If an entire section has been amended, the information appears after the section number. If only a paragraph or subparagraph has been amended, the information appears after it.

Department of Legislation, Ministry of Justice

I. GENERAL PROVISIONS

Section I

(January 10, 1975/10)

The national language of Finland, Finnish or Swedish, or both Finnish and Swedish, shall be used before courts and other State authorities, as well as before the authorities of the municipalities, the other autonomous districts and the joint municipal organizations, as provided by this Act. The language or languages used shall be determined on the basis of the language of each administrative district, autonomous district, corresponding community or joint municipal organization, as well as of the parties to the matter.

Separate provisions shall be enacted on the right to use the Sámi language before the authorities. (March 8, 1991/517)

Section 2

(January 10, 1975/10)

An administrative district or an autonomous district that comprises only one municipality shall be unilingual, if its entire population uses the same language or if the number of the inhabitants using the other language is less than eight per cent of the total number of inhabitants. The district shall be bilingual if the number of the inhabitants using the other language equals or exceeds the said percentage, or is at least 3,000. The same provision shall apply to an administrative district smaller than a municipality.

An administrative district or an autonomous district that comprises several municipalities, as well as a joint municipal organization, shall be unilingual if all the member municipalities are unilingual. The language or languages used in each municipality shall be correspondingly used in a district with unilingual member municipalities with different languages or with bilingual member municipalities.

Every ten years the Council of State shall determine on the basis of the official statistics those administrative districts and autonomous districts that shall be unilingual and those that shall be bilingual in accordance with the provisions above. A bilingual municipality shall not be determined to be unilingual unless the number of the inhabitants using the other language has fallen to six per cent or less of the total.

For a special reason the Council of State can, on the proposal of the municipal council or also otherwise after having obtained an opinion from the municipality, determine a municipality to be bilingual for the following ten-year period, even if it would be unilingual according to the provisions above in this section.

When the boundaries of administrative districts or autonomous districts are changed, the languages of the new districts shall at the same time be determined in accordance with the provisions of paragraphs 1-4. Also in this situation the Council of State shall have the right referred to in paragraph 4.

II. LANGUAGE OF THE PARTIES TO A MATTER AND LANGUAGE OF OFFICIAL DOCUMENTS

Section 3

The language of the district or one of the languages of a bilingual district shall be used before a court and another State authority. However, a Finnish citizen shall have the right to use his own language, Finnish or Swedish, in a matter to which he is a party and a matter in which he is being heard. Also, a municipality and another autonomous community, a joint municipal organization, a religious community, a Finnish association, a cooperative, a company, a partnership, a foundation and a service shall have the right to use the language in which its minutes are kept and an educational institution the language it uses for education. (January 10, 1975/10)

If a document submitted to a court or to another State authority has been written, contrary to the provisions of paragraph 1, in the other national language, the authority shall obtain a valid translation on the expense of the submitting party. However, the authority shall obtain the translation on its own expense, if it is to see to the interpretation in the matter in accordance with section 22 of the Administrative Procedure Act (598/82).

(August 6, 1982/599)

Section 4

When a State agent, a Public Prosecutor or another State official is pursuing an action as a part of his official duties, he shall use the language of the defendant, if he is required to know this language.

If necessary, interpretation shall be resorted to in an oral hearing of a matter before a court or when a matter is considered by the police.

Section 5

(April 5, 1935/141)

In a unilingual administrative district a court and another authority shall issue its documents in the language of the district.

However, the Council of State, a Ministry, a central administrative board, a court and a County Government shall be obliged to enclose a valid translation to its documents if the original document should according to

section 6 be issued in the other language and a party to the matter, who according to section 3 has the right to use the other language than that used in the administrative district, has requested a translation.

Section 6

(April 5, 1935/141)

In a bilingual administrative district a court and another authority shall issue its documents in the language of the party or the parties to the matter or in the language agreed on by the parties.

If the parties have used different languages and they do not agree on the document language, the following provisions shall apply:

1. In a criminal matter the language of the defendant shall be used.
2. In another matter and in a criminal matter with defendants using different languages the language of the majority of the population of the administrative district shall be used, unless the authority, with regard to the rights and interests of the parties, decides otherwise.

Section 7

Before municipal authorities and the authorities of the other autonomous districts the language or, if the district is bilingual, one of the languages of the district shall be used. The provisions of section 5, paragraph I and section 6 shall also apply with regard to these authorities.

(Paragraph 2 has been repealed by the Act of 10 January 1975/10.)

Section 8

A higher court and another higher authority shall in each case issue its documents in the language used, in accordance with this Act, by the lower authority concerned.

A party to a matter who according to section 5, paragraph 2 has the right to request that a valid translation be enclosed to a document shall have the same right with regard to the documents of a higher court and a higher authority.

Section 9

(April 5, 1935/141)

If a unilingual municipality or other autonomous community is officially requested to issue an opinion or to give an explanation in a matter in which the other language than that of the municipality or community is used, the documents shall be sent to the municipality or community as a translation

officially certified by the authority concerned. The same provision shall apply to a document issued in such a matter.

Section 10

(April 5, 1935/141)

Announcements, notifications, proclamations and the other comparable documents issued by a court, another State authority or an authority of a municipality or another autonomous district and intended for public notice shall in an unilingual administrative district or autonomous district be written in the language of the district and in a bilingual administrative district or autonomous district in both the national languages.

Official proclamations and statements issued in a bilingual district by a Town Court, a Judicial District Court, a judge, a County Government, a Town Administrative Court, a Bench of Magistrates, a sheriff and a population registrar and relating to the rights of a private citizen may, where appropriate, be written only in the language of the majority of the population of the district, unless the applicant requests otherwise.

(January 10, 1975/10)

III. LANGUAGE USED WITHIN THE ADMINISTRATION

Section 11

A court and another State authority in a unilingual administrative district shall use the language of the district in its internal affairs.

In this Act the language used in internal affairs means the language used in such minutes and other documents that are not to be given to a private party to a matter, in the correspondence between authorities and in official diaries.

Section 12

(January 10, 1975/10)

A court and another State authority in a bilingual administrative district or exercising jurisdiction over bilingual municipalities or unilingual municipalities with different languages shall use the language of the majority of the administrative district in its internal affairs. However, in a matter where the documents are to be issued in the language of the minority the language of the documents shall be used, unless there are special reasons for using the language of the majority. If a language other than that of the documents has been used, a valid translation of the documents relating to the matter shall without delay be enclosed to the documents, if a party to the matter so requests. This provision shall not apply to documents obviously irrelevant to the decision in the matter.

Section 13

(April 7, 1935/141)

In a matter where documents are to be issued a higher authority shall communicate with a lower authority in the language that the latter is to use in accordance with section 12 and with a unilingual municipality or other autonomous district and their authorities in the language of the municipality or district. (January 10, 1975/10)

Regardless of the provision of paragraph 1 a lower authority may not refrain from complying with an order issued in the other language, if the authority is required to know this language.

Section 14

An authority whose activities concern only one language group shall use the language of this group in its internal affairs.

The administrative organs and officials of unilingual education and instruction institutions of the State or a municipality shall also use the language of the institution even if it were located in a municipality using the other language.

Section 15

The provisions of sections 11, 12 and 14 shall apply also to the authorities of municipalities and other autonomous districts. In addition, in bilingual districts these authorities shall comply with the provision of section 13, paragraph 1 in their correspondence with authorities subordinate to them.

However, in a matter where the documents are to be issued in the language of the minority of the municipality, a valid translation shall without delay be enclosed to the minutes of the municipal authority, if a party to the matter or a member of the municipality so requests.

(January 10, 1975/10)

Also, the provision in paragraph 1 shall not preclude the right of the council of an autonomous district to decide that the minutes be kept in both languages.

Section 16

A member of a collegiate body with jurisdiction over a bilingual administrative district, bilingual municipalities or unilingual municipalities with different languages shall in discussions and in opinions to be entered in the minutes have the right to use the language, Finnish or Swedish, he deems appropriate.

The members of the councils of autonomous districts and the members of general committees and boards shall have the same right. If a member of a council does not understand a statement given in the other language, it shall be briefly interpreted to him, if he so requests.

IV. MISCELLANEOUS PROVISIONS

Section 17

(April 7, 1935/141)

The provisions of this Act on the Language of State authorities shall apply also to the language of the parties to a matter, the language of official documents and the language used within the administration in the Cathedral Chapters, Vicar's offices and other authorities of the Evangelical Lutheran Church, unless the matter by its nature is to be deemed an internal matter of the Church under the Church Act. The provisions on municipalities and other autonomous communities shall apply correspondingly to the parishes of this Church. Also, parishes formed on the basis of language shall remain unilingual regardless of the language of the people of the district.

Provisions on the official language of the Greek Orthodox Church shall be issued by Decree.

Section 17 a

(January 10, 1975/10)

The provisions of this Act on the language of municipal authorities shall apply also to the language of the parties to a matter, the language of official documents and the language used within the administration in the authorities of joint municipal organizations.

Section 18

(April 7, 1935/141)

Separate provisions shall be enacted on the official language of the authorities of State Universities and institutions of higher education and on the language used in instruction and examinations there.

Section 19

This Act shall apply to military authorities. Their administrative districts shall be deemed unilingual, if the rank and file of the units subordinate to them have been assembled in order to set up an unilingual unit and bilingual, if the rank and file have been assembled regardless of mother tongue or if the activities of the authorities concern units of different languages.

The command language of the Armed Forces shall be Finnish.

Section 20

(April 7, 1935/141)

Regardless of the provisions of section 2, paragraph 2, the State Railway administrative districts shall for the part of each stopping place be deemed to use the language or languages of the stopping place.

Stopping places shall be unilingual, if the municipalities immediately surrounding them are unilingual and bilingual, if the municipalities immediately surrounding them are bilingual or unilingual with different languages.

Section 21

(January 10, 1975/10)

The law proposals and reports prepared and published by a Ministry, a State committee, a commission or another corresponding body shall be published in Finnish and, unless especially persuasive reasons otherwise warrant, in full, in part or as a synopsis also in Swedish, as decided by the competent Ministry with regard to the importance of the matter to the Swedish-speaking population and to other circumstances.

Section 22

The provisions on the authorities in bilingual administrative districts shall apply to Finnish missions abroad. They shall apply also to consulates headed by a Consul by career.

Provisions on the use of a language other than Finnish or Swedish in missions and consulates shall be issued by Decree.

Section 23

A document issued as a valid translation in accordance with this Act shall be considered equal to the original.

If a State authority is to give or send a party concerned a translation of a document or if internal documents of the authorities are to be translated in accordance with section 12, the costs of the translation shall be covered by the State. The costs arising from the translation referred to in section 15, paragraphs 1 and 2 and the interpretation referred to in section 16, paragraph 2 shall be covered by the autonomous community or the joint municipal organization. (January 10, 1975/10)

Section 24

This Act shall not apply to official correspondence addressed to foreign States or foreign citizens or to documents intended to be used abroad; however, the provisions of sections 5 and 6 shall be complied with also in connection with such documents, unless they are issued in a foreign language or in both the national languages.

Section 25

Further provisions on the implementation of this Act shall be issued by Decree.

Section 26

This Act shall enter into force on January 1, 1923.

DECREE ON THE IMPLEMENTATION OF THE LANGUAGE ACT

(December 29, 1922/311)

Section 1

(December 20, 1935/418)

For the production of valid translations, as referred to in section 3, paragraph 2, section 5, paragraph 2, section 8, paragraph 2 and section 9 of the Language Act, the Council of State translation bureau shall have translators competent in legal matters for both the Finnish and the Swedish languages.

If a court or a County Government wishes to carry out the necessary translations on its own, be it in full or in part, it shall submit a proposal on the same to the Ministry of Justice. The Ministry shall then appoint an official for the task and authorize him to produce valid translations. The official shall carry out his duties for the fee determined by confirmed rate.

Section 2

(December 20, 1935/418)

When a valid translation of an original document is to be produced on the expense of the State in accordance with section 5, paragraph 2, section 8, paragraph 2 or section 9 of the Language Act or on the expense of the party to the matter in accordance with section 3, paragraph 2 of the Language Act, and unless an authority has been appointed for the task, the authority

concerned shall send the documents to the Council of State translation bureau, which shall see to that they be translated without delay.

Section 3

In order for a translation to gain legal validity in cases referred to in section 2, it shall be produced and signed or verified by the Council of State translation bureau or by an official appointed and authorized by the Ministry of Justice.

The translator and the verifcator shall be responsible for the correctness of the translation and liable to pay the damages caused by contingent errors.

Section 4

When a party to a matter is entitled by section 7, paragraph 2 of the Language Act to receive a valid translation with a municipal document or when a valid translation is to be enclosed to municipal minutes in accordance with section 15, paragraph 2 of the Language Act, the municipality shall produce the said translation on its own, verified by the translating authority, or acquire the translation from the Council of State translation bureau or from an official appointed for the task by the Ministry of Justice. In the latter cases the provisions of section 3 shall apply to a valid translation.

The above provision shall apply also to parishes of the Evangelical Lutheran Church.

If a municipal or parochial authority has verified a translation, it shall be responsible for its correctness and liable to pay the damages caused by contingent errors.

Section 5

(December 20, 1935/418)

In cases where the State is not liable to cover the costs of a valid translation and an authority of a municipality, parish or other autonomous community or a private party to a matter wishes to acquire a valid translation of a document written by a State authority or an authority of an autonomous community, or to get a translation of such a document verified by the Council of State translation bureau or by an official appointed for the task, the translation bureau or the official shall carry out the task for the fee determined by confirmed rate.

The provision of paragraph 1 on the translation fee shall apply also to a translation referred to in section 3, paragraph 2 of the Language Act.

Section 6

When interpretation is necessary in the oral hearing of a matter, as provided by section 4 of the Language Act, the interpretation shall be carried out by the person presiding over the hearing. If this proves impossible, an interpreter shall be appointed on the expense of the State. The same provision shall apply, if a party to a matter, who is not entitled by section 3 of the Language Act to use a language other than that of the district, has need of interpretation in a criminal matter initiated by a Public Prosecutor. If such a party has need of interpretation in other matters, he shall himself be required to obtain the services of an interpreter.

Section 7

When a matter is being considered by the police, the statements of the persons interrogated shall, whenever possible, be recorded in the language, Finnish or Swedish, used by the person in questions.

Section 8

(December 20, 1935/418)

When an administrative district or an autonomous district consists of unilingual municipalities with different languages or bilingual municipalities, in the application of the provision of section 2, paragraph 2 of the Language Act, unless otherwise provided by section 3, 4, 12 or 16 of the Act, an authority in the administrative district shall have jurisdiction over each municipality as a separate unit. In these cases the language used in a matter shall be determined on the basis of the municipality where the authority at the time has jurisdiction over the matter or, if the matter does not belong to a particular municipality, on the basis of the municipality where the party to the matter resides.

When the language used in a matter is to be determined in accordance with paragraph 1 on the basis of two or more municipalities in the district, and, as the municipalities are unilingual with different languages, or one of them is bilingual, or, as the parties to the matter reside outside of the district, or for another reason, no municipality can be used as the basis to determine the language used, both languages shall be used as in a bilingual district.

The provisions above in this section on a municipality as the basis for the language used in a given situation shall apply correspondingly to State Railway stopping places.

Section 8 a

(June 17, 1963/299)

When the Ministry of the Interior makes a decision on the change in municipal division, as provided by section 34 a of the Act on Changing the Municipal Division, as it is in the Act of 27 July 1962 (424/62), it shall at the same time, after having obtained an opinion from the Ministry of Justice, determine the languages of the newly organized municipalities on the basis of the provisions in the Language Act.

Section 9

(December 20, 1935/418)

With the exception of the command language, which is always Finnish, an unit of the Armed Forces shall be deemed to be assembled in order to set up an unilingual unit *i.e.* unilingual, if it is composed of conscripts with the same mother tongue, Finnish or Swedish, or if the number of conscripts with the other language is less than ten per cent of the total number of conscripts in the unit. A unit shall be deemed to be assembled regardless of the mother tongue of its rank and file *i.e.* bilingual, if the number of conscripts with the other language equals or exceeds ten per cent of the total number of conscripts in the unit.

A unit means a battalion or equivalent.

The administrative district of military headquarters or another authority or institution shall be deemed unilingual, if its activities concern only unilingual units, headquarters, administrative districts or autonomous districts with the same language. In other cases the district shall be deemed to have the same language as the unit, headquarters, administrative district and autonomous district as the unit, headquarters, administrative district or autonomous district concerned.

Section 10

In the correspondence with others than Finnish authorities the Finnish missions and consulates shall heed the requirements of international customs and the local circumstances.

A consulate not headed by a Consul by Career shall use as its official language the language determined by the Ministry for Foreign Affairs.

Section 11

When a passport is not to be issued in a foreign language, it shall in each County be issued as a Finnish-language original and, in addition, in the Province of Aland as a Swedish-language original. In the other Counties a

passport shall be issued as a Swedish-language original, if the person concerned has used Swedish or requested a Swedish-language passport.

ACT ON THE USE OF THE SAMI LANGUAGE BEFORE THE AUTHORITIES

(March 8, 1991/516)

CHAPTER 1

GENERAL PROVISIONS

Section 1

Without prejudice to the provisions on the use of the Finnish language and the Swedish language before the authorities, the Sami language may also be used before courts of law and other State authorities and agencies as well as before the authorities of the municipalities and other autonomous communities as well as of joint municipal organizations in accordance with the provisions of this Act.

Section 2

In this Act, a Sami means a person who considers himself a Sami, provided that he himself or at least one of his parents or grandparents learnt Sami as his first language.

The Sami domicile area means the municipalities of Enontekiö, Inari and Utsjoki as well as the area of the reindeer-grazing association of Lapland situated in the municipality of Sodankylä.

Section 3

The authorities and agencies to which this Act shall apply are the following:

1. the courts of law and regional and local State authorities whose jurisdictional or administrative areas cover all or part of the Sami domicile area;
2. the County Government of Lapland and the bodies functioning in connection therewith;
3. Sami Parliament and the Advisory Council on Sami Affairs;
4. the Chancellor of Justice and the Parliamentary Ombudsman;
5. the Consumer Ombudsman and the Consumer Complaint Board, the Equality Ombudsman and the Council for Equality as well as the Data Protection Ombudsman and the Data Protection Board;

6. the Social Security Institution and the Farmers' Pension Institution; as well as
7. administrative State authorities which handle appeals brought in matters that have been initiated before said authorities.

This Act shall also apply to administrative matters handled in accordance with the Reindeer Husbandry Act (1990/848) and the Reindeer Husbandry Decree (1990/883) by

State authorities and public-law associations whose administrative or functional areas cover all or part of the Sami domicile area.

Sections 5, 11 through 13 and 18 through 20 shall apply also to other State authorities than those referred to in paragraphs 1 and 2 above.

Section 4

This Act shall apply to the authorities of the municipalities and joint municipal organizations as provided in sections 14 through 16.

It may be stipulated by decree that this Act shall apply to the handling of administrative matters also where these matters are to be handled by a public-law association or agency other than one referred to in section 3, paragraph 1 or 2, or by a State-controlled limited company or a private body.

CHAPTER 2

LANGUAGE RIGHTS

Section 5

A Sami whose residence referred to in the Population Registration Act (1969/141) is in Finland may have the Sami language entered in the Population Register as his native language.

Section 6

In a matter regarding himself or in a matter in which he is heard, a Sami may use the Sami language before an authority or agency referred to in section 3, paragraphs 1 and 2.

An organization or a foundation which keeps its records in the Sami language as well as an educational institution whose instruction is given in the Sami language shall have a corresponding right to use the Sami language in accordance with paragraph 1.

Section 7

In a matter which may be handled at the initiative of an authority, a State civil servant or employee shall, upon the request of a Sami party, use the Sami language in the Sami domicile area if the State civil servant or employee is required to know this language.

Section 8

Upon his request, a Sami party shall, free of charge, receive a translation in the Sami language of a decision issued if the qualifications required by law or otherwise of a civil servant or employee of an authority referred to in section 3, paragraph 1 or 2 do not include a knowledge of the Sami language. The translation shall be attached to the decision.

If the qualifications required by law or otherwise of a civil servant or employee of an authority referred to in section 3, paragraph 1 or 2 include a knowledge of the Sami language and if the matter is being handled by said civil servant or employee, a Sami party shall, upon request, receive the decision issued in the Sami language. A Sami party shall, however, only receive a Sami translation of a document where there are several concerned parties and they cannot agree on the use of the same language.

If a decision shall be issued in the Sami language or together with a translation of the decision in the Sami language, the documents entered in the files of the matter shall, however, at the request of a Sami party, always contain a translation in the Sami language except where the document evidently has no bearing on the decision of the matter.

Section 9

Public notices, announcements and proclamations or other documents issued to the public by an authority or agency referred to in section 3, paragraph 1 and 2 as well as road and other signs and forms meant for the use of the public, together with any instructions regarding their use, shall, in the Sami domicile area, be drafted and issued also in the Sami language.

A court of first instance, a judge or a sheriff may, however, upon his discretion, decide not to issue ex officio proclamations and notices issued in the Sami language.

Section 10

Within the Sami domicile area and, when the matter especially concerns the Samis, also outside the Sami domicile area, a member of a State committee or board or other corresponding collegiate State administrative body has the right to use the Sami language in the discussions of the administrative body as well as in a statement issued for the record.

If a member of an administrative body referred to in paragraph 1 does not understand the language used in the discussion or a statement, he shall, upon request, be given a short interpretation of the discussion or statement.

Section 11

Any public notices, announcements and proclamations or other documents as well as road and other signs and forms meant for the use of the public, together with any instructions regarding their use, referred to in section 9, paragraph 1 and drafted and issued by other State authorities and agencies than those referred to in section 3, paragraphs 1 and 2, shall, in the Sami domicile area, be available also in the Sami language if they mainly concern the Samis or if other special reasons therefore exist.

Section 12

Any Acts or decrees or decisions of the Council of State or the ministries published in the Collection of Finnish Statutes as well as other decisions, public notices and proclamations to be published in the Collection of Finnish Statutes as well as rules to be published in a collection of rules by an authority which especially relate to the Samis shall, by decision of the Council of State or the ministry issuing the decision or rule, be published also in a translation in the Sami language.

Any Bills and reports or their summaries, prepared by a ministry or a State commission, committee or other corresponding body, which shall be published, shall, upon the decision of the ministry, be published also in the Sami language if they especially relate to the Samis or if other special reasons therefore exist.

Section 13

A State authority whose work relates to the Samis only, may, in addition to Finnish, use the Sami language as its internal working language.

CHAPTER 3

RULES APPLICABLE TO MUNICIPAL AUTHORITIES AND THE AUTHORITIES OF OTHER AUTONOMOUS BODIES

Section 14

The provisions of sections 6 through 8 and section 9, paragraph 1 on State authorities and agencies and their civil servants or employees shall also apply to the authorities of the Enontekiö, Inari, Utsjoki and Sodankylä municipalities and the authorities of joint municipal organizations with one or more of the above municipalities as member.

The notification cards prepared for elections and consultative referenda shall, however, not be drafted in the Sami language.

The provisions of section 10 on the right of a member of a committee and a board and a collegiate body to use the Sami language shall be applied also to a member of a municipal or joint municipal council, executive council or other corresponding body.

Section 15

A municipality or joint municipal organization referred to in section 14, paragraph 1 may, in addition to the internal official language of the municipality, use also the Sami language in any minutes of meetings and other documents which are not issued to a private party as well as in any correspondence between authorities and official books and records.

If the share of the Sami population in the population of the municipality exceeded one-third on the first day of the preceding year, also the Sami language shall be used in the minutes, documents, correspondence and official books and records referred to in paragraph 1.

Section 16

The provisions of this Act on the language(s) to be used by State authorities or agencies shall be applied to the languages to be used by the parties in the Cathedral Chapter of the Oulu Diocese of the Evangelical-Lutheran church and the offices of the parishes covering all or part of the Sami domicile area unless a matter, by its nature, is to be deemed an internal matter of the church under the Church Act (1964/635), as well as in the office of the Oulu Cathedral Chapter of the Greek-Orthodox church.

The provisions of this Act on municipalities or joint municipal organizations shall respectively be applied to the Enontekiö, Inari, Utsjoki and Sodankylä parishes of the Evangelical-Lutheran church unless a matter, by its nature, is to be deemed an internal matter of the church under the Church Act, as well as to the Lapland parish of the Greek-Orthodox church.

CHAPTER 4

INTERPRETATION AND TRANSLATION

Section 17

When the Sami language is used orally under this Act, the authority or agency shall obtain an interpretation if the civil servants officer or employee handling the matter does not know the Sami language.

Section 18

Where an authority or agency, under this Act, shall issue a document also in a translation in the Sami language, it shall be entitled to have the document translated into the Sami language by the Office of the Sami Language referred to in section 21 if the translation cannot otherwise be appropriately acquired. The authority and agency shall have a corresponding right to a Finnish translation of a document in the Sami language.

Section 19

If a State authority or agency shall issue a decision or document to a party in the Sami language or in a translation in the Sami language or if it shall have something interpreted in or from the Sami language, the State shall bear the costs of having the document drafted or translated in the Sami language or for the interpretation. The costs for the drafting or translation of a decision or document, or for the interpretation, referred to in section 14, paragraph 1, section 15, paragraph 2 and section 16 shall be borne by the autonomous community or joint municipal organization.

Section 20

If a document filed with an authority or agency of the State, municipality or other autonomous community or joint municipal organization is drafted in the Sami language even though the party concerned does not have the right to use the Sami language, the authority or agency shall have the document translated in the language used by the authority or agency at the expense of the party concerned.

CHAPTER 5

MISCELLANEOUS PROVISIONS

Section 21

For translations into and from the Sami language and for other functions stipulated in the Act, a Sami Language Office shall be established under Sami Parliament in the Sami domicile area. Further provisions on the office shall be issued by decree.

Section 22

A public office of a Sami-language assistant may be established in the County Government as well as in a regional or local State authority. The services of the assistant shall be provided free of charge.

Section 23

A civil servant or employee of a State authority or agency all of whose official area is situated in the Sami domicile area shall, in accordance with

further provisions to be issued by decree, be entitled to paid leave of absence in order to acquire a knowledge of the Sami language necessary for him to carry out his official duties.

A civil servant or employee of a State authority or agency part of whose official area is situated in the Sami domicile area shall, in accordance with further provisions to be issued by decree, be entitled to paid leave of absence referred to in paragraph 1.

Section 24

When appointing a civil servant or employee of a regional or local State authority or agency whose official area covers all or part of the Sami domicile area or a civil servant or employee of the County Government of Lapland or when engaging a private-law employee to work with said authority or agency, a knowledge of the Sami language shall be deemed a special merit even if it is not included in the qualifications for the office, job or task.

When appointing persons to said offices or tasks, the authorities referred to in paragraph 1 shall, by means of the measures referred to in section 25 and otherwise, ensure that its personnel includes a sufficient number of people knowing the Sami language.

Section 25

If special public offices for the translation and interpretation from and into the Sami language or for counselling are established in a municipality referred to in section 14, the municipality shall be paid State aid for the costs thereby incurred and referred to in section 5, paragraph 4 of the Act on State Aid and Assistance to Municipalities and Joint Municipal Organizations (1973/35).

State aid shall be paid to the Enontekiö and Sodankylä municipalities for one civil servant and to the Inari and Utsjoki municipalities for three civil servants referred to in paragraph 1.

The amount of State aid shall cover all the costs referred to in paragraphs 1 and 2.

Section 26

Without prejudice to the provisions of section 25, a municipality referred to in section 14 can be paid discretionary State assistance for more civil servants than those referred to in section 25, paragraph 2.

The State budget shall contain an appropriation of funds as State assistance to the municipalities referred to in section 14 also to cover the special extra costs incurred through the application of this Act. The State budget shall contain an appropriation of funds as additional State

assistance to other autonomous communities incurring additional costs through the application of this Act.

Section 27

The State aid and assistance referred to in sections 25 and 26 shall, where appropriate, be governed by the provisions of the Act on State Aid and Assistance to Municipalities and Joint Municipal Organizations. The County Government of Lapland shall act as the competent authority referred to in said Act in matters relating to State aid and assistance under this Act. However, the Ministry of Finance shall act as the competent authority referred to in section 15, paragraphs 2 and 3 of the Act on State Aid and Assistance to Municipalities and Joint Municipal Organizations.

Section 28

The right of the Samis to receive comprehensive -school education and other instruction and day care in their native language as well as the teaching of the Sami language shall be governed by special provisions thereon.

Section 29

Further provisions on the implementation of this Act shall be issued by decree.

CHAPTER 6

ENTRY IN TO FORCE

Section 30

This Act shall enter into force on 1 January 1992.

Measures necessary for the implementation of this Act may be taken prior to its entry into force.

This Act shall be published in the Collection of Finnish Statutes also in a translation in the Sami language.

Given in Helsinki on 8 March 1991

President of the Republic

MAUNO KOIVISTO

Minister of Justice Tarja Halonen

A NEW LANGUAGE ACT – PROPOSAL

THE LANGUAGE LAW COMMISSION AND ITS BACKGROUND

The Language Law Commission was given its terms of reference by the Government. The Commission was to draft a proposal, in the form of a legislative bill, for a new Act of Parliament governing the use of national languages in Finland, Finnish and Swedish, as well as for other relevant legislation.

A number of issues lie in the background of the Commission's work. The first, and the most important, is the *Constitutional Rights Reform* of 1995 and the subsequent new *Constitution of Finland*, which entered into force on March 1, 2000. Finland's status as an officially bilingual country and the principle of equality between the national languages are enshrined in the Constitution, as well as linguistic rights and duties of the public authorities in matters pertaining to the language. In the light of these new provisions of the Constitution, it became essential to assess the amendment needs of the language legislation in force.

Secondly, there are *materially, technically and formally obsolete* provisions throughout the 1922 Language Act and the other language legislation of general application. The legislation was enacted under different social and economic conditions and for a different type of society. The partial reforms of the language legislation undertaken over the years have not been enough to make up for all its shortcomings.

Thirdly, our domestic language legislation has been in need of scrutiny also for reason of *globalization*. On one hand, the legislation must be viewed in the light of the international treaties and obligations binding Finland, even if it does appear to meet all requirements, at least in essential questions. On the other hand, it is vitally important to make comparisons to the linguistic regimes of other countries when the domestic one is being reformed, for a number of reasons: to achieve a certain degree of similarity between the various systems; to discover new ideas, or even solutions, in other countries; and to exchange experiences of the practical application of language legislation.

Fourthly, *criticism* has been directed in numerous contexts against the current language legislation and the way it is implemented in practice. The atmosphere of the debate has nevertheless remained positive, which of course has been an advantage in view of the launching of the reform work. Accordingly, an express item on the reform of the Language Act was included in the program of Prime Minister Paavo Lipponen's second Government, which then led to the Language Law Commission being established in August 1999.

Reform goals: Modernization and clarification

It has been an important goal of the Commission to modernize the Language Act materially, technically and formally, as well as to ensure that the linguistic rights referred to in the Constitution will be realized also in practice. At the same time, the aim has been to strengthen linguistic equality and to provide the means for remedying any defects that may be encountered in practice.

... and Promotion of Bilingualism in Finland

The Language Act has also its symbolic value to the citizens. Language is one of the most important elements in the maintenance of the unity of people and the preservation of its special characteristics. Moreover, it is an essential tool for individuals to exert an influence on society. Accordingly, the Commission has proposed in its report that all citizens should have an equal opportunity to use their own language in their dealings with the public authorities, and to receive services in that language. Linguistic equality is conducive to reinforcing the people's identity and to creating an atmosphere of security and togetherness.

The Commission's leading goal has been a positive attitude to bilingualism and, hence, indirectly also to multilingualism and a multicultural society. Another goal has been that the country would be visibly and tangibly bilingual. This latter goal is important, so that individuals in Finland can also in the future lead their lives and participate in the society in their own language, either Finnish or Swedish, and so that both the Finnish-language culture and the Swedish-language culture can remain in good vigor in this ever globalising world.

Commission proposes the enactment of a new, modern Language Act

The Commission's report incorporates a proposal, in the form of a legislative bill, for a new Language Act and for other relevant legislation. The new Act would repeal the 1922 Act of the same name. "Language Act" (*kielilaki/språklag*) is in the opinion of the Commission a suitable title also for the new enactment. It is familiar, concise and illustrative of the enactment's material contents.

According to the proposal, it is the objective of the Language Act to guarantee the constitutional right of everyone to use their own language, Finnish or Swedish, before courts of law and administrative authorities. It is a further objective that everyone's right to a fair trial and good governance are guaranteed no matter what their language is. Moreover, an individual's linguistic rights should be realized without need for specific express reference to the same. According to the proposed legislation, however, an authority is free to provide more extensive linguistic service than the minimum standard required by the Language Act.

The new Language Act is proposed to be divided into chapters, with contents as follows:

- (1) The national languages, the objectives and scope of application of the Act, the relationship of the Act to other legislation, linguistic divisions of the country, unilingual and bilingual authorities and linguistic provisions elsewhere in the law
- (2) The guarantees of linguistic rights
- (3) The right to use Finnish and Swedish before the authorities
- (4) The language of the case
- (5) The internal and working languages of public authorities
- (6) The languages of legislation and information to the general public
- (7) The promotion and monitoring of linguistic rights
- (8) The competence to issue subordinate provisions, entry into force and transitional provisions

The draft proposal for a new Language Act is intended to meet the challenges of today and of future years. Special attention has been paid also to the technical and formal quality of the Act, to plain language and to unambiguity.

Main contents of the new Language Act

Applies to Finnish and Swedish — provisions on other languages elsewhere

The new Language Act would only apply to the national languages, that is, Finnish and Swedish. It would provide for the right to use Finnish or Swedish before the authorities. Moreover, it would provide for the duty of the public authorities to realize and promote linguistic rights.

Specific legislation would govern the use of the Sámi language and languages other than Finnish and Swedish. There is a reference to Sámi in the proposed Language Act. In addition, the Romany language and sign language are mentioned in the preparatory works, with a recommendation for the further development of sign language. Moreover, the proposed Language Act contains a reference to the Act on the Autonomy of Åland, which governs linguistic conditions in the Åland Islands.

Applies to public authorities and also to others performing public duties

The new Language Act would have an extensive scope of application as regards the concept of public authorities. Firstly, it would apply to courts of law and to other bodies administering appellate justice. Secondly, it would apply to all the administrative emanations of the State, as well as to municipalities and federations of municipalities. Moreover, it would apply to the independent institutions under public law, such as the Social Insurance Institution and the Bank of Finland. Parliamentary activity would be excluded from the scope of application of the Act, but it would nonetheless apply to the administration of the Parliament (e.g. the Library of Parliament and the Office of the Parliamentary Ombudsman).

It is proposed that the scope of application of the Act be in certain cases extended also to State enterprises, corporations and private individuals, where these are performing public duties.

The Act would not apply to Universities, other institutions of higher education, and other educational institutions, the Evangelical Lutheran Church of Finland or the Finnish Orthodox Church. Specific legislation would apply instead.

General legislation, to be supplemented by specific provisions

The proposed Language Act is general by nature, containing only the most significant provisions on the use of Finnish and Swedish. It would be supplemented by language provisions in specific legislation. The objective is that the minimum linguistic rights laid down in the Language Act would not be restricted by way of the specific provisions.

In the legislation currently in force, there are numerous provisions on the use of Finnish and Swedish spread across a range of administrative sectors. In contrast, the proposed Language Act contains merely a list of significant linguistic provisions, useful as an example or an illustration of the entirety of the language legislation. There are important linguistic provisions e.g. in the legislation on education and culture, the legislation on health care and social welfare and the legislation on criminal investigations and court procedure. In addition, the Commission proposes a new Act on the Linguistic Proficiency Required of Public Officials, which would be a new addition to the list.

Division of the country into unilingual and bilingual municipalities

The Language Law Commission proposes the retention of the current system, where the municipalities are divided into unilingual and bilingual ones on the basis of the proportions of the languages in their populations. The division would be fixed for ten years at a time by a Decree of the Government.

A municipality would be defined as bilingual, if the Finnish- or Swedish-speaking minority were at least eight percent of the population of the municipality, or at least 3,000 inhabitants. However, a bilingual municipality would not be defined as unilingual, unless the proportion of the minority decreased to below six percent. In addition, if the municipal council so proposed, it would be possible to define a municipality as bilingual for the following ten-year period, even if it otherwise were to be unilingual.

According to the new Language Act, a public authority would be either unilingual or bilingual. The Commission proposes that *unilingual authority* would mean a State authority whose jurisdiction covers only unilingual municipalities with the same language, an authority of a unilingual municipality and an authority of a federation of municipalities, where all the member municipalities are unilingual with the same language. In contrast, *bilingual authority* would mean a State authority whose jurisdiction covers unilingual municipalities with different languages, or at least one bilingual municipality, an authority of a bilingual municipality and an authority of a federation of municipalities where there are member municipalities that are unilingual with different languages, or at least one bilingual member municipality. One of the objectives of the proposal is to clarify the current, admittedly confusing, linguistic regime. In addition, the proposal entails an extension of the duties of the authorities. For instance, an authority within the central administration is to serve all citizens in both national languages, regardless of the linguistic status of their municipality of residence.

Public authorities to guarantee linguistic rights on their own initiative

According to the proposal of the Language Law Commission, public authorities should see to the realization of individuals' linguistic rights on their own initiative. In other words, it would not be necessary for anyone to make specific reference to their linguistic rights. Hence, bilingual authorities are to provide service to the public both in Finnish and Swedish. They must also see to it that both national languages and the right to use them are clearly visible inside and outside the offices, in the names of the authorities, on their letterhead, in their publications and on their websites.

As it is the case today, the guaranteeing of linguistic rights would be a task also for state enterprises and for companies owned by bilingual municipalities. These should provide service and information to the public both in Finnish and Swedish, unless this was unnecessary in view of the nature of their activities.

Moreover, companies, organizations, foundations and persons under private law, where providing services on commission by the public authorities, as well as individuals performing tasks in public administration, would have to take due note of the linguistic rights in the same manner as public authorities.

Precise norms on the right to use Finnish and Swedish before the authorities in given situations

Chapters 3 and 4 of the draft Language Act contain provisions — more precise than the current ones — on the right of private individuals and legal persons to use Finnish or Swedish before the authorities. The draft contains also a provision on the right of a party to a matter to interpretation and translation. There are very detailed provisions in the draft on the determination of the language of the case in various situations, such as an administrative matter, a matter of administrative judicial procedure, a criminal matter, a civil or petitionary matter and a matter before an appellate authority.

In accordance with the new Constitution, the main idea is that an individual's linguistic rights are not dependent on his or her citizenship. The same linguistic rights are to be guaranteed to all, not just Finnish citizens. Hence, a foreign citizen whose own language is Finnish or Swedish has the same right as a Finnish citizen to use his or her own language. This proposal is justifiable also in terms of EC law: It is given that citizens of the European Union are not unduly put into different positions because of their citizenship, nor discriminated against on linguistic grounds.

The proposed provisions would not entail any expansion of the linguistic rights granted in the current Language Act. Nevertheless, it is an express objective that the rights enshrined in the Act would be realized also in practice.

The Constitution governs the right of all persons to use their own language. According to the draft Language Act, everyone has a choice to use either Finnish or Swedish, in situations covered by the Act and within the limits set therein, even if the language of choice was in fact not the language that the person has registered as his or her mother tongue.

According to the proposal, the language used in a unilingual municipal authority would, as a rule, be the language of the municipality. Nevertheless, the municipality could use also the other language, if requested to do so. In addition, in certain matters pertaining to the fundamental rights of the individual, such as taking a child into municipal care, everyone would be entitled to use his/her own language, even if not the language of the unilingual municipality.

Language of legislation and of information to the public

It is proposed that provisions on the language to be used in legislation and preparatory works be included in the Language Act. Some provisions on these questions already exist in the Constitution and in certain other enactments. However, as the matter is of considerable importance, it has been deemed necessary to duplicate those provisions in the proposed new legislation. According to the draft Language Act, Acts of Parliament are

enacted and promulgated in Finnish and in Swedish. Also Decrees and other subordinate official norms are issued in both languages.

It is proposed that draft legislation and the pertinent reports issued by the Ministries and by State Commissions, Committees, Working Groups and corresponding bodies be published in Finnish. The publication would have to include a Swedish summary, as well as the complete Swedish version of the proposed legislation. Moreover, a report should be published as a complete Swedish version, if it has noteworthy importance to the Swedish-language population of the country.

The proposal contains provisions also on the language of legislation and reports pertaining to the Åland Islands. As a rule, these have to be published as complete Swedish versions.

In addition, the Commission's draft Language Act contains specific provisions on information to the public. The leading principle is that both national languages are to be used when a State or a municipal authority issues information to the public in a bilingual municipality. Moreover, it is required from the Ministries to provide information that is essential to individual life, health and security in Finnish and Swedish throughout the country. It is further proposed that the notifications, announcements and promulgations of bilingual authorities, as well as their other information to the attention of the public, are to be issued in both languages. However, the provision of information should not be equally extensive in Finnish and in Swedish. But in matters pertaining to the rights of the individual, information should have the same coverage in both languages.

The draft Language Act contains some provisions on signs, traffic signs and place names. It is to be noted that, in bilingual municipalities, the indication of the place names in both national languages in road signs is of importance to linguistic identity. Certain Swedish-language place names have a lot of history. For reasons of heritage, these place names should be retained in signs and on maps even if the municipalities themselves were unilingually Finnish (for instance, Hämeenlinna/Tavastehus, Lappeenranta/Villmanstrand, Savonlinna/Nyslott, Hamina/Fredrikshamn and Tampere/Tammerfors).

Special rules for defense and foreign affairs

It is proposed that the new Language Act contains some of the provisions on the Defense Forces that are already extant in the 1922 Act. The legislation should guarantee the opportunity for men and women performing national service in the military to receive instruction in Finnish or in Swedish. Accordingly, the Language Act would have a provision that at least one unit of the Defense Forces has Swedish as its language. It would be possible to establish other Swedish-language units and lower-level formations, as well as bilingual units, by way of the specific legislation on the Defense Forces.

It is proposed that the language of the military authorities is Finnish. However, the authorities of the Swedish-language unit would use Swedish. In addition, everyone would be entitled to use their own language in their dealings with the military authorities. It is proposed that Finnish remain the command language of the military, also in the Swedish-language units.

There are also certain provisions on foreign affairs in the draft Language Act. The Commission proposes that Finnish missions abroad would be subject to the provisions on bilingual authorities with Finnish as the language of the majority. However, honorary consulates would not be within the scope of application of the Language Act. It is further proposed that the Ministry for Foreign Affairs be authorized to issue more detailed provisions and instructions on the use of foreign languages in Finnish missions.

Public authorities to promote linguistic rights

A general provision on the promotion of linguistic rights is proposed by the Language Law Commission. According to the proposal, the public authorities would have the duty to see to the cultural and social needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis, as is provided also in the Constitution. The proposal duplicates also the constitutional provision on the organization of the public administration. Accordingly, in the organization of the public administration the objective should be coherent linguistic divisions, where the opportunity of the Finnish-speaking and the Swedish-speaking populations to receive services in their own language is guaranteed.

The Commission proposes further that the authorities' activities should be conducive to preserving the linguistic heritage and promoting the use of both national languages. The draft provision would give the public authorities the competence to undertake specific measures in order to guarantee the cultural or social needs pertaining to the national languages.

Ministry of Justice to monitor the application of the Language Act

It is proposed that the new Language Act contain a provision charging each Ministry to monitor the application of the Language Act in its particular sector. In contrast, the Commission has not considered it necessary to establish a dedicated position of language ombudsman. This is because there is no reason to differentiate between linguistic rights and the other rights enshrined in the Constitution. It is important that the highest overseers of legality monitor also the realization of the linguistic rights, so that these are not considered to be less important than other constitutional rights.

The current Language Act does not provide for any authority to see to the administrative tasks involved in the application of the Act. According to the proposal, however, the Ministry of Justice would have a special monitoring responsibility. The Ministry would also be competent to issue

recommendations relating to the language legislation and to make initiatives for the correction of defects.

The Language Law Commission proposes that the Government submit a report to the Parliament on the application of the Language Act and the realization of linguistic rights; one report per electoral term is envisaged. The report would cover not only Finnish and Swedish, but also Sámi, Romany and sign language. Thus, the report would be a more general account on the linguistic developments in the country.

New Proficiency Act and practical proposals for the improvement of language skills

The Language Law Commission proposes the enactment of a new Act on the Linguistic Proficiency Required of Public Officials. This would supersede the old legislation pertaining to State officials. The scope of application of the new Act would be expanded. It would cover not only State officials, but also the officials of municipalities and federations of municipalities, and of independent institutions under public law.

The new Act would be general by nature. It would charge the public authorities to provide training and undertake other personnel development measures in order to have the personnel acquire the linguistic proficiency that is necessary for the performance of their tasks and required by the Language Act and other legislation.

The proposed Act would contain provisions on the manner of determination of the proficiency requirements and their publication. Thus, the linguistic proficiency required for a given post should be determined before the post is advertised as vacant. In addition, the required proficiency should be made public before the vacancy announcement. There would also be provisions on the verification of linguistic proficiency at the time of appointment. Proficiency could be shown e.g. by passing the requirements for a degree from an educational institution, by taking a designated proficiency examination or in another appropriate manner.

The Proficiency Act would also contain general provisions on examinations in Finnish and Swedish and on the general language requirements for State personnel. The current regime is proposed to be retained: For posts where the general competency requirement is a degree from a University or polytechnic, a perfect command of the language of the majority in the authority's jurisdiction is also required. The current term, "perfect command" in Finnish or Swedish, is nevertheless proposed to be replaced by the expression "excellent command." This is not intended to signify any change in the material requirements.

Detailed linguistic requirements in the State administration would be set separately by an Act, a Decree of the Government or a decision by the authority concerned. The linguistic requirements on the personnel of

municipalities and federations of municipalities would be set in the municipal staff regulations.

The proposed new Language Act and the connected new Act on the Linguistic Proficiency Required of Public Officials will not by themselves suffice to improve the language skills of the personnel of the public authorities and other organizations performing public tasks. Many practical measures are also needed. For purposes of planning for further measures, the Language Law Commission has drawn up a list of practical proposals for measures to realize linguistic rights. The Commission emphasizes the importance of language skills in the activities of the authorities and the responsibility of the senior management in the safeguarding of linguistic rights. Language training is no doubt necessary, but it can be offered in many ways. For instance, the Commission proposes everyday immersions, that is, the use of both Finnish and Swedish in the workplace, as often as possible. The list of proposed measures is annexed to the report of the Commission.

Entry into force in 2004

The Bill for a new Language Act and related legislation is intended to be submitted to the Parliament in the spring of 2002, after the report has been sent out for comments and the draft revised. The Acts are intended to enter into force in the beginning of the year 2004.

The enactment of a new Language Act will necessitate the revision of legislation in many administrative sectors. The responsibility for this lies with the Ministries in question, with the Ministry of Justice being responsible for coordinating the efforts. In addition, the Ministry of Justice provides training and instructions for the drafting work required for the amendment of the various language provisions in the legislation. Furthermore, the Ministry of Justice is in charge of the general information and education exercise relating to the Language Act and linguistic rights; this will have to begin already before the Acts enter into force.

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